

# **Birmingham Unicorns Cricket Club Constitution 2021**

## **1. Name**

The name of the Club is Birmingham Unicorns Cricket Club

## **2. Club Purposes**

The main purposes of the Club are to provide inclusive facilities for and to promote participation in the sport of cricket. The club aims to provide an inclusive and welcoming environment for the LGBTQ+ community and allies to play cricket. We aim to increase participation in the sport throughout the community and provide a social space for LGBTQ+ people who enjoy cricket to meet and share in the spirit of cricket.

## **3. Affiliation**

3.1 The Club will affiliate to the England and Wales Cricket Board through the Warwickshire Cricket Board.

3.2 The Club and its members shall ensure that members, playing and non-playing, abide by the ECB Code of Conduct which incorporates the Spirit of Cricket and by the Laws of Cricket.

3.3 The Club shall adopt and implement the ECB Safe Hands – Cricket's Policy for Safeguarding Children and any future versions of the policy. The Club must also have a separate club safeguarding Policy Statement, as required by the ECB.

3.4 The Club shall adopt and implement both the ECBs Cricket Unleashed Strategy and the ECB Club Inclusion and Diversity Policy and any future versions of these documents

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

The Committee has the power to:

4.1 acquire and provide grounds, equipment, coaching, training and playing facilities, clubhouse, transport, medical and related facilities;

4.2 provide coaching, training, medical treatment, and related social and other facilities;

4.3 take out any insurance for club committee, contractors, players, guests and third parties;

4.4 raise funds by appeals, subscriptions, loans and charges;

4.5 borrow money and give security for the same, and open bank accounts;

4.6 buy, lease or licence property and sell, let or otherwise dispose of the same;

4.7 make grants and loans and give guarantees and provide other benefits;

4.8 set aside or apply funds for special purposes or as reserves;

- 4.9 deposit or invest funds in any lawful manner;
- 4.10 employ and engage members, staff and others and provide services;
- 4.11 co-operate with any organisation, club, sporting body, government or government-related agencies; and
- 4.12 do all other things reasonably necessary to advance the purposes.

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

## **5. Membership**

- 5.1 Membership of the Club shall be open to anyone interested in the sport of cricket on application regardless of sex, age, disability, ethnicity, race, nationality, sexual orientation, religion or other beliefs.
- 5.2 The Club may have different classes of membership and subscription on a non-discriminatory and fair basis. The Club will have an equitable pricing policy and will keep subscriptions at levels that will not pose a significant obstacle to people participating.
- 5.3 The level of subscriptions will be decided by the Committee from time to time and notified to the members.
- 5.4 Subscriptions are due annually from 1<sup>st</sup> January.
- 5.5 New members will pay subscriptions at a pro-rata rate decided by the Committee.
- 5.6 Non-payment of Membership subscriptions or match fees may make members ineligible for selection and may be seen as forfeiture of membership which will then have to be re-applied for. See Section 12.

## **6. Classes of Membership**

- 6.1 The Club will have the following classes of membership.
  - 6.1.1 Playing Membership
  - 6.1.2 Playing Membership – concession
  - 6.1.3 Individual Social Membership
  - 6.1.4 Family Social Membership
  - 6.1.5 Honorary Membership
- 6.2 Application for membership of the Club shall be by completion of a membership application form.
- 6.3 No person shall be eligible to take part in the business of the Club, vote at general meetings or be eligible for selection for any Club team unless the applicable subscription has been paid by the due date and/or membership has been agreed by the Club Committee. Two days must also have passed since the application for membership was submitted before membership can be granted.

- 6.4 The Club Committee may refuse membership, or remove it, at their discretion but only for good cause such as conduct or character likely to bring the Club or cricket into disrepute and:
- 6.5 The Club 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 writing in advance and been given 14 days to submit written representations for the Club Committee to consider at the meeting. Appeal against a refusal of membership shall be to the Appeal Committee as detailed below.
- 6.5.1 The procedure for taking disciplinary action against a member, including removing membership, is dealt with in more detail below.
- 6.6 All members will be subject to these Rules and by joining the Club will be deemed to accept these Rules, any Club Regulations and any Codes of Conduct that the Club has adopted. A Code of Conduct for Members and Guests must be made available to all club members.
- 6.7 The Club Secretary will keep a register of members.
- 6.8 Membership is not transferable and shall cease on death.
- 6.9 A member may resign by written notice to the Club, but the return of any subscription paid is at the discretion of the Club Committee.

## **7. All General Meetings**

- 7.1 All members may attend all general meetings of the Club in person or by alternative methods of attendance (telephone, televisual or other electronic or virtual).
- 7.2 All members over the age of 18 have one vote. Non-playing (social) members will not be eligible to vote on playing matters.
- 7.3 Members must be given at least 14 clear days' notice of all general meetings.
- 7.4 The quorum for all general meetings is 20% members present
- 7.5 If a quorum is not present within 15 minutes of the start of the meeting, the meeting will be adjourned to the following week at the same time and place or such other time and place as the Committee decide and any voting members attending the adjourned meeting will constitute a quorum.
- 7.6 The Chairperson or (in their absence) another member chosen at the meeting by the members shall preside.
- 7.7 Except as otherwise provided in these Rules or in Club Regulations every resolution shall be decided by a simple majority of the votes cast on a show of hands.
- 7.8 Formalities in connection with general meetings (such as how to put down resolutions and nominate candidates for election to the Committee) shall be decided by the Committee in Club Regulations and publicised to Club members.

## **8. Annual General Meetings**

- 8.1 The Club will hold an AGM once in every calendar year and not more than 13 months after the last AGM

- 8.2 At every AGM the members will elect a Committee including a Chair, Treasurer and Secretary (“the Officers”) to serve until the next AGM;
- 8.3 A notice for Nomination of Officers to the Management Committee will be posted to members not less than 14 clear days prior to the date of the meeting,
- 8.4 Nominations may be accepted from the floor of the AGM at the discretion of the Committee.
- 8.5 The Treasurer will produce accounts of the Club for the latest financial year audited/reviewed as the Committee shall decide.
- 8.6 Appropriate members of the Committee will present reports on the Club’s activities since the last AGM.
- 8.7 The members will appoint suitable persons to audit/review the accounts,
- 8.8 The members will discuss and vote on any resolution whether about policy or to change the Rules and all members have, through the correct procedures, the right to address the meeting.

## **9. 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 the written request of not less than 10% of members signed by them. Such EGM shall be held on not less than 14 nor more than 21 days’ notice at a place decided upon by the Committee or in default by the Chair. If the Committee fails to call a meeting within 14 days of receiving a valid request from the members then the requisition’s may themselves call a meeting, the costs of which will be reimbursed by the Club.

## **10. The Committee**

### **10.1 Role**

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

### **10.2 Property, etc.**

10.3 The property and funds of the Club cannot be used for the direct or indirect private benefit of members. All surplus income or profits are to be re-invested in the Club.

10.4 The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, away match expenses, match teas, post-match refreshments and other ordinary benefits

10.5 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) Remunerate members (though not for playing) 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; and

- (d) indemnify the Committee and members acting properly while running the Club against any liability incurred in the proper running of the Club (but only to the extent of its assets).

10.6 The Committee shall ensure that they take the mandatory steps to comply with legislation relating to both The Equality Act 2010 and the safeguarding of children and vulnerable adults.

#### **10.7 Officers of the club**

The officers of the club shall normally consist of the following positions

- **Honorary President**
- **Club Chairperson**
- **Deputy Chairperson**
- **Secretary**
- **Treasurer**
- **Diversity and Welfare Officer**
- **Website and Social Media Officer**
- **Club Captain (appointed by committee)**

#### **10.8 Composition, etc.**

10.8.1 The club shall be managed through the Management Committee that will consist of elected officers and the Club Captain.

10.8.2 Only these posts will have the right to vote at meetings of the Management Committee.

10.8.3 At least three of the Committee must be unrelated to each other and not co-habiting.

10.8.4 All Officers shall be elected by the members at the Annual General Meeting.

10.8.5 The Committee members shall consider skills needed and diversity on the Committee.

10.8.6 Any Committee member may be re-elected [or re-co-opted] without limit.

10.8.7 A Committee member ceases to be such if they:

- (a) cease to be a member of the Club; or
- (b) resign by written notice to the Club; or
- (c) is removed by the Committee in accordance with clause [5.7] and [12].

## **10.9 Committee Meetings**

10.9.1 Whenever a Committee member has a personal interest in a matter to be discussed they 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. Conflicts of Interest must be recorded and minuted.

10.9.2 The Committee shall meet at least eight times each year. The Committee may decide its own way of operating. Unless it otherwise resolves the following rules apply:

- (a) at least 4 Committee members must be present for the meeting to be valid;
- (b) Committee meetings may be held either in person or by telephone, televisual or other electronic or virtual means agreed by the Committee in which all participants may communicate simultaneously with all other participants;
- (c) the Chair or whoever else those present choose shall chair meetings;
- (d) decisions shall be by simple majority of those voting;
- (e) a resolution in writing signed by every Committee member shall be valid without a meeting; and
- (f) the chair of the meeting shall not vote in meetings but in the event of a tie will have a casting vote.

10.9.3 The Committee shall appoint a Club Welfare Officer to ensure compliance with safeguarding legislation and the ECB policies. The Club Welfare Office shall be a Committee member and report to relevant Committee meetings and the reports, together with any action taken, must be minuted.

10.9.4 The Management Committee will be responsible for:

- Implementing any decisions of the Annual or any Extraordinary General Meetings
- Adoption of new policy
- Codes of Conduct and rules that affect the organisation of the club
- Appointment of the Club Captain.

## **10.10 Bank Account**

Any bank account in which any part of the Club's funds are deposited shall be operated by the Treasurer and shall be held in the name of the Club. Unless regulations state otherwise, all cheques and orders for payment of money from such accounts must be signed by at least two people authorised by the Committee, including at least one Committee member.

## **10.11 Delegation, etc.**

The Committee may delegate any of their functions to sub-committees but must specify the scope of its activity and powers; the extent to which it can commit the funds of the Club; its membership; its duty to report back to the Committee. The Committee may wind up any sub-committee at any time or change its mandate and operating terms.

## **10.12 Disclosure**

Annual Club reports and statements of account must be made available for inspection by any member and all club records may be inspected by any Committee member, upon request to the Hon. Secretary or Hon. Treasurer as appropriate.

## **11. Removal of Membership, Discipline and Appeals**

11.1 Any complaints regarding the behaviour of members, guests or volunteers should be lodged in writing with the Secretary.

11.2 Any person that is the subject of a written complaint or appeal shall be notified of the procedures to be followed by the relevant committee in reasonable time to prepare for any hearing.

11.3 The Committee shall appoint a disciplinary sub-committee (Disciplinary Sub-Committee) who will meet to hear complaints within 21 days of a complaint being lodged. Any person requested to attend a Disciplinary Sub-Committee shall be entitled to be accompanied by a friend or other representative and to call witnesses. The Disciplinary Sub-Committee has the power to take appropriate disciplinary action on behalf of the Committee, including the termination of membership or exclusion from Club premises.

11.4 The outcome of the disciplinary hearing shall be put in writing to the person who lodged the complaint and the person against whom the complaint was made within 14 days following the hearing.

11.5 There shall be a right of appeal within 14 days of receipt of the disciplinary decision or decision to refuse membership:

11.5.1 against the Disciplinary Sub-Committee's findings or the sanction imposed or both;  
and

11.5.2 against the Committee's refusal to admit a new member

in either case, the Committee shall appoint an appeals committee ("Appeals Committee"). The Appeals Committee shall have a maximum of three members which shall not include members involved with the initial disciplinary hearing but may include non-members of the Club. The Appeals Committee shall consider the appeal within [21] days of the Secretary receiving the appeal. The individual who submitted the appeal shall be entitled to be accompanied by a friend or other representative and to call witnesses. The decision of the Appeals Committee shall be final and binding on all parties.

## **12. Club Regulations**

The Committee may make Club Regulations consistent with these Rules and will publicise these to the members.

## **13. Notices**

13.1 Notices to be sent out in accordance with these Rules may be sent by hand, by post or by suitable electronic means and will be treated as being received:

13.1.1 24 hours after being sent by electronic means or delivered by hand to the relevant address;

13.1.2 Two clear days after being sent by first class post; or

13.1.3 Three clear days after being sent by second class post.

13.2 Notice of all general meetings must also be put on the Club's website.

13.3 A technical defect in the giving of notice of which the members or the Committee are unaware at the time does not invalidate decisions taken at a meeting.

**14. Amendments**

14.1 These Rules may be amended at a general meeting by resolution passed by two-thirds of the votes cast.

14.2 The Club Purposes may be changed to include another eligible sport if the Committee unanimously agree and the members also agreed the change by a 75% majority of votes cast.

**15. Winding Up the Club**

15.1 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.

15.2 The Committee will then be responsible for the orderly winding up of the Club's affairs. After settling all liabilities of the Club, the Committee shall dispose of the net assets remaining to another organisation with similar objects to the Club.

15.3 The trustees of the Club will play the significant role in determining the nature of such an organization and the disbursement of the Clubs assets

**Adopted at a meeting held**

at [Place]

on [Date]

**Signed**

Name .....

Signature .....

[Name and signature of chair of meeting]

Witnessed .....

Name .....

Address .....

Occupation.....

Signature .....

[Name, address, occupation and signature of witness]