



# **THURMASTON BOWLS CLUB**

**Founded in 1977**

Elizabeth Park, Checkland Road, Thurmaston, Leicester, LE4 8FN.

# **Constitution**

**Version 1.1**

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## **Section 1: Name and Objectives**

- 1.1 The name of the Club shall be 'Thurmaston Bowls Club' (hereinafter referred to within this constitution as the 'Club').
- 1.2 The Club shall be affiliated to Bowls England and Bowls Leicestershire (BL).
- 1.3 The objectives of the Club are to provide facilities for, and to promote participation in, the amateur sport of outdoor flat green bowls at Elizabeth Park, Thurmaston, Leicester.
- 1.4 The Club shall adopt and conform to Bowls England Rules & Regulations and the current Laws of the Sport of Bowls.

## **Section 2: Officers of the Club**

- 2.1 The Officers of the Club shall be Full Members of the Club and shall consist of SECRETARY/TREASURER/CHAIR PERSON/PRESIDENT/FIXTURE SECRETARY/CAPTAINS. Officers shall be elected at the Annual General Meeting and shall hold office for the period of election, retiring at the end of the period of election. All Officers of the Club shall be eligible for re-election to the same office or another office at the end of their current period of election.

## Section 3: Membership

3.1 Membership of the Club shall be open to any person, regardless of race, age, gender, sexual orientation, religious belief or ability, who completes a membership application form, is accepted and pays the relevant subscription/joining fee as determined by the Club.

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

There shall be the following categories of membership with power to vote at all relevant meetings of the Club as indicated hereunder.

- (a) A FULL MEMBER – being a person who, at the date of election, shall have attained the age of eighteen years shall have one vote.
- (b) AN ASSOCIATE MEMBER - being a person who, at the date of election, shall have attained the age of eighteen years shall have one vote.
- (c) A JUNIOR MEMBER – being a person who, at the date of election, is under the age of eighteen shall have no vote. Such a member shall be one who at the commencement of the subscription year joins the Club other than as a full member or a family member.
- (d) AN HONORARY/LIFE MEMBER – who shall have one vote.
- (e) A SOCIAL MEMBER – shall have no vote.

3.2 Rights and privileges of members

3.2.1 The rights and privileges of each category of membership shall be as follows:

- (a) A FULL MEMBER shall have the full use of all Club facilities.
- (b) A JUNIOR MEMBER shall have the full use of all Club facilities subject only to this Constitution.
- (c) AN HONORARY/LIFE MEMBER shall have the full use of all the Club facilities.
- (d) A SOCIAL MEMBER shall have the full use of the Club-house facilities.

3.2.2 Candidates for membership shall have no privileges whatsoever in relation to the use of the Club or premises until they have become a member.

3.3 Membership Joining Fee & Subscription Fee

3.3.1 The rate of Joining Fee and Subscription Fee for each category of Membership shall be proposed by Club Treasurer to the members at the Annual General Meeting in each year.

Subscriptions shall be paid no later than 1<sup>st</sup> May. Any member failing to pay their subscription before 1<sup>st</sup> May shall be deemed not to be a member of the Club and shall not be entitled to be selected for match play or competitions or to use the facilities of the Club.

3.3.2 The Club Committee may refuse membership or remove it, only for good cause such as conduct likely to bring the Club or sport into disrepute. Appeal against refusal or removal may be made to the members. If consideration of removal of membership is as a result of a disciplinary issue, the procedure to be adopted shall be that as set out at point 3.6.2 of this Constitution.

### 3.4 Members' duty to provide contact details

3.4.1 Every member shall furnish the Treasurer with up-to-date contact details that shall be recorded in the Register of Members and any notice sent to such address/es either by post or electronically shall be deemed to have been duly delivered.

### 3.5 Election and retirement of members

#### 3.5.1 Application for membership

(a) An application for membership shall be in the form prescribed by the Committee and shall include the name, address and contact details of the candidate.

#### 3.5.2 Election of Members

(a) Upon receipt of an application for membership, there shall be an interval of at least two days before the meeting of the Committee at which such application for membership shall be considered. The election of all classes of members is vested in the Committee and shall be a simple majority vote of those of the Committee. The Committee may refuse applications only for good cause such as conduct likely to bring the Club into disrepute. The Treasurer shall inform each candidate in writing of the candidate's election or non-election. The Treasurer shall furnish an elected candidate with a copy of the Rules and Byelaws of the Club and make request for such payments as are necessary.

#### 3.5.3 Payment of Fees upon Election

(a) Upon election, a candidate shall pay, within one calendar month, fees as shall be requested. In default of such payment, the election shall be void unless sufficient cause for delay be shown.

#### 3.5.4 Retirement of a member

- (a) A member wishing to resign their membership shall give notice in writing to the Honorary Secretary.
- (b) A member who retires in accordance with this Rule shall not be entitled to have any part of the annual membership fee or any other fees refunded.

#### 3.5.5 Arrears of Subscription

(a) The Committee may cancel, without notice being given, the membership of any member whose annual subscription and other annual fees are more than one month in arrears provided that the Committee may, at its absolute discretion, re-instate such member upon payment of arrears. No member whose annual payment is in arrears may use the Club premises or vote at any meeting.

### 3.6 Conduct of Members

#### 3.6.1 Undertaking by members to comply with rules

- (a) Every member, upon election and thereafter, is deemed to have notice of, and undertakes to comply with, the Club Rules and any Byelaws and Regulations of the Club.

#### 3.6.2 Disciplinary action against members

- (a) All disciplinary matters will be dealt with in accordance with Bowls England Regulation 9 (Misconduct)
- (b) Should any member be expelled, the former member shall not be entitled to have any part of the annual membership fee refunded and must return any property belonging to the Club.

#### 3.6.3 Complaints

- (a) Complaints of any nature shall be addressed in writing to the Honorary Secretary.

### 3.7 Limitation of Club liability

- 3.7.1 All references to the Club in this Section shall mean each and every individual member of the Club from time to time.

- 3.7.2 Members are bound by the following Rule which shall also be exhibited in a prominent place within the Club premises:

*“Members of the Club may use the Club premises, and any other facilities of the Club, entirely at their own risk and impliedly accept:*

*(a) The Club will not accept any liability for any damage to or loss of property belonging to members.*

*(b) The Club will not accept any liability for personal injury arising out of the use of the Club premises, any other facilities of the Club either sustained by members or caused by the said members whether or not such damage or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of them, the Officers, Committee, Trustees or Servants of the Club.”*

- 3.7.3 Membership of the Club and acceptance of these Rules by the member will be deemed to constitute consent to the holding of relevant personal data for the purposes of the Data Protection Act.

## Section 4: Management Committee

### 4.1 Composition of Committee

- 4.1.1 The Committee shall consist of the Executive officers and members elected from a position available.
- 4.1.2 Candidates for election to the Committee shall be those members of the retiring Committee eligible to offer themselves for re-election and such other full members whose nominations (duly proposed and seconded in writing by Full members of the Club) with their consent shall have been received by the Honorary Secretary at least twenty-eight days before the date of the Annual General Meeting in each year. Such nominations, together with the names of the Proposer and Secunder shall be posted to the Club premises at least fourteen days prior to the date of the Annual General Meeting.
- 4.1.3 If the number of candidates for election is greater than the number of vacancies to be filled then there shall be a ballot of those members present and entitled to vote at the Annual General Meeting.
- 4.1.4 If the number of candidates for election is equal to or less than the number of vacancies to be filled then all candidates shall be deemed to be elected if majority of those present at the Annual General Meeting, and entitled to vote, vote in favour of such election.
- 4.1.5 In the event of the ballot failing to determine the members of the Committee because of an equality of votes the candidate or candidates to be elected from those having an equal number of votes shall be determined by lot or previously nominated person.
- 4.1.6 If, for any reason, a casual vacancy shall occur, the Committee may co-opt another person to fill such a vacancy until the next following Annual General Meeting. Co-opted Members will be entitled to vote.

### 4.2 Committee Meetings

- 4.2.1 The Committee shall endeavour to meet not less than four times per year making such arrangements as to the conduct, place of assembly and holding of such meetings as it may wish.
- 4.2.2 Voting shall be by show of hands. In the case of equality of votes the Honorary Secretary shall be entitled to a second and casting vote.
- 4.2.3 Any conflict of interest must be declared to the Honorary Secretary prior to the start of the meeting. The Honorary Secretary will determine if the person may remain in the meeting and/or vote when the item is discussed.

#### 4.3 Powers of the Committee

4.3.1 The Committee shall manage the affairs of the Club according to the Rules and shall cause the funds of the Club to be applied solely to the objects of the Club.

4.3.2 In particular the Committee shall ensure that the property and funds of the Club will not be used for the direct or indirect private benefit of Members other than as reasonably allowed by the Rules. No surpluses or assets will be distributed to members or third parties and all surplus income or profits will be re-invested in the Club.

#### 4.4 Disclosure of Interest to Third Parties

4.4.1 A member of the Committee or any member of the Club, in transacting business for the Club, shall disclose to third parties that they are so acting.

#### 4.5 Limitation of Committee's authority

4.5.1 The Committee, or any person delegated by the Committee to act as agent for the Club or its members, shall enter into contracts only as far as expressly authorised, or authorised by implication, by the Committee. No one shall, without the express authority of the Committee, borrow money or incur debts on behalf of the Club or its membership.

#### 4.6 Members' indemnification of Committee

4.6.1 In pursuance of the authority vested in the Committee by members of the Club, members of the Committee are entitled to be indemnified by the members of the Club against any liabilities properly incurred by them or any one of them on behalf of the Club wherever the contract is of a duly authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the Club.

(a) Indemnity Clause

*"Each member of the Club shall (to the extent that such person is not entitled to recover under any policy of insurance) be entitled to be indemnified out of all funds available to the Club which may lawfully be so applied against all costs, expenses and liabilities whatsoever [reasonably] incurred by such person in the proper execution and discharge of duties undertaken on behalf of the Club arising there from, or incurred in good faith in the purported discharge of such duties."*

4.6.2 The limit of any individual member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate of that category of membership unless the Committee has been authorised to exceed such limit by a General Meeting of the Club.

4.7 Contractual Liability

4.7.1 The Committee shall endeavour to ensure that the following clause is incorporated in every contract, lease, licence or other agreement entered into by the Committee and, as appropriate.

*“The liability of the [Committee/Trustees] for the performance of any contractual or other obligation undertaken by them on behalf of the Club shall be limited to the assets of the Club from time to time.”*

4.8 Nomination of Honorary Members/Life Members by Committee]

4.8.1 The Committee may nominate for election at an Annual General Meeting such Honorary/Life Members as the Committee may think fit.

4.8.2 The election of Honorary/Life Members shall be placed before the Annual General Meeting each year and such Honorary Members shall be duly elected if two thirds of those present, and entitled to vote, vote in favour of election.

## Section 5: Annual General Meeting

- 5.1 An Annual General Meeting of the Club shall be held each year in the month of November on a date to be fixed by the Committee. The Honorary Secretary shall at least fourteen days before the date of such meeting circulate to each member notice hereof. The chair will circulate the agenda.
- 5.2 No business, except the passing of the Accounts and the election of the Officers, Committee, Auditors, and any business that the Committee may order to be inserted in the notice convening the meeting shall be discussed at such meeting unless notice thereof be given in writing by a member entitled to vote to the Honorary Secretary at least 28 days before the date of the Annual General Meeting.
- 5.3 The Committee may at any time, upon giving seven days' notice, call a Special General Meeting of the Club for any special business, the nature of which shall be stated in the summons convening the meeting, and the discussion at such meeting shall be confined to the business stated in the notice sent to members.
- 5.4 At every meeting of the Club the Chair will preside, or in their absence, the Honorary Secretary shall preside.
- 5.5 Only Full Members or Honorary Members shall vote at any General Meeting of the Club. Other members may attend and speak but are not entitled to vote.
- 5.6 Voting, except upon the election of members of the Committee, shall be by show of hands.
- 5.7 In the case of an equality of votes the Chair (or other nominated person) shall have a second or casting vote, on any matter.
- 5.8 On any resolution properly put to a meeting of the Club relating to the creation, repeal or amendment of any Rule, Byelaw or Regulation of the Club such Rule, Byelaw or Regulation shall not be created, repealed or amended except by a majority vote of at least two-thirds of those present and entitled to vote.  
[Provided that no such change shall jeopardise the Club's status as a Community Amateur Sports Club within the meaning of the Finance Acts, or in any event alter its objects or winding-up provisions].

## **Section 6: Dissolution of the Club**

- 6.1 If, at any General Meeting of the Club, a resolution be passed calling for the dissolution of the Club, the Honorary Secretary shall immediately convene a Special General Meeting to be held not less than one month thereafter to discuss and vote on the resolution.
- 6.2 If, at that Special General Meeting, the resolution is carried by at least two-thirds of the Members present, the Committee shall thereupon, or at such date as shall have been specified in the resolution, proceed to realise the assets of the Club and discharge all debts and liabilities of the Club.
- 6.3 If, upon the winding up or dissolution of the Club, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the members of the Club.
- 6.4 Upon dissolution of the Club the Committee shall give or transfer the net assets remaining to one or more of the following:
  - (a) to another Club with similar sports purposes which is a charity and/or
  - (b) to another Club with similar sports purposes which is a registered CASC and/or
  - (c) to Bowls England for use by them in related community sports.

## Section 7: Miscellaneous

- 7.1     Opening of Club Premises  
The Club premises shall be open to members at such times as the Committee shall direct and those times will be posted on the club notice board.
- 7.2     Safeguarding  
The club shall adhere to the Safeguarding Policy of Bowls England and will ensure that all the contents are communicated to members and clearly displayed within the club premises for Members and Visitors.
- 7.3     All health and safety policies and procedures will be documented, made available to all members and displayed within the club house.
- 7.4     All fire related maintenance and testing will be undertaken and documented within a fire safety log book.
- 7.5     Equalities  
The club shall adhere to the Equality Policy of Bowls England.
- 7.6     Licensing  
The club shall adhere to the requirements of the Licensing Act (or any subsequent Act) with regard to the purchase and supply of excisable goods.
- 7.7     Web site  
Those who control the content of the web site or other site will ensure that the content is true and accurate and not incriminate the club in any way. Upon leaving the club they must ensure the passwords are divulged to the committee members.
- 7.8     The Members acknowledge this document constitutes a legally binding contract to regulate the relationship of the members with each other and the Club.

## **Appendix A: Club Rules**

This set of Club Regulations has been agreed by the Committee and applies to all members and visitors to the Thurmaston Bowling Club.

The Club Regulations differ from the Club Rules in that they are made and can be changed by the Committee, whereas the Club Rules can only be changed by Members by a vote at either an Annual or Extraordinary General Meeting.

### **1. DRESS REGULATIONS**

On the Bowling Green:

Greys are normally worn for all club games with the exception of those designated games at which whites shall be worn.

Dress shall be Grey skirt/ trousers either full length or cropped trousers may be worn.

Shorts. Members are permitted to wear tailored shorts on the green. Shorts can be worn for informal play and for games. They shall be either grey or white and of a design approved by Bowls England.

Club shirts are to be worn for all club matches.

Regulation bowling shoes must be worn on the greens (no sandals).

Players failing to meet these requirements may be asked to leave the green.

### **2. CLUB HOUSE:**

Members and guests are expected to wear smart clothing at all times whilst in the club.

Any member or guest not conforming to this standard may be asked to leave the clubhouse.

Members should ensure that their own guests are aware of the regulations to avoid unnecessary embarrassment.

### **3. BEHAVIOUR OF MEMBERS AND GUESTS**

All members and their guests must be well behaved at all times. The Committee reserves the right to eject from the club premises any member or guest who is behaving in a manner deemed to be unacceptable. This may include bad language, drunkenness, fighting or arguing, rudeness and general rowdiness and any other behaviour deemed to be unacceptable and/or offensive to other members or their guests.

Disciplinary action may be taken against any members who behave in an unacceptable manner. This will be in accordance with **Bowls England Regulation No.9 (Misconduct) for more information.**

#### **4. USES OF THE GREENS AND SURROUNDING AREAS**

The use of the Bowling Greens must be in accordance with the rules of the game at all times. Any members wishing to play must comply with the general directions laid down by the committee with regard to which rinks are not available for play.

The priority order for play is as follows:

- County competitions or matches
- League matches
- Club competitions
- General play against other teams (friendlies)
- Practice (roll-ups)

Rinks for both County and Club Competitions should be booked in advance, with as much notice as possible. In the event of the double booking of a rink, an alternative rink should be found if at all possible. Failing this, the order/precedence is as stated above. One rink will be reserved at all times for general play for non-club members, and may not be booked for competitions.

Tuesdays are for "roll ups" club nights, no competitions are allowed to be played on this night except if one player works and this is the only time available or inclement weather has prevented previous matches not being played.

##### **Competitions**

- players shall not play on rinks that they have played on during that day.
- rinks that are being used for competitions shall be drawn at random.

##### **Smoking**

- Smoking is not permitted as required by the current law within the building, the smoking area is outside and not under the veranda.
- There is no smoking on the green or the path surrounding the green by the players.

##### **Damage to Club property**

A member shall not knowingly remove, injure, destroy or damage any property of the Club and shall make restitution for the same if called upon to do so by the Committee or by the Honorary Secretary upon the instructions of the Committee.

##### **Exhibiting of notices**

A member shall not cause any communication in whatever form to be exhibited on Club notice boards or premises without prior written permission of the Committee.

##### **Bar Opening Times**

The permitted hours for the supply of intoxicating liquor will be posted on the club notice board and the bar will be open at these hours or at such other hours as may be decided by the Committee subject to any restrictions imposed from time to time by the Licensing Authority.

##### **Settlement of Accounts**

A member shall settle any indebtedness for refreshment or otherwise before leaving the Club premises, or in accordance with any bylaw relating to the settlement of such indebtedness.

##### **Bylaws**

The Club may adopt such Bylaws or Regulations as it considers appropriate for the good management of the Club and its facilities.

## **Appendix B: Officers of the Club**

### **Chair**

- To Chair all relevant meetings of the Club;
- To have the casting vote at all relevant meetings of the Club in the event of equality;

### **President**

- To represent the Club on match days and other special events;

### **Secretary**

- To complete Leicestershire and Bowls England forms and documentation;
- To conduct the correspondence of the Club;
- To keep custody of all Club documents;
- To keep full minutes of all meetings of the Club, the Committee;

### **Treasurer**

- To keep a register of Club members' contact details;
- To pay membership capitation fees;
- To collect all relevant fees from Club members;
- To make all relevant payments on behalf of the Club;
- To prepare Annual Balance Sheet for examination;
- To present Accounts for approval at the Annual General Meeting
- To administer such insurance policy or policies as may be needed to fully protect the interests of the Club, its Officers and its members;
- To pay external league and competition fees

### **Accounts Examiner**

- To examine the Accounts and Balance Sheet

### **Fixture Secretary**

- To arrange matches as relevant with other clubs

### **Captain/s**

- To select relevant representative teams

### **Competitions Secretary**

- To arrange internal competitions for Club members to participate in

### **Safeguarding Officer**

- To act as a point of contact for Junior Bowlers

### **District/County Delegate**

- To act as a liaison between the Club and other relevant associations

### **Press/media Officer**

- To publicise the Club in local media, website and social media as relevant

## **Appendix C: Licensing Act**

### **Purchase and supply of excisable goods**

1. The purchase for the Club of excisable goods and the supply of the same upon Club premises shall be exclusively and solely under the control of the Committee, or of a special sub-committee appointed by the Committee.
2. Intoxicating liquor may only be sold for consumption on the Club premises to persons over the age of eighteen who are entitled to the use of the Club premises in pursuance of the Rules, Byelaws and Regulations for the time being in force. No Junior Member under the age of eighteen may purchase or attempt to purchase intoxicating liquor within the Club premises.
3. The Committee shall cause the Club bar to be opened (subject to terms of the Club premises certificate) at convenient times (and such times shall be prominently exhibited in the Club premises) for the sale of excisable goods to persons who are entitled to the use of the premises of the Club in pursuance of these Rules (except Junior Members as aforesaid).
4. No person shall take a commission, percentage or other such payment in connection with the purchase of excisable goods for the Club. Any profit deriving from the supply of such goods shall (after deduction of the costs of providing such goods for the benefit of the Club) be applied to the provision of additional amenities or the purchase of property to be held in trust for the benefit of the Club.
5. Proper accounts of all purchases and receipts from excisable goods shall be kept and presented at the Annual General Meeting in each year and such information as the Auditors may require shall be furnished to enable any statutory return or statement and the payment of excise or other duty or tax to be made.