

# WEST MERSEA BOWLS CLUB

Colchester Road

West Mersea

Essex

C05 8JZ

## CONSTITUTION AND RULES

DATE 14<sup>th</sup> May 2019

### PREAMBLE

This Constitution and Rules hereinafter referred to as the Constitution shall override any previous Constitution and/or Rules of the West Mersea Bowls Club.

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### INTERPRETATION

Paragraph headings are provided for convenience only and do not affect the interpretation of this Constitution. Where a word, or series of words, is given a meaning within this Constitution that meaning shall apply throughout unless changed by specific description or context. Words used herein where regardless of the number and gender specifically used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine or neuter, or as the context requires. The words “such as”, “including”, “particularly” and similar expressions are not used as, nor intended to be interpreted as words of limitation.

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### 1. NAME

The name of the Club shall be **West Mersea Bowls Club**, hereinafter referred to as the Club. The Club being all those members for the time being of the West Mersea Bowls Club. The Club shall incorporate two Sections, one for Indoor Bowls and the other for Outdoor Bowls and any reference to the Club shall apply equally to all aspects of Indoor and/or Outdoor bowls as may be applicable.

## **2. COLOURS AND BADGE**

The Club colours are claret and silver with a badge a copy of which is attached.

## **3. OBJECTS**

The objects of the Club are:

- 3.1** To promote foster and safeguard the amateur sport of indoor and outdoor bowls in West Mersea including but not limited to the surrounding areas and to encourage community participation.
- 3.2** To promote good fellowship among its Members and other bowlers through matches and social activities.
- 3.3** To be a non-profit making organisation; any income in excess of expenditure arising from Club activities is to be used for the improvement of Club facilities for the benefit of Members. There will be no payment of dividend or any form of profit sharing, or any benefit in cash or in kind to Members or third parties.
- 3.4** To pursue a policy of no discrimination on the grounds of sex, age, disability, ethnicity, nationality, sexual orientation, occupation, religion, political, or other beliefs.

## **4. DEFINITIONS**

### **4.1a Members**

Those persons elected as Members of the Club in accordance with Paragraph 7 of this Constitution of the Club and have paid a current Annual Subscription, hereinafter referred to as Members.

### **4.1b Participating Members**

Those Members actively involved in either the indoor or outdoor sport of bowls but not including Life Members.

### **4.2 Annual Subscription**

The amount set by the Trustees as an Annual Subscription from time to time for each Class of Membership. Membership shall apply for a period of 12 months starting at the commencement of the Indoor or Outdoor season as applicable and in each case subject to the conditions or limitations on the class of membership for which the subscription applies. Such limitations are as set out in this Constitution or by the Trustees from time to time, details of which will be posted on the Notice Board.

#### **4.3.a Trustees**

Those persons who at the date of this Constitution are Trustees or those otherwise appointed in accordance with Paragraph 9.1.a of this Constitution of the Club and hereinafter referred to as Trustees.

#### **4.3.b Associate Trustees**

Those persons appointed as Associate Trustees in accordance with Paragraph 9.1.c of this Constitution of the Club and hereinafter referred to as Associate Trustees.

#### **4.4 Main Committee/Main Committee Members**

Those persons elected as Officers and/or Main Committee Members in accordance with Paragraph 9.2 of this Constitution of the Club and hereinafter referred to as Officers and/or Main Committee Members and/or Co-ordinators.

#### **4.5 The Company**

The owner of the property leased, rented or otherwise used by the members of the West Mersea Bowls Club being West Mersea Bowls Club Ltd, hereinafter referred to as the Company.

#### **4.6 Section and Class**

The words Section(s) and Class(es) are interchangeable in this Constitution according to context.

#### **4.7 Indoor and Outdoor Seasons**

The Indoor Season will run from 1<sup>st</sup> October until the 30<sup>th</sup> April and the Outdoor Season will run from 1<sup>st</sup> May until the 30<sup>th</sup> September with reasonable latitude being acceptable either side of these dates. Notwithstanding the foregoing if the Ladies' or Men's Outdoor Captain or a member designated as their substitute for a particular match deem it necessary to play indoors during the Outdoor Season this is permissible.

### **5. AFFILIATION**

Subject to the direction of the Main Committee, the Club shall be affiliated to Bowls England, Essex Bowling Association incorporating Essex County Bowling Association, Essex County Women's Bowling Association, Colchester Borough Bowling Association, English Indoor Bowling Association Ltd, Essex County Indoor Bowling Association, Essex County Ladies' Indoor Bowling

Association and any such Association as required by the Main Committee from time to time.

## **6. LANDLORD**

This is the Company and shall have no interest in the Club, proprietary or otherwise.

## **7. MEMBERSHIP**

- 7.1** Membership of the Club shall be open to anyone interested in the amateur sport of indoor and outdoor bowls on application, regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs in accordance with the Objects of the Club set out in Paragraph 3.4. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis but it is expressly understood that at all times at least 51% of the inclusive Club membership total must consist of Participating Members.

The Club may have different classes of membership and subscription on a non-discriminatory and fair basis. The Trustees shall keep subscriptions at levels that will not pose a significant obstacle to people participating.

The Club is committed to promoting a safe environment in which children and vulnerable adults can enjoy taking part in the sport of bowls. The Club will seek to underpin and ensure this commitment by following and promoting the joint Child Protection Policy and Procedures of the National Governing Bodies of the sport of bowls.

As set out in Paragraph 25, Membership, and as below is conditional on Members reading and accepting this Constitution.

### **7.2 Election to Membership**

Membership of the Club shall be open, on application, to anyone interested in the sport of bowls or that which is ancillary thereto, regardless of sex, age, disability, ethnicity, race, nationality, sexual orientation, occupation, religion political or other beliefs. Individuals who wish to become members of the Club must apply using the Membership Application Form approved by the Main Committee from time to time. Applications must be submitted in the first instance to the Club President or to a Main Committee Member of the Club and accompanied by the appropriate subscription fee, and entrance fee if applicable. Every applicant for membership shall be considered by the Club Membership Panel within 21 days thereafter and who may accept or reject the application, rejection is only permissible as follows.

In the event of the Club Membership Panel considering that to admit the applicant for membership,

- would be contrary to the best interests of the sport or the good conduct and interests of the Club.
- the level of available facilities means that the club cannot accept any more members,
- or in the case of Social Membership the total Social Membership would exceed more than 49% of the inclusive membership total

they may reject the application.

Whilst the Membership Application is being processed the applicant will be considered a Temporary Member according to his or her Membership Application classification but at all times subject to the conditions contained in Paragraph 7.3.e. except only the time restriction contained therein.

The applicant on acceptance to membership must accept and agree to be bound by this or any subsequent Constitution and Rules or as may be displayed on the Notice Board from time to time. Membership shall permit the Member to participate in all the activities of the Club subject only to specific conditions or limitations that may apply from time to time or as set out below and see Paragraph 7.3. Membership shall not convey any proprietary rights with regard to Club property, such property to remain in the ownership of the Club membership as a whole at all times. Membership except as stated below shall allow the Member one vote at any Annual or Special General Meeting.

The Club Membership Panel shall be composed of:

The Club President

Recruitment and Retention Co-ordinator.

And depending upon the Season in which the application form is received:

Lady Captain - indoor or outdoor.

Men's Captain - indoor or outdoor.

One of the four Main Committee members who do not currently have an official position

Except only that in the event of non-availability of any of the above they may nominate a replacement but for one meeting only. The replacement may be any Member of the Club except a Social or Junior Member.

The applicant will have the right of appeal to the Club Trustees in the event of his or her membership being refused by the Club Membership Panel but their decision is final.



The Club shall have different categories of membership as set out more fully in Paragraph 7.3 below with appropriate subscription as set by the Trustees from time to time.

### **7.3 Classes of Membership**

#### **7.3.a Senior Membership**

Senior Members, that is those not coming under sub-paragraph 7.3.b *et seq*, and are those Members of both Indoor and Outdoor Sections or limited to either Indoor or Outdoor Sections only, see under.

**Indoor Senior Members** are those, having paid the appropriate Annual Subscription, have for 12 months full use of the Club facilities including the indoor rinks but excluding the outdoor greens. Certain restrictions apply regarding the indoor rinks during the outdoor bowling season, as stated on the Notice Board and which may include the payment of an additional fee as set by the Trustees.

**Outdoor Senior Members** are those, having paid the appropriate Annual Subscription, have for 12 months full use of the Club facilities including the outdoor greens but excluding the indoor rinks. Use of the outdoor rinks is excluded during the indoor bowling season except in exceptional circumstances as decided by the Main Committee and see Paragraph 4.7.

Members who have paid the appropriate subscriptions for both Indoor and outdoor membership will have use of both the indoor rinks and outdoor greens as above and with 12 months membership running from the last subscription paid.

But Senior Membership for both Indoor and Outdoor is always subject to any special limitations set by the Trustees or the Main Committee and displayed on the Notice Board

#### **7.3.b Social Membership**

Any Member who has had continuous Membership for not less than five years and has reached the age of 70 years, or through accident or illness, has permanently ceased playing bowls, may apply to become a social Member. Such application will be considered by the Main Committee and shall be approved by a straight majority.

The Main Committee shall have the authority to admit other persons to social Membership if they consider that by so doing it would benefit the Club and Members generally.

Social Members shall have full use of the Club House facilities but neither the indoor or outdoor playing surfaces. Social Members shall not have a vote at Annual or Special General Meetings.

Notwithstanding the above it is expressly understood that at all times Social Members shall not exceed 49% of the inclusive Club membership total.

### **7.3.c Junior Membership**

Junior Membership shall be available for all young persons between the ages of 10 and 18 provided that they provide the Club President with written permission from one parent or guardian to join in the activities of the Club except those prohibited by law. Junior Members are not permitted to vote at any Annual or Special General Meeting. On attaining the age of 18 Junior Members shall be considered as Senior Members and be required to pay the full Membership subscription at the next date after their birthday that Annual Membership subscriptions are payable according to their status as Indoor or Outdoor Senior Members. All other conditions for and of Membership shall apply as for Senior Members as stated above. Children under the age of 10 years shall be permitted to use the facilities of the Club provided they are accompanied at all times by at least one parent or guardian, or a person holding written consent from one of their parents or guardian. Such person to be responsible for the child at all times. If the person responsible for the child is not a Senior Member, a Senior Member must be in attendance. No subscription is payable for children under 10 years of age.

### **7.3.d Life Membership**

The Main Committee may recommend to the Members at an Annual or Special General Meeting that certain Members, whose conduct over several years has benefited the Club and the Members generally, be granted Life Membership. Acceptance shall be by straight majority of those present at the meeting. Life Members shall retain the right to vote at any Annual or Special General Meeting. Life Members shall be exempt from the payment of an Annual Subscription.

### **7.3.e Temporary Membership**

In exceptional circumstances a person may be given Temporary Membership of the Club without payment of a subscription for a period not exceeding 72 hours on the Agreement of the Club President and/or the Club Vice-President plus one other member of the Main Committee provided they advise the Main Committee Members at the next Main Committee Meeting following the Temporary Membership being given. The President and/or the Club Vice-President shall decide what constitutes exceptional circumstances. A Temporary Member is not permitted to vote at any Annual or Special General

Meeting. Notwithstanding the foregoing special terms apply to new members on application as set out in Paragraph 7.2 above.

#### **7.4 General**

Membership shall continue by the payment of an Annual Subscription on or by the start of the Indoor or Outdoor Season and as applicable to the Member's status as an Indoor or Outdoor Senior Member or both or Junior Member, or if a Social Member the Season as appropriate, in an amount to be set by the Trustees from time to time. Failure to pay the Annual Subscription within 30 days of the due date shall mean forfeiture of Membership. Any Member who loses his or her Membership by the application of this rule must reapply for Membership following the same procedure as a new Member including the payment of an entrance fee if applicable. In exceptional circumstances the Club President acting with one other Officer of the Club may extend the period by 30 days provided they advise the Main Committee Members at the next Main Committee Meeting following the extension being given.

Members wishing to change their class of Membership, except Junior Members attaining the age of 18, must write to the Club President with their request. The Club President acting with one other Officer of the Club, shall have the power to change a Member's class of Membership in these circumstances but shall inform the Main Committee Members at the next Main Committee Meeting of their decision.

All classes of Membership other than Junior and Social Members may be elected to serve as Trustees or Committee Members – see under.

The Club Financial Year shall commence on the 1<sup>st</sup> October. The Club Secretary shall post a list of all Members and their class of Membership annually on the Notice Board and in any event within 30 days of the 1<sup>st</sup> October and subject only to the Club's Data Privacy and Protection Policy.

### **8. DISABLED OR DISADVANTAGED PERSONS**

The Club adopts a policy of helping disabled or disadvantaged persons who may wish to participate in the sport of bowls, and to this end will give instruction and assistance.

### **9. MANAGEMENT**

#### **9.1.a Trustees**

Trustees in office at the date of this Constitution and in accordance with Paragraph 4.3.a above, not exceeding 7 in number, shall be responsible for the overall control of the property and financial management of the Club. The Trustees, all of whom must be Senior and/or Life Members, and are or have



been, elected by existing Trustees and received the approval of the Company. The Trustees will elect a, Secretary, and Treasurer; other Trustees may be given specific duties. In the event of a Trustee no longer being able or willing to act as such a replacement will be chosen by the remaining Trustees, any replacement being subject to the approval of the Company. Notwithstanding anything contained herein to the contrary this Paragraph cannot be amended without the written approval of the Company.

The Chairperson shall preside over all meetings and have overall responsibility for the Club. If the Chairperson is absent from a meeting the attending Trustees may elect a Chairperson for that meeting only. The Secretary shall be responsible for the taking of minutes covering all meetings of the Trustees. The Treasurer shall be responsible for the management of all Club funds.

The Treasurer shall maintain detailed accounts covering all income and expenditure of Club funds. There will be an annual audit of these funds. The Auditor, an honorary position, shall be elected at the Club's Annual General Meeting.

The President of the Club or his or her representative shall be entitled to attend all meetings of the Trustees; however, he or she shall not have a vote when the Trustees take decisions on any motion or proposition.

The Trustees shall meet at least 2 times a year and 4 Trustees, excluding Associate Trustees, see Paragraph 9.1.c below will form a quorum at any such meeting. All decisions requiring a vote will be taken by a straight majority vote. The Chairperson shall have only one vote.

A resolution in writing signed by every Trustee shall be valid without a meeting.

Whenever a Trustee has a personal interest in the matter to be discussed he or 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.

The Trustees shall set Membership Subscriptions, Entrance Fees and Green and Rink Fees and any other Fee as may be appropriate according to their area of responsibility as outlined in this Constitution.

A Trustee may be removed at any time by a majority vote of the Trustees at a meeting that satisfies the quorum requirement in Paragraph 9.1.a above. An appeal against this decision may be made to a specially convened Panel consisting of 3 Past Presidents of the Club and whose decision on a majority vote shall be final. The Panel shall be appointed by the Club President in the first instance and the Trustee concerned has the right to make a personal presentation to the Panel.

The Trustees take precedence over the Main Committee of the Club.

### **9.1.b Club Secretary**

The Trustees shall appoint a Club Secretary to assist in the administration of the Club and whose duties are as required by the Trustees from time to time.

### **9.1.c Associate Trustees**

From time to time the Trustees may consider that in the best interests of the Club it is advisable for the purposes of continuity and understanding to appoint Associate Trustees but not exceeding three in number at any one time. Appointment must be agreed by a majority vote of the Trustees at a meeting that satisfies the quorum requirement in Paragraph 9.1.a. above.

Associate Trustees must be Adult Members of the Club and shall serve for a continuous period not exceeding thirty-six months. After thirty-six months an Associate Trustee must stand down or offer him or herself for re-appointment in accordance with the foregoing paragraph.

In exceptional circumstance an Associate Trustee may be appointed who is not a member of the Club. Appointment must be agreed by a majority vote of the Trustees at a meeting that satisfies the quorum requirement in 9.1.a. above. An Associate Trustee so appointed shall not serve for a continuous period in excess of 36 months.

Associate Trustees may attend a meeting of the Trustees and state an opinion if asked but they shall not have a vote.

Associate Trustees may be removed at any time by a majority vote of the Trustees at a meeting that satisfies the quorum requirement in Paragraph 9.1.a. above. The decision of the Trustees in this instance shall be final.

## **9.2 Main Committee**

There will be one Committee, covering both the Men and Ladies' Outdoor and Indoor Sections. This Committee will be responsible for all matters relating to the bowling and social activities of the Club and shall be known as the Main Committee.

The Main Committee consisting of the Officers as set out below plus four Members of the Club shall conduct the affairs and management of the Club as above, and whom shall be elected annually at the Annual General Meeting. All Officers and Members so elected shall take up their responsibilities immediately on election. The Club Minutes Secretary must receive all nominations for Officers and Committee Members not later than twenty-one days before the Annual General Meeting each year. The Main Committee shall have the power to fill any vacancy howsoever occurring during the year. The Main Committee shall meet at least four times a year. At such meetings of the

Main Committee, five shall form a quorum. The Club President shall act as Chairperson. If the President is absent from the meeting, then the Vice-President should act as Chairperson. If both President and Vice-President are absent then any of the Captains present may act as in a similar manner. If both the President, and Vice-President and any of the Captains are absent from the meeting, the attending Members shall elect a Chairperson for that meeting only.

Whenever a Committee Member has a personal interest in the matter to be discussed he or 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.

The Club Minutes Secretary shall advise Officers and Committee Members of the time, date and place of any Main Committee meeting.

The Officers and Committee Members of the Club shall consist of the following:

Club President

Notwithstanding anything contained herein to the contrary the Club President must be a Senior Member of both the Indoor and Outdoor Sections

Club-Vice-President

Club Minutes Secretary

The Chairperson of the Trustees or his/her appointee may attend meetings of the Main Committee but shall not have a vote.

Ladies indoor captain

Ladies outdoor captain

Men's indoor captain

Men's outdoor captain

Administration co-ordinator

Social bowling and activities co-ordinator

Recruitment and retention co-ordinator

Property maintenance co-ordinator

Public relations co-ordinator

Committee members (four).

A Member may hold one or more positions.

The Main Committee may set up Sub-Committees as they see fit from time to time. The composition and working of any such Sub-Committee to be determined by the Main Committee. Members of these Sub-Committees need not be elected Members of the Main Committee. All minutes of meetings of such Sub-Committees shall be made available to the Main Committee Members. The Club President shall advise the Trustees when such Sub-Committees are set up.

In the event of any dispute within the Club and/or with Members which cannot be resolved by the Main Committee, the President shall refer the matter to the Trustees for a decision. Any decision reached by the Trustees shall be binding.

The failure to fill one or more of the nominated positions shall not prevent the operation of the Club.

### **9.3 DISCLOSURE**

Annual Club Reports and Audited Annual Statements of Account must be made available for inspection by any Member and all Club Records may be inspected by any Main Committee Member. The exception to this will be the Minutes of Trustee Meetings unless the Chairperson of the Trustees gives his consent.

## **10. LICENCE RULES AND CONDITIONS**

The Rules pertaining to the supply of intoxicating liquor on these premises are as follows:

- 11.** Intoxicating liquor may only be supplied to the following:
  - a) Members of the Club but not Junior Members
  - b) A person whose admission to the Club premises is provided for by Paragraph 12 below.

### **12.a Guests**

Members may introduce a guest to the club premises but such a guest may not be introduced more than 3 times in any one year. The introducing Member shall be responsible for the actions, behaviour and well-being of the visitor.

### **12.b Visiting Clubs**

Members, Officials and Guests of visiting clubs and/or associations are welcome and may make use of the club facilities according to the circumstances of their visit all at the discretion of the Main Committee. Members, Officials and Guests of visiting bowls teams are allowed to purchase intoxicating liquors

## **13. PERMITTED HOURS**

The hours during which intoxicating liquor may be supplied shall be:

Weekdays - 11.00 am to 10.45 pm

Sundays - 12.00 noon to 10.30 pm



## **14. FINANCE**

- 14.1** The funds of the Club shall be banked in the name of the Club and administered by the Trustees and the specific responsibility of the Treasurer who shall maintain detailed accounts. Funds may be held with either one of the Clearing Banks or a recognized Building Society only. Details of the Club funds shall be made available to the Main Committee. Any requirement to arrange overdraft, credit or finance facilities must be agreed in writing by at least 4 of the Trustees not including the Treasurer.
- 14.2** From time to time The Trustees shall appoint a maximum of four persons who each shall have the authority to sign separately for and on behalf of the Club. The persons so appointed will be recorded in the Minutes of the meeting when their appointment was agreed.

## **15. MATCHES**

The Main Committee may arrange competitions, and leagues consisting of a series of matches. These matches or leagues may be confined to Members only or include Members from other Clubs and the rules for these competitions and leagues shall form an addendum to these Rules or may be published on the Club Notice Board separately with details of a particular match or league if more appropriate. The Main Committee shall fix entry fees to competitions and leagues as applicable.

The Main Committee may arrange matches with other Clubs or associations and enter competitions at local, county, national or association level subject to the appropriate rules that may apply from time to time.

The Main Committee will facilitate Members entering competitions at local, county, association or national level subject to the appropriate rules that may apply from time to time

A code of dress shall apply as follows:

### **Men**

As agreed by the Main Committee from time to time, details of which are to be posted on the Club Notice Board.

### **Ladies**

As agreed by the Main Committee from time to time, details of which are to be posted on the Club Notice Board.

## **16. SOCIAL EVENTS**

The Main Committee may arrange social events from time to time for the benefit of Members and at its discretion limit admission to Members only and/or specific Members and/or to include guests. The Main Committee shall fix entry fees for social events if applicable. Members are entitled to use the Club for a private function subject to the agreement of the Trustees who shall fix a fee. However, the Member concerned must accept responsibility for his or her guests and at the same time other Members may not be denied access to any part of the premises.

#### **17. SPONSORSHIP AND COMMERCIAL ACTIVITIES**

A Member who has been given authority by the Trustees may pursue any form of sponsorship and/or commercial opportunities that is of benefit to the Club or its Members. The Trustees in writing prior to implementation must ratify any sponsorship or commercial opportunity. All funds raised through sponsorship or commercial activities must be used for the benefit of the Club.

#### **18. PROPERTY AND FUNDS**

The property and funds of the Club cannot be used for the direct or indirect private benefit of its Members other than as reasonably allowed by this rule.

The Club may provide sporting and related social facilities, Club sporting equipment, coaching, courses, insurance cover, medical treatment, post-match refreshments and other ordinary benefits of community amateur sports clubs as provided for in the Finance Act 2002.

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) Notwithstanding Paragraph 3.3 above the Club may employ Members (though not for playing) and remunerate them for providing goods and services on fair terms as set by the Trustees without the person concerned being present.
- c) Pay for reasonable hospitality for visiting teams and guests.
- d) Indemnify the Trustees, Officers, Main Committee and 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, and subject specifically to the full terms of Paragraph 23 Indemnity, below.

#### **19. GENERAL MEETINGS**

The Club shall hold an Annual General Meeting on the first Saturday in March each year. A notice duly posted on the Club Notice Board at least twenty-one days prior to the Meeting giving, date, place and time of Meeting, by the Club Minutes Secretary, shall serve as sufficient notice of the Meeting to all

Members. Any Member wishing to propose an amendment to this Constitution or any rule of the Club shall obtain the support of a seconder and submit it to the Club Minutes Secretary not later than twenty-one days prior to the Meeting. The Main Committee shall have the right to propose amendments to the Constitution and Rules without the need of a seconder. The Club Minutes Secretary shall post any such amendments on the notice board adjacent to the Meeting notice.

And see Paragraph 26 Amendments in so far as it affects the above.

At the Meeting Members shall be provided with:

An Agenda

A copy of the minutes of the previous Annual General Meeting and any subsequent Special General Meeting

A copy of the audited Statement of Accounts

A list of nominations for Officers and Main Committee Members

A note of any propositions

Twenty Members shall form a quorum and for the proposition to be accepted not less than 2/3rds of those Members present and eligible to vote must be in favour of the proposition otherwise it will be considered as defeated, this stipulation of 2/3rds shall not apply to the election of Life Members where a straight majority for or against the election shall apply. Failure to reach a quorum at any General Meeting shall be duly noted in the Minutes and no decisions may be taken and the election of Officers and Main Committee Members shall be referred to the Trustees who may make the appropriate appointments as they see fit.

A Special General Meeting can only be called:

By the Trustees or the Main Committee at any time, or by the Club Minutes Secretary on receipt of a requisition signed by at least ten Members.

A notice must be placed by the Club Minutes Secretary on the Club Notice Board at least twenty-one days prior to the Meeting giving the date, time and place of Meeting together with the reason why the Meeting is being called.

At a Special General Meeting, 20 Members shall form a quorum, and not less than 2/3rds acceptance rule will apply to any proposition as stated above. Failure to reach a quorum shall be duly noted in the Minutes and the proposition will be considered as defeated.

## **20. MISCONDUCT**

In the event of any allegation of misconduct by any club member(s), matters will be dealt with in accordance with Bowls England Regulation 9 (Misconduct): a copy of which is displayed on the Notice Board.

For matter of clarification:

- The governing body to appoint a disciplinary panel shall be the Trustees of the Club.
- Any complaint of misconduct by a member must be made in writing to the Club President.
- The same procedure shall be used whether the matters are deemed to have occurred under the auspices of Bowls England or the English Indoor Bowls Association Ltd. The disciplinary panel shall decide under whose auspices the matter falls, and their decision shall be final.
- Notwithstanding the above for those matters under the auspices of the English Indoor Bowls Association Ltd any appeal will be held by an Appeal Panel appointed by the Trustees of the Club and the appeal shall be addressed to the President of the Club and not the Indoor County Association.

## **21. NOTICE BOARD**

A Notice Board shall be placed in the Club House in such a position as all Members can see it.

## **22. DISSOLUTION**

In the event of the dissolution the Members may vote to wind up the Club if not less than 75% of those present support such a proposal at a properly convened Annual or Special General Meeting. The accumulated funds, including any reserve fund and all assets of the Club shall be donated to the Essex Air Ambulance Fund Registered Charity Number 1062539 thereto, after settling all liabilities of the Club.

## **23. INDEMNITY**

Every Trustee, Officer and Main Committee Member shall be indemnified by the Club in respect of any claim made against him or her in respect of the pursuance of his duties, except in so far as such a claim may relate to the wilful and individual fraud or wrong-doing on the part of the Trustee, Officer or Main Committee Member who is sought to be made liable, but only to the extent of the Club assets.



## **24. DATA PROTECTION**

The Club shall maintain a Data Privacy and Protection Policy; a copy of the current Policy will be displayed on the Club Notice Board.

## **25. ACCEPTANCE OF CONSTITUTION**

All Members shall accept and are therefore deemed to have read this Constitution and to be bound by it. This will include the Club's Data Privacy and Protection Policy. This Constitution shall not be extended, amended or rescinded except at an Annual or Special General Meeting. The Main Committee shall deal with any difference regarding interpretation of this Constitution and/or any matter not provided for within it. If the Main Committee is unable to deal with any matter so raised it will be referred to the Trustees whose decision shall be binding on all Members.

## **26. AMENDMENTS**

This Constitution may be amended at a General Meeting or Special General Meeting in accordance with Paragraph 19, General Meetings, but not so as to jeopardise the Club's status as a Community Amateur Sports Club as first provided for by the Finance Act 2002 including any subsequent amendments thereto and not in any event to alter its purposes or winding up provisions.

The Club purposes may be changed to include another eligible sport if the Main Committee unanimously agrees and the Members have also agreed the change by a 2/3rds majority of those Members present and eligible to vote at an Annual or Special General Meeting.

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## **COPY OF CLUB BADGE**



**This Constitution and Rules was adopted at a Special General Meeting held at West Mersea Bowls Club on 14<sup>th</sup> May 2019**

**Signed**

Name: Brian Johnson

Name: Ian Wingar

Signature:

Signature:

Chairperson of the Trustees

Club President

**Witnessed**

Name:

Address:

Signature:

