

NEWHAVEN FOOTBALL CLUB



CONSTITUTION

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Constitution

1. Name

The club shall be called NEWHAVEN FOOTBALL CLUB (the "Club")

2. Objects

The objects of the Club shall be to provide facilities, promote the game of Association Football, to arrange matches and social activities for its members and community participation in the same.

3. Status of Rules

These rules (the "Club Rules") form a binding agreement between each member of the Club.

4. Rules and Regulations

- (a) The members of the Club shall so exercise their rights, powers and duties and shall, where appropriate use their best endeavours to ensure that others conduct themselves so that the business and affairs of the Club are carried out in accordance with the Rules and Regulations of The Football Association Limited ("The FA"), County Football Association to which the Club is affiliated ("Parent County Association") and Competitions in which the Club participates, for the time being in force.
- (b) No alteration to the Club Rules shall be effective without prior written approval by the Parent County Association. The FA and the Parent County Association reserve the right to approve any proposed changes to the Club Rules.
- (c) The Club will also abide by The FA's Child Protection Policies and Procedures, Codes of Conduct and the Equal Opportunities and Anti-Discrimination Policy as shall be in place from time to time.

5. Club Membership

The members of the Club from time to time shall be those persons listed in the register of members (the "Membership Register") - which shall be maintained by the Club Secretary and the purpose of membership shall be to promote the game of football through this club.

Which means

- (a) Membership of the club shall be open to all persons irrespective of ethnicity, nationality, sexual orientation, religion or beliefs; or of age, sex or disability except as a necessary consequence of the requirements of football as a particular sport. (Note this maybe extended by directives mentioned in 4 (c) above)

- (b) Any person who wishes to be a member must apply on the Membership Application Form and deliver it to the Club Secretary together with their subscription. Election to membership shall be at the discretion of the Club Membership/Disciplinary Committee and granted in accordance with the anti-discrimination and equality policies that are in place from time to time. An appeal against refusal may be made to the Club Committee in accordance with the Complaints and Disciplinary Procedures in force from time to time with any who heard the original complaint not being allowed to take part in the subsequent decision. The final decision will be a result of a majority vote. Membership shall become effective upon an applicant's name being entered in the Membership Register. Unsuccessful applicants will have their subscription returned in full.
- (c) In the event of a member's resignation or expulsion, his or her name shall be removed from the Membership Register.
- (d) The FA and Parent County Association shall be given access to the Membership Register on demand.
- (e) Membership registration will be from 1 August to the following 31 May. To be elected onto the committee a person must have been a member for at least four months.

6. Annual Membership Fee

- (a) An annual fee payable by each member shall be determined from time to time by the Club Committee and set at a level that will not pose a significant obstacle to community participation. Any fee shall be payable on a successful application for membership and annually by each member. Fees shall not be repayable.
- (b) The Club Committee shall have the authority to levy further subscriptions from the members as are reasonably necessary to fulfil the objects of the Club.

7. Resignation and Expulsion

- (a) A member shall cease to be a member of the Club if, and from the date on which, he/she gives notice to the Club Committee of his/her resignation. A member whose annual membership fee or further subscription is more than two (2) months in arrears shall be deemed to have resigned.
- (b) The Club shall have the power to expel a member when, in its opinion, it would not be in the interests of the Club for them to remain a member. The matter shall be referred to the Membership/Disciplinary Committee for a decision in accordance its Disciplinary Procedure. An appeal against such a decision may be made to the Club Committee in accordance with the Disciplinary Procedure in force from time to time.
- (c) A member who resigns or is expelled shall not be entitled to claim any, or a share of any, of the income and assets of the Club (the "Club Property").

8. Club Committee

(a) The Club Committee shall consist of the following Club Officers: The Club Committee shall consist of the following club officers: Chairman, Vice Chairman, General Secretary, Match Secretary (Adult teams), Treasurer, Child Safety Officer, and up to 8 other members, elected at an Annual General Meeting. A representative of the managers is to be in attendance to give a report and answer any questions the committee may ask and raise points for the committee to consider.

(NOTE the main tasks for the 8 appointed members are for persons to act as follows: Program Editor; Supervising and co-ordinating works on grounds and buildings; Organising or helping with the Bar; Collecting gate moneys, and handing over for banking; A member from each section representing youth, juniors and girls; Others to help wherever possible in the general running of the club.)

(b) Each Club Officer and Club Committee Member shall hold office from the date of appointment until the next Annual General Meeting ("AGM") unless otherwise resolved at an Extraordinary General Meeting ("EGM"). One person may hold no more than two positions of Club Officer at any time. The Club Committee shall be responsible for the management of all the affairs of the Club. Decisions of the Club Committee shall be made by a simple majority of those attending the Club Committee meeting. The Chairman of the Club Committee meeting shall have a casting vote in the event of a tie. Meetings of the Club Committee shall be chaired by the Chairman or in their absence the Vice-Chairman. The quorum for the transaction of business of the Club Committee shall be five.

(c) Decisions of the Club Committee of meetings shall be entered into the Minute Book of the Club to be maintained by the Club Secretary.

(d) Any member of the Club Committee may call a meeting of the Club Committee by giving not less than seven days' notice to all members of the Club Committee. The Club Committee shall hold not less than four meetings a year.

(e) An outgoing member of the Club Committee may be re-elected. Any vacancy on the Club Committee that arises between Annual General Meetings shall be filled by a member proposed by one and seconded by another of the remaining Club Committee members and approved by a simple majority of the remaining Club Committee members.

(f) Save as provided for in the Rules and Regulations of The FA, the Parent County Association and any applicable Competition, the Club Committee shall have the power to decide all questions and disputes arising in respect of any issue concerning the Club Rules.

(g) The position of a Club Officer shall be vacated if such person is subject to a decision of The FA that such person be suspended from holding office or from

taking part in any football activity relating to the administration or management of a football club.

- (h) Subcommittees may be appointed to deal with a specific area of work and will give a written report of their work to the full committee 7 days before it meets.
- (i) The club may appoint a President, and Vice-Presidents if it is thought right for any given period.

9. Annual and Extraordinary General Meetings

- (a) An AGM shall be held in each year to:
 - (i) Receive a report of the activities of the Club over the previous year;
 - (ii) Receive a report of the Club's finances over the previous year;
 - (iii) elect the members of the Club Committee; and
 - (iv) To appoint a Membership/Disciplinary Committee as set out in the FA document on Page 7.
 - (v) Consider any other business.
- (b) Nominations for election of members as Club Officers or as members of the Club Committee shall be made in writing by the proposer and seconder, both of whom must be existing members of the Club, to the Club Secretary not less than 21 days before the AGM. Notice of any resolution to be proposed at the AGM shall be given in writing to the Club Secretary not less than 21 days before the meeting.
- (c) An EGM may be called at any time by the Club Committee and shall be called within 21 days of the receipt by the Club Secretary of a requisition in writing, signed by not less than five members stating the purposes for which the Meeting is required and the resolutions proposed. Business at an EGM may be any business that may be transacted at an AGM.
- (d) The Secretary shall send to each member at their last known address written notice of the date of a General Meeting (whether an AGM or an EGM) together with the resolutions to be proposed at least 14 days before the meeting.
- (e) The quorum for a General Meeting shall be 10 members.
- (f) The Chairman, or in their absence a member selected by the Club Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairman of the Meeting shall have a casting vote.
- (g) The Club Secretary, or in their absence a member of the Club Committee, shall enter Minutes of General Meetings into the Minute Book of the Club.

10. Club Teams

At its first meeting following each AGM the Club Committee shall appoint a Club member to be responsible for each of the Club's football teams. The appointed members shall be responsible for managing the affairs of the team. The appointed

members shall present to the Club Committee regularly and at its last meeting prior to an AGM a written report of the activities of the team.

11. Club Finances

- (a) A bank account shall be opened and maintained in the name of the Club (the "Club Account"). Designated account signatories shall be the Club Chairman, the Club Secretary and the Treasurer. No sum shall be drawn from the Club Account except by cheque signed by two of the three designated signatories. All monies payable to the Club shall be received by the Treasurer and deposited in the Club Account.
- (b) The Club Property shall be applied only in furtherance of the objects of the Club. The distribution of profits or proceeds arising from the sale of Club Property to members is prohibited.
- (c) The Club Committee shall have the power to authorise the payment of remuneration and expenses to any member of the Club (although a Club shall not remunerate a member for playing) and to any other person or persons for services rendered to the Club.
- (d) The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, medical treatment, away-match expenses, post match refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Finance Act 2002.
- (e) The Club may also in connection with the sports purposes of the Club:
 - (i) Sell and supply food, drink and related sports clothing and equipment;
 - (ii) Employ members (although not for playing) and remunerate them for providing goods and services, on fair terms set by the Club Committee without the person concerned being present;
 - (iii) Pay for reasonable hospitality for visiting teams and guests; and
 - (iv) Indemnify the Club 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).
- (f) The Club shall keep accounting records for recording the fact and nature of all payments and receipts so as to disclose, with reasonable accuracy, at any time, the financial position, including the assets and liabilities of the Club. The Club must retain its accounting records for a minimum of six years.
- (g) The Club shall prepare an annual "Financial Statement", in such format as shall be available from The FA from time to time. The Financial Statement shall be verified by an independent, appropriately qualified accountant and shall be approved by members at general meeting. A copy of any Financial Statement shall, on demand, be forwarded to The FA.
- (h) The Club Property, other than the Club Account, shall be vested in not less than two and no more than four custodians, one of whom shall be the Treasurer ("the Custodians"), who shall deal with the Club Property as directed

by decisions of the Club Committee and entry in the Minute Book shall be conclusive evidence of such a decision.

- (i) The Custodians shall be appointed by the Club in a General Meeting and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
- (j) On their removal or resignation a Custodian shall execute a Conveyance in such form as is published by The FA from time to time to a newly elected Custodian or the existing Custodians as directed by the Club Committee. The Club shall, on request, make a copy of any Conveyance available to The FA. On the death of a Custodian, any Club Property vested in them shall vest automatically in the surviving Custodians. If there is only one surviving Custodian, an EGM shall be convened as soon as possible to appoint another Custodian.
- (k) The Custodians shall be entitled to an indemnity out of the Club Property for all expenses and other liabilities reasonably incurred by them in carrying out their duties.

12. Dissolution

- (a) A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three-quarters of the members present.
- (b) The dissolution shall take effect from the date of the resolution and the members of the Club Committee shall be responsible for the winding up of the assets and liabilities of the Club.
- (c) Any surplus assets remaining after the discharge of the debts and liabilities of the Club shall **only** be transferred to one of the following
 - (i) Another CASC registered club.
 - (ii) The sports national governing body, or County association nominated by them, for use by them for related community sports.
 - (iii) Sussex County Football Association Benevolent Fund (Charity no 217496).

(Adopted at the Annual General Meeting on 24 May 2013)

Disciplinary Procedure

The Club will appoint a Membership/Discipline Committee at its AGM. The Committee will consist of the Chairman, the Secretary and one other Committee member who is not a Manager of the Club. The terms of reference for the Committee will be to investigate any infringement of the Codes of Conduct that are reported to it and determine the appropriate sanction. The quorum of the Discipline Committee will be two members. Members of Newhaven FC are required to report any persistent or serious breach of the codes of conduct to the Chairman. In the absence of the Chairman, the Vice-Chairman will chair the Discipline Committee.

The sanctions available to the Discipline Committee (which are in addition to those held by the Sussex FA and appropriate League) are as follows:-

- Suspension from matches or Club activities for a specific period.
- Cancellation of player registration without refund of any fees already paid.
- To dismiss any official from the service of the Club.
- To report any serious infringement to the Sussex FA.

Upon the Discipline Committee being informed of any breach of the Club's Codes of Conduct the Club Secretary will inform the individual concerned of the allegation in writing within 2 days of the report.

The person will be asked to attend before the Discipline Committee to answer the allegations.

The person will be given 7 days notice of the meeting, and may bring up to 3 witnesses in support of their case

The person will be asked to answer the allegations at the meeting. The Discipline Committee will then consult in order to reach a decision. This consultation will not take place in the presence of the individual concerned and he/she will be asked to leave the room.

The final decision of the Discipline Committee will be reported verbally that day to the individual concerned and confirmed in writing to that person.

The individual concerned may appeal, in writing, within 7 days of the written notice of the decision to the Discipline Committee.

Only one appeal may be made for any individual offence.

The appeal will follow the procedure as set out above and referred to the General Committee whose decision will be final.