



WIDNES GOLF CLUB

## CONSTITUTION & RULES

JULY 2017

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## Constitution and Rules July 2017

Adopted at an Extraordinary General Meeting of the Club on 24 July 2017

Note: All references to the male gender in this document shall be deemed to include the female.

**1. Name** - The name of the Club shall be Widnes Golf Club ("the Club").

**2. Objectives** - The objectives of the Club shall be to provide and maintain a Golf Course, Club House and ancillary buildings in order to promote participation in amateur golf in Widnes played under the Rules of the Royal and Ancient Golf Club of St Andrews and the United States Golf Association. □

**3. Membership** - Membership of the Club shall be open to all persons on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs, except as a necessary consequence of the requirements of golf as a particular sport.

Members paying golf membership fees shall have full voting rights at General Meetings.

House Associates and Junior Associates under the age of eighteen shall have no voting rights.

**4. Management of the Club** - Management of the Club shall be vested in a Management Committee consisting of its Chairman, the Club Captain, President, Treasurer, Immediate Past Captain (together "The Officers") and seven other elected Members, all of whom shall be 6 or 7 day members of at least three years standing. □

The Management Committee shall meet when required which normally will be at least once per month. □ Five shall form a quorum at Management Committee meetings and in the case of a resolution put to a meeting of the Management Committee receiving an equal number of votes the Chairman shall have a casting vote.

### 5. Management Committee Officers

**President** - The President shall be nominated for election by the Management Committee and the nomination shall go forward for election by vote at the Annual General Meeting (AGM).

The President's term of office shall begin immediately after election at the AGM and shall be for a period of up to three years at his discretion. After completing his term of office the President will retire from the position.

**Captain** - The Captain shall be nominated for election by the Past-Captains of the Club and the nomination shall, subject to confirmation by the Management Committee, go forward for election by vote at the AGM.

The Captain's term of office shall begin immediately after election at the AGM and shall be for a period of one year. After completing his term of office the Captain will retire from the position.

**Immediate Past Captain** – The Immediate Past Captain is the Club Captain from the previous year and is eligible to serve on Committee for one further year after his captaincy.

**Chairman** - The post of Chairman shall be open to nominations from the membership for election by vote at the AGM.

The Chairman's term of office shall begin immediately after election at the AGM and shall be for a period of three years. After completing his term of office the Chairman will retire but will be eligible for re-election.

**Treasurer** - The post of Treasurer shall be open to nominations from the membership for election by vote at the AGM.

The Treasurer's term of office shall begin immediately after election at the AGM and shall be for a period of three years. After completing his term of office the Treasurer will retire but will be eligible for re-election.

In the event of the Chairman or Treasurer relinquishing his position part way through a term of office, the Committee shall be required to fill the post by co-option for the remainder of that year. The post shall then be subject to re-election in the normal way at the next AGM and the person subsequently elected will serve for the full three-year term of the office in question.

## 6. Election of the Management Committee

The election of Members to the Management Committee shall be by ballot at the AGM and subject to the following procedures:

A list requesting nominations by a proposer and seconder from Members paying a golf subscription for all the vacant positions on the Management Committee shall be posted in the clubhouse 28 days before the date of the AGM. The closing date for nominations shall be 7 days before the date of the AGM.

Ballot lists shall be made containing in alphabetical order the names of all Members so nominated and every Member present and voting shall vote for as many candidates as there are vacancies to be filled and no more or less. Any ballot list or voting paper not so completed shall be treated as spoiled and shall be disqualified. In the case of two or more candidates receiving an equal number of votes the Chairman of the meeting shall have a second or casting vote.

Members of the Management Committee shall be elected to serve for periods of three years and elections will take effect immediately after the AGM.

In the event of a Member of the Management Committee, other than the Officers, relinquishing his post part way through a term of office, or if there should be insufficient candidates nominated at an AGM to fill all vacancies, the Committee shall be empowered to fill posts by co-option for the remainder of that year. The posts shall then be subject to re-election in the normal way at the next AGM and the person subsequently elected shall serve for the outstanding duration of the original term of office.

Co-opted Members of less than three years standing shall not be eligible to vote at Management

Committee meetings.

**7. General Meetings** - The President shall take the chair at the Annual General Meeting. The Management Committee Chairman shall take the chair at all other General Meetings of the Club. In the absence of either the Members present at the meeting shall elect a Chairman.

A resolution put to the vote of a meeting shall be decided on a show of hands unless before or on the declaration of the result a ballot is demanded. In the event of a tied vote the Chairman of the Meeting shall have a casting vote.

**Annual General Meeting** - The AGM shall be held in February each year for the purposes of the election of the Captain, President, Treasurer and Management Committee members and for Any Other Business of which written notice has been given to the Secretary/Manager a minimum of 28 days prior to the date of the meeting.

Any Other Business of which the Secretary/Manager has been advised shall be included in the notice calling the AGM which shall be posted in the Clubhouse and issued to Members a minimum of 14 days prior to the date of the meeting.

## Extraordinary General Meetings

The Management Committee will call an Extraordinary General Meeting (EGM) in June (or as soon as possible thereafter) in each year for the purposes of the review and adoption of the accounts from the previous year, and for the nomination and election of Auditors.

Additionally the Management Committee will call an EGM when it deems necessary and shall be bound to do so on receiving a requisition specifying the nature of the business signed by not less than twenty five Members of the Club. A minimum of fourteen days notice of an EGM shall be given to every Member.

**8. Secretary/Manager** - The Secretary/Manager shall be appointed on terms and conditions of employment to be agreed by the Management Committee.

The Secretary/Manager shall report to the Chairman of the Management Committee and shall be responsible for all the day to day management of club affairs and staff. He shall conduct the correspondence of the Club and shall have custody of all documents belonging to the Club. He will participate in Management Committee Meetings but shall have no voting powers.

The Club's licence to supply alcohol shall be held in the name of the Secretary/Manager. The purchase and supply of alcohol shall be under the control of the Management Committee.

**9. Finance and Accounts** - The Treasurer shall keep all the financial accounts of the Club and shall submit to the Finance EGM in June a clear, fully audited statement of the financial condition of the Club up to the end of the previous year ending on 31st March.

Subject to approval by a vote of the Management Committee, the Treasurer shall be authorised to raise or borrow for the purposes of the Club's affairs, such sum or sums of money as may be agreed up to a limit of 25% of the subscription income in any one year.

**10. Auditors** – The Auditors of the Club Accounts shall not be members of the Management

Committee but shall be recommended by the Management Committee for election by vote at the EGM called to review and adopt the accounts.

In the event of an auditor relinquishing his post part way through a financial year he shall be replaced by nomination by the Management Committee.

**11. Vice-Presidents** - Up to six Vice-Presidents may be nominated for election by the Management Committee. Nominations shall go forward for election by vote at the Annual General Meeting. Vice-Presidents, once elected, shall hold office for as long as they remain Members or Associates of the Club.

**12. Honorary Life Members** - In recognition of exceptional service to the Club the Management Committee may recommend a Member for Honorary Life Membership subject to ratification at General Meeting. Once elected to Honorary Life Membership he shall be entitled to all the privileges of Membership of the Club without payment.

**13. Trustees** - There shall be four Trustees of the Club who shall be Members appointed by the Management Committee, and the property of the Club (other than cash which shall be under the control of the Treasurer) shall be vested in them to be dealt with by them as the Management Committee shall from time to time direct by resolution (of which an entry in the approved and signed minutes of Management Committee meetings shall be conclusive evidence).

The Trustees shall be fully indemnified against personal risk or expense arising from their appointment as Trustees out of the Club property. The Trustees shall have the right to call a General Meeting of the Club to resolve any dispute which may have arisen as a result of a resolution of the Management Committee requiring action by the Trustees which in the opinion of two or more of the Trustees is not in the best interests of the Club. The Trustees shall hold office until death or resignation or until removed from office by a resolution of the Management Committee who may for any reason approved by a majority of the full Management Committee remove any Trustee or Trustees from the office of Trustee. If by reason of any such death, resignation or removal it shall be necessary to appoint a new Trustee or Trustees or if the Management Committee shall deem it expedient to appoint an additional Trustee or Trustees the Management Committee shall by resolution nominate the person or persons to be appointed the new Trustee or Trustees. For the purpose of giving effect to such nomination the Chairman of the Management Committee is empowered to appoint new Trustees of the Club within the meaning of Section 36 of the Trustees Act 1925 and he shall by Deed duly appoint the person or persons so nominated by the Management Committee as the new Trustee or Trustees of the Club. The provisions of the Trustees Act 1925 shall apply to any such appointment.

**14. Sub-Committees** - The Management Committee shall have the power to appoint sub-committees as necessary to assist with the day to day affairs of the Club.

**15. Application for Membership** - Each applicant for membership shall be required to attend the Club to meet at least two members of the Management Committee to be informed of their rights, responsibilities and subscription commitments as a future Club member.

The Committee may not refuse membership, without good cause e.g. conduct or character likely to bring the Club or the sport of golf into disrepute. Appeal against such refusal may be made to the Members of the Club.

The Committee may limit total membership of the Club, on a non-discriminatory basis, subject to availability of facilities.

**16. Associate Members** - The Management Committee shall have the power to elect as an Associate Member of the Club any person wishing to use the club for social purposes only or junior golfers under the age of eighteen. Associate Members shall have no voting rights.

**17. Resignations** - Any Member or Associate wishing to resign his membership should give notice in writing as soon as possible to the Secretary/Manager of his intention to do so. If such notice is not received prior to 31st March the Member or Associate will be liable for the following year's subscription.

**18. Expulsion or Suspension from Membership** - The Management Committee shall, by resolution and subject to the following procedures, have the power to expel or suspend from membership any Member or Associate who in the opinion of the Management Committee has by his public or private conduct acted contrary to the best interests of the Club in any respect provided that such resolution is supported by a majority of two thirds of those members of the Management Committee present and voting.

a) General Procedure - The Member or Associate whose expulsion or suspension is under consideration by the Management Committee shall before any resolution is voted upon by the Management Committee have the right to offer an explanation to a Disciplinary Committee of his conduct either orally or in writing and to call witnesses. An Associate under the age of eighteen may also choose to be represented at a Disciplinary Hearing by a Member of the Club. The Disciplinary Committee shall consist of the Chairman and two other members of the Management Committee. After hearing all the evidence the Disciplinary Committee shall within fourteen days refer its findings back to a meeting of the full Management Committee to determine the action to be taken. Where the Management Committee resolves to expel or suspend the Member or Associate he shall be notified of that decision by letter within seven days. A Member or Associate having been so notified shall have the right to apply within seven days of receipt of such notification to have the matter considered by a Disciplinary Appeals Panel. The Disciplinary Appeals Panel, none of whom shall have been involved in any way in the previous disciplinary proceedings, shall consist of the President, or in his absence a Vice President, and three members of the Club selected by the President or Vice President. The proceedings of an Appeals Panel shall be conducted in the same manner as the original Disciplinary Hearing and the President or in his absence the Vice President shall chair the meeting. The Appeals panel shall have the right to confirm reject or vary such terms of the original Disciplinary Committee decision as it thinks fit. The decision of the Appeals Panel shall be confirmed to the Member or Associate concerned in writing within seven days and shall take effect immediately on receipt.

b) Suspension - Where under these provisions a decision is taken to suspend a Member or Associate from Membership the decision of the Disciplinary Appeals Panel shall be final and binding with no further right of appeal. No person who has been suspended from the Club shall be introduced as a visitor or admitted to the grounds of the Club on any pretext until the period of suspension is complete.

c) Expulsion - Where under these provisions a decision is taken to expel a Member or Associate from the Club he shall have the right within seven days of receipt of notification of that decision to requisition the Management Committee in accordance with Rule 7 to call an EGM to confirm or reject that decision. The decision of such meeting which shall be subject to a simple majority vote shall be final and binding with no further right of appeal. Any Member or Associate expelled from the Club shall upon ceasing to be a member forfeit all right to and claim upon the Club and its property and funds and shall not be again admitted to the grounds of the Club as a visitor or on any other pretext unless re-elected. While disciplinary proceedings are under way the Management

Committee shall have the power to exclude such Member or Associate from the Club premises until the case has been finally decided.

**19. Alteration of Rule** - No Rule of the Club shall be repealed or altered or new Rules made save by a majority of two-thirds of the Members voting at General Meeting called in accordance with the Rules. In the case of Rule 21 relating to membership fees a simple majority of the Members voting shall be sufficient.

Where a proposed alteration to Rules is considered by the Management Committee to involve a significant change in the Club's affairs a postal voting system may be implemented.

**20. Visitors** - Members or Associates wishing to introduce visitors or guests to the Club shall insert their names in and sign the Visitors Book.

Subject to any restrictions which may from time to time be imposed by the Management Committee, the following persons will be permitted admission to Club premises and allowed to purchase alcohol for consumption on the premises:

- a) Golfers on payment of the appropriate green fees
- b) Guests of members and bona fide visitors
- c) Those attending functions organised or authorised by the Club.

**21. Membership Fees** - Annual membership fees shall become due on 1st April each year.

Fees for the differing categories of membership determined by the Management Committee shall be notified to Members at least 14 days before coming due. Persons whose fees remain unpaid for one month after falling due may have their membership terminated.

Increases in the annual membership fees (excluding any Bar Levy) shall not exceed 5% above the annual rate of inflation as determined by the increase in the Retail Price Index over the preceding twelve months without ratification by a General Meeting of the membership called by the Management Committee in accordance with Rule 7.

Any other exceptional items other than a Bar Levy shall not be applied by the Management Committee without the prior approval by Members at a General Meeting.

Annual membership fees are to be set on a fair, non-discriminatory basis and shall be set at levels consistent with the aim of encouraging new and retaining existing Members. Any surplus income or profits shall be re-invested in the Club and no surpluses or assets will be distributed to Members or third parties other than would be required under Rule 24.

**22. Entrance Fees** - The Management Committee shall have the power to introduce, suspend or modify payment of entrance fees by new Members and Associates for such period or periods as the Management Committee at its discretion may deem fit.

Clubhouse Hours of Opening - Deleted

**23. Permitted Hours** - Permitted hours for the supply of alcohol shall be determined by the Management Committee in accordance with the provisions of the Licensing Act 2003.

**24. Liability of Members** - Every Member of the Club undertakes to contribute to the assets of the

Club in the event of the same being wound up during the time that he is a Member or within one year afterwards for the payment of the debts and liabilities of the Club contracted before the time at which he ceased to be a Member and of the costs, charges and expenses of winding up during the time at which he ceased to be a Member and of the costs, charges and expenses of winding up the same such amount as may be required.

If at an EGM at which not less than one half of the Members eligible to vote do so and a resolution for dissolution of the Club is passed by a majority of two thirds the Management Committee shall immediately or at such future date as is specified in the resolution proceed to realise the property of the Club.

Upon dissolution, and after the settlement of all debts and liabilities, any remaining assets shall be given or transferred to another registered Community Amateur Sports Club (CASC), a registered charity or the sports governing body for use by them in related community sports as agreed upon by the membership. In default of such agreement the sporting charity or charities shall be nominated by the Secretary for the time being of England Golf.

**25. Electronic Communications** – The Club is committed to the security of the personal information of its Members, and it has security procedures in place to protect the loss, misuse or alteration of information under its control.

The Club will use the information entered into its systems only for administration and marketing purposes and any other purposes made clear in the data entry forms themselves, in any relevant terms or conditions and on any pages or emails that link to such forms. In no circumstances will the Club collect any data that is not directly related to the use of its website or electronic communications. The Club will not provide any personal information to any third party for any purpose unconnected with the use by Members of its website, except with the prior express consent of Members.

Where a Member has provided an email address to the Club he will be deemed to have agreed to receive communications from the Club electronically.

A Member or Associate should notify the Secretary/Manager as soon as possible of any change of his postal or e-mail address.

**26. Construction of Rules** - Every Member and Associate Member shall be bound by and submit to the Rules and by-laws of the Club. Any doubt as to the meaning and construction of the Rules and by-laws shall be referred to the Management Committee whose decision shall be final.

**27. Power of the Management Committee** - the Management Committee shall have power to do all such acts and things it deems necessary in the interests of the Club not otherwise provided for in these Rules.