

# **THE DEVON CRICKET LEAGUE CONSTITUTION 2018**

## **1. TITLE AND STATUS**

- i) The League shall be known as the Devon Cricket League (DCL) and shall include, if required, reference to its sponsors
- ii) The DCL is a not-for-profit organisation which belongs to the member clubs

## **2. OBJECTIVES**

The objectives of the DCL shall be:

- i) Organise cricket for member clubs on a competition basis
- ii) Promote the highest possible standards of cricket and the playing facilities
- iii) Ensure that play is conducted within the spirit and laws of the game of cricket and the DCL competition rules
- iv) Ensure a duty of care to all member clubs and members regardless of race, gender, disability and sexual orientation

## **3. MEMBERSHIP**

- i) Those clubs who have in the past been elected to the membership of the DCL and are still participating the league structure
- ii) Additional clubs may be admitted to membership of the DCL by written application to the DCL Secretary no later than 30<sup>th</sup> September following the season end
- iii) All applications for membership of the DCL shall be considered by the Operational Management Committee (OMC). All clubs which meet the criteria for membership, as laid out in the DCL Playing Rules and Regulations (PRR) shall have their applications put forward to a vote at the Annual General Meeting (AGM). Those successful clubs, accepted at the AGM. will be eligible to participate in the DCL competitions with effect from the forthcoming season
- iv) Membership shall be continuous unless a club:
  - a. Terminates it in writing to the DCL Secretary no later than 30<sup>th</sup> September following the season end. This includes where a Club wishes to withdraw one or more teams. Only the lowest position team may be withdrawn first
  - b. Is expelled by the vote of member clubs at either the AGM or Extraordinary General Meeting (EGM), where a minimum of two thirds of the member clubs vote for expulsion
  - c. Member clubs will only be eligible to participate in the DCL fixtures or competition if all monies owing to the DCL are paid by **1<sup>st</sup> May or 15<sup>th</sup> May for clubs that pay subscriptions by instalments (but see DCL Administration Section 5 for late payment penalty)**

#### 4. STRUCTURE OF THE DEVON CRICKET LEAGUE

- i) The structure of the DCL, as agreed from time to time, is laid out in detail within The Playing Rules and Regulations section: Change to the structure of the DCL is a constitutional matter for voting purposes, whilst change to the various playing rules and regulations are a matter for the relevant clubs that play under those particular playing rules and regulations
- ii) The Playing Rules and Regulations Management Committee (PRRMC) as advised by the OMC, will manage the playing aspects of the league, being guided by the following principles:
  - a. To provide as much competitive cricket as is reasonably possible during the DCL playing season
  - b. No two or more teams from the same club will be permitted to play in the same division
  - c. Promotion and relegation between divisions will be based upon a 2 up and 2 down basis unless a special provision has decreed otherwise
- iii) **Clubmark** – ALL teams participating in the Premier Division of the DCL must be in possession of a current Clubmark Certificate issued by the Devon Cricket Board Ltd (DCB) and the England and Wales Cricket Board (ECB) **Failure to achieve this will result in relegation.** Similarly, a team will be refused promotion from the A Division to the Premier Division

#### iv) **Devon Cricket League Management Board (DCLMB)**

Role and purpose of the Management Board

##### a. Background

At the 2016 AGM of Tolchards Devon Cricket League a new constitution was adopted. The aim of the new document was to take a fresh look at how the league was managed and promote a different way of working. Previously the function of the General Management Committee (GMC) had mainly become one of agreeing the work undertaken by the league Executive Management Committee (EMC). A change to having an OMC and PRRMC has given a fresh impetus, and purpose, to both committees. However, because there is no line of accountability between the two committees, it was felt that in order to achieve clear and transparent governance, an overall Management Board should be put in place.

##### b. Composition

During the summer DCL member clubs were canvassed for support on the concept of the Board and asked to put forward nominations. Through this means, together with personal approaches the following have kindly agreed to act: -

Derrick Foan	Bradninch Cricket Club
Paul Mitchell	Abbotskerswell Cricket Club
Mike Medway	Exeter Cricket Club
Mike Cherry	Plymstock Cricket Club

The Board will be chaired by the league president, League/OMC chairperson and PRRMC secretary will complete the Board. The league secretary will service the group by way of administrative support

##### c. Purpose

The view of the OMC/PRRMC is that the DCLMB should represent the interests of member clubs. The new League constitution sets out some clear objectives, one of which allows for the League to invest in its member clubs. For the first time, at the league AGM in January 2016, the league published its first management report. This was a simple statement of what had been achieved in 2015 and the aims for 2016. The report was adopted at the AGM. In summary, therefore, we see the Board has having an important role in ensuring that the League is acting in the best interests of its member clubs.

## **5. MANAGEMENT AND OFFICERS**

For the sake of efficiency and ease of understanding the DCL shall be managed by separate bodies; the OMC, the PRRMC, the Emergency Committee (EC) and the General Committee (GC)

### **i) THE OMC**

This will comprise the following positions with the incumbents known as Operations Officers (OO):

- Chairperson
- Vice Chair
- Secretary (non- voting)
- Treasurer
- Logistics Officer
- Registration Secretary
- Playing Rules Secretary
- Commercial secretary

This committee will be responsible to the members for:

- a. Implementing control of finance, direction and administration of policy on matters that affect the organisation of the DCL. This will also include the power to appoint sub- committees as necessary, to appoint advisors as required to fulfil its business and to co-opt additional people to the committee when considered appropriate
- b. Preparing annual accounts of the DCL in accordance with appropriate current accounting practice
- c. Acting on behalf of and reporting to the DCB as required of them and to the ECB
- d. The employment, control and supervision of any paid staff

The OMC Chairperson will be elected for a 4 year term of office, with a maximum of 2 terms (8 years). All other OOs will serve for 12 months commencing from their election date before seeking re-election

### **ii) THE PRRMC**

This will comprise the following positions and known collectively as the Rules and Regulation Officers (RRO):

- Playing Rules Secretary
- Secretary of OMC (non-voting)
- Fixtures Secretary
- Registration Secretary
- Divisional Representatives from the Premier, 'A' and 'B' Divisions
- 1<sup>st</sup> XI East and West Regional Representatives
- Divisional Result Secretaries
- DACO representative
- Discipline Officer
- County Welfare Officer

Chair for each meeting will be decided at the end of the previous meeting. This committee will be responsible to the members for:

- a. The registration of players
- b. Amending league and cup rules and regulations as required

- c. The arranging and cancellation of league fixtures to include unavailability or fitness of grounds
- d. Arranging cup competitions, fixtures for these if required and grounds as necessary
- e. Conduct of matches
- f. Collating results of matches and the preparation of league statistics
- g. Assimilating member views and informing the OMC as necessary
- h. Ground criteria
- i. The code of conduct
- j. Disciplinary rules and procedures

All RROs will serve for 12 months from their election date before seeking re-election

The PRRMC will have the power to co-opt as necessary additional people to the committee in-order to facilitate its business

### **iii) THE EMERGENCY COMMITTEE**

This will comprise of 3 members of the OMC with the Chairperson or their deputy able to co-opt from the PRRMC or from outside the DCL if necessary or considered appropriate. The purpose of such a meeting will be to discuss a matter(s) that would require a response earlier than the next scheduled EMC meeting.

A full report of any such meeting must be made at the next meeting of the OMC and PRRMC

### **iv) THE GENERAL COMMITTEE**

Each member club is entitled to one representative who will be empowered to vote at any AGM or EGM

## **6. AMENDMENT TO THE CONSTITUTION AND PLAYING RULES**

- i) Constitutional changes and playing rules may only be amended, deleted, or new rules adopted, at an AGM or at an EGM called specifically for this purpose
- ii) Proposals for any change to the Constitution or playing rules to be put forward for consideration at the next AGM must be received, in writing, by the DCL Secretary not later than 1<sup>st</sup> October. The DCL will introduce a process to assist in the preparation of proposals to go forward to the AGM. The final list of proposals will be circulated, along with the AGM agenda, to all member clubs at least 28 days before the AGM

## **7. COMMITTEE MEETINGS**

### **i) THE OMC**

- a. Will meet on a monthly basis throughout the year as necessary
- b. All meetings are to be minuted and accessible to interested parties
- c. Each committee member including co-opted members with the exception of any salaried official shall have one vote. The Chairperson at the meeting will have a casting vote
- d. To constitute a quorum 50% of officials must be present
- e. Abstentions will not be counted in the recording of votes cast

### **ii) THE PRRMC**

- a. Will meet on a monthly basis in conjunction with the OMC meeting between March and October each year and as required at other times.
- b. All meetings are to be minuted and accessible to interested parties
- c. Each committee member, to include co-opted members with the exception of any salaried official shall have one vote. The Chairperson at the meeting will have a casting vote
- d. To constitute a quorum 50% of officials must be present

- e. Abstentions will not be counted in the recording of votes cast

## **8. ANNUAL GENERAL MEETING**

### **i) CONSTITUTIONAL MATTERS**

- a. The AGM of the DCL shall be held as near as possible to the last Friday in November, following the end of the financial year and attended by the member clubs, GC
- b. Each member club shall have one vote on each topic
- c. A quorum at the AGM shall consist of 75% of the member clubs represented
- d. The business transacted at the AGM shall be as follows:
  - Apologies for absence
  - Obituaries / bereavements
  - Chairperson's report
  - Adoption of the minutes of the previous AGM
  - Secretary's report that had been issued in advance for discussion and adoption Treasurer's Report that had been issued in advance for discussion and adoption election of the auditor
  - Subscriptions constitutional rule changes
  - Election of the OMC officers excluding any salaried secretary election of any new members
  - Any other business for which prior notification has been received

**In order to make any constitutional change a two thirds majority of votes cast will be required**

### **ii) PLAYING RULES AND REGULATIONS MATTERS**

- a. Discuss and adopt the proposed rule changes from member clubs for the following season
- b. Each member club shall have one vote per topic
- c. Election of the RRO officials
- d. Presentation of awards (unless alternative arrangements have been made)
- e. Any other notified business concerning the playing rules or regulations
- f. OMC Chairperson's closing address

**In order to make any changes to the playing rules or regulations a simple majority of votes cast is required**

### **iii) EXTRAORDINARY GENERAL MEETING**

- a. An EGM may be called by either the OMC or on written application of no less than 25% of the member Clubs. Each application must state it supports the actual resolution that is to be put before the meeting; it must be on the clubs official headed paper and be signed by an officer of the club. This can be submitted to the DCL Secretary by post or any form of electronic transmission
- b. The Secretary shall arrange for the EGM to be held no more than 4 weeks after its request and shall give at least 14 days' notice of the meeting to member clubs together with details of the resolution to be put before the meeting
- c. No other business other than the resolution that is being put to the meeting will be allowed

## **9. FINANCE AND SUBSCRIPTIONS**

- i) The financial year shall run 1<sup>st</sup> October to 30<sup>th</sup> September
- ii) The income and expenditure of the DCL shall be the responsibility of the Treasurer who will be accountable to ensure funds are utilised effectively to ensure that the DCL stays within budget
- iii) All monies received shall be paid into a bank account in the name of the DCL

- iv) Invoices and accounts shall be paid by any automated banking system approved by the OMC or by cheque signed by the Treasurer and any other nominated member of the OMC as necessary to comply with the banking mandate
- v) Before any change is made to the banking mandate this must have the prior approval of the OMC. Any written instruction must be on DCL headed paper and signed by the Chairperson and the Treasurer
- vi) Subscriptions for membership of the DCL must be paid on or before 1<sup>st</sup> May or 15<sup>th</sup> May for clubs that pay by instalments
- vii) Any surpluses retained year on year shall be held for the benefit of the member clubs and as an advance of funds for the future administration of the DCL
- viii) Surpluses will not be distributed as dividends or profits to member clubs but will be used for the future costs of running the DCL
- ix) In the event that the annual subscription does not cover the expenses of the DCL, any deficit shall be borne equally by all member clubs
- x) Any club leaving the DCL consents to all funds being retained for the benefit of the continuing membership
- xi) The Treasurer will recommend to the OMC and AGM the level of subscription to be paid by the member clubs each year
- xii) The annual accounts, to be presented to the AGM will be drawn up by the Treasurer. An independent accountant who holds an appropriate professional qualification will confirm whether or not the accounts are in accordance with the books and records of the DCL

## **10. DISSOLUTION OF THE DCL**

The DCL will not be dissolved except by a two-thirds majority of the votes recorded at an EGM called specifically for this purpose. In the event that, at dissolution, the DCL funds are insufficient to cover the legal liabilities, any shortfall will be borne equally by member clubs in proportion to the number of teams they play in the DCL.

Similarly, in the event of a surplus of funds at dissolution, such surplus will be equally divided between all Member Clubs in proportion to the number of teams they play in the DCL at that date.

# **DEVON CRICKET LEAGUE ADMINISTRATION**

## **1. OBLIGATIONS TO DCL AND DCB LTD**

- i) All member clubs will be subject to the regulations of the constitution and by joining the DCL will be deemed to have accepted these together with the PRR. Clubs will also have agreed to affiliate to the DCB and the Devon Association of Cricket Officials (DACO). Furthermore, clubs will support and uphold the ECB Code of Conduct, the Spirit of Cricket – as laid down in the laws of cricket and follow ECB Directives and Guidelines including the Safe Hands Policy. All clubs agree to abide by the DCL Disciplinary Regulations and Procedures
- ii) All member clubs must appoint a representative with an active email address to receive and communicate with the DCL
- iii) All clubs must complete an annual 'affirmation' of details to be held in the club directory of the DCB website. The DCL representative will receive an email in December or January from the DCB Administrator containing a unique PIN number. This will allow the club access to the website where they may either amend the details that are held or confirm that the existing details remain correct.
- iv) The deadline for completion of the annual affirmation process is 28<sup>th</sup> February
- v) When a member club makes any subsequent change affecting its officials, captains or other data relevant to the smooth running of the DCL, it must notify the Secretary within 14 days from the date of such a change
- vi) All Premier clubs are required to complete the annual ECB compliance document and return this to the DCL Secretary no later than 23<sup>rd</sup> April
- vii) It is obligatory for each member club to have a voting representative at any GM and at divisional subcommittee meetings. Clubs not attending shall be fined
- viii) Member clubs have 21 days from the date of notification to respond to all DCL correspondence unless otherwise indicated. Failure to do so within the time frame will incur a fine unless there are mitigating circumstances acceptable to the OMC
- ix) Failure to comply with DCL directives, deadlines or to attend meetings will incur a fine to be determined by the OMC. The level of fines will be reviewed annually and published in the Handbook

## **2. DCL SECRETARY**

The DCL will employ the executive services of a Secretary, on a PAYE basis

The OMC is authorised to increase the salary for such services in line with the increase National Living Wage (or anything that replaces it) or any higher amount that might be appropriate; effective from 1<sup>st</sup> February each year

### **3. THE MERGER OR SEPARATION OF MEMBER CLUBS**

Where two member clubs with 1<sup>st</sup> XIs in different divisions merge the reformed club's 1<sup>st</sup> XI will be placed in the division of the highest placed former 1<sup>st</sup> XI for the coming season unless requested otherwise

Any 2<sup>nd</sup> XI or lower (subsequent) XIs will be placed in the most appropriate division by the PRRMC so as to ensure that only one side plays in a division

**Should a club with 3 or more teams in the DCL wish to split into two separate entities the OMC will convene to discuss where the demerged team(s) will play**

### **4. DIVISIONAL MEETINGS**

Divisional meetings will be held at the end of the season, at the latest by 7<sup>th</sup> October, on dates, times and venues to be arranged by the DCL Secretary. Meeting information, including Agenda, will be notified at least 14 days before the meeting is to take place

The chair of the meeting will be either a Club Representative or the Chairman of the PRRMC; the DCL Secretary will take Minutes

It is anticipated that an outcome of these meetings will be to finalise playing proposals for the AGM

### **5. TROPHIES AND AWARDS**

Winners of Championship (Divisional) Trophies, the Player of the Year (adjudicated by the OMC, based upon performance) and the Bob Bridges Youth Award (adjudicated by the OMC, based upon performance by Youths up to a maximum of 19 years of age) will be responsible for their safe custody and their return to the DCL Secretary on or before the Annual Divisional Meetings (ADM)

Failure by a club to return the trophy in good condition by the due date will result in a fine or the cost of a replacement, whichever is the greater

### **6. SUBSCRIPTIONS FOR THE 2018 SEASON**

- i) Each member Club shall pay an annual subscription on or before 1<sup>st</sup> May or 15<sup>th</sup> May for clubs that pay by instalments, according to the following scale:-

Premier Division First XI	£160.00
Divisions 'A', 'B' & 'C' First XI	£110.00
Division 'D' First XI and any other subsequent divisions	£85.00
Where a club runs any additional team in the DCL, an additional subscription shall be payable for each such team	£60.00
Fine for non-payment of a subscription on or before 15 <sup>th</sup> May	£10.00 per month

- ii) **The annual subscription payable will change in line with the rate of inflation as measured by the Retail Price Index** (or any such index that replaces it) as at 30<sup>th</sup> September of the previous year. Any such increase will be rounded to the nearest £1.00. However the OMC may propose any alteration that it considers to be in the best interest of its members



## **7. TEA FEES**

The rate charged for teas to away teams at all matches. For the current season the rate shall be £33.00 per team

In this context a “team” means 11 players, a scorer and an umpire

## **8. RIGHTS OF APPEAL OTHER THAN DISCIPLINE**

The OMC and PRRMC are elected at the AGM and thereby empowered to apply the rules and regulations of the DCL fairly and to impose penalties, where considered appropriate.

In the event of a member club, or one of its members disagreeing with a decision reached against it there is a **Right of Appeal**

The appeal procedure can either be:

- i) Made in writing to the DCL Secretary within 7 days of receiving the original decision notification. The appeal request must be accompanied by a deposit cheque for £25, payable to the ‘Devon Cricket League’
- ii) The Arbitration Panel (AbP) will be made up of 3 persons comprising of 2 PRRMC members (to include any co-opted member) and 1 OO, none of which were involved in the original decision. The DCL Secretary will also attend to take the minutes
- iii) The purpose of the AbP is to review the previously supplied evidence that resulted in the decision reached and any new evidence submitted. The panel will either endorse the original decision or revoke it.

### **Alternatively:**

- i) A club can request an **Appeal Hearing** within the same time frame as outlined above. This request must be delivered to the DCL Secretary in writing and accompanied by a deposit cheque for £100, payable to ‘Devon Cricket League’. The Hearing will be arranged at a venue and on a date to be agreed between the parties concerned but usually within 4 weeks from the date of the ‘Appeal’ letter
- ii) If no date can be agreed then the DCL will set the date
- iii) The Appeal Panel (AP) will be made up of 3 persons comprising 2 PRRMC members (to include any co-opted member) and 1 OO none of which were involved in the original decision. The DCL Secretary will also attend to take the minutes
- iv) The appellant has the right to be represented
- v) The AP may confirm, vary or reverse the previous OMC decision. It will have the power to order the deposit (or part thereof) forfeit if the appeal is lost. When the appeal is upheld in full or in part the original deposit will be refunded, in whole or in part, dependent upon the decision reached
- vi) The AP will provide a written explanation of their decision, this will be final and binding on both parties
- vii) In exceptional circumstances, e.g. legal interpretation of DCL Rules and Regulations, a club can subsequently appeal to the DCB Ltd in accord with their constitution and upon payment of their costs. The decision of any such arbitration service will be binding on both parties. Any deposit previously paid to the DCL will be refunded if this appeal is successful

## **9. DEVON COUNTY CRICKET CLUB**

Member clubs shall not refuse permission to any of their players to assist the Devon County Cricket Club (DCCC) when required. The DCL shall assist as far as possible by arranging competition fixtures to accommodate DCCC fixtures

## **10. DCL – ROLES AND RESPONSIBILITIES**

Chairman	Elected annually at AGM	
Vice-Chairman	Elected annually at AGM	
Registration Secretary Member of OMC and PRRMC	Appointed by OMC	Responsible to the Chairman. A fee for service is awarded
DCL Secretary Member of the PRRMC	Appointed by OMC	Responsible to the Chairman. An employed role, on a PAYE basis
Fixtures Secretary Member of the PRRMC	Elected annually at AGM	Responsible for providing the fixtures in support of DCL Saturday League
Club Representatives Member of the PRRMC	Elected annually at AGM	Responsible for reporting meeting outcomes to member clubs
Logistics Officer Member of the OMC	Appointed by OMC	Responsible for the ordering, supply of cricket materials and the invoicing of items supplied to member clubs
Rules Officer Member of the OMC and PRRMC	Elected annually at AGM	Responsible for maintaining the playing rules and regulations and the provider of relevant advice / interpretation of these
Discipline Officer Member of the PRRMC	Elected annually at AGM	Responsible for the discipline process used by DCL
Results Secretary	Elected annually at AGM	Responsible for checking scorecards (they are complete and correct). Checking that all players participating in 1 <sup>st</sup> XI matches are registered with DCL, using database provided by the registration officer
County Welfare Officer	Appointed by DCB Ltd	Responsible for advice and training member club welfare officers
DACO representative Member of the PRRMC	Appointed by DACO	Responsible for reporting meeting outcomes to DACO management committee