**AVON COUNTY SHORT MAT BOWLING ASSOCIATION**

**THE CONSTITUTION**

(Amended from the 2016 version and approved at the Annual General Meeting May 2023)

**TITLE**

The Association shall be called Avon County Short Mat Bowling Association (ACSMBA)

**OBJECTIVES**

**2.1**         To promote, manage and maintain the Short Mat game in the old administrative County of Avon (see 4.1)

**2.2**  (i) To conduct and control County Championships for all disciplines of the Short Mat game, which shall be open to all Affiliated Clubs of the Association.

(ii) To conduct and control Open Competitions

**2.3**         To support the formation of a County Team which will be largely self-governing, electing from within its own members, a Captain and Selectors.

**2.4**         To always act in the best interests of its members and to resolve where necessary any disputes amongst its members.

**AFFILIATION**

**3.1**         The Association shall be affiliated to the English Short Mat Bowling Association (ESMBA) and all play shall be governed by its rules, as set down in the current Rule Book, and adherence to this constitution.

**MEMBERSHIP**

**4.1**         Membership of the ACSMBA shall be open to all Clubs within the old Avon Boundaries as defined on the attached map, covering Bristol City, North Somerset, Bath & North East Somerset (B&NES) and South Gloucestershire (S. Glos.) as agreed with the ESMBA.

**4.2** Membership also requires Clubs to have Civil and Public Insurance together with their own constitution and code of practice.

**4.3**         Any Individual playing competitively must be registered with the ESMBA.

**TERMINATION of MEMBERSHIP**

**5.1**         Membership is terminated if a Club.

(i) Resigns.

(ii) Fails to pay the relevant Subscription.

(iii) Is excluded by the Management Committee.

(Iv) There is a right of appeal to the ESMBA.

**SUBSCRIPTIONS**

**6.1**         Subscriptions shall be due annually on the 1st of June**.**  The rate for Membership shall be discussed by the

Management Committee and voted upon be the Members at the A G M each year.

**6.2**         Clubs which have paid their subscriptions shall be called “Affiliated Clubs”.

**MANAGEMENT COMMITTEE**

**7.1**         The Association shall be managed by a Committee of not more than 12 registered members from Affiliated Avon Clubs, with a maximum of not more than 3 members per Affiliated Club. The Committee shall include a Chairman, Treasurer, and Secretary. Safeguarding Officer.

**7.2**         They shall be elected at the AGM of the Association and shall hold office until the next AGM. In the event of there being no longer available to hold office, any of the 3 named posts may be filled between AGMs by an election within the Management Committee.

**7.3**         Nominations for the Management Committee may be submitted in writing to the Secretary prior to the AGM or may be taken from the floor of the AGM. They must be proposed and seconded and assent to nomination. Retiring Members shall be eligible for re-election.

**7.4**         The duties of the Management Committee shall be to administer, manage and control the Association.

7.5         Any disputes arising between individual players or Clubs shall be referred the ESMBA disciplinary procedure,

APENDIX 1 of this Constitution

**ANNUAL GENERAL MEETING**

**8.1**         The AGM shall be held in the month of April or May each year, giving sufficient time for the Association’s accounts to be examined.

**8.2**         Business to be transacted at the AGM will be as follows:

**(i)** Minutes of previous AGM

**(ii)** Consideration of the reports submitted by the Chairman, Treasurer, Secretary, Competitions Secretary and the Inter-County Competition Captain. Safeguarding Officer.

**(iv)** Election of Officers, Management Committee, and Independent Examiner.

(**v)** Motions for consideration shall be made in writing to the Secretary at least one month prior to the date of the AGM. No other business shall be discussed unless notified to the Secretary in writing before the AGM, and then only at the discretion of the Management Committee.

**SPECIAL GENERAL MEETINGS**

**9.1**         Special General Meetings may be called by the Management Committee or at the request of at least 60% of Registered Clubs. The notice calling such a meeting shall specify the purpose for which it is called, and no other business shall be transacted at that meeting. The SGM shall be convened by the Secretary of the Management Committee, within 21 days after receipt of the requisition.

**VOTING**

**10.1**       Only registered Members of Affiliated Avon Clubs are entitled to vote at Meetings of the Association except for the Chairman. All questions arising at any meeting shall be decided by a simple majority of those present and entitled to vote. Each Member shall have one vote but there shall be no more than 2 votes per Club. At an ordinary Committee Meeting, where a person belongs to more than one Club, the total number of votes from any one Club shall not exceed three votes. In the case of an equality of vote the Chairman shall have a casting vote.

**FINANCES**

**11.1**       All monies raised for and on behalf of the Association shall be applied to further the objects of the Association and to assist in its development and growth.

**11.2**       The Honorary Treasurer shall keep a proper accounts ledger, petty cash vouchers, receipt book, bank account, invoices, cheque book and bank statements on behalf of the Association.

**11.3**       The accounts shall be examined at least once a year by the Association’s Independent Examiner. The financial year shall run from 1st April to 31st March.

**11.4**       A Statement of Accounts shall be submitted by the Treasurer to the AGM.

**11.5**       The Management Committee shall open Bank Accounts in the name of the ACSMBA. Cheques to be signed by two out of three named Officers.

**11.6**       The Treasurer shall negotiate terms for the full insurance of equipment and personal liability

**11.7**       The Treasurer shall maintain an Inventory of all equipment owned by the Association and a copy be kept by the Secretary in the Minute Book. A copy should be available at any time.

**MINUTES**

**12.1**       A minute book shall be kept by the Secretary who shall enter therein a record of all meetings.

**CHANGES TO THE CONSTITUTION**

13.1       Any changes to alter the Constitution must be delivered in writing to the Secretary not less than 28 days before the date of the Meeting at which it is to be considered.

**QUORUM for MEETINGS**

**14.1**       AGM; Special or Extraordinary General Meetings; Changes to Constitution Meetings; and Dissolution Meetings shall require a minimum of 12 Registered Members from at least 4 Affiliated Clubs to form a quorum.

**14.2.**      Management Committee Meetings shall require a minimum of 7 members of the Committee to form a quorum.

**14.3**       Changes to the Constitution and Dissolution of the Association shall require all Registered Clubs and Members to be invited to the appropriate Meeting and the decision shall be made by a simple majority of those present and entitled to vote.

**DISSOLUTION OF THE ASSOCIATION**

**15.1**       lf at any time the Management Committee for any reason decides that it is necessary or advisable to dissolve the ACSMBA it shall call a Special General meeting of the Registered Clubs and Members, giving not less than 21 days written notice stating the reasons for such a dissolution.

**15.2**       In the event of the Meeting confirming the decision to dissolve the Association then the assets shall be advertised and sold to interested parties, all proper debts and liabilities settled and the resultant residue either be made up by existing Affiliated Clubs (in the event to the Association owing money) or distributed equally among current Affiliated Clubs (in the event of a surplus).

**15.3**       The meeting may also decide that if the resulting money is too negligible to divide between the Clubs, then it should be given to a charity or charities nominated at that Meeting.

**Continued below.**

**Appendix 1. Disciplinary & Appeals Procedure**

**E.S.M.B.A. Information Pack Disciplinary & Appeals Procedure**

**July 2021 E.S.M.B.A.**

**DISCIPLINARY PROCEDURE**

1. This procedure may be activated by the receipt in writing of a formal complaint, an allegation of misconduct or breach of the Rules or By-Laws of a League, Club, Team, or individual player registered with the English Short Mat Bowling Association.

2. With the minimum of delay, the Secretary or designated official of the Association shall convene a meeting of the appropriate body to undertake a disciplinary hearing. No person involved in the complaint/alleged offence or with direct connections with the complainant/alleged offender shall sit on this body. Both the complainant and the alleged offender shall be afforded the opportunity to attend the hearing personally and /or submit a written statement. This should be made in writing, sent by Royal Mail Special Delivery with allowance made for receipt to be made at least 14 days prior to the case being heard. The notification to the alleged offender should also include a copy of the statement outlining the allegation and stating the time, date, and place of the hearing.

3. Both the complainant and the alleged offender shall be offered the opportunity to submit evidence and call witnesses to support their case or character. Third party evidence must be submitted via a signed statement. The body hearing the case also has the right to call independent witnesses should they consider it appropriate.

4. It is fundamental to the procedure that a complainant must be prepared to provide evidence or statements, either written or in person, at the hearing to support the complaint. Should the complainant be unwilling to provide such support then the disciplinary body may dismiss the complaint and consider whether the circumstances justify seeking redress from the complainant for the expenses incurred in setting up the hearing.

5. Prior to the hearing, copies of all pertinent documents and signed statements should be supplied to every member of the appointed disciplinary body. Witness statements should also be sent to the complainant and the alleged offender, either of which may request that the witness attend the hearing for cross examination.

6. The hearing should proceed as follows:

(a) Members of the disciplinary body to meet in closed session in order to review the main points of the case placed before them, familiarise themselves with the witnesses who are to appear and to determine the order in which these witnesses are to be called.

(b) Witnesses will be called separately before the disciplinary body. Before interviewing commences, they should be informed that they are subject to cross-examination and recall.

(c) After interview, and cross examination if requested, a short period should be allowed between witnesses to allow members to share notes and views.

(d) After all witnesses have been heard, any written statements which have been submitted should be read and accepted as evidence.

(e) All presented evidence is to be reviewed. In order to resolve anomalies, it may be necessary at this point to recall witnesses for further cross examination by the disciplinary body.

(f) A verdict should be reached preferably by consensus. If consensus cannot be achieved, the verdict is to be decided on a majority vote. The major factors which decide the final decision are to be agreed and recorded. This record is not to be published but held on file together with all the presented written evidence pending appeal.

(g) All relevant antecedents and precedents should be considered.

(h) The members of the disciplinary body should agree the exact wording of the verdict to be delivered.

(i) Announce the verdict to the complainant and the alleged offender separately by reading the agreed statement. Inform the appropriate party of their right to appeal.

(j) Within 14 days after the hearing, confirm the verdict in writing, sent by Royal Mail Special Delivery, to both the complainant and the alleged offender. Inform the appropriate parties of their rights to appeal.

7. Both the complainant and the alleged offender shall have the right to appeal. Notice of the appeal to be made in writing within 21 days of the hearing.

8. If the verdict involves a term of suspension, it shall commence 21 days after the hearing unless an appeal has been made. If that appeal shall subsequently fail the term of suspension will commence 21 days after the appeal hearing unless a further appeal is made to the next higher level of administration. This guideline may be disregarded in instances where the disciplinary body considers that the seriousness of the offence requires immediate suspension.

9. A final point of guidance to all members sitting on disciplinary bodies: As far as possible it is intended that you should employ what is commonly known as “Natural Justice”. That assumes that any person is innocent until guilt is proved beyond a reasonable doubt. Therefore, the benefit of any doubt must always be given to the alleged offender.

**APPEALS PROCEDURE**

1. This procedure may be activated by an appeal made against disciplinary action taken at a lower level or by the disciplinary committee of the E.S.M.B.A. In all cases the relevant documents pertaining to the original hearing shall be retained and made available to the appeals body.

2. With a minimum of delay, the General Secretary or designated official of the Association shall convene a meeting of the appropriate body to undertake an appeal hearing. No person involved in hearing the complaint/alleged offence or with direct connections with the complainant/alleged offender shall sit on this body. Both the complainant and the alleged offender shall be afforded the opportunity to attend the appeal hearing personally and/or submit a written statement. This should be made in writing, sent by Royal Mail Special Delivery with allowance made for receipt to be made at least 14 days prior to the appeal being heard. A representative of the disciplinary body who made the judgement at the lower level or from the disciplinary committee of the E.S.M.B.A. may be afforded the opportunity to attend and/or submit a written statement.

3. Both the complainant and the alleged offender shall be offered the opportunity to submit evidence and call witnesses to support their case or character. The body hearing the case also has the right to call independent witnesses should they consider this appropriate. In the case of an appeal, new witnesses may be called upon or fresh evidence submitted at any point in the chain of appeal but the same right of cross examination as the original hearing will apply.

4. Prior to the hearing, copies of all pertinent documents and signed statement should be supplied to every member of the appointed appeals body.

5. The hearing should proceed as follows:

(a) Members of the appeals body to meet in closed session in order to review the main points of the case placed before them, familiarise themselves with the witnesses who are to appear and to determine the order in which these witnesses are to be called.

(b) Witnesses will be called separately before the appeals body. They should be informed that they might be subject to cross-examination and recall.

(c) After interview, and cross examination if requested, a short period is to be allowed between witnesses to allow members to share notes and views.

(d) After all witnesses have been heard, any written statements which have been submitted should be read and accepted as evidence.

(e) All presented evidence to be reviewed. In order to resolve anomalies, it may be necessary at this point to recall witnesses for further cross examination by the appeals body.

(f) A verdict should be reached preferably by consensus. If consensus cannot be achieved, the verdict is to be decided on a majority vote. The major factors which decided the final decision are to be agreed and recorded. This record is not to be published but held on file together with all the presented written evidence pending further appeal.

(g) All relevant antecedents and precedents should then be considered.

(h) The members of the appeals body should then agree the exact wording of the verdict to be delivered.

(i) Announce the verdict to the complainant and the alleged offender separately by reading the agreed statement. Inform the appropriate party of their right to appeal to a higher authority.

(j) Within 14 days after the hearing, confirm the verdict in writing, sent by Royal Mail Special Delivery, to both the complainant and the alleged offender. Inform the appropriate parties of their rights to appeal to a higher authority.

6. Both the complainant and the alleged offender shall have the right to appeal. However, only one appeal may be made to the governing body and their decision shall be final. Notice of the appeal is to be made in writing within 21 days after the appeal hearing, unless a further appeal is made to the next higher level of administration.

7. If the original verdict involved a term of suspension and the appeal subsequently fails, the term of suspension will commence 21 days after the appeal hearing, unless a further appeal is made to the next higher level of administration.

8. Appeals against any decision reached by a disciplinary body must not be heard before any member of that body. Appeals can only be considered by the next level of administration up from the level at which the original decision was made e.g.,

Decision at Team level – appeal to County Association

Decision at County Association level – appeal to E.S.M.B.A.