

Drummond Tennis Club Constitution September 2021

1 Objects

Drummond Tennis Club (“the Club”) is an unincorporated association under Scottish law. The club is owned by the members as individuals.

The objects of Drummond Tennis Club are:

- a) Principally to provide facilities for and generally to promote, encourage and facilitate the playing of the game in the area and amongst the community;
- b) To provide and maintain Club premises (at Scotland Street Lane East, Edinburgh) and Club-owned tennis equipment for the use of its members;
- c) To provide other ordinary benefits of an amateur sports club as defined by HMRC, including provision of suitably qualified coaches and coaching courses.
- d) To acquire, establish, own, operate and turn to account in any way (for the members’ benefit), the tennis court facilities of the Club together with buildings and easements, fixtures and fittings and accessories as shall be thought advisable;
- e) To do all such other things as the Committee thinks fit to further the interests of the Club, to advance and safeguard the interests of tennis, and to promote increases in participation at all levels of the game.

2. Lawn Tennis Association

2.1 The Club will take and retain a membership of the LTA and, by doing so, comply with and uphold the Rules and Regulations of the LTA as amended from time to time, and the LTA Rules and LTA Disciplinary Code and the rules and regulations of any body to which the LTA is registered or affiliated.

2.2 Subject to the LTA Rules and the LTA Disciplinary Code and the LTA’s wider jurisdiction, the Club will make rules, regulations, and standing orders concerning the operation of the Club including regulations concerning disciplinary procedures that may be taken against the Members.

3 Funding

3.1 The Club is a non-profitmaking organisation. The income and property of the Club shall be applied solely towards promoting the Club’s objects. No portion thereof shall be paid or transferred, directly or indirectly, to the Members of the Club, except as under 3.2 below. No Member shall be paid a salary, bonus, fee or other remuneration for playing for the Club.

3.2 Nothing in 3.1 shall prevent the Club from entering an agreement with a member for the supply by them to the Club of goods or services or for their employment by the Club, provided that such arrangements are approved by the Committee, avoiding any real or apparent conflict of interest. (See Section 7 – Conflict of Interest).

3.3 Nothing in 3.1 shall prevent the Club from refunding expenses necessarily incurred and approved beforehand within an agreed and published system consistently applied.

4 Membership

4.1 Eligibility for membership

Membership of the club is open to anyone interested in the sport on application, regardless of sex, gender, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs, except as a necessary consequence of the requirements of the game of tennis.

4.2 Admission of Members

4.2.1 Any person who wishes to become a Member must submit an application in such form as the Committee shall decide. Applications will be accepted unless rule 3.2.3 of the DTC Disciplinary Procedure (Appendix A) is being applied, or unless their membership would be contrary to the best interests of the sport or the good conduct and interests of the Club. When application for membership is declined, the rejection and the reason for it be may be notified to the LTA.

4.2.2 If the number of Members reaches a point which the Committee decides is unsustainable given the facilities, the Committee may refuse further applications for membership. If the Committee does this, it will keep a Waiting List of applications in chronological order, and will apply that order when applications are again accepted.

4.2.3 Junior Members (see definition of 'Junior Member' in 4.4.1) shall not hold office or vote at general meetings.

4.3 Conditions of membership

4.3.1 Each member agrees as a condition of membership:

(i) to be bound by and subject to the Rules and Disciplinary Code of the LTA as in force from time to time;

(ii) to be bound by and subject to the club Rules as displayed on the Website, to the club Constitution, to the club's Disciplinary Procedure, and to any further notices published by the Committee regarding temporary issues

4.3.2 Membership is personal and not transferable.

4.4 Classes of Members

4.4.1 There shall be the following classes of Members for the Club:

Full Member

Junior Member (aged under 18 on the 31st of December of the year of membership)

Social Member

Honorary Member – awarded to members for significant service to the club. Honorary Members have the same rights as Full Members.

4.4.2 Only Full and Honorary Members shall be entitled to receive notice of, attend and vote at general meetings.

4.5 Subscriptions

4.5.1 The entrance fee and annual subscription for each type of Member shall be determined at the AGM, provided that the Committee shall ensure that the fees set by it do not preclude open membership of the Club.

4.5.2 In unforeseen circumstances the Committee may reduce fees.

4.5.3 Membership does not begin until the entrance fee (if any) and first subscription have been paid.

4.5.4 Membership will open with the circulation of a Notice of Fees following the AGM. Any Member whose subscription is more than two months in arrears of the date of this Notice shall be deemed to have resigned their membership of the Club

4.5.5 A Member who resigns mid-season will not be entitled to any refund of membership fee.

5 The Committee

5.1 Committee membership

5.1.1 The Club shall be managed by a Committee consisting of:

- a) Chair
- b) Treasurer
- c) Secretary
- d) Membership Secretary
- e) Courts and Ground Convenor

f) Up to five further Committee members whose roles will be determined by the Committee as a whole. A Committee Member may have more than one role. Role descriptions will be available for the 5 named posts.

5.2 Election of the committee

5.2.1 Committee members will be elected at the AGM, following nomination and seconding. A vote will be taken where necessary.

5.2.2 A person nominated as a member of the Committee must be a Full Member of the Club. The nomination must be made by a Full Member of the Club, and be seconded by a Full Member of the Club.

5.2.3 If a Member of the Committee vacates their office other than immediately before or at the AGM, or if insufficient Members are elected at the AGM, such a vacancy will be filled by a nomination and seconding from Club Members, and a vote as necessary, until the following AGM when that person shall retire but be eligible for re-election.

5.2.3 If a Member of the Committee vacates their office other than immediately before or at the AGM, or if insufficient Members are elected at the AGM, the Committee may co-opt a member on to the Committee to fulfil a specific role for the remainder of the season until the following AGM when that person shall retire but be eligible for re-election.

5.3 Powers of the Committee

5.3.1 The members of the Committee may exercise all of the powers of the Club for the purposes of the management of the Club except as provided for in other clauses of the constitution, but may only authorise expenditure in any financial year up to a limit previously approved by an AGM or EGM of the members.

5.4 Responsibilities of the Committee

5.4.1 The Committee will work jointly to meet the Objects of the Club, and aim, with the help of Members, to ensure that the club is attractive, welcoming, safe, sustainable, compliant, and working to develop members' skills and enjoyment of the game. In accordance with LTA Governance guidelines, the areas of risk assessment and management, strategic planning and succession planning should all be addressed under the management of the club. The committee will give regular consideration to upskilling Committee and other Members in areas such as safeguarding, court maintenance, health and safety and risk assessment to strengthen the club's skill base and help with succession planning.

5.4.2 Between them, the Committee will need to cover: finance; link to the LTA; Club website; correspondence, including email; maintenance of clubhouse; maintenance of grounds; membership; coaching; risk assessment and management; organisation of teams; organisation of tournament; communication with members; the administration of complaints (see Disciplinary Procedure in Appendix A); safeguarding; inclusion; strategic planning; health and safety; succession planning; the negotiation, monitoring and reviewing of contracts for work and services and so on.

5.4.3 The Committee will ensure that a Welfare Officer is in place, responsible for promoting safeguarding within the club and working with others to ensure a safe and inclusive environment, in line with current LTA requirements. Whether or not the Welfare Officer is a Committee Member, safeguarding and diversity will be on the agenda of all committee meetings.

5.4.4 The committee shall be responsible for ensuring that the administration of the club is in all respects compliant with the conditions of the then current leasing agreement with the City of Edinburgh and with any statutory consents granted to the club.

5.5 Fit and Proper Person

5.5.1 Each member of the Committee must satisfy the HMRC requirements currently in force relevant to their role within the Club, regarding the Fit and Proper Person test. A Committee member unable or unwilling to meet that test shall be removed from the Committee.

5.6 Resignation from Committee

5.6.1 A member of the Committee shall be deemed to have vacated office if:

- a) they resign their office by notice to the Club;
- b) they are suspended from holding office or from taking part in any activity relating to the administration or management of the Club by a decision of the LTA;
- (c) they are suspended from holding office following a decision made under the Club's Disciplinary Procedure';
- (d): they have failed to attend at least 50% of Committee meetings in the previous six months without acceptable reason.

5.7 Sub-committees and Working Parties

5.7.1 The Committee may appoint Sub-committees or Working Parties, reporting to a Committee Member, for specific time-limited roles of benefit to the club. Details of such Sub-committees or working parties will be published to members.

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6. Proceedings of the Committee

6.1 The Committee should meet at least monthly.

6.2 The quorum for such meetings shall be 5.

6.3 Any three members of the committee, acting together, may call an emergency or extra meeting of the Committee giving all members of the committee not less than 7 days' notice of a meeting.

6.3 Agendas will have some standing items as agreed at the beginning of each year. Meetings should start by addressing the action points from the previous minutes.

6.4 Decisions of the Committee shall be made by a simple majority and in the event of an equality of votes, the Chair will have a deciding vote.

6.5 When necessary, the Committee can make and confirm decisions outside of formal meetings using emails which should form a transparent record of the process and show the rationale of any decisions made in this way.

6.6 Meetings shall be minuted. The minutes will include (but are not limited to): actions planned, begun or completed; decisions taken or deferred; correspondence received (for example, from Members, the LTA, neighbours).

6.7 The Minutes of Committee Meetings should be available for Members, in a form which (a) does not allow any individuals to be identified, and (b) excludes items, recorded in the full Minutes, where there is an overriding need for confidentiality.

7. Conflict of Interest

7.1 In decision-making concerning the Club or matters relating to the Club, all Committee Members are bound to act in the Club's best interests.

7.2 Conflicts of interest, or perceived conflicts of interest, might involve, for example: personal benefit; the benefit of a family member, close friend or business associate; the benefit of some other group or organisation.

7.3 Where a matter arises in which Members have interests which create or might be seen to create a conflict of interest, they must declare that conflict of interest or possible conflict of interest to the Committee as soon as possible.

7.4 The Committee will then act to ensure that any decision made or action taken is not affected by the conflict of interest or possible conflict of interest. (This may include exclusion from discussion, exclusion from voting, or other action deemed appropriate by the Committee).

7.5 The conflict (or perceived conflict) of interest and the action taken by the Committee action will be recorded in the minutes.

7.6 Failure to declare a conflict of interest or possible conflict of interest in a timely manner is a breach of the Club's Disciplinary Procedure.

8 Annual General Meeting

8.1 The Annual General Meeting of the Club shall be held in January or February each year to decide the following business:

a) to receive the Committee's report of the activities of the club during the previous year;

b) to receive the accounts of the Club for the previous year and the Treasurer's externally reviewed report as to the financial position of the Club;

c) to elect members of the Committee and an External Reviewer of Accounts;

d) to decide on any resolution submitted in accordance with paragraph 8.3 below;

e) to hear any other matters which the Committee desires to refer to the membership or which the members wish to bring before the Committee.

8.2 Notice of the date, time and place of Annual General meeting shall be given to Members no less than twenty-one days beforehand.

8.3 Notice of any resolution for the Annual General Meeting shall be given in writing to the Secretary not less than fourteen days before the meeting.

8.4 Notice to Members of any resolutions and other matters to be discussed at the Annual General meeting shall be sent to them not less than seven days before the date of the meeting.

9. Extraordinary General Meetings

9.1 An Extraordinary General Meeting may be called either by the Committee or within seven days following receipt by the Secretary of a request in writing for an EGM signed by no less than 10 (ten) members stating the purposes of the meeting and the resolution(s) proposed.

9.2 Notice of the date, time and place of the Extraordinary General Meeting and the proposal(s) to be discussed shall be given to Members not less than fourteen days beforehand.

9.3 Any amendments or alternatives to the proposals to be discussed at the meeting shall be given to the Secretary not less than ten days before the meeting, and sent to Members not less than seven days before the Meeting.

10. Procedures at Annual and Extraordinary General Meetings

10.1 The quorum for General Meetings shall be 15 Members. Names of those attending will be recorded.

10.2 If the Meeting is inquorate, it must be adjourned with an alternative time and date specified. A minimum notice of 7 days must be given. If that meeting too is inquorate, any resolutions proposed will be regarded as lost.

10.3 The Meeting will be chaired by the Chair of the Club. If the Chair is not present, a Chair for the Meeting will be elected by those Committee Members attending before the Meeting starts. If fewer than three Committee Members attend, the Chair will be elected by all those present, following proposal, seconding and voting if necessary, before discussion of the business of the meeting.

10.4 Each Full and Honorary Member present shall have one vote, and resolutions shall be passed by a simple majority of those present and voting. In the event of a tied vote, the Chair of that Meeting shall have the casting or additional vote.

10.5 The Committee, or a member with the permission of the Committee, may invite non-members to attend as non-voting advisors.

10.6 The Membership Secretary will verify that all those attending, except those advisors as in paragraph 10.5, are Members entitled to vote, and will justify this to Members attending if requested.

10.7 The Secretary or Minuting Secretary shall take notes at Annual and Extraordinary Meetings and publish them to the members within 7 days.

11 Guests

11.1 The main arrangements, restrictions and fees for guests will be published on the Club website.

11.2 Regardless of anything on the Club website, no-one whose application for membership has been declined, or who has been expelled or is under suspension from the Club shall be admitted as a guest.

11.3 Any player, coach, other team representative, match official or spectator attending the Club's premises (by invitation of the Club) who is not a Member shall be a guest of the Committee.

11.4 Members who introduce guests shall be responsible for their guests' adherence to the Club Rules.

12 Coaches

12.1 Anyone coaching at the Club accepts that they are subject to the Rules and Disciplinary Procedure of the Club and of the LTA.

12.2 Anyone offering coaching for payment at the Club must obtain the Club's written approval before doing so.

12.3 The Committee will require coaches at the Club to have appropriate qualifications, registration, insurance and safeguarding checks.

13. Alteration of the Constitution or Disciplinary Procedure

13.1 The Constitution and the Disciplinary Procedure (Appendix A) may only be altered by resolution at an Annual or Extraordinary General Meeting provided that the resolution shall not be passed unless carried by a majority of at least two-thirds of the Members present and voting.

14. Finance

14.1 The Committee will agree two signatories to financial documents in addition to the Club treasurer.

14.2 All monies payable to the Club shall be received by the person(s) authorised by the Committee to receive such monies and shall be deposited in a bank account in the name of the club within a week of receipt, save for a cash float not to exceed two hundred pounds.

14.3 No sum shall be drawn from that account except with the approval of two out of the three authorised signatories agreed by the Committee.

14.4 The Committee may authorise payment of expenses incurred on behalf of the Club by members of the Committee or other members, provided that the expenses have been agreed

in advance of the expenditure, and that there is a published and consistently applied system of allowable expenses.

14.4 The financial transactions of the Club shall be recorded in such manner as the Committee thinks fit by the Treasurer.

14.5 Full accounts of the financial affairs of the club shall be prepared each year. The accounts must be available to every member when notice concerning the AGM is given.

15. Notices

15.1 The Club can make available any notice, ballot paper, account, document or other information by posting it to the intended recipient's usual address, or by supplying it in an electronic form to an address notified to the Club by the intended recipient, or by making it available on the website and notifying the intended recipient of its availability.

15.2 Any notice or other information sent by post is treated as being received on the day after it was posted. If sent by electronic means it is treated as being received on the day it was sent.

16 Dissolution

16.1 A resolution to dissolve the Club shall be proposed only at an Extraordinary General Meeting and shall be passed only carried by a majority of at least 75% of the members present and voting.

16.2 The dissolution shall take effect from the day of the resolution, and the Members of the Committee shall be responsible for the winding up of the assets and liabilities of the Club.

16.2 The dissolution shall take effect from the day of the resolution, and the Members of the Committee shall be responsible, on behalf of the members, for the winding up of the assets and liabilities of the Club.

16.3 Any property or assets remaining after a winding-up or dissolution of the Club shall not be paid to or distributed among the members of the Club, but shall be given or transferred to one or more of the following sporting or charitable bodies: (i) the LTA for use in community-related initiatives for Tennis; (ii) another registered community amateur tennis club; or (iii) a registered charitable organisation.

APPENDIX A Drummond Tennis Club Disciplinary Procedure

1. General

1.1 In the Drummond Tennis Club Disciplinary Procedure, the term 'Club Rules' includes the rules in the Club Rules as published on the Club website, the constraints and impositions in the Club Constitution and in the Disciplinary procedure, and any temporary instructions for the safety of members or the protection of club facilities or equipment.

1.2 The Club Rules are for the benefit of members, to set and uphold standards and values that apply throughout the club so that tennis can be enjoyed by everyone who wishes to participate.

1.3 All members of the Club agree to fully comply with the Club's Rules as published on the Club website, the Club Disciplinary Procedure and Constitution, and with the rules and Disciplinary Procedures of the LTA (Lawn Tennis Association), and accept the right of the LTA to deal with breaches of the LTA rules and code.

1.4 Disciplinary action, including expulsion without notice, may be taken against Club members, for offences of misconduct or breach of Club rules. However, it is recognised and accepted that in the disciplinary process every member:

- has the right to expect fair and consistent treatment
- has the right to adequate notice from the Club
- has the right to appeal against the classification of the incident or the Club's/Committee's decision
- has the right to representation.

1.5 No member will be expelled for the first breach of the Club rules except in cases of "gross misconduct". However, all disciplinary actions taken by the club will be recorded and placed on file for reference at a future date.

2. Conflict of Interest in the Disciplinary Procedure

2.1 As in any process within the Club, conflicts of interest must be avoided, and any Committee member involved, or likely to be involved, in the disciplinary process must declare any conflict of interest, including, but not limited to, those based on personal relationships, or when the Committee member is involved in the complaint, for example as witness.

2.2 If any such conflict of interest is declared or reported, the Committee will request a response from the Committee member concerned and, where appropriate, investigate further. Then the Committee, in the absence of the member concerned, will decide to what extent that member should be excluded from the disciplinary process.

2.3 Where a person complained of is a Committee member, that person will be excluded from any part of the Committee's involvement in the disciplinary process, including any part of Committee meetings where any aspect of the offence is discussed. This should not be taken as an assumption of guilt.

2.4.1 Where an exclusion outlined in 2.2 and 2.3 makes the disciplinary process as detailed below impossible or impractical (for example, where a specific named official is excluded or where the available number of Committee members is substantially reduced) the Committee shall agree alternative arrangements by, as appropriate:

- co-opting further club members to serve on the Disciplinary and/or Appeals Committee;
AND/OR
- replacing a specific named official with another committee member of similar standing.

2.4.2 In this case, the Committee will record their decisions and the reasons for them as part of the records of the disciplinary process.

3. Offences Leading to Disciplinary Action

3.1 Offences about which the club may consider taking action could be: on club premises; at organised club events elsewhere; directed towards club members; likely to impact on club members; or likely to affect the standing of the club.

3.2 There are three levels of offence:

3.2.1 **Minor misconduct**, such as, but not limited to: discourteous, crude or offensive behaviour; unsafe conduct; failure to comply with the rules or Constitution of the club or with the rules of the LTA; careless damage.

3.2.2 **Serious misconduct**, such as but not limited to: repeated minor offences; threatening or abusive behaviour; malicious damage.

3.2.3 **Gross misconduct**, such as but not limited to: physical violence, or threats of it; theft; reckless disregard of safety; conviction of offences involving these.

3.2.4 **Child Protection.** If the matter relates to safeguarding or child protection, the Club will follow the Child Protection procedures for dealing with a complaint, then follow the Disciplinary Procedure if appropriate after the outcome.

4. Initial action upon formal complaints

4.1 Formal complaints may be made in writing to the Club, or any Committee member, or a Committee member may themselves witness an offence or believe an offence has been committed.

4.2 **Interim Suspension.** Where the offence (or alleged offence) is, or is likely to be, of Serious or Gross Misconduct, the Committee member will, immediately on becoming aware of the alleged offence, contact the Chair or Secretary to report it. The Chair or Secretary will then as soon as possible inform the alleged offender in writing of the nature of the allegation and that they are temporarily suspended (an Interim Suspension) from membership for 3 days, pending a meeting by Committee members (as in 4.4.1 below).

4.3 **Replying to complainant.** When a complaint is received in writing, the complainant should receive an acknowledgement as soon as possible and in any case within 7 days of receipt, giving what information is possible at that stage about how the alleged offence is being dealt with.

4.4.1 **Determining the level of offence.** On receiving a complaint, Club Chair or Secretary will convene a meeting with two other Committee members as soon as possible but in any case within 3 days, to discuss and determine the level of offence and the appropriate response. Where appropriate, they will inform, or seek advice from, the LTA, or, in the case of gross misconduct, the police.

4.4.2 Where this meeting confirms that the offence is one of Serious or Gross Misconduct, the alleged offender will be informed that the Interim Suspension will be continued until further notice.

5 Record of Process

5.1 On receipt of a written complaint, a disciplinary file will be opened by the Committee member with this responsibility (see Constitution 5.4.2) in which will be placed copies and records of the original complaint, together with the procedures followed, any further evidence obtained, the outcome, and any other correspondence.

6. Investigating and acting upon complaints

6.1 Admitted Minor Misconduct

6.1.1 Where the offence is admitted and minor, a written request from the Committee member responsible for the administration of complaints for apology and/or reparation may be sufficient.

6.2 Disputed Minor Misconduct and Serious Misconduct

6.2.1 For an alleged minor offence which is disputed, or for serious misconduct, the Committee will appoint an Investigating Officer who will examine the evidence presented and, if possible, will obtain further written evidence from the complainant and the person complained of and from any other witnesses, and will consult all relevant witnesses for supportive evidence.

6.2.3 If possible, following the collection of evidence, an amicable solution should still be sought.

6.2.4 Except where the complaint regards Safeguarding, if the committee feels that there is not, and cannot be, sufficient evidence (for example, because of the passage of time, the lack of witnesses, or contradictory accounts), they may decide to proceed no further

6.2.5 Failing an amicable solution, if the evidence is sufficient, and having taken any appropriate legal advice, the committee will call a Disciplinary Hearing, heard by a Disciplinary Committee of three committee members, who will elect one of themselves as Chair of that committee.

6.2.6 The Disciplinary Committee will:

- give all parties and witnesses sufficient notice of the hearing;
- seek confirmation that the witnesses, the alleged offender (and representative if appropriate) will attend;
- require the alleged offender to provide, at least 24 hours in advance of the hearing, any written evidence they are relying on and the names of any witnesses that they intend to call.

6.2.7 No witnesses or statements can be introduced at the hearing without prior notice, but the Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the Disciplinary Committee considers it fair to do so.

6.2.8 After the Disciplinary Committee has reached a decision, the member subject of the complaint and the complainant are to be notified in writing of that decision and informed of any penalties within 7 days of the decision being reached. They will also be notified of their right to appeal within 14 days.

6.2.9 The Disciplinary Committee will decide whether the Interim Suspension should continue, bearing in mind the possibility of an appeal.

6.2.10 The club has the right to expel or suspend members, or to impose conditions of their use of the court or their eligibility for club competitions or teams, or to employ other appropriate sanctions.

6.3 Gross Misconduct

6.3.1 By their nature, gross offences may be subject to external legal procedures and/or subject to the Disciplinary Code of the LTA. For this reason the Club will take legal and/or LTA advice to determine how to proceed in dealing with an allegation of a gross offence concerning the Club.

7 Appeals

7.1 Following notification of the decision of the Disciplinary Committee, the member complained of and/or the complainant may appeal regarding the decision, the penalty or other aspect of the offence and process.

7.2 Any appeal must be received by the Club Secretary by 1st class recorded delivery or email to the Club Secretary within 14 days of the decision, giving full written grounds for the appeal, and whether the appeal is against the decision or the penalty. No appeal will be valid or considered after that period has elapsed.

7.3 Following an appeal, an appeal hearing will be convened as soon as practicable, to be heard by an Appeal Committee of three members of the Committee who did not take part in the first hearing, who will elect their own chair.

7.4 New evidence cannot be presented at the appeal hearing, unless the Appeal Committee is satisfied that there is a clear and genuine reason for it not having been submitted at the first hearing.

7.5 The Appeal Committee shall have power to amend or revoke any decision made at the previous disciplinary hearing.

Adopted at the EGM Tues 21st Sept 2021, 6.30pm, outdoors at Drummond Tennis Club.