

NORTH YORKSHIRE NETBALL ASSOCIATION

CONSTITUTION 2020-2021

1. NAME

The Association shall be called North Yorkshire Netball Association (hereinafter called the County) and shall operate under the name North Yorkshire Netball Association.

2. AIM

To plan, support, and coordinate the advancement of netball within the County.

3. OBJECTS

3.1 To consider, and if appropriate, adopt the regulations, policies and procedures formulated by England Netball.

3.2 To coordinate, within the national strategic framework, the implementation and monitoring of the County Plan

3.3 Promote the game of netball, encourage and enable growth and development of the game within the County, acting as an advocate for the sport.

3.4 To organise and deliver programmes of competitions and events, to arrange technical courses and assessments, to co-ordinate talent development and to generally promote the delivery of netball within the County in a safe, equitable and inclusive manner.

3.5 To elect/nominate representatives from the County to serve on County committees and advisory groups.

3.6 To encourage the growth and development of facilities for the game of netball within the County.

3.7 To raise funds, charge such subscriptions and offer such rights and privileges as may be determined from time to time by the County Management Board.

3.8 Manage county resources in an effective and efficient manner whilst overseeing the achievement of targeted annual objectives.

3.9 Provide leadership, support and guidance to constituent local & District Associations and members.

3.10 To promote and uphold the game's core values of teamwork, respect, enjoyment, discipline and sportsmanship.

3.11 To hold a Bank Account in the name of North Yorkshire Netball. Any cheques drawn against County Funds should hold 2 of the following signatures: Chair, Secretary, Treasurer; one of which should be the Treasurer. Internet Banking should be the preferred way of processing any payment.

4 JURISDICTION AND MEMBERSHIP

4.1 The County shall comprise the geographical area of North Yorkshire.

4.2 Each member shall pay the annual appropriate fees to England Netball which will include a Regional membership fee and a County membership fee. The County membership fees shall be proposed annually by the County Management Board and approved at the AGM.

4.2.1 Membership fees are due on the 1st September in any one year and must be paid to the County prior to participating in any official County and local district competition.

4.2.2 Membership fees for the current year shall be paid prior to participating in the game in any capacity.

4.3 Upon payment of the annual County subscription, the members of the County shall be:

4.3.1 All clubs which are affiliated to England Netball within the County Netball Association.

4.3.2 All schools paying an affiliation fee to England Netball within the County Netball Association.

4.3.3 All other member category groups within the County which are affiliated to England Netball.

4.4 This Constitution applies to and binds all members. Each is deemed to have agreed to be bound by and to comply with this Constitution and any other rulings or regulations made by or adopted by the County Management Board, by England Netball, and by the current rules of the game.

5 COUNTY MANAGEMENT BOARD

5.1 The business of the County shall be managed by the County Management Board (CMB) which shall have the power to do all other things necessary for achievement of the objects.

5.2 The CMB will comprise a minimum of 6 individuals who must be personal members of England Netball. Voting members will be elected by the members of the County.

5.3 (a) Voting members of the County Management Board:

- Chair;
- Treasurer;
- Secretary;
- Chair of each Technical Working Group elected by the members –
 - Governance and Finance;
 - Competition;
 - Officiating;
 - Performance and Coaching

No person may occupy more than one position on the CMB. The Chair of each TWG will approach and appoint members to form each working sub group to carry out the work of the Group.

For the avoidance of doubt, all voting members of the CMB must not be employees of England Netball (apart from those employed under zero hour contracts).

(b) Non-Voting Appointed Members elected by the CMB shall be:

- Disciplinary Secretary;
- Safeguarding Officer;
- Schools Representative

The North Yorkshire Netball Development Officer NDO is a co-opted non-voting member and shall attend all meetings of the CMB.

5.4 The minutes of meetings of the CMB will be taken by the Secretary.

5.4.1 No minutes of meetings or copies of correspondence shall be passed to a Third party without the prior permission of the CMB.

5.5 The CMB may, from time to time, allocate certain areas of responsibility to individual members of the County Management Board and/or to TWGs.

5.6 The CMB shall meet not less than three times a year on dates determined by the CMB members. A quorum of the CMB shall be 4 voting members.

5.7 The CMB may fill any vacancy that occurs during the year.

5.7.1 If this involves filling an elected position then that person must offer themselves for election at the next Annual General Meeting following their appointment.

5.8 Subject to the over-riding principle of one person one vote, each person present at a meeting of the CMB, who is a voting member, will have one vote. Should a person occupy more than one position under 5.3(a) above, they will only have, in total, one vote. In the event of a tie of votes, the Chair shall have a (further) casting vote.

5.9 A person will no longer be a member of the CMB, and the position shall be vacated if she/he:

5.9.1 resigns the post by notice to the CMB;

5.9.2 is absent for more than two consecutive meetings, without justifiable reason;

5.9.3 is required to resign by a majority vote of the CMB;

5.9.4 becomes incapable, by reason of mental disorder, illness or injury, of managing her/his own affairs

5.10 Members of the CMB, TWGs and any person duly appointed by the CMB to act with its authority may be reimbursed by the County, at agreed North Yorkshire rates, for reasonable travel, and other expenses necessarily incurred by them in carrying out their duties or in attending meetings, events or business authorised by the CMB.

5.11 Members of the CMB shall act in an honest and ethical manner and shall discharge their duties:

- in good faith;
- with the care an ordinary prudent person in a like position would exercise under similar circumstances; and
- in a manner that they reasonably believe to be in the best interests of the County.

5.12.1 CMB members must not vote or participate in any discussion on any matter in which they have, or it is possible they may have, a conflict of interest or a conflict of loyalty (either direct or indirect personal interest or any loyalty they owe to another body) which may, or may appear to, influence or affect their decision making.

5.12.2 Any CMB member absenting themselves from any discussion and/or voting in accordance with 5.12.1 above will not be counted as part of the quorum in any decision of the CMB on the matter under consideration.

6 ROLE OF THE COUNTY MANAGEMENT BOARD

6.1 The authority and principle roles of the CMB are to:

6.1.1 make key decisions relating to strategy, policy, finance and business management so that the objects set out in clause 3 above can be achieved.

6.1.2 create an environment conducive to high achievements.

6.1.3 protect the future of the County and ensure it operates in a compliant and ethical way.

6.1.4 establish policy and oversee its implementation in a safe, equitable and inclusive manner.

6.1.5 be responsible for the management of the affairs of the County.

6.2 Any one or more of the CMB's members may enter into contracts on behalf of the County up to the limit of £4,000 so that the objects set out in clause 3 above can be achieved. When doing so, each of the members that contracts with the third party, on behalf of the CMB shall do so as agent of the members of the County.

6.3 The members of the CMB shall:

- ensure that the County complies with the terms of any contract entered into under clause 6.2; and
- Indemnify any member of the CMB who enters into a contract under 6.2 in respect of any reasonable expenses and reasonable costs, losses or liabilities, judgments, fines and amounts paid in settlement, which he may reasonably incur or sustain as a result of entering into such contract.

6.4 The CMB will be accountable for the use of England Netball funds in achieving these targets.

6.5 The County will provide direction, support and guidance to its constituent Districts Leagues partnerships, to ensure that the overall policies and strategies for the development of the game are communicated consistently and effectively within the County.

6.6 The CMB shall prepare and submit an annual report significant activity held at County level.

6.7 The CMB shall, at the first meeting following the AGM, appoint the persons to be responsible for operating the County's bank account(s), in accordance with the financial procedures agreed by the CMB.

6.8 An agenda and all papers to be discussed at CMB meetings shall be circulated to all CMB members at least ten working days before each meeting.

6.9 The CMB will establish Technical Working Groups to assist and advise the CMB and set up such other ad-hoc advisory or task and finish groups as may be deemed necessary. The CMB will determine their membership and terms of reference and, annually, appoint the chairperson of each TWG. With the exception of the County Chair (who may attend, in an advisory capacity, each and every meeting of the TWGs), no person may serve on more than one TWG.

6.10 The CMB has the power to make, amend or revoke Bye-Laws and Regulations of the County and such Bye-Laws and Regulations, and all changes thereto, shall not be effective until the earlier of:

- (i) the date of approval at a General Meeting of the County; or
- (ii) three months after the passing of an appropriate resolution by the CMB.

6.11 Members of the CMB must act in accordance with the powers set out in this constitution and must exercise independent judgment taking reasonable care, skill and diligence.

7 ELECTIONS TO THE COUNTY MANAGEMENT BOARD

7.1 At the Annual General Meeting in each year all members of the CMB shall retire and be eligible for re-election in accordance with this Constitution.

7.2 Members of the County shall consider and vote on nominations received:

- Chair
- Treasurer
- Secretary
- Chairs of TWG –
 - Governance and Finance;
 - Competition;
 - Officiating;
 - Performance and Coaching

Appointments will be by a simple majority vote.

7.3 The Chair, Treasurer and all elected members must be Personal Members of England Netball, via the County Netball Association

7.4 At the first meeting following the County AGM each year, the CMB shall decide who will be the appointed non-voting individuals on the Board.

8 GENERAL MEETINGS OF THE COUNTY

8.1 The Annual General Meeting (AGM) shall be held on a date to be determined by the CMB.

8.2 The date, time and place of all General Meetings shall be fixed and reported not less than forty two days prior to the date of such meeting and the agenda, any motions and general nature of the business to be transacted shall be circulated not less than twenty one clear days prior to the meeting to each member of the CMB and to each England Netball voting member clubs of the County as set out in 4.2 above.

For the purposes of this clause, the County Secretary will be responsible for circulating notices to members clubs (defined in 4.2).

8.2.1 A representative from each club affiliated to the County Association must attend the AGM, this representative shall be an affiliated member of that Club.

8.2.2 A representative for North Yorkshire collective schools must attend the AGM.

8.2.3 Any club not represented shall be fined at an amount decided by the committee and approved at the AGM. As from 2012, this amount was agreed to be £100.00 per club. The fine must be paid before 1st September of the forthcoming season or every team in that Club will not be eligible to enter any competition organised within North Yorkshire.

8.3 The Chair of the County or in her/his absence a member of the CMB present at the meeting shall act as Chair of each General Meeting.

8.4 Business to be transacted at the Annual General Meeting shall be:

- To approve the minutes of the previous year's AGM;
- To receive a published Annual Report (prepared and presented by the County Secretary) from the CMB of all work and activities (to include each Technical Working Group) undertaken by the County during the year ended 31st March
- To receive the financial statements (income and expenditure account and balance sheet), which shall have been independently examined, for the last financial year (which ends on 31st March);
- To elect those members of the County Management Board who have been nominated, each of whom shall hold office until the earlier of the end of the next Annual General Meeting or in accordance with 5.9 above;
- To consider any proposed resolution submitted in writing to the County Secretary not less than twenty-one days before the date of the General Meeting, which has been proposed by one member and seconded by another member;
- To approve the annual subscriptions for the following year for all category of member groups;

- To consider any proposed amendments to this Constitution of the County put forward by the CMB or any member of the County (as defined in 5.3 above).

8.5 An Extra-Ordinary General Meeting may be convened at any time on twenty-one clear days' notice:

(a) By order of the CMB; or

(b) Upon written request from twelve or more members entitled to vote at a General Meeting, stating the purpose for which the meeting is required and setting out any resolution that it is desired to propose. Such a meeting shall be convened by the County Secretary within twenty-eight days from the request being received.

8.6 The following shall be entitled to attend, speak and vote at General Meetings of the County:

(a) Each person on the CMB as defined in 5.3(a) above;

(b) One representative from each England Netball voting member club of the County as set out in 4.2 above.

8.7 The following shall be entitled to attend and speak at General Meetings but shall not be entitled to vote:

(a) The Regional Chair

(b) Any other person determined by the CMB from time to time.

8.8 Voting procedure at General Meetings shall be as follows:

8.8.1 By an affiliated member of each affiliated club – one vote each, the Schools' Representative shall have one vote, each Officer of CMB– one vote (unless when representing an affiliated club when they shall have a second vote). The Chairperson may have a second or casting vote in the case of equality in voting. No other club representative shall be permitted more than one vote.

8.8.2 No proxy voting will be allowed.

8.8.3 No postal voting will be allowed.

8.9 Subject to 8.8 above, a simple majority of those present and entitled to vote shall be required to pass any resolution. The Chair of the meeting shall have a second and/or casting vote in the case of an equality of votes.

8.10 No business shall be transacted at any General meeting unless at least 51% of voting members Clubs are present.

9 INDEMNITY

Members of the CMB and TWGs shall be indemnified out of the assets of the County against all reasonable expenses and all reasonable costs, losses or liabilities, judgments, fines and amounts paid in settlement, which they may reasonably incur or sustain in relation to the proper and lawful execution of their duties, or by reason of any task properly performed for and with the authority of the CMB.

10 ARBITRATION AND MATTERS NOT PROVIDED FOR

If any dispute shall arise on the interpretation of this Constitution or the need arises to deal with any matter not provided for in this Constitution, reference shall be made to the Chair of the CMB who shall refer the same to the CMB, whose decision shall be binding on all parties.

11 DISCIPLINARY POWERS, PROCEDURES AND APPEALS

11.1 The County shall have the power to discipline any member of the County.

11.2 The above shall be subject to disciplinary procedures for any:

- (a) Disciplinary offence set out in the England Netball Disciplinary Regulations;
- (b) Infringement of County Regulations;
- (c) Disciplinary breach of the Official Rules of Netball;
- (d) Conduct which is prejudicial to the interests of the County or to the game of netball or which amounts to cheating;
- (e) Misconduct against a match official.

11.3 The judicial bodies of the County are the:

- (a) Investigation Panel
- (b) Disciplinary Panel; and the Disciplinary Secretary
- (c) Appeal Panel.

11.4 The responsibilities and functions of these Panels shall be as stipulated in the England Netball Disciplinary Regulations, which are hereby adopted, supplemented by any Netball Yorkshire Regulations. These Panels may pronounce the sanctions set out in 12.2 below and also those detailed in the England Netball Disciplinary Regulations.

11.5 The Appeal Panel is responsible for hearing appeals against decisions by the Disciplinary Panel that are not declared final by the relevant regulations. The Appeal Panel may affirm, vary or rescind any decision of the Disciplinary Panel and may substitute any other decision as it, in its absolute discretion, may determine. Decisions pronounced by the Appeal Panel shall be final and binding on all parties concerned. An appeal must be accompanied by an appeal fee, payable by the appellant, as set out in the England Netball Disciplinary Regulations.

12 SANCTIONS

12.1 If the Disciplinary Panel (or Appeal Panel) finds that that the disciplinary complaint or misconduct has been proved in whole or in part, or when a respondent admits such a complaint, it may (unless it is of the opinion that in all the circumstances it is inappropriate to do so) make against the respondent one or more of the orders available under the sanctions in 12.2 below.

12.2 The sanctions available, which are not exhaustive, include one or any combination of the following:

- (a) warning;
- (b) reprimand;
- (c) caution;

- (d) fine;
- (e) return of awards;
- (f) suspension;
- (g) ban from being a match official or a team official;
- (h) ban from taking part in any netball-related activity;
- (i) playing a match on neutral territory;
- (j) ban from entering a venue;
- (k) annulment of the result of a match;
- (l) exclusion from a competition;
- (m) defeat by forfeit;
- (n) deduction of points;
- (o) demotion to a lower division;
- (p) expulsion.

12.3 Costs and expenses of a hearing shall be paid as determined by the Disciplinary Panel and/or Appeal Panel and are in addition to sanctions.

12.4 These provisions are subject to the disciplinary powers of England Netball with regard to the suspension and expulsion of members of England Netball.

13 DISSOLUTION

In the event of dissolution, any assets remaining after satisfaction of all debts and liabilities shall be dealt with in a manner to be determined by resolution of a General Meeting so as to promote the objects of the Region or of some organisation with kindred aims, which further and develop amateur sport. In the event of there being a deficit, the General Meeting shall decide how this should be met.

Dated May 2020