

# BALLINCOLLIG ATHLETIC FOOTBALL CLUB

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## Ballincollig AFC Constitution

### 1 Name and Status

1.1 The name of the club is 'Ballincollig AFC'. Hereinafter called "the club"

1.2 The club is a Company Limited by Guarantee Ballincollig AFC CLG.

### 2 Objectives of the Club

2.1 The main object of the club is to promote, foster, and develop the game of association football, to provide competitive football for its playing membership and to undertake such activities as are necessary to support the achievement of the object.

2.2 Coaching is provided to all age groups from academy (under 6) up to adult.

Coaching standards are based on the Football Association of Ireland Coaching Education Pathway. The FAI is the national governing body for the game of football in the Republic of Ireland and oversees development of football, from increasing participation levels to training coaches and developing players. No payment is made to club coaches for the coaching of teams.

2.3 The clubs' teams participate in the Munster Senior League, Cork Youths League, Cork Schoolboys League, Cork Schoolgirls and Women's League. The club prides itself in being part of the community and has a zero tolerance for bullying or any discrimination towards race, gender, class, disability, age, or ethnic identity.

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2.4 The club is based in The Landing Field, Powdermills Ballinacollig. The grounds in the Landing Field are owned by Ballinacollig AFC CLG on an 800 year lease from Cork City Council with all aspects of facility management vested in the club committee (including any associated loans etc.)

## **3 Rules and Regulations**

3.1 The club shall have the status of an affiliated member club of the Football Association of Ireland hereinafter called the FAI.

3.2 The club shall abide by the FAI's rules, policies and codes of conduct. The club will also abide by rules and regulation of the League(s) it affiliated to.

3.3 The club shall also be a member of the Munster Senior League, Cork Women and Schoolgirls League, Cork Youth Leagues, and Cork Schoolboys League.

3.4 All coaches and mentors involved with youth, schoolboy and schoolgirl members shall be at all times fully compliant with the club Child Safeguarding Policy, and will hold the appropriate safeguarding certificate and be appropriately Garda Vetted.

Any person not so compliant will not be permitted to act in any capacity with any member(s) under the age of 18.

3.5 All Coaches and Adult helpers must wear clearly distinguishable club branded clothing when on club duty for transparency and in furtherance of our child protection-policy.

## **4 Membership**

4.1 The power to admit an individual to membership and to terminate membership shall lie with the Management Committee

4.2. There shall be the following classes of membership:

Full membership, open to all aged 18 years and over

Youth membership open to those aged under 18 years.

Nonplaying membership

Voting Honorary Life Membership which may be granted by the Management Committee to those who have rendered exceptional service to the club. Such members shall not number more than six at any one time and shall be entitled to attend at General Meetings of the club.

4.3 All those seeking admission to membership shall complete a prescribed form and submit it, together with the appropriate membership fee to the Registrar.

4.4 Once admitted to membership the member shall be entered on to the club's member register which shall be maintained by the membership secretary who shall be a member of the Management Committee

4.5 Registered members shall be deemed to continue as members from year to year on payment of the requisite annual membership fee until:  
They resign from the club.

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Their membership is terminated by the Management Committee

4.6 Any member whose membership fee remains outstanding for more than three months from the date on which it is due and who has been given one month's, shall be deemed to have resigned from the club but may, at the discretion of the Management Committee be re-admitted to membership on payment of the outstanding fee.

4.7 Membership shall run from 1st July to 30th June other than in respect of a new member whose membership in the year of joining shall run from the date of joining until the following 30th June.

4.8 All full members shall be eligible to be elected to the Club's Management Committee and shall have the right to attend all general meetings of the club.

4.9 Youth members shall not be eligible to be elected to any office in the club or to attend or vote at General meetings of the club.

4.10 Members of the club shall comply with all rules, regulations, codes, directives and decisions of the Committee and its sub-committees; the Leagues which the club's teams are registered with and their respective divisional associations and the Football Association of Ireland at all times.

4.11 The club is committed to conducting its activities in a sporting, dignified, and responsible manner and will require that all its members to conduct themselves with integrity, transparency, and accountability.

## 5 Finance

5.1 Annual accounts shall be kept and made available to the Revenue

Commissioners on request. Where the gross annual income exceeds €250,000 the accounts will be audited.

5.2 The financial year of the club will run from 1st January to the 31st December each year and it is the responsibility of the Management Committee, through the Treasurer, to prepare annual accounts of the club. The accounts shall be certified by an appropriate independent person elected annually at the Annual General Meeting

5.3 A bank account shall be maintained in the name of the club (the "Club Account").

All cheques drawn against the club's funds shall be signed by the Treasurer and one of two other nominated office holders, nominated by the Management Committee

5.4 The property and assets of the club shall be applied only in furtherance of the objectives of the club.

5.5 The property, and assets of the club, other than the Club Account, shall be vested in not less than three and no more than five directors and held by them for the use and benefit of the club. The Directors shall deal with the Club Property as directed by decisions of the Management Committee and entry in the minute book shall be conclusive evidence of such a decision.

5.6 The Directors shall be appointed by the club at an Annual General Meeting of the

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club (“AGM”) or at a Special General Meeting of the club (“SGM”) and shall hold office until death or resignation or unless removed by a resolution passed at an AGM or SGM. On a vacancy occurring a new Directors shall be elected in the same way

5.7 On their removal or resignation, a Director shall execute a conveyance in such form as may be required by the Management Committee to a newly elected Trustee.

On the death of a Director, any property or assets of the club vested in him, her, or them shall vest automatically in the surviving Directors. If there is only one surviving Director, an SGM shall be convened as soon as possible to appoint another Director.

5.8 The Directors shall have the power to buy, sell, lease, mortgage or pledge any club property.

5.9 There shall be no acquisition or disposal of land or buildings without the prior approval of the ordinary members of the club given by way of Resolution at an AGM or SGM, called for that purpose at which approval shall be passed by simple majority and in the event of equality of votes, the Chairperson shall have a casting vote.

5.10 The club shall not incur any single expenditure exceeding €50,000 (fifty thousand euro), without the consent in writing of the Directors of the club.

## **6 Funds and Property**

6.1 The funds and property of the club shall be applied solely towards the promotion of the main object(s) as set forth in this Constitution. No portion of the club’s property

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or assets shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to members of the club. No officer shall be appointed to any office of the club paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the club. However, nothing shall prevent any payment in good faith by the club of:

Reasonable and proper remuneration to any member or servant of the club (including any officer) for any non-officer related services rendered to the club.

Interest at a rate not exceeding 1% above the Euro Interbank Offered Rate per annum on money lent by the officers or other members of the club to the club. Reasonable and proper rent for premises demised and let by any member of the club (including any officer) to the club.

Reasonable and proper out of pocket expenses incurred by any member in connection with attendance to any matter affecting the club.

Fees, remuneration or other benefit in money's worth to any Company of which an officer may be a member holding not more than one hundredth part of the issued capital of such Company.

## **7 Subscription**

7.1 Annual subscription or membership fees shall be as approved by a simple majority of members at the Annual General Meeting following consideration of a

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proposal which shall be made to the meeting by the Management Committee

7.2 Membership fees shall fall due on July 1st every year.

## **8 The Management Committee**

8.1 The management and administration of the club shall be vested in a Management Committee which will consist of members elected from the full, paid-up members of the club.

8.2 The committee shall hold office for a period of one year or until the following next Annual General Meeting (AGM) following its election.

8.3 At its first meeting following the AGM the Management Committee shall appoint from amongst its members the honorary officers of Chairperson, Vice Chairperson Secretary, Treasurer, Assistant Treasurer, Public Relations Officer, and such other officers as the Committee may determine.

8.4 In the event of no member of the Management Committee being willing to assume one or more of the honorary officer roles, the Management Committee shall have the right to co-opt a member or members of the club to fill such office or offices and such co-opted member(s) shall be deemed to be a member(s) of the Management Committee with the same rights and duties as any elected member.

8.5 The Management Committee shall have the right to co-opt up to five additional members of the Committee in order to address the skill needs of the Committee for



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the time being or for any other stated purpose. The term of office of any such co-opted member shall cease at the AGM following their co-option but the same person may continue to be co-opted in successive years by the Management Committee at its absolute discretion.

8.6 Meetings of the committee shall take place each month or at such frequency as the committee considers desirable provided that not less than 10 meetings shall be held in any calendar year.

8.7 The Management Committee shall cause minutes to be made in books provided for the purpose, of members present, resolutions made, and proceedings at such meetings.

8.8 Management Committee meetings shall be chaired by the Chairperson. In the absence of the Chairperson, the Vice-Chairperson will act. In the absence of both, the Committee may elect a Chairperson for the meeting from among the other members in attendance

8.9 Draft Minutes of committee meetings shall be circulated to all committee members and copies of approved minutes shall be available to all members of the club.

8.10 The quorum for meetings of the Committee shall be five.

8.11 Decisions of the Management Committee shall be made by simple majority vote. Each member of the Committee shall have one vote other than the Chairman

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who shall have a second or casting vote in the event of a tie

8.12 The Committee shall have the sole authority for the appointment of team managers, assistant managers, coaches and any other persons assisting with the running of the club.

8.13 The Committee may appoint sub-committees to whom they may delegate functions including decision-making functions to help in the operation of the club:

Sub-committees shall have written terms of reference and may comprise one or more members.

Each sub-committee shall be chaired by a member of the Management

Committee, Sub-committee's terms of office shall not exceed 12 months unless they are Re-appointed. Sub-committees may include those who are not members of the club subject to the approval of the Management Committee

8.14 The Chairperson, Secretary and Treasurer shall be ex-officio members of all Sub-Committees and shall have the right to attend and vote at the meetings of all such sub-committees.

8.15 Each club member shall have the right to present complaints or representations for consideration by the Committee whose decision shall be final. Any such complaint or representation shall be sent in writing to the Secretary and shall be considered by the Committee at the next available meeting following its receipt by the Secretary.

8.16 The Management Committee may nominate individuals to the honorary

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positions of Club President and Club Vice President. These nominations shall be made from the Honorary Life Members of the club. The term of office of the President and Vice President shall be 5 years. No person shall serve more than two consecutive terms (10 years) as President or more than two consecutive terms (10 years) as Vice President

## **9 Rules of Procedure**

9.1 The club shall prepare and adopt at a General Meeting of the club, rules of procedure for the Management Committee and any sub-committees provided such rules are consistent with this Constitution.

9.2 The Management Committee shall abide by the adopted rules of procedure.

## **10 Role of the Chairperson**

10.1 The Chairperson or acting Chairperson of any meeting held in accordance with these rules shall have an original and a casting vote.

10.2 The Chairperson shall present a Chairperson's report on the work of the Club to the Committee

## **11 General Meetings**

11.1 General Meetings of the club are the Annual General Meeting ("AGM") or a

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## Special General Meeting (“SGM”)

11.2 The AGM of the club shall take place on, or as near as possible to, the first week of June each year.

11.3 Notice of any resolution to be proposed at the AGM shall be submitted in writing to the Secretary not later than 14 days before the meeting.

11.4 The Secretary shall either

send to each member at their last known contact details, notice of the date of any General Meeting together with details of any resolutions to be proposed or matters to be approved at least 7 days before the meeting or

send notice to each member by electronic means (as defined in Section 2(1) of the Companies Act, by sending it to such electronic address as has last been supplied to the club by the member as the e-mail or other electronic address for correspondence (notice should also be published on club websites and social media)

11.5 A Special General Meeting may be called at any time by the majority of the Management Committee or by at least seven club members provided such request is forwarded to the Secretary in writing and specifies the nature of the business to be transacted.

11.6 On receipt of a request as set out at Article 38 above the Secretary shall arrange an AGM for a date not later than 21 days following receipt by him of the said

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request.

11.7 Each member present by entitlement shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairperson shall have a second or casting vote

11.8 The following business shall be transacted at the AGM.

Minutes of the previous AGM

Financial Statement submitted by the Treasurer.

Secretary Report submitted by the Secretary.

Approval of the Club Constitution

Appointment of person to provide certified accounts.

Election of members of the committee

Fixing subscriptions for the following year

Any motions of which prior notice has been given.

Any other competent business

11.9 Ten registered members entitled to vote shall constitute a quorum at any

General Meeting of the club.

11.10 In the event of a quorum not being present within 30 minutes of the time set for the meeting in question, the meeting shall be deferred to another time and place not later than 21 days from the date of the first meeting and notice shall be provided as per above. The number of members present at the deferred meeting shall,

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notwithstanding Article 62 above, be deemed to constitute a quorum.

## **12 Disciplinary Committee**

12.1 The club shall appoint a Disciplinary Committee from time to time as necessary to investigate alleged breaches of club discipline.

12.2 A Disciplinary Committee is authorised to determine whether a breach of the rules of the Club has taken place and to determine what sanction, if any, should be imposed in the event of its finding that such a breach has occurred.

12.2 A Disciplinary Committee of the Club shall be a three-person subcommittee of the Committee and shall include at least one Honorary Officer

12.3 No member of the Management Committee shall participate in any investigation concerning a matter where there are serious grounds for questioning their impartiality or which may involve a potential conflict of interest for them.

12.4 Disciplinary Committees shall follow and abide by procedures which shall be determined by the Management Committee from time to time.

## **13 Giving of Notice**

13.1 All notices including notices of decisions, shall be communicated by fax and/or electronic mail and/or by post. A fax or electronic delivery report or registered post receipt is sufficient evidence that a decision has been properly notified.

## **14 Appeals**

14.1 Any member who is dissatisfied with a decision of the club shall have a right of appeal in accordance with procedures which shall be adopted by the management Committee from time to time.

## **15 Data Protection Act**

15.1 Pursuant to the provisions of the Data Protection Act 1988-2003 members consent to the club obtaining, recording, holding, and retaining their personal data (including sensitive personal data) solely for club purposes, either on its computers or its manual filing system, and consent to the use of all such data, including disclosure to third parties for the purpose and effective management of the club

15.2 The club shall adopt and publish a Data Protection Policy from time-to-time which policy shall specify the manner in which personal data of members is held and the purposes for which it may be used.

## **16 Exclusion of Liability**

16.1 Subject to Articles below, every member of the Management Committee, or former member of the Management Committee, every Director or former Director and every member and former member of a sub Committee appointed by the

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Management Committee (hereinafter collectively referred to as “the Officers”) shall be entitled to be indemnified, to the greatest extent permitted by law, by the members of the club against any and all losses, liability, expenses or legal claims which he or she may sustain or incur in or in performance of their duties as Officers of the club

16.2 Notwithstanding Article above, the Officers shall not be entitled to be indemnified by the members of the club, against any losses, liability, expenses, or legal claims which arise from any fraud or criminal conduct on the part of such Officer.

16.3 If the indemnity provided in Article above shall be adjudged by any court or regulatory authority or agency of competent jurisdiction to be void and unenforceable in relation to any matter then such indemnity shall nevertheless apply, and the members shall procure (by amendment of this Constitution or otherwise) that such indemnity shall apply, to the greatest extent permitted by relevant law with such modifications or provisos as may be necessary to ensure its validity

16.4 Notwithstanding paragraphs Articles 73 to 75 above the club shall maintain in force liability insurance for the members and officers of the Management Committee and general liability insurance from recognised insurers with policy limits appropriate to the scope and scale of its operations and shall furnish a copy of such policies to each member and Officer on request.



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16.5 To the greatest extent permitted by law, no Officer shall in any way be liable to the club or to any member for any loss, damage or misfortune, which may happen to or be incurred by the club or any member (howsoever caused) arising from the execution of the duties of his or her office, (whether negligently or otherwise) other than in circumstances where such Officer is guilty of fraud or criminal conduct

## **17 Dissolution**

17.1 A resolution to dissolve the club shall be carried by a majority of at least 75% of members present at a General Meeting of the club.

17.2 If upon the winding up or dissolution of the club there remains, after satisfaction of all debts and liabilities, any property whatsoever, it shall not be paid to or distributed among the members of the club. Instead, such property shall be given or transferred to some other institution or institutions having main objectives similar to the main objectives of the club. The institution or institutions to which the property is to be given or transferred shall prohibit the distribution of funds and property among their members to an extent at least as great as is imposed on the club under or by virtue of the Funds and Property Clause hereof. Members of the club shall select the relevant institution or institutions at or before the time of dissolution, and if and so far as effect cannot be given to such provisions, then the property shall be given or transferred to some charitable object. Final accounts will be prepared and submitted that will include a section that identifies and values any assets transferred along with

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the details of the recipients and the terms of the transfer.

## **18 Alterations and Amendments**

18.1 No addition, alteration or amendment shall be made to or in the provisions of this Constitution for the time being in force unless the same shall have been proposed at a General Meeting of the club and adopted with not less than three-quarters of the members present voting in favour.

18.2 No addition, alteration or amendment shall be made to the provisions of the main objective clause, the funds and property clause, the winding up clause, the keeping of accounts clause or this clause of the Constitution for the time being in force unless the same shall have been previously approved in writing by the Revenue Commissioners.