

## THE BRANSTON (Lincoln) HOME GUARD SOCIAL CLUB

Certificate granted under the Licensing Act 2003, Section 60, by the relevant Licensing Authority.

*[Partial amendment 22nd July 2009]*

### RULES

#### NAME & CONSTITUTION

The Society is a working Men's Club. It shall be called the BRANSTON HOME GUARD (LINCOLN) SOCIAL CLUB, and is hereinafter referred to as The Club.

#### REGISTERED OFFICE

1. The registered office of the Club shall be High Street, Branston, Lincoln.
2. In the event of any change in the situation of the registered office, notice of such change shall be sent to the Registrar within 14 days thereafter in the form prescribed by the Treasury Regulations.

#### OBJECTS

3. The club is established for the purpose of providing for its members the means of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation.

#### MEMBERSHIPS

4. The club shall consist of:

- [i] Honorary members [rule 5]
- [ii] Foundation members [rule 6]
- [iii] Ordinary members [rule 7]
- [iv] Life members [rule 34]

#### HONORARY MEMBERSHIPS

5. At the annual general meeting, the members may elect for life, or such other period being not less than one year, a president and not more than four vice-presidents, who shall be honorary members of the Club, and entitled to all the benefits of membership, and these rules [except rules 7 & 8], shall be deemed applicable to them.

#### FOUNDATION MEMBERS

6. The Officers, non-commissioned officers and men attached to and serving on the 1<sup>st</sup> November 1944 with the No.1 Platoon E Company, 1<sup>st</sup> Kesteven Battalion Home Guard (in these rules referred to as the Branston Home Guard), shall be foundation members.

#### ADMISSION OF MEMBERS

7. All ordinary members shall be elected by the committee, and a candidate for election must be proposed and seconded by two members, able from personal knowledge to vouch for his respectability and fitness to be a member, and must sign such (if any) declaration of his concurrence with and adherence to the purposes of the Club as shall be required by the committee.

No candidate shall be elected who is under 18 years of age. The name, address and occupation of the candidate, with the names of his proposer and seconder shall be posted in the Club for at least seven days before the day on which his name is submitted for election.

Ordinary membership is open to men and women.

*[Partial Amendment 12<sup>th</sup> September 2000]*

#### SUBSCRIPTIONS

8. The subscriptions payable by members (other than Honorary members) shall be such rate as the committee may from time to time determine but shall not exceed £10.00 per annum payable in advance on the 1st January in each year. Any member who shall not have paid his subscription within 28 days of its becoming due shall be considered in arrear, and if not paid within a further 14 days, he shall cease to be a member. The secretary shall post in the club a list of members in arrear, and no such member, whilst in arrear shall be permitted to make use of the club, or be considered a financial member for the purposes of these rules.

*[Partial Amendment 23<sup>rd</sup> June 2016]*

#### CHANGE OF ADDRESS

9. The Committee shall keep at the registered office a list of names and addresses of the members. Every member shall within 14 days notify the secretary of any change of address.

*[Partial Amendment 12<sup>th</sup> September 2000]*

#### CESSATION OF MEMBERSHIP

10. Members shall cease to be members:

- [i] By non payment of subscription. Any person whose membership has ceased from this cause shall not be again nominated for membership unless he previously pays all arrears due from him at the time of his ceasing to be a member, and such other additional fee as the committee may determine.
- [ii] By expulsion.
- [iii] By resignation; but any member wishing to resign must send written notice to the Secretary, and the notice must be accompanied by the subscription due up to the date of its taking effect.

Any person ceasing to be a member shall forfeit all rights to, and claim upon the club and its property and funds.

#### GENERAL MEETINGS

11. [1] THE ANNUAL GENERAL MEETING shall be held in March of each year, on a date to be fixed by the committee, of which at least seven days notice of the business to be conducted at such meeting shall be posted at the Club, to receive a statement of accounts and balance sheet, and the report of the auditors for the previous 12 months, and such other business as may be submitted by the committee, or by any member who shall give due notice of the motion he proposes to make at least five days before the date of such meeting; and a report for the year shall be given by the committee.

*[Partial Amendment 25<sup>th</sup> May 2017]*

[2] A SPECIAL GENERAL MEETING shall be called by the Secretary in the following cases;

- [i] Upon direction of the committee, and in accordance with such direction.
- [ii] On a requisition signed by one seventh of the financial members, stating the special object thereof, and accompanied by a deposit of an amount calculated at the rate of five pence for every person signing, to be paid by one of such persons. Such meeting shall be held within not less than 14 days and not more than 21 days from the date of the receipt by the secretary of the requisition.

#### NOTICE TO BE GIVEN

Notice of any special general meeting and of the objects for which it is called, shall be posted by the secretary of the club, at least 10 days prior to the date of the meeting. Should the secretary not convene a special general meeting in manner required hereby for seven clear days after a duly signed requisition has been delivered to him, any of the requisitionists may call such meeting, giving such notice as is provided by this rule.

#### BUSINESS

No other business than that named in the notice shall be brought before a special general meeting.

#### FORFEIT OF A DEPOSIT

If by resolution of a special general meeting which has been called upon requisition, it shall appear that in the opinion of such meeting, it has been called for a frivolous purpose, the deposit shall be forfeited to the funds of the Club, otherwise it shall be returned to the depositors.

#### [3] QUORUM

A general or special meeting may proceed to business if ten members are present within 30 minutes after the time fixed for the meeting; otherwise the meeting, if a special general meeting convened on the requisition of the members, it shall be dissolved, but if a general meeting or a special general meeting convened by order of the committee, it shall stand adjourned to the week following, at the same time, and the meeting so adjourned may proceed to business whatever the number of members present. No meeting shall become incompetent to transact business from the want of a quorum arising after the chair has been taken.

#### [4] ADJOURNMENT

Any general or special meeting duly constituted may adjourn to such time as the members present direct, and may continue any such adjournment from time to time. No business shall be brought on at any adjourned meeting which could not have been transacted at the original meeting.

#### [5] RESCINDING RESOLUTIONS

No resolution passed at a general or special general meetings shall be rescinded unless notice has been given at the previous general meeting.

#### [6] VOTING

Each financial member shall be entitled to one vote.

#### [7] CHAIRMAN

The Chairman at any general meeting or special general meeting shall be the President, or in his absence one of the Vice Presidents, or if none be present, the Chairman, or some other member of the Committee. The Chairman shall ascertain the decision of the meeting by a show of hands or by taking a division in such a manner as he shall deem most convenient. Every member not in arrears within the meaning of rule 8, shall be entitled to be present, and if present, to vote upon any resolution or question put to the meeting, and in event of equality of votes the chairman shall be entitled to a second or casting vote.

#### OFFICERS

12. [1] The officers of the Club shall consist of three Trustees, a Chairman, Vice Chairman, Treasurer, and Secretary.

[2] The same person shall not be Secretary or treasurer and a Trustee of the Club.

[3] The Trustees, Treasurer and Secretary shall be appointed only at the annual general meeting or at a special general meeting by a resolution of a majority of members present and entitled to vote thereat, and shall remain in office during the pleasure of the Club.

[4] All the remaining officers shall be appointed in the same manner, and shall continue in office until the next annual general meeting, and at every such meeting the said remaining officers shall be elected by a majority of the members present and entitled to vote, or on failure of such election, those appointed shall continue in office.

[5] Any of the officers shall be removable at any time provided two-thirds of the members present at a special meeting called for that purpose shall vote in favour of such removal.

[6] In case any officer (other than a trustee), shall die, resign, be removed, or become unfit or incapable to act, the committee may at any time appoint a person to fill the vacancy until the next annual general meeting, unless the vacancy is previously filled at a special general meeting. Any officer shall vacate his office if suspended from membership under rule 22 or upon ceasing membership from any cause.

[7] In the event of any Trustee dying, resigning, or being removed from office, another shall be elected by a resolution of a majority of the members present and entitled to vote at the annual general meeting, or at a special general meeting to supply the vacancy. Every resolution appointing a trustee shall be entered on the minutes of the meeting at which he is appointed. A copy of such resolution signed by the trustee shall be forwarded within 14 days by the secretary, to the Registrar in the form prescribed by the Treasury Regulations.

[8] Every Officer dealing with moneys of the club, shall, if required by the Committee, give security to the Trustees through a Guarantee Society or by a bond, in such sums as the Committee may direct.

[9] The Officers of the Club shall receive such honorarium or salary (if any), as the Committee or general meeting of members may from time to time determine.

#### COMMITTEE

##### (1) CONSTITUTION & POWERS

13. The managing committee shall consist of the Chairman, Vice Chairman, Treasurer, eight members above the age of 21 years of age, and three trustees.

The election of the committee shall be at the annual general meeting, and by ballot or otherwise, as may be determined by the committee and those appointed shall remain in office until the next annual general meeting, or on failure of such election, those last appointed shall remain in office.

To stand for election and for acceptance to the managing committee of the Club, candidates must have been a full member for at least three consecutive years.

The Committee shall control the management of the Club, and shall have exclusive power to engage or dismiss any servants. It shall have power to purchase such articles, and do all such things as it may deem necessary for the carrying out of the objectives of the Club. It shall have due regard to any resolution or recommendation of any general or special general meeting, but shall not be bound to give effect to the same, if in its judgement such action would be injurious to the best interests of the club.

Nothing in these rules shall enable the committee to declare any dividend or make any monetary grant to the members, or to apply the Club funds, except for the purpose of the Club itself and for the purposes specified in Rule 20.

The Committee shall not enter into any bond or agreement binding the club to purchase excisable articles from any person or persons, or in any way to part with its absolute control and that of the Club members over the supply of excisable articles to the Club.

***[Partial Amendment 12<sup>th</sup> September 2000]***

***[Partial Amendment dated 22<sup>nd</sup> July 2009]***

##### (2) MEETINGS

The committee shall meet once monthly for general business, and the chairman or, in his absence the Vice Chairman or an elected Chairman shall preside and shall have a casting vote only, and not less than four shall form a quorum.

No resolution of the Committee shall be rescinded unless notice to rescind has been given at the previous meeting of the Committee.

The president shall be an ex-officio member of the Committee.

### **(3) RETIREMENT, VACATION OR CESSATION OF MEMBERSHIP**

Any member of the Committee not attending for three consecutive meetings shall, unless he send an explanation which the Committee consider satisfactory, cease to be a member. Any member who shall cease to be a financial member, or whose name should properly appear in the list mentioned in Rule 8, or who is suspended under Rule 22, or who shall cease membership of the Club by any reason, shall vacate his seat. Any vacancy so occurring, or by any other cause, may be filled by the Committee, except in the case of trustees, who are governed by Rule 12 (3).

### **(4) REMOVAL OR RESIGNATION.**

Any member of the Committee may be removed at anytime, provided two-thirds of the members present at a special general meeting called for that purpose shall vote in favour of such removal.

### **TRUSTEES**

14. All deeds, documents of title and securities for money shall be held by the Trustees, who shall be responsible for the safe custody thereof, and shall produce them for inspection by the Auditors when required by them, and whenever else required by a resolution of a General meeting or of the Committee.

If any Trustee, being removed from office, shall refuse or neglect to assign or transfer any property of the Club, such Trustee shall (if a member), be expelled from the club, and shall cease to have any claim on the club, without prejudice to any liability to prosecution.

### **THE TREASURER**

15. The Treasurer shall receive all monies belonging to the Club, or such as the Committee may direct, shall pay the same to the credit of an account opened in the name of the Club at such bank, and in such manner as the committee may direct, and further, shall keep such accounts and pay such debts of the club as the committee may direct, and shall, when required to do so, render to the committee or trustees, or any one of them, or a general meeting, an account of the moneys received and expended by them.

### **THE SECRETARY**

16. The secretary shall carry out the directions of the committee, and subject thereto, shall receive moneys on account of the Club, and pay the same to the Treasurer, and keep such accounts as the committee shall direct.

He or she shall attend all meetings, take the minutes of the proceedings prepare the balance sheets and submit the same to the auditors.

He or she shall keep on the club premises a list of the names and addresses of the members of the Club, and a record of the latest payment of their subscription.

### **ANNUAL RETURN TO REGISTRAR**

The Secretary shall send to the Registrar once in every year, not later than 31st May, an annual return relating to the Clubs affairs for the period required to be included in the return. The annual return must be made up for the period beginning with the first day of January of the year preceding the year in which the return is required to be sent, and ending with the 31st December then last inclusive, the return must be made in the form prescribed by the Chief Registrar, and contain such particulars as may from time to time be required by the form. A copy of the report of the auditor on the accounts and balance sheet contained in the return must accompany the annual return.

### **COPIES TO MEMBERS**

A copy of the last annual return or balance sheet or other document, duly audited, containing the same particulars relating to the affairs of the Club, as are contained in the annual return together with a copy of the report of the auditor, on the accounts and balance sheet contained in the return or on that balance sheet or document so supplied as the case may be supplied gratuitously on demand to every member or person interested in the funds of the Club.

### **BALANCE SHEET TO BE POSTED**

A copy of the account or accounts and balance sheet covering the year ending on the previous 31st December, as audited, and the report of the auditor on the balance sheet and accounts shall be posted in the registered office and shall be kept always hung up in a conspicuous place at the said office.

### **INSPECTION OF BOOKS**

17. The Committee shall cause the books to be available for the inspection of any member or person having an interest in the funds of the Club at all reasonable hours, at the registered Office or at any place where the books are kept, and it shall be the duty of the Secretary to produce them accordingly.

### **AUDIT**

18. [1] The Club shall in each year of account appoint a qualified auditor to audit its accounts and balance sheet for that year. For the purposes of this rule qualified auditor means a person who is a qualified auditor under Section 36 of the Friendly Societies Act 1974.

[2] Save as provided in paragraph (3), of this rule every appointment of an auditor shall be made by resolution of a general meeting of the Club.

[3] The Committee may appoint an auditor to fill any casual vacancy occurring between general meetings of the Club.

[4] An auditor appointed to audit the accounts and balance sheet of the Club for the preceding year of account (whether by a general meeting or by the Committee) shall be re-appointed as auditor of the Club, for the current year of account (whether or not any resolution expressly re-appointing him has been passed) unless;

(i) a resolution has been passed at a general meeting of the Club appointing somebody instead of him or providing expressly that he shall not be re-appointed.

(ii) He has given to the Club notice in writing of his unwillingness to be re-appointed or

(iii) he is ineligible for appointment as auditor of the Club for the current year of account or

(iv) he has ceased to act as auditor of the Club by reason of incapacity.

Provided that a retiring auditor shall not be automatically re-appointed by virtue of this rule if notice of an intended resolution to appoint another person in their place has been given in accordance with paragraph (5) of this rule and the resolution cannot be proceeded with because of the death, incapacity or ineligibility of that other person.

[5] A resolution at a general meeting of the Club (i) appointing another person as auditor in place of a retiring auditor or (ii) providing expressly that a retiring auditor shall not be re-appointed shall not be effective unless notice of the intention to move it has been given to the Club not less than 28 days before the meeting at which it is moved. On receipt by the Club of notice of the intention to move any such resolution the Club shall give notice of the resolution to the members in accordance with section 34 of the Friendly Societies Act 1974. The Club shall also give such notice to the retiring auditor in accordance with Section 35 of the Friendly Societies Act 1974, and shall give notice to the members in accordance with that section of any representations made or intended to be made by the retiring auditor.

[6] None of the following persons shall be appointed auditor of the Club:  
(i) An officer or servant of the Club  
(ii) a person who is a partner of or in the employment of, or who employs an officer or servant of the club, or  
(iii) a body corporate

[7] The auditor shall in accordance with section 38 of the Friendly Societies Act 1974, make a report to the Club on the accounts examined by him, and on the revenue account or accounts and the balance sheet of the Club, for the year of account in respect of which he is appointed.

[8] The auditor shall have the right of access at all times to the books, deeds and accounts of the Club, and to all other documents relating to its affairs, and shall be entitled to require from the officers of the Club, such information and explanations as he thinks necessary for the performance of the duties of the auditor.

[9] A copy of the account or accounts and balance sheet covering the year ending on the previous 31st December, as audited, and the report of the auditor on the balance sheet and accounts shall be posted in the registered office and shall always be hung in a conspicuous place of the said office.

[10] The Club shall be eligible to disapply from the requirement of a full audit and substitute an accountants report, providing the financial criteria laid down by the Financial Services Authority are met, and the Annual General Meeting passes a resolution to disapply for the requirement of a full professional audit for the year of account in question.

***[Added by partial amendment 22<sup>nd</sup> July 2009]***

#### **APPLICATION AND INVESTMENT OF FUNDS**

19.[1] So much of the funds as may not be wanted for immediate use, or to meet the usual accruing liabilities, shall, with the consent of the Committee, or a majority of the members present and entitled to vote in general meeting be invested by the trustees in any of the following ways, namely: in the Post Office Savings Bank, or in any savings bank certified under the Trustees Saving Bank Act, 1863, or the Trustee Savings Bank Act, 1962, or in Public funds, in the purchase of land, or in the erection or alteration of offices or other building thereon, or in any investment in which the Trustees are for the time being by law authorised to invest trust funds.

[2] In no case shall any of the funds be distributed amongst the members, but the club may subscribe out of such funds to any convalescent home, hospital, infirmary charitable or provident institution, any annual or other sum which may be necessary to secure to members of the Club, or their families the benefits of such institution.

[3] The Trustees, with the consent of a general meeting, or of the Committee, may purchase or take on lease any land, and may sell, exchange, mortgage, lease, or build upon that land (with power to alter and pull down buildings and again rebuild) and a purchaser, assignee, mortgagee, or tenant shall not be bound to inquire as to the authority for any sale, exchange, mortgage or lease by the Trustees, and the receipt of the Trustees shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage or lease.

#### **DISPUTES**

20. If any dispute shall arise between a member or person claiming through a member or under the rules, or any person aggrieved who has ceased to be a member, or any person claiming through such person aggrieved, and the Club, or any officer of the Club, it shall be decided by reference to arbitration.

The complaining party and the Club shall each appoint an arbitrator, and the two Arbitrators so elected shall appoint an umpire whose decision shall be binding on all parties. The Arbitrators and their umpire so appointed shall not directly nor indirectly be interested in the funds of the Club.

In this rule the expression dispute includes any dispute arising on the question whether a member or person aggrieved is entitled to be or continue to be a member or to be reinstated as a member, but, save as aforesaid, in the case of a person who has ceased to be a member, does not include any dispute other than a dispute on a question between him and the Club or an officer thereof which arose whilst he was a member or arises out of his previous relation as a member of the Club.

#### **MISCONDUCT OF MEMBERS**

21. No gambling, drunkenness, bad language, or other misconduct shall be permitted on the Club premises.

#### **AUTHORITY OF THE COMMITTEE TO SUSPEND OR EXPEL**

22. Any Officer present upon the club premises shall have the power to order the withdrawal from the club premises of any member who shall infringe any rule or by-law or whose conduct whether within the club or elsewhere shall in his opinion render a member unfit for further entry to the club.

If the committee by a majority of the members present at the meeting and entitled to vote so decide that on the face of the complaint there is a case to answer the secretary will write to the member setting out the charge or charges and summon him to appear before the committee giving not less than 3 clear days notice to afford the member an opportunity to advance a defence.

The committee having found a member guilty of a charge by a simple majority of their number present and entitled to vote must by a least two thirds of the said committee vote for the member to be reprimanded or suspended (for a period not exceeding 12 months) or expelled to render it effective.

A suspended member shall not be entitled to any of the rights and privileges of club membership but shall remain liable to pay his subscription.

The decision of the committee shall be sent to the member in writing within three days of the meeting at which the decision was reached and the members rights of the appeal procedure explained in the letter.

***[Partial Amendment February 2012]***

#### **INTRODUCTION OF GUESTS**

23. A Member may personally introduce friends as guests, but no resident of Branston or within a ten mile radius thereof shall be so introduced more than once a calendar month. All bone-fide non-resident visitors will be allowed in the Club as guests upon being so introduced each day by a member.

No consecutive visit to exceed seven days. The visitor and the member introducing him must sign their names in a book kept for that purpose, and pay such (nominal) fee, if any, as set by the Committee. Members must accompany their guests during their stay in the Club.

Former members who have been expelled or have ceased membership under Rule 8, or members under suspension, shall not be allowed in the Club as visitors.

*[Partial Amendment 12<sup>th</sup> September 2000]*

#### **APPLICATION TO THE REGISTRAR**

24. One fifth of the total number of members, or such numbers of members as is prescribed by the Act, by an application in writing to the Chief Registrar, signed by them in the forms respectively provided by the Treasury Regulations in that behalf, may apply:

(i) For the appointment of one or more inspectors to examine into and report on the affairs of the Club.

(ii) For the calling of a special meeting of the Club.

(iii) For an investigation into the affairs of the Club with the view to the dissolution thereof where the funds are insufficient to meet the existing claims thereof.

#### **VOLUNTARY DISSOLUTION**

25. The Club may at any time be dissolved by the consent of three fourths of the members, testified by their signature to an instrument of dissolution in the form prescribed by the Treasury Regulations.

#### **COPIES OF THE RULES**

26. The Secretary shall be supplied by the Committee with copies of the rules, and shall be bound to deliver a copy to any person on demand, on such payment (not exceeding £1.00), as the committee may from time to time determine.

*[Partial Amendment 12<sup>th</sup> September 2000]*

#### **AMENDMENT OF RULES**

27. No new rule shall be made, nor shall any of the rules herein contained or hereafter to be made, be amended or rescinded unless the consent of two thirds of the members present and entitled to vote at a general meeting, of which notice has been given specifying the intention to propose such new rule or amendment, except in the case of anything affecting the objects of the Club, or its registration under the Act, in which case no amendment shall be made except by the votes of three-fourths of the members so present. No new rule or amendment of these rules is valid until registered.

#### **BY—LAWS**

28. The Committee shall have power to make such By-laws as it considers necessary for the good government and order of the Club, providing that no By-law shall conflict with any of the Rules. A copy of all such by-laws shall be posted in a conspicuous place within the Club house.

#### **HOURS OF OPENING AND CLOSING**

29. The Committee of the Club shall be empowered to determine the opening hours of the Club.

*[Partial amendment 22<sup>nd</sup> July 2009]*

#### **PERMITTED HOURS FOR THE SUPPLY OF INTOXICANTS**

30. The permitted opening hours are determined within the Club Premises Certificate granted under the Licensing Act 2003, Section 60, by the relevant Licensing Authority.

*[Partial amendment 22<sup>nd</sup> July 2009]*

#### **ADDITIONAL COMMITTEE RULES**

31. The Committee shall have full power to deal with any matter not provided for in the foregoing rules.

#### **INTERPRETATION**

32. In these rules, unless the contrary intention appears:

[1] Words in the singular shall include the plural and words in the plural shall include the singular.

[2] The Act means The Friendly Societies Acts 1896 and 1958 and any Acts amending or substituted for them and for the time being in force.

[3] Unless contrary intention appears words denoting masculine gender shall be deemed to include the feminine.

*[Partial Amendment 12<sup>th</sup> September 2000]*

#### **OAP CONCESSIONS**

33. Ordinary members attaining the age of 65 male, and 60 female, shall be entitled to OAP concessionary fee, as set by the committee, providing they have completed five consecutive years of membership at the normal rate.

*[Partial Amendment 12<sup>th</sup> September 2000]*

#### **LIFE MEMBERS**

34. The Committee shall at its discretion grant life membership to any member who has rendered special service to the Club; or who, in their opinion, is deserving of the distinction.

Life members shall not be liable to pay subscriptions under rule 8, but shall be entitled to all the rights and privileges of Club membership, including the right to attend meetings and vote at elections and be nominated for committee or any other office. A card of life membership shall be signed by the Secretary and issued to each life member.

*[Partial Amendment 12<sup>th</sup> September 2000]*

N. Poucher Committee Member

A. Saunby Treasurer

A. Claydon Secretary

#### **ACKNOWLEDGEMENT OF REGISTRATION OF AMENDMENT OF RULES**

Date or registration under the Friendly Societies Act 1974

Complete Amendment 25<sup>th</sup> June 1980

Partial Amendment 2<sup>nd</sup> May 1989

Partial Amendment 12<sup>th</sup> September 2000

Partial Amendment 22<sup>nd</sup> July 2009

Partial Amendment 8<sup>th</sup> May 2012

Partial Amendment 23<sup>rd</sup> June 2016

Partial Amendment 25<sup>th</sup> May 2017