

# FRANKLIN CLUB INCORPORATED

7 EAST STREET PUKEKOHE  
PO BOX 42 PUKEKOHE



CHARTERED 1952

Established

1922

Incorporated

1923

1. NAME

- a. The name of the Club shall be the **FRANKLIN CLUB INCORPORATED**, hereinafter referred to as “the Club”.

2. REGISTERED OFFICE

- a. The registered office of the Club shall be at the Club premises in Pukekohe or such other place as the Committee shall from time to time appoint.

3. OBJECTS

- a. The objects for which the Club is established are:-

- (1) To conduct, administer and maintain a Chartered Club for its Members and for such persons as are authorised from time to time in accordance with the terms of any charter granted to the Club.
- (2) To provide amenities and cultural activities and promote sports and generally to provide an atmosphere where the Members may meet and enjoy companionship with one another.

4. MEMBERSHIP

- a.
- (1) All members are required to carry their membership card at all times while on the premises and produce it when requested by Club Officials.
  - (2) Membership of the Club shall consist of Ordinary Members, Family Members, Veteran Members, Senior Members and Life Members.
- b.
- (1) Ordinary Members shall comprise males and females who have attained the age of eighteen years or such lower age as may be authorised by the Sale and Supply of Alcohol Act 2012 and its amendments or any Act or Acts passed in substitution therefor.
  - (2) Family Members shall comprise males and females who qualify in accordance with rule 4 b.(1). It includes the spouse/partner of the Ordinary Member. It may also include direct descendants of the Ordinary Member and spouse/partner up to and including the age of twenty- five years (25) years.
  - (3) Veteran Members shall be all those Ordinary Members who have been Members for a continuous period of thirty (30) years and who have reached the age of sixty (60) years.
  - (4) Senior Members shall be those members who have attained the age of eighty (80) years and have been a current Member for at least ten (10) years.
  - (5) Life Members shall be those Members selected as in Rule 9.

c. Members shall be entitled to rights and privileges as follows:

- (1) Entry to the Club premises during such hours as may be defined by Rule 27a,
- (2) The right to hold office in accordance with the Rules of the Club,
- (3) An equal voice in all business of the Club.

5. YOUTH MEMBERSHIP

- a.
  - (1) A Youth Member shall be a Family Member under the Age of eighteen (18) who shall have limited membership rights.
  - (2) They shall not participate in Club monetary draws.
  - (3) They shall not have voting rights
- b.
  - (1) If accompanied by a Parent or Legal Guardian a Youth Member over the age of sixteen (16) may consume alcohol purchased by their Parent or Legal Guardian.
  - (2) No-one under the age of sixteen (16) will be permitted to drink alcohol on the premises

6. ADMISSION OF MEMBERS

- a. Each candidate for membership shall be nominated in writing by two financial Members on the form provided for the purpose. The nomination form shall include the forenames, surname, date of birth, residential address and occupation of the candidate and an undertaking that they will abide by the Rules of the Club. The candidate must pay the membership fee in full or pro rata as applicable at the time of nomination as may be set at the previous Annual General Meeting. The names of candidates shall be posted on the Club's notice board for fourteen (14) clear days prior to election.
- b. Any objection lodged during the period of posting shall be considered by the Committee. Election shall be by ballot at the first Committee meeting held after the expiration of the said fourteen (14) days.

7. TERMINATION OF MEMBERSHIP

- a. Members may resign their membership by letter addressed to the Secretary to that effect and by paying all subscriptions owing at the date of such letter of resignation.

- b. Members who misconduct themselves or commit offences under these Rules render themselves liable to expulsion on the recommendation of the Judicial Review Sub-committee and following a majority decision of the Committee. Members shall have the right to appear at a Judicial Review Sub-committee meeting and be heard at any meeting considering a complaint against them.

## 8. SUBSCRIPTIONS

- a. All subscriptions shall be paid yearly in advance. The annual subscription for all membership shall be as set from time to time by Members in Annual General Meeting or at an Extraordinary General Meeting called for that purpose.
- b. The Committee shall have the right as it sees fit, to discount the subscription set under Rule 8a.
- c. The subscription year of the Club shall commence on the first day of June in each year and subscription shall become payable on that date.

## 9. LIFE MEMBERS

- a. The Club in Annual General Meeting, upon recommendation by the Committee, may grant life membership to any Member for meritorious service rendered to or on behalf of the Club.
- b. Notice of intention by a Member to recommend a fellow Member for life membership shall be submitted in writing to the Secretary fourteen (14) clear days prior to the Annual General Meeting. The number of Life Members shall not at any time exceed two (2) per cent of the total membership of the Club.

## 10. ARREARS

- a. Any Member whose subscriptions are in arrears for three (3) months shall be struck off the register of Members. A Member incapacitated through illness, accident or distress may, on notice in writing given to the Secretary, have their subscription suspended or remitted.
- b. Any Member whose indebtedness incurred in respect of the Bar or Off-licence is in arrears for three (3) months shall be struck off the register of Members.

## 11. COMMITTEE OF MANAGEMENT

- a. The general business, management and control of the Club shall be conducted by a Committee comprising:-
  - (1) A President

- (2) A Vice-President
- (3) A Secretary
- (4) A Treasurer
- (5) Up to Seven (7) committee members.

b. The Committee shall be elected in the following manner:-

- (1) Nominations for the Committee shall be made in writing on a form provided for the purpose and shall be deposited with the Secretary at least fourteen (14) clear days prior to the Annual General Meeting. The nominee and the nominee's proposer and seconder shall, at the date of nomination, be financial Members. If any is not then the nomination shall be void.
- (2) The election shall be by secret ballot on the Club's premises or by postal ballot. If by secret ballot, voting will commence on the day prior to the Annual General Meeting, at a time to be advised to Members, and be open until the opening of the meeting.
- (3) Any extraordinary vacancy on the Committee shall be filled by the Committee.
- (4) Any Member elected or appointed after the date of the annual election shall hold office only until the next annual election.
- (5) The President, Vice-President, Secretary, Treasurer and Committee shall be eligible for re-election, with the exception of the President who shall not be eligible for re-election for a fourth (4th) consecutive term.
- (6) Every candidate for the office of Vice-President, Secretary, Treasurer, or Committee Member must have been a Member for at least one (1) year prior to nomination for office.
- (7) The candidate for the office of President must have served for at least one (1) year on the Committee.
- (8) A Member of the Committee shall ipso facto vacate their office if they:-
  - (a) Is absent from three (3) consecutive meetings of the Committee without leave of the Committee.
  - (b) By notice in writing to the Committee resigns their office.
  - (c) By notice in writing from the Committee is called upon to resign for any reason which the Committee deems expedient and they do not resign.

- (d) Are employed by any Manager or any third party providing goods and/or services to the Club, provided the Committee may allow dispensation from this requirement to vacate office if the Committee decides any employment or supply of goods and/or services is a short term or temporary arrangement.

12. PRESIDENT AND VICE-PRESIDENT

- a. The President shall preside as chairman at all meetings of the Club and the Committee. In the President's absence the Vice-President shall preside as chairman and failing both the meeting shall elect a chairman. The chairman of any meeting shall have a deliberate and a casting vote.
- b. The President and Vice-President shall be ex-officio members of all sub-committees. The President and Vice-President shall have the right of entry upon the Club premises or buildings at any time.
- c. The President, Vice-President, Committee Member chairman of any meeting of the Club and of the Committee shall have the power to peremptorily suspend a Member from the privileges of the Club who shall, after having been duly warned, persist in the creating of a disturbance at any meeting or entertainment.

13. SECRETARY

- a. The Secretary shall attend to the clerical duties of the Club to take minutes of meetings and generally to carry out such decisions as shall from time to time be made by the Committee. Nothing in this Rule shall preclude the engaging of outside professional services in the performance of any of the above duties or from combining the office of Secretary with that of the Manager.

14. TREASURER

- a. The Treasurer shall ensure that the Secretary/Secretary Manager/ Manager pays into the Bank for the credit of the Club all moneys received and shall furnish the Committee at each ordinary meeting with a detailed report of the previous month's receipts and payments.

15. AUDITOR

- a. An auditor who shall be a member of the New Zealand Society of Accountants shall be appointed by the Members annually. The Auditor shall not hold any other office in the Club. The Auditor shall have the right to attend any meeting of the Club at which the Club's financial affairs are under discussion.

16. MANAGER

- a. The Club may appoint a Manager who shall be responsible for the day to day maintenance, cleanliness and service of the Club, the engagement and dismissal of such employees as may be essential to provide an adequate and efficient maintenance of the assets and control of the Club and such other duties as are conducive to the Manager's office. The Manager's salary/lease/remuneration shall be determined by the Committee.
- b. The Committee shall have the authority to lease, licence or enter into any other contractual arrangements which it considers is financially viable with such person or persons, who are not to hold membership in the Club during the term of such lease, licence or contractual arrangement, to supervise part or all of the Club's premises or activities save that such contract must always be consistent with the Member's entitlement to the use of the Club premises and enjoyment of the Club facilities.
- c. Premises are to be leased on such conditions and agreements as the Committee shall approve and/or include such additional agreements for the efficient and proper conduct of the Club in accordance with these Rules.

17. ANNUAL GENERAL MEETING

- a. The Annual General Meeting of the Club shall be held not later than 31 May in each year at such time and place as shall be fixed by the Committee. At least twenty-one (21) days notice of such Annual General Meeting stating the nature of the business to be brought before the meeting shall be given by notice posted on the Club notice board and a copy of such notice shall be posted to each Member five (5) clear days prior to the date of the meeting.

18. EXTRAORDINARY GENERAL MEETING

- a. The Committee may whenever it thinks fit, or upon a requisition in writing by fifty (50) Members, convene an Extraordinary General Meeting. Any such requisition shall specify the objects of the meeting requisitioned and shall be signed by the Members making the same and shall be deposited with the Secretary. The meeting must be convened for the purpose specified in the requisition and if convened by the Committee upon requisition, shall be for this purpose only. Seven (7) clear days notice specifying the place, the day and the hour of such Extraordinary General Meeting and the purpose for which it is held shall be given either by an advertisement in a public newspaper circulating in the district, or by notice sent by post or personally served on each Member. A copy of such notice shall also be displayed on the Club notice board.

19. COMMITTEE MEETINGS

- a. The Committee shall meet regularly and at least once in each calendar month at a time and place to be determined by the Committee.
- b. The Committee meeting may be held by the Committee by:-
  - (1) being assembled together at the time and place appointed for the meeting; or
  - (2) participating in the meeting by means of audio, audio and visual, or electronic communication; or
  - (3) by a combination of both of the methods described in paragraphs (1) and (2).

20. CONDUCT OF ANNUAL GENERAL MEETING

- a. At the Annual General Meeting the following business shall be transacted:-
  - (1) Confirmation of minutes of the last Annual General Meeting, and subsequent Extraordinary General Meetings, if any.
  - (2) Receiving report of Management Committee.
  - (3) Consideration of Balance Sheet and Statement of Accounts.
  - (4) Fixation of subscriptions.
  - (5) Election of Officers.
  - (6) Consideration of Notices of Motion.
  - (7) Recommendations to Incoming Committee.

The adoption of the Report and Balance Sheet having been moved and seconded, any Member may without notice ask any question or move any resolution relative to the Report or Balance Sheet.

- b. Members desirous of bringing any matter up for discussion at any Annual or Extraordinary General Meeting of the Club shall give notice to the Secretary in writing fourteen (14) days before the date of such meeting. The Secretary shall cause such notices of motion to be posted on the notice board for seven (7) days before the meeting, and shall notify Members of such motion as provided by the Rules.



21. VOTING

- a. At any Annual General Meeting and Extraordinary General Meeting every Member shall be entitled to be present and, to give one vote and no more upon every question, provided however that in the case of equality of votes the chairman of the meeting shall have a casting vote. Voting shall be on the voices in the first instance, provided that however the chairman on the chairman's own violation may and on the application of three Members shall call for a show of hands. On a motion passed by a majority of those Members present the vote shall be taken by secret ballot.

22. QUORUM

- a. The quorum for:-

- (1) A meeting of the Committee shall be not less than five (5) of its members of which two (2) shall be the President, Vice President, Secretary or Treasurer.

- (2) An Annual or Extraordinary General Meeting of the Club shall be fifty (50) Members.

- b. In the event of there not being a quorum present at the expiration of half an hour from the notified time of the meeting then a meeting shall be adjourned to such a date and hour as may be decided by the Committee.

23. ACCOUNTS

- a. The Committee shall cause to be kept true accounts:

- (1) Of all sums of money received and expended by the Club and the matters in respect of which such receipt and expenditure takes place.

- (2) Of all assets, credits and liabilities of the Club including any charges and securities of any description affecting any property of the Club.

- b. The financial year of the Club shall begin on the first day of March in each year and shall expire on the last day of February in each year.

- c. The books of accounts shall be kept at the office of the Club or other such place as the Committee may determine and shall be open to the inspection of Members at reasonable times. All moneys received shall be forthwith paid into a bank account approved by the Committee after being entered into the books of the Club as having been received.

- d. All payments shall be reported to the Committee for confirmation at the next meeting following pay-out, and payment of all monies on behalf of the Club shall be made by cheque or by internet banking and approved by any two authorised personnel.
- e. At every Annual General Meeting of the Club the Committee shall present a statement of the income and expenditure and a balance sheet containing a summary of the assets and liabilities of the Club made up to the yearly date. Every such statement shall be accompanied by a report from the Committee as to the state of the Club.
- f. The Club shall make returns required by Section 23 of the Incorporated Societies Act, 1908 or by such other statutory provision for the time being in force and shall comply with all the requirements of such Statute and other Regulations thereunder.

#### 24. SEAL

- a. The Club shall have a Common Seal which shall be kept in the custody and the control of the Secretary for the time being or the Club's solicitor and the documents to be executed by the Club of whatsoever nature which require execution as a deed shall be available to every Member and shall be executed with the following attestation clause pursuant to a resolution of the Committee.

"The Common Seal of the FRANKLIN CLUB INCORPORATED was hereunto affixed by the Secretary in the presence of two members of the Committee".

#### 25. GENERAL POWERS

- a. The Club shall have power:
  - (1) To take on lease, hire or otherwise acquire any real or personal property or rights or privileges which the Club may think necessary or convenient for the purpose of furthering the objects of the Club.
  - (2) To invest any moneys not required for immediate use in such Government or Local Body securities or on bank deposits as may be deemed advisable with power from time to time to vary investments for others of a like nature, and to lease or hire or enjoy the benefit of any property presently occupied whether real or personal of any kind or nature whatsoever which may be conveniently used in connection with the objects of the Club.
  - (3) To make Regulations and By-laws for the Conduct of the Club and the discipline required of Members.
  - (4) To do all such things as in the opinion of the Club may be incidental to the attainment of any of the foregoing objects or the exercise of any foregoing powers.

26. BORROWING MONEY

- a. The Club shall have the power to borrow or raise or give security for money by the issue of or upon bonds, debentures, debenture stock, bills of exchange, promissory notes or other obligations or securities of the Club by mortgage or charge upon all or any part of the property of the Club or without security and upon terms as to priority or otherwise as the Club shall think fit.

27. CLUB HOURS

- a. Club hours shall be as per any current Liquor Licence but with the discretion of Club Management to close as deemed appropriate.

28. GUESTS AND VISITORS

- a. The Club, under its Club Licence or Off Licence, must ensure that alcohol is only sold or supplied to Members, authorised customers or authorised visitors for consumption on (Club Licence) or off (Off Licence) the Club's premises.

- b. Any Member or authorised visitor may invite any person as an authorised customer (hereon referred to as a guest) to the Club in accordance with the following:

- (1) By entering Club premises, a guest agrees to abide by these Rules.

- (2) All guests shall enter their name and address in the Club's signing in register each time they visit the Club.

- (3) The Member or authorised visitor accompanying a guest shall also sign the Club's signing in register and will at all times be responsible for the conduct of the guest.

- (4) No guests shall be sold or supplied alcohol on Club premises unless the guest is present on the invitation of a Member or authorised visitor and is in the company of the Member or authorised visitor and the alcohol is supplied for consumption on the premises.

- c. An authorised visitor (herein referred to as a visitor) who is a member of an affiliated club visiting the Club:

- (1) is deemed to agree to abide by these Rules;

(2) has the same rights as Members to be sold or supplied alcohol on or off Club premises, provided he/she has produced sufficient evidence to an officer of the Club or member of its staff that he/she is a member of an affiliated Club. No person, whether a member of an affiliated Club or otherwise, may visit more than once a month.

d. In this Rule:

(1) authorised customer, in relation to premises a club licence is held for, means a person who:

- (a) is a member of the club concerned; or
- (b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- (c) is an authorised visitor.

Authorised visitor, in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

(2) member, in relation to a club, means a person who:

- (a) has expressly agreed in writing to comply with the club's rules; and
- (b) is recognised as a member of the club by those rules.

e. The above provisions are subject to the provisions of any Club licence relating to the sale of alcohol.

## 29. OFFENCES

a. Members who have been convicted of any criminal offence after election to the Club may be liable for suspension from the Club. (Refer to disciplinary guidelines).

## 30. CLAIMS TO CLUB PROPERTY

a. No expelled or retiring or forfeiting Member shall have any claim upon the Committee or the Club either collectively or individually or to any property of the Club.

31. DISPUTES

- a. Every dispute between a Member or persons claiming through a Member under these Rules and the Club or an officer of the Club shall be decided by the Committee and the decision shall be binding and conclusive on all parties without appeal.

32. BY-LAWS

- a. The Committee shall have power to make Regulations and By-laws dealing with all matters within the jurisdiction of the Club and not provided for in these Rules and to amend, rescind and remake such Regulations and By-laws from time to time.

33. INTERPRETATION

- a. In the Interpretation of these Rules, the decision of the Committee shall be final and binding.

34. REVISION OF RULES

- a. These Rules may be revised or amended by a resolution passed by a 60% majority of the Members present at the meeting and entitled to vote at any Annual General Meeting or Extraordinary General Meeting of which notice specifying the intention to propose the resolution has been duly given according to the Rules.

35. DISSOLUTION

- a. The Club may be voluntarily dissolved as provided by Section 24 of the Incorporated Societies Act 1908, and its amendments, and all monies or assets left after due settlement of all just debts and the affairs of the Club shall be handed over to some charitable institution to be determined upon at the next Committee meeting.

36. GENERAL

- a. All matters provided for in these Rules shall, at all times, be dealt with in accordance with the following guiding principles:

(1) That it be accepted that the Club is established primarily for the benefit and convenience of its Members.

(2) That the admission of non-members should at all times be subordinated to the comfort, well being and satisfaction of the Members.

(3) That at all times the provision of the Club's charter as laid down by the Liquor Licensing Authority or appropriate licensing authority is to be maintained and upheld.

b. In these Rules:

Committee means the committee of the Club and the members of the Committee are as specified in Rule 11 a;

Manager means the manager of the Club;

Member means a member of the Club and membership means membership of the Club.

#### MEMBERS CERTIFICATE

We hereby certify that the foregoing Rules have been approved, passed and confirmed at an Annual General Meeting of the Franklin Club Incorporated held on 31 May 2015.

.....President

.....Member

.....Member

## BY-LAWS

1. Under Rule 32 the Committee may make By-laws (not inconsistent with the Incorporated Societies Act 1908 and not inconsistent with the Sale and Supply of Alcohol Act 2012) for the regulation and management of the Club or any part of its business.
2. The following By-laws may be adopted at the time of formation of the Club but do not form part of the Rules and may be added to, changed or deleted by the Members without reference to the Register of Incorporated Societies.
  - a. No Member shall give any gratuity to any employee of the Club.
  - b. Any Member removing articles which are the property of the Club from the Club premises without the consent of the Committee or wilfully damaging any property of the Club and refusing to replace or make good the same shall render that Member liable to suspension or expulsion. (Refer Disciplinary Guidelines).
  - c. Any Member convicted of bookmaking or an indictable offence or committing an offence within or without the Club likely to prejudice the Club's charter shall ipso facto cease to be a Member.
  - d. Drunkenness, swearing, obscene language and other disorderly conduct shall not be permitted in the Club premises, and Members persisting in offending may, after being cautioned by an officer of the Club or a Committee Member render themselves liable to suspension or expulsion.
  - e. Suspension by a Committee Member or an officer of the Club shall mean total exclusion from the Club's premises from the time of the committal of the offence until such time as the matter had been dealt with by the Committee which may either cancel the suspension or confirm it for a determined period of time. The Member shall in all cases be given the right to appear before the Committee.
  - f. Any disciplinary action taken will be entered in the minutes of the Committee Meeting together with the name of the Member concerned.
  - g. No raffle shall be allowed on the Club's premises or goods exhibited for that purpose except with the authority of the Committee.
  - h. No unlicensed or unlawful gambling or gaming shall be permitted in the Club.
  - i. No petition, except for the purpose of convening an Extraordinary General Meeting as provided for in Rule 18a. shall be allowed to circulate or signatures sought on the premises of the Club.
  - j. No business cards or notices shall be posted or hung on the Club premises without the sanction of the Committee, nor shall any Member give the address of the Club in an advertisement or conduct any business in the Club or use the Club address for

business purposes.

- k. Members of the Committee shall at all times render every assistance to the officers and staff of the Club to maintain order and to prevent infringement of the Rules, Regulations or By-laws or the terms of any charter which may from time to time be granted.
  
- l. The Committee may from time to time adopt a disciplinary policy and the disciplinary procedures it wishes to follow and the Committee may amend, revoke or re-adopt such policy and procedures as the Committee deems appropriate to best deal with any Member disciplinary issues. The Committee will ensure the correct policy and procedures are available to Members by such means as the Committee determines is appropriate.
  
- m. The Rules, Regulations and By-laws shall apply equally to each and every Member.