

## Proposed amendments for approval at the AGM on 15 November 2017

### SUTTON IN ASHFIELD SAILING CLUB      CONSTITUTION

Revised at General meeting 14/11/2012

#### NAME AND OBJECT

1. The name of the club is 'The Sutton in Ashfield Sailing Club', and the burgee of the club shall be a blue background with the Sutton Snipe in blue on a gold disc.
2. The object for which the club is formed is to promote and facilitate the sport of sailing

#### MEMBERSHIP

3. The club operates an equal opportunities policy. The membership is open to all without discrimination, so that any person, having attained the age of twelve years, (See clause 10. d), whether the owner of a sailing dinghy or not; who is keen and interested in sailing is eligible as a candidate for membership. (Altered 10/11/04)

4. Applicants for membership should apply to the Secretary giving his or her name and address and any other particulars the General Committee may require. The application form shall be displayed on the club notice board for seven days or until the next General Committee meeting, whichever period is greater. Acceptance of the applicant shall be by a simple majority vote at the next appropriate General Committee meeting. (Amended AGM 9/11/09)

5. Subscriptions must be paid by January 31st, after which membership will cease. Ex members of the Club may rejoin in accordance with such conditions as may be determined by the General Committee.

6. Every member on joining the club, undertakes to comply with this constitution and the club rules, and any refusal or neglect to do so, or any conduct which, in the opinion of the General Committee is either unworthy of a member, or otherwise injurious to the interest of the Club, shall render a member liable to expulsion by the General Committee, provided that the disciplinary procedure outlined in Appendix A of this constitution are followed.

7. There shall be an annual subscription and any other fee which may be deemed necessary, of such sums as the General Committee may from time to time prescribe.

8. There shall be the following categories of membership for persons qualified under paragraph 4. hereof:

a. **Ordinary** membership.

b. **Family** membership; which shall include two people living together as a single unit, and any children of either or both partners, who are under eighteen years of age or are in full time education. Grandchildren of members may be included on the grandparent's Family membership (Amended AGM 14/11/12)

c. **Senior Cadet** Membership; which shall be available to a person of the ages of sixteen to eighteen or anyone in fulltime education.

d. **Junior Cadet** Membership; which shall be available to a person of the ages of twelve to fifteen. A child of this age group may join the club on condition that their legal guardian accepts responsibility for the young person whilst at the sailing club. (Amended AGM Nov 12<sup>th</sup> 2008)

e. (i). **Retired (from sailing) Sailing** Membership; open to current Ordinary or Family Member who no longer wish to sail but wish to be associated with the club.

e. (ii) Members of the public may join as **Social members**. They are expected to do duties and are without voting rights at General meetings. (Amended AGM 14/11/12)

(Note item 14a(i) these members are not eligible for election to the General committee)

f. **Honorary** membership which may be conferred upon a person for a period not exceeding twelve months by the *General Committee* or for a period exceeding twelve months by a *General meeting* of the club. The total number of such members shall not at any time exceed five percent of all members.

g. **Short term** membership which shall be available to a person, for a period not exceeding three months. (Amended AGM 14/11/12)

**Temporary** membership is available to persons who have completed the club's RYA training course for the remainder of the year. (Amended AGM 14/11/12)

h. **Group Membership**; The *General Committee* may in its discretion permit the formation of groups on such terms not to prejudice the members. They have no voting rights at the *A/E G Meetings*.

9. The category of membership available to each member shall be determined by the age of such a member on January 1<sup>st</sup>.

10. Members may introduce guests in a manner determined by The *General Committee*.

## 11. **OFFICERS**

a. The Officers of the club shall consist of a Commodore, a Vice Commodore, a Rear Commodore, a Secretary, Sailing Secretary and a Treasurer or Joint Treasurers, who shall be elected at the *Annual General Meeting*. The Retiring Officers shall be eligible for re-election. To be eligible for the office of Commodore or Vice Commodore, a person must have previously served on the *Committee*.

b. No candidate for election to any office (other than the retiring officers) shall be proposed unless the name of such candidate and of his proposer shall have been sent to the Secretary before the fifteenth day of the month prior to the *annual General Meeting*.

## 12. **COMMITTEES**

a. The Committees of the Club shall be:

(i) The *General Committee* shall consist of the officers, the retiring Commodore, a representative of the *Social Committee* and not more than ten members of the Club, two of whom may serve as *Assistant General Secretary* and *assistant Sailing Secretary*, elected by the Club at the *Annual General Meeting* to hold office until the conclusion of the next *Annual General Meeting*. Only Ordinary members, Senior Cadet Members, Family members and Retired Sailing Members shall be eligible for election to the *General Committee*. The *Assistant Secretaries* to have the right to assume full authorities of the first Secretaries in any case of premature retirement or resignation.

(ii) The \**Social Committee* shall consist of not more than twelve members.

b. Candidates for election to any Committee shall be those members of the retiring committee who may offer themselves for re-election and such other members, over eighteen, of the Club whose nominations, duly proposed and seconded by members of the club in writing, shall have been sent to the Secretary before the fifteenth day of the month prior to that of the *Annual General Meeting*.

c. In the event of any vacancy existing on any committee, that committee may co-opt a member to bring that committee up to strength.

d. If the number of candidates, duly proposed and seconded, exceeds the number of vacancies to be filled, the election shall be by secret ballot.

13. a. The *General Committee* shall manage the affairs of the Club according to the rules and constitution and shall apply the funds of the Club to the objects of the Club.

b. The *General Committee* shall make any such rules and regulations as they think fit for the management of the Club.

14. **AUDITORS;** the club's accounts should be audited and presented to the *AGM*.

15. **GENERAL MEETINGS**

a. An Annual General Meeting shall be held on some day in the months of October or November, to be fixed by the Commodore.

b. The Secretary shall, at least fourteen days before the date of such meeting, post or deliver to each member, notice thereof and of the business to be brought forward.

c. No business but the passing of the accounts and the election of the Officers, the *General, Social and Young Members Committees* and the auditors and any business that the *General Committee* shall order to be inserted in the notice convening the meeting, shall be discussed at the meeting, unless notice thereof shall be given to the Secretary before the fifteenth day of the month prior to that of the meeting.

d. The *General Committee* may, on giving 14 days notice, call a *General Meeting* of the Club for any specific business, the nature of which shall be stated in the summons convening the meeting and the discussion at such meeting shall be confined to that business only.

e. The *General Committee* shall also call a *General meeting* at the written request of 12 members.

f. At a *General Meeting* of the Club each member having attained the age of majority shall have one vote. In the case of an equality of votes, the chairman shall have a second or casting vote.

16. **SUPPLY OF INTOXICATING LIQUOR** The purchase for the Club and the supply of intoxicating liquor shall be exclusively controlled by the *General Committee* within the timings and conditions of the club premises certificate complying with the Licensing Act 2003 and its successors. (Amended by *AGM 14/11/2007*)

17. A member of any club recognised by the Royal Yachting Association may be authorised to use the premises of this club by any member of the *General Committee* of this club. Such authorisation shall specify between which dates not more than 14 days apart the said person may use the premises.

18. Any person who is a competitor in any race sponsored or organised by the club and any person who is a member of the crew of such competitors for the purpose of the race is entitled to use the club premises within a period of 24 hours before and after the race in which they are competing.

19. Intoxicating liquor may be sold to or for consumption on the premises by those persons over the age of 18 who are entitled to the use of the premises of the club in pursuance of Rules 17 and 18.

20. a) As the club is non profit making, any money or property of the club or any gain arising from the carrying on of the club shall be applied otherwise than for the benefit of the club or for a charitable purpose to be nominated by the *General Committee*. (Added 10/11/04)

b. Notwithstanding any provisions of the Constitution to the contrary, the secretary shall be paid an honorarium of £25, to be applied for to the *General Committee* in September.

c. A member of the Club may not receive any financial reward for personal or professional services offered to the benefit of the Club.

d. In the event of dissolution of the club, its net assets shall be donated to the Royal National Lifeboat Institution. *Any monies given to the club by any funding organisation in the form of a grant, which remains in the club funds, shall be returned to that organisation. (Added by General meeting 28/01/2008)*

## 21. Trustees

a. There shall be at least three Trustees of the Club who shall be appointed from time to time as necessary by the Committee of the Club from among Full, Family or Honorary Members who are willing to be so appointed.

b. A Trustee shall hold office until he resigns by notice in writing given to the Committee or until a resolution removing him from office shall be passed at a meeting of the Committee by a majority comprising two-thirds of the members present and entitled to vote.

c. All the property of the Club, including land and investments, shall be held by the Trustees for the time being, in their own names so far as it is necessary and practicable, on trust for the use and benefit of the Club. In the event of the death, resignation, or removal from office of a Trustee, the Committee shall nominate a new Trustee in his place, and shall as soon as possible thereafter take all lawful and practicable steps to procure the vesting of all Club property into the names of the Trustees as constituted after such nomination. For the purpose of giving effect to any such nomination, the Secretary for the time being is hereby nominated as the person to appoint new Trustees of the Club within the meaning of Section 36 of the Trustee Act 1925 and he shall by Deed duly appoint the person or persons so nominated by the Committee.

d. The Trustees shall in all respects act, in regard to any property of the Club held by them, in accordance with the directions of the Committee and shall have power to sell, lease, mortgage or pledge any Club property so held for the purpose of raising or borrowing money for the benefit of the Club in compliance with the Committee's directions (which shall be duly recorded in the Minutes of the proceedings of the Committee) but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.

e. In pursuance of the authority vested in the Trustees by the members of the Club, the Trustees shall be indemnified by the members of the Club out of the assets of the Club from and against any liability, costs, expenses or payments whatsoever which may be properly incurred or made by them or any one of them in the exercise of their duties or relation to any property of the Club vested in them, or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the performance of the functions of a Trustee of the Club.

f. Should the assets of the Club be insufficient to satisfy such liability, costs, expenses or payments the Trustees shall be entitled to a personal indemnity from the individual members of the Club. The limit of any individual member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate of that category of membership unless the Trustees have been authorised to exceed such limit by a *General Meeting* of the Club.

## 22. AMENDMENTS AND ALTERATIONS

a. Notice of any alterations or additions to the Constitution and its appendices intended to be proposed by a member of the club shall be given to the Secretary in writing before the 15th day of the month prior to that of the Annual General Meeting if the same is to be proposed at that Annual General Meeting, or at least 7 days before any special General Meeting at which the same is to be brought forward, and full particulars of any such proposed alterations or additions shall be set out in the notice convening the meeting.

b. All such proposed alterations or additions and any amendments to them which may be proposed and seconded shall be put to the vote of the meeting, and provided that, on a show of hands or, if demanded, on a ballot, a majority of two thirds of the votes of those members present and entitled to vote, shall be cast in favour of any proposed alterations, additions or amendments then the same shall be deemed to be carried.

### Appendix A

#### Preamble

1. There is a need for a disciplinary procedure that is not only fair but is seen to be fair.
2. The General Committee (G Com) should not be the investigating authority, judge, jury and arbitrator.

#### Procedure

3. When a serious complaint/allegation is made about a member of the club or a member's guest, then the complaint/allegation should be investigated by a Disciplinary Investigation Sub-committee (DISC) to establish all the facts appertaining to the complaint/allegation.

4. A **serious complaint/allegation** is defined as one which would

- a. merit investigation by the police
- b. require a competitor to be reported to the relevant NGB as required by their rules
- c. deliberately brings the name of SASC into disrepute.
- d. breach the covenant of the lease

5. On receipt of a complaint/allegation the G Com must decide whether or not the complaint/allegation is serious as defined by section 4. If it is found that the complaint/allegation is serious, then a thorough investigation should be made. This should involve collecting all the relevant evidence from the accused, accuser and witnesses. This should be done by the DISC. The member(s) should be suspended whilst an investigation is made. A decision on suspension will be made by the Commodore and any available committee members.

6. The DISC should consist of three 'established' members of the club, not necessarily Officers or G Com members. They should have no connection to either party or the complained about occurrence; disqualifying declarations of interest may be made by: the members, the complainant or the complainee. Their report should be made in writing to the next committee meeting if at all possible.

7. The DISC should investigate the event, the lead up to the event and the follow up to the event. It must be aware that the report it produces, concentrates only on facts and not opinions or hearsay (second hand) evidence.

8. Nothing in this procedure should be used to stop any individual, the G Com or the DISC reporting the matter to the relevant authority.

9. On receipt of the report from the DISC the G Com should decide on whether the complaint/allegation is upheld, dismissed or needs further investigation. The latter choice is only an option if it is likely to lead to a decision of 'upheld or dismissed'.

10. Only when the G Com has decided that the complaint/allegation is upheld can any consideration to a sanction be given. At this point the guilty party should be allowed to make a statement before the decision on sanctions is made.

11. Neither the person making the complaint/allegation nor the person against whom the complaint/allegation is made; or any member of their respective 'family groups' should be involved in any part of the process.

12. If the complaint/allegation is deemed not to be 'serious' as defined in section 4 then the matter should be dealt with by the senior non-involved Flag Officer. It is expected that the G Com would support his/her decision.

### **ASHFIELD DISTRICT COUNCIL RULINGS**

1. PERSONAL BUOYANCY MUST BE WORN AT ALL TIMES WHEN BOATING OR CANOEING.
2. SWIMMING AND BATHING ARE PROHIBITED.
3. NO FISHING IS PERMITTED FROM THE FRONTAGE BETWEEN THE COUNCIL NOTICES
4. MOTOR BOATS ARE NOT ALLOWED ON THE WATER (except for the rescue boats, for which official permission has been obtained)
5. BOATS SHOULD NOT EXCEED 16 FEET IN LENGTH.
6. ALL BOATS REGISTERED WITH THE CLUB SHALL BEAR IDENTIFYING LETTERS ON THE TRANSOM.
7. FIRE REGULATIONS MUST BE STRICTLY OBSERVED.
8. CAR PARKING ON THE WATERFRONT IS PROHIBITED.

### **GENERAL RULES**

*These may be altered by the General Committee*

#### **1. SUBSCRIPTIONS**

a) Subscriptions to be as the renewal form for that year.

Note: Age at January 1st to decide category and/or subscription rate. (See section 10 and 11 of Constitution.

a) Heads of Family Memberships, Ordinary Memberships and Non-sailing Memberships, who are not full members of the RYA shall be liable to pay the required levy towards the R Y A Member Club Subscription. (Altered 4/11/91)

2. Members shall not use the clubhouse for any purpose other than sailing activities or functions having official sanction from the General Committee. The notice board is the official means of communication.
3. A member may not bring more than two visitors at any one time. No visitor shall be invited more than six times in any one year. Visitors may not sail in club competitions more than four times in any one year. Under special circumstances such as holidays or special club occasions permission for extra visits or visitors may be granted. Application should be made to the Secretary. Visitors must be signed in the Visitors' Book and are subject to the rules of the Club. Parents are required to ensure that their children do not cause annoyance. Children under 12 years of age are not allowed on the concrete foreshore, slipways or piers, except for the purpose of sailing or assisting their parents.
4. Music and singing are not permitted in the clubhouse unless express permission is obtained from the duty committee member.
5. 'Pets are allowed in the clubhouse if
  - a. They are under control
  - b. They are kept out of food preparation areas
  - c. Under the acquiescence of other club members present
  - d. Owners must clean up after their pets on all areas of the club property' (2/11/09)
5. The bar will be open at the discretion of the General Committee within the permitted hours as set out below.

Monday to Thursday

12.00 to 23.00 (license condits. changed Dec 08)

Friday & Saturday

12.00 - 01.30

Sunday

12.00 to 22.30

Intoxicating liquor for consumption on the club premises may only be:

- a) Supplied to members for consumption by them and their guests who comply with Rule 4, or:
- b) Sold to such guests for consumption by them and by members.

Intoxicating liquor for consumption off the club premises may only be supplied to members.

In no case shall any person under 18 years of age be supplied with, sold or consume intoxicating liquor on the club premises.

**NOTE;** bar open times in view of new license (added May Gen Com meeting 2008)

- b) Standard opening (staff permitting) on days when there is sailing on the programme or official business

Sunday	1.00 - 19.00	(OOD to be responsible up to 18.00)
Saturday	18.00 - 23.00	(OOD to be responsible up to 22.00)
Wednesday	20.00 - 23.00	(OOD to be responsible up to 22.00)

Note the bar may be open after these times if another key holder is prepared to take over

- c) Wednesday through winter 20.00 - 23.00
  - d) Other opening by Special sub-committee of 3 include Bar manager, Social Sec or Gen Sec. Their decision to be ratified by Gen Com. Applications to Sec 10 days prior to next scheduled com meeting in writing
6. Any gear, other than canoe paddles or sails in sail bags, left in the changing rooms, will be impounded by the Committee. This gear may be reclaimed from the Social Secretary on payment of a £1 fine. Members are charged with keeping club premises tidy.
  7. a) All adult members shall be available as duty members and shall be responsible for finding a substitute if they are unable to do their duty on the stipulated dates.  
b) As from January 1997, attendance at work parties will be considered as a duty of the club.
  8. All mainsails shall be lowered when boats are tied up alongside and are unattended with the exception of single-handed boats which must moor on the allocated site. (Added 4/11/91)
  9. Members are reminded that we are not the only users of the reservoir and that the actions of individual members reflect upon the Club as a whole. In view of this members are especially enjoined to avoid disturbing the anglers.
  10. Canoes are banned from landing or mooring in the area between the slipways.
  11. Members should adhere strictly to any car parking system arranged by the Committee.
  12. Slipways are provided for the launching and recovery of boats only and boats should not be moored in the vicinity of the slipways if there is room elsewhere. Launching trolleys must not obstruct access to slipways, jetties or frontage. (Last sentence added 3/10/94)
  13. Members are required to restrict the use of club boats to occasions that are in the club's interests. The boats must not be used for what are essentially private purposes.
  14. If at any time any boat registration fees payable to the club by any member or former member shall be three months or more in arrears:
    - a) The Committee shall be entitled to move the boat to any other part of the premises without being liable for any loss of or damage to the boat howsoever caused.
    - b) The Committee shall be entitled upon giving one month's notice in writing to the member or former member, at his last known address shown in the register of members, to sell the boat and to collect any monies due to the club (whether by arrears of subscriptions or boat registration fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.
    - c) Alternatively any boat which in the opinion of the Committee cannot be sold may, upon such notice as aforesaid, be disposed of by any manner the Committee may think fit and the expenses

recovered from the member or former member. Any arrears as aforesaid shall be deemed to be a debt owing to the club by the member or former member.

- d) Further the Club shall, at all times, have a lien over members' or former members' boats parked on the Club's premises in respect of all monies due to the Club, whether in respect of boat fees or subscriptions or otherwise.
15. A speed limit of 20 miles per hour should be observed between Coxmoor Road and the Club site.
16. Masts, if taken down, should be stored on the mast racks.
17. All boats must carry Third Party Insurance to the value of £2,000,000.
18. Boats must have valid Class Certificates with current buoyancy endorsements before they can be accepted for class races. This certificate must also be produced for inspection with the insurance certificate.
19. The Committee may, at their discretion, place restriction on the number of boats in any class. Members wishing to change their class of boat must seek the advice of the Committee before making any such change.
20. The Committee may, at their discretion, place restrictions on the number of new members admitted to the club.
21. Boat park berths are not transferable except by arrangement with the General Committee.
22. No credit is to be allowed at the bar.
23. Where anchoring points are installed in the dinghy park berths, a member must lash down his boat. No member may use a berth other than that allocated to him. Members must not leave road trailers lying around to cause obstruction.
24. Members shall prominently mark their sail numbers where it is easily visible without the need for removal of the boat cover.
25. If personal buoyancy is not efficient or worn correctly at all times during sailing, such offenders will be disqualified by the Race Committee.
26. Members may apply to berth road trailers in the small park at an annual fee of £1.00 payable with subscriptions. Road trailers unregistered in this way, and found in the dinghy park, will be removed and locked in the small park, when a fee of £1.00 will be chargeable.

#### **LIMITATION OF CLUB LIABILITY - (Added 4/11/91)**

Members, their guests and visitors are bound by the following rule, which shall also be exhibited within the club premises:

"Members, their guests and visitors may use the club premises, and any other facilities of the club, entirely at their own risk, and impliedly accept that:

- a) The club will not accept any liability for any damage or loss of property belonging to members, their guests or visitors to the club.
- b) The club will not accept any liability for personal injury arising out of the use of the club premises or any other facility of the club either sustained by members, their guests or visitors, or caused by the said members, their guests or visitors whether or not such damage or injury could have been attributed to, or was occasioned by the neglect, default, or negligence of any of them, the Officers, Committee or servants of the club."