

Constitution of Morecambe Sailing Club

With amendments to November 2020

1. The club shall be called, 'Morecambe Sailing Club', hereinafter referred to as the Club .
2. The objects of the Club shall be to further the interests of sailing and associated watersports in all their aspects, by the promoting of regattas and special events and the giving of prizes, or by any other means which from time to time may be decided upon by the Club.

3. **The Officers**

The Officers of the Club shall be Full or Family members of the Club and shall consist of a President, Commodore, Rear Commodore, Vice Commodore, Cruiser Captain, Dinghy Captain, Hon Treasurer, Hon Secretary and Training School Principal.

The Commodore, Rear Commodore, Vice Commodore, Hon Treasurer and Hon Secretary shall be ex-officio members of all Committees.

The Commodore, Rear Commodore, Vice Commodore will be persons having practical sailing experience of Morecambe Bay.

4 **Committee**

The authority and responsibility for the transaction of business of the Club, and for its management, shall be vested in a committee, who, in addition to the powers and authorities by these rules expressly conferred on them, may exercise all powers and do all acts in furtherance of the objects for which the Club is established, other than those expressly directed or required to be exercised or done by the Club in General Meeting. The Committee shall consist of the Officers of the Club and six ordinary members who shall be elected annually by ballot, and the Principle of the Training Centre. The Committee shall have power to co-opt.

The Committee, or any person or sub-committee delegated by the Committee to act as agent for the Club or its members, shall enter into contacts only as far as expressly authorised, or authorised by implication, by the members. No one, shall without the express authority of the membership in General Meeting, borrow money or incur debts on behalf of the Club or its membership.

In pursuance of the authority vested in the Committee by members of the Club, members of the Committee 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 on behalf of the Club wherever the contract is of a duly authorised nature or could be assumed to be of a duly authorised nature and entered

into on behalf of the Club.

In deciding who sits on the Committee, the Club will consider the skills and diversity required of its Committee members.

Committee members ideally should serve for no more than nine years.

At least three members of the Committee shall be unrelated or non-cohabiting.

- 5 All nominations for the election of Officers and Committee shall be sent to the Hon Secretary in writing at least seven days before the Annual General Meeting. The section Captains shall be elected in November, along with members of the section committees, at a General Meeting.

The retiring Commodore shall be invited to hold the office of Rear Commodore during the period of office of his successor as Commodore. In the event of his declining the office shall not be filled.

- 6 The General Committee shall meet each month, five members to form a quorum.

Committee members are required to disclose other interests that could affect the club decision making, on the Conflicts of Interest Register.

Committee members are required keep the register up to date with any circumstances that change.

Committee members with an interest should abstain from that vote.

Conflict of Interest should be an agenda item for every committee meeting.

- 7 Any ordinary member of the Committee absenting himself from five consecutive meetings without explanation, shall, if the Committee so resolve, cease to be a member of the Committee.

- 8 Special / Sub Committees shall be formed by agreement of the General Committee. The purchase of intoxicating liquor and the administration of the bar will be carried out by a committee of not less than two elected members of the General committee.

- 9 An Extraordinary General Meeting shall take place whenever the Committee shall decide to convene such a meeting, or upon the Written request to the Hon Secretary of ten members, stating fully the objects of the meeting, and signed by those members who shall defray all expenses incurred in calling the meeting and shall deposit £20.00 with the Hon Secretary towards such expenses on the lodging of the request. In the event of an emergency, any of the following may call an Extraordinary General

Meeting: the President, Commodore or Hon Secretary.

- 10 The Annual General Meeting shall be held in November each year.
- 11 Fourteen days notice of all Annual General Meetings, and seven days notice of all Extraordinary Meetings, shall be given by the Hon Secretary, by written notification or e-mail, which shall indicate the agenda for the meeting. The names of the nominees will be displayed on the notice board for three clear days before the meeting.
- 12 True minutes of all meetings shall be kept by the appointed secretary. Minutes of the General or Committee Meeting shall be filed, one file for the General Committee and one for each Committee.

13 **Rules**

No alteration of the rules of the Club shall be made except at an Annual General Meeting or at a special Meeting called for the purpose, and then only by a three-quarters majority of the members present and voting.

- 14 The Committee shall be empowered to frame a code of regulations with regard to sailing, motor or power boating, racing, **fishing and aquatic sports** and to the regulation and control of the Clubhouse, boat parks and launching facilities under the jurisdiction of the Club, a copy whereof shall be supplied to each member and shall thereon be binding on the members of the club. Such regulations may, from time to time, be amended by the Committee upon a vote of two-thirds of the members present and voting.

15 **Membership**

Membership of the Club is open to all the community and without discrimination, irrespective of their gender, age, disability, ethnic origin, colour, creed, social status or sexual orientation.

Any person desiring to join the Club shall complete the application form which shall be handed to the Hon Secretary, accompanied by the Annual Subscription.

No persons under the age of 14 years shall be eligible for Single membership but should be included in Family membership.

Persons between the ages of 14 and 18 years shall be as Junior Members only.

“Visitor Membership” will be open to any person for a period of one week upon application, and payment of a subscription of £5.00. One subscription will cover a husband, wife and their children. Election will be decided by majority vote of the Committee.

The Club on the recommendation of the General Committee, may in General Meeting, elect Honorary Members, but the total number of such Honorary Members shall not exceed five percent of the total number of members.

Social Member

A Social Member will have no rights to vote, to serve on Committee but will be allowed to participate in Club evenings and other social functions.

16 **Subscriptions and other charges**

All charges are per annum

The annual subscription for members shall fall due on the first day of January in each year, and shall fall into one of the following categories of members:-

Single Member ...£107
18yrs and over

Family Member £160
1 or 2 adults with all children under 18yrs.
1 or 2 votes to be exercised by the adults

Student £85
Single member who is in **full time** education

Junior. £53.50
aged from 14 up to (not including)18 years

Group Affiliation £160
Recognised organisation with watersports interests.
Leader to be full member and responsible for group members, keys etc.
Leader to have 1 vote.

Senior £85
When single or family member reaches 65 years of age.
No change to voting rights

Senior family £127

Social £10.50

The subscription of **new** members (except Social Members) joining the Club after 30th June will be 50% of the above rates; membership to expire 31st December of the same

year.

New members joining the Club after 1st October will pay a full subscription valid until the end of the next membership or subscription year.

Other Charges

Boat parking on club premises

Racing Dinghies	...£58.00
Cruisers	...£6.50 per ft length
Catamarans	£87

Any member whose subscriptions shall be in arrears on the 1st February, he/she shall be automatically suspended from membership of the Club

He/she may apply for re-election in the usual way. (Rule 15)

No member shall in any year be entitled to exercise rights or privileges of membership until his/her entrance fee and subscription for that year and all arrears (if any) are paid.

- 17 Any member violating the Rules and Regulations of the Club, or guilty, in the opinion of the Committee, of any misconduct, may be expelled by votes of two thirds of the Committee present and voting at a Special Meeting called for that purpose. Any member so expelled shall return his Club keys to the Hon Secretary. Any member so expelled shall have the right to appeal to an Extraordinary General Meeting (vide Rule 9), the voting of two thirds of the members present and voting to determine the appeal.
- 18 Any vessel whose owner or helmsman shall be in arrears in his subscription or shall owe any sum to the Club or shall not be a member, shall not be allowed to participate in any Club races.
- 19 A non member shall only be allowed to enter the Club premises as a guest of a member. Any non-member shall only be allowed to enter the Club premises three times in any Club year (1st January to 31st December) except to special events. All such visitors shall sign their names in a Visitors Book kept on the Club premises for that purpose, together with the names of the member or members introducing such visitors. Such signatures shall be evidence of the visitors compliance with the rules of the Club.
Any person who is a competitor in an open event organised by the Club or sponsored by the Club, his/her crew and their families are entitled to use the Club premises within

a period of 24 hours before and after the event in which they are competing.

- 20 The Club shall have the power to hold up to 12 functions each year, when persons other than members and their guests may be admitted to the premises and be served with intoxicating liquor.

When such functions are held, Rule 19 of these Rules shall not apply.

21 **Voting Power**

Each member over the age of 18 years other than Honorary, Social and Visiting Members shall have one vote per proposal at General Meeting. In the case of an equality of votes, the Chairman shall have a casting vote in addition to any vote as a member.

22 **Finance**

All monies administered by the Committee or by a Sub-committee, are the sole property of the Club. The Hon Treasurer is responsible for the administration and accountability of all Club monies.

The financial year runs from the 1st November to the 31st October.

All Club accounts will be independently audited annually, a year end statement prepared, presented at the AGM and subsequently published to members, along with the meeting minutes. Accounts will be made available to view, on request, by anyone with a legitimate interest in the Club.

In year spend on all Club accounts will be monitored by the Treasurer regularly and a report submitted to the monthly General Committee meeting and recorded in the minutes.

All cheque payments will require two signatures. BACS / Electronic payments will be made by the Treasurer following approval, usually via an email audit trail, between the Treasurer and one other signatory of the specified account.

The Club has a 'Not For Profit' policy and is registered as a Community Amateur Sports Club with HMRC. All surplus income or gains will be reinvested in the Club. Assets of the Club cannot be distributed to members or third parties, this does not preclude the Club making charitable donations from time to time.

A figure for General Committee approved Capital expenditure should be agreed at the AGM.

All Capital expenditure, in excess of the amount agreed, and Ex-gratia payments for member services rendered to the Club, must be approved at the AGM or an EGM.

The Club shall administer such insurance policy or policies as may be needed to fully protect the interests of the Club, its Trustees, its Officers and its members

- 23 Subject to the rules and exceptions published from time to time in the Racing Programme of the Club, all races and vessels competing therein shall be under the Rules of the Royal Yachting Association and the Club Sailing Instructions for the time being in force.
- 24 No member shall use the address of the Club on any prospectus or in any advertisement, or otherwise, as his published address for any business purpose, or habitually use the Club for such purpose.
- 25 If any regatta or other Club event shall be cancelled by any happening which shall not, in the opinion of the Committee, have been reasonably capable of avoidance, then no liability shall be attached to the Club or any member or members in respect of the failure of the Club to carry out such regatta or Club event, and no return of subscription or fees or any part of same shall be made on account of such cancellation.
- 26 A book shall be kept in the clubhouse for the purpose of suggestions by members. Any suggestions shall be brought before the Committee Meeting immediately following the suggestion.
- 27 The permitted hours for the supply and consumption of alcohol shall be :-

On Weekdays , the Licensing Hours.
On Sundays, after sailing, the Licensing Hours
Christmas Day, Closed
- 28 The decision to wind up the Club can only be taken by the vote of at least seventy five percent of the members present and voting, at a properly convened General Meeting. The assets of the Club must be properly valued and sold, all liabilities to be met out of the proceeds of the sale. In the event of there being a deficiency of capital, such deficiency would be borne equally by the members of the Club, and should there be a surplus, will be applied for approved sporting or charitable purposes, to comply with CASC legislation, as shall be decided upon by the majority vote of the members present. The Club's bankers shall be appointed liquidators.
- 29 The Committee shall have the power to decide all disputes arising under the foregoing rules and regulations.
- 30 Members of the Club, their guests and visitors, may use the Club premises, and any other facilities of the Club, entirely at their own risk and implicitly accept that:
- a). The Club will not accept any liability for any damage to 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, and any other facilities of the Club or out of participation in any event organised by the Club, whether sustained by members, their guests or visitors, or caused by the said members, 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 the officers, committee or servants of the Club.

All references to the Club in this Rule shall mean each and every individual member of the Club from time to time.

SECTION 5 – TRUSTEES

Number of and terms of reference

31 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, Social or Honorary Members who are willing to be so appointed.

A Trustee shall hold office until he shall resign 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.

Property of Club vested in Trustees

32 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.

Powers of Trustees

33 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.

Indemnity of Trustees from Club

34 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.

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.

Clubhouse and Premises Regulations

1. Club Meetings

- Friday to be kept as a Club night, except by special permission of the General Committee.
- 2 Requests to hire the Clubhouse for private meetings must be made to the Committee in advance.
- 3 Boats and boat gear may be stored in the Clubhouse or Club grounds only at the Committee's discretion.
- 4 No gambling or betting shall be allowed in any part of the Club.
- 5 Behaviour of a member considered by a Committee member to be objectionable, shall be reported to the Committee, who shall decide what action shall be taken. This applies to Club premises and grounds and any facilities under jurisdiction of the Club.
- 6 The Club will not be responsible for any articles left or stored in the Club premises and grounds, except articles on loan to the Club.
- 7 Intoxicants may only be served by a person or persons authorised by the Committee.
- 8 No person or persons under the age of 18 years shall be served with or consume intoxicants on the Club premises or grounds.
Children in the Clubhouse must be supervised at all times and are not allowed at any time in the bar area.
- 9 No person shall take away from the Club any telegram, letter, newspaper, pamphlet, book, or any article or property belonging to the Club or members, without the authority of the Committee. Library items should be signed out in the book provided.
- 10 Whoever damages the furniture or other property of the Club shall make good the same to the satisfaction of the Committee.
- 11 No member shall use another members boat or equipment without prior permission of the owner.
- 12 No work of a noisy or objectionable nature shall be carried out in the Clubhouse or grounds on Sundays or during unsocial hours. The playing of radios or similar devices in the boat compound is forbidden. Loose rigging must be tied on all craft stored on Club premises so that wind does not cause it to slap against masts, etc.
Masts to be lowered in winter.
- 13 Only paid-up members may keep their boats on Club premises. Berths will be allocated by the Committee. The Hon Secretary should be given one months writing and the

appropriate fee paid before the boat is parked.

- 14 If at any time subscriptions/berthing fees are outstanding for three months or more and a vessel the property of a member or former member remains upon Club premises.
- The Committee shall be entitled to move the boat to any other part of the premises without being liable for any loss or damage to the boat however caused.
 - 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 deduct any monies due to the Club (whether by way of arrears of subscription, berthing or facility fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.
 - Alternatively, any boat which, in the opinion of the Committee cannot be sold may, upon such notice as aforesaid, be disposed of in 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.
 - Further, the Club shall at all times have a lien over the members' or former members' boats parked on the Club's premises in respect of all monies due to the Club, whether in respect of arrears or subscriptions or otherwise. Where a member is in arrears with the payment of monies owed to the Club by at least 6 months, the Club may in any event take possession of the members boat.
- 15 If a non-member leaves his boat on Club premises without permission of the Committee, he will be given one months notice, in writing, to move it, and if he fails, action under Rule 14 will be taken.
- 16 Members are responsible for clearing away debris resulting from work on their boats whilst on Club premises, and for keeping the surrounding area tidy.
- 17 All boats on Club Premises or being used in or in conjunction with events being organised by the Club, shall have £2,000,000 min Third Party Liability insurance cover.
- 18 All Club Premises are NO SMOKING.