



**Record of the June 2020 Committee Meeting**

**Held by Teleconference on 3<sup>rd</sup> June 2020**

**1 Present**

David Nixon, Commodore and Chair

Peter Jackson (in the absence of John Garlick, representing the Sailing sub-committee, on his behalf)

Linda Richter, Rear Commodore, Social

Richard Davis, Rear Commodore, Motor Boats and Fishing

Judy Brachi, Acting Treasurer

Chris Kershaw, Hon Secretary

Mike Harvey, Health & Safety Officer

Peter Mason

David Tebay

Paul Walker

**2 Apologies for Absence**

Mike Tennuci and John Garlick

**3 Preliminary Remarks (unscheduled) on suspension of Torsten Richter**

David Nixon confirmed that Torsten Richter had lodged a formal complaint (effectively, a counter complaint) against Richard Davis and that this would be circulated. Linda Richter queried why Torsten Richter had been suspended upon receipt of the complaint made by Richard Davis, while Richard Davis was allowed to continue to attend as a committee member, with voting rights. David N replied that in the case of Torsten's complaint, it was a very recent event and he was going to give Richard the right to reply, but thereafter would have to accept suspension. This did not satisfy Linda, but David N said that the matter would not be subject to a vote this evening in any event, adding that he was trying hard to be fair.

David N invited the Secretary to clarify Peter Jackson's position on the committee. It was explained that in John Garlick's continued indisposition which, sadly was likely to be for some time, Peter acted as John's informal representative on sailing matters, but had no voting rights on this committee, unless doing so as John's proxy on a formal motion previously determined and promulgated appropriately.

**4 Approval of the Minutes of previous meetings held on 6<sup>th</sup> and 22<sup>nd</sup> May**

Paul Walker said that he had not received the Minutes of either of the minutes noted on the Agenda. Secretary to rectify this.

The Minutes of the monthly meeting held on 6<sup>th</sup> May were approved; those of the Extraordinary Meeting of 22<sup>nd</sup> May were not, in so far as they omitted a statement as to the resignation of David Casson (pointed out by David Tebay). The Secretary undertook to amend and re-present at the next meeting.

## 4 Members

### a New Membership applications

From the list in the Agenda, the following having been proposed and due process having been completed, were granted membership: -William Beck and his partner, Emmeline Payne; Lee Chilcott; Ed Quayle; Ann Coulson<sup>1</sup>: Daniel Poole and partner, Hollee Silk.

<sup>1</sup> Originally Ann Coulson had included a partner and had provided a cheque on that basis. Ann is now proceeding alone; Paul Walker said that her cheque, which was obviously for a now erroneous sum, would be destroyed and the correct sum taken from her account with her consent.

### b Resignations

None

### c Members – Requests/Observations/Suggestions

None

## 5 Reports

### a Hon Treasurer

David Casson had provided the standard monthly Report in advance. Little activity was in evidence. The Secretary observed that he was aware that an invoice from the Council in respect of the lease for the tennis court site in the sum of c £500.00 was payable in the next period.

David Nixon informed Judy that he had purchased three licenses/copies of *QuickBooks* and invited her to take one as part of her preparation to take over the books of the Club, which she accepted.

### b Health & Safety

Mike Harvey had submitted the following report, which was included within the Agenda for this evening, with the object of reminding members of two matters: -

- 1) The need to wear appropriate PPE when putting boats back in the water – i.e. Gloves, yellow vest and hard hat, when required and –
- 2) (Quote) “It was also brought to my attention about current safety of the new Kitchen: - Gas certificate, electrical certificate, Fire certificate and building control.”

Mike went on to say that good practice was in evidence today, thanks to the involvement of Perry, Dave Casson and RD, among others, and the required procedures had been fully observed.

Of the second point, he admitted he had no knowledge of the subject, but had been asked to bring it up (but did not say by whom). David Nixon commented that the kitchen is currently mothballed, which, he felt, gave us time to address any matters; he suggested a sub-committee might be appropriate. He asked who was prepared to lead such a committee.

David T asked – was it not Linda’s territory? Linda said she would not mind being involved, if a sub-committee was set up, but did not volunteer to chair it. David N suggested that Paul might also be interested as well.

David N went on to say that he was troubled by being told that we had been selling to the public. Paul Walker said that we unequivocally do not; we sell to members, who may purchase a ticket(s) for their guests, but emphasised that sale to the members of the general public (i.e. persons with no connection to the club or any member). Linda added that our catering is done on a very limited, *ad hoc* basis, for which we do not need to be licensed by the Council, since we have a very limited number of such events.

RD asked – if a member buys a ticket for another person is that person not just a member of the public?

Chris K said that the principle of temporary guest members was an accepted fact of life in some situations – cricket being an example, where visiting teams would be automatically granted temporary membership status.

David T said that in other clubs he had been involved with a rule provided for the conferring of temporary membership on guests, for which a Guest Book had been maintained, which seems a potentially wise precaution, of which we might take note. Linda said that, from her recollection we actually could sell to the public, provided on a very limited number of occasions – she thought not more than ten times a year.

In any event, the kitchen is mothballed and we cannot hold official social events for the moment, so the matter can be addressed.

## **6 Matters Arising**

### **a Formal Complaints**

David N began by announcing that Tony Coles had dropped his complaint against Torsten Richter.

There were now two complaints outstanding. In the case of the complaint by R Davis against Torsten T, and *vice versa* David N said that these were to be the subject of an independent enquiry. In response to David N’s question CK said that he had contacted the RYA to ask if they would undertake such a service, or give advice as to who might, but there has been no reply to date.

Prompted by a message from him, David N asked RD if he wanted to insist on a special meeting to expel David Casson. RD said he didn’t recall asking for a meeting, but he did want to talk about Dave Casson. He asked – what’s happening? Is he still on the Stores Committee? David N said he could not answer - he was not on the Stores Committee. RD asked whether Peter Ball’s letter of complaint had been circulated; David N confirmed that it had, as had David C’s letter of apology. RD went on to criticise David Casson for having been slow in paying people for items purchased for the Club in the past; he cited his own example in the case of the freezer for the bait boxes and said that Paul Walker had had similar experience (no comment from Paul W) and went on to say that in his (RD’s) opinion he (Dave Casson) should not be able to sign cheques.

David Nixon explained that we had decided previously that the Club needed three signatories. RD repeated that he did not think David C should be one. David Nixon said that he will be one of the three, but that once Judy had been recognised by the Bank as an

authorised signatory for the Club, she would be the main, day to day signatory. RD again asked if David Casson would remain a signatory. David N said it was wise to have more than one, in case, as he put it, Judy fell under a bus. RD asked why David C was allowed to remain a signatory. At this point CK intervened to say that at this moment, the Club had no choice; in the situation of Mike T's temporary incapacity, Dave C was the only signatory. He explained that banks have their own procedures, which we could not alter – the recognition of Judy as a signatory by the bank will take time – they have their fixed procedures. In the meantime, the club needs to be in a position to meet its commitments to outside parties and must also maintain its accounts, or potentially risked being sued by its creditors. RD accepted the latter, but said that once Judy was a signatory Dave C should be removed as a signatory, adding that he did not think that David C was fit to be a Vice President.

David N went on to remind the meeting that David C had resigned from the Treasurer's job (while temporarily doing it for the benefit of the club) and simultaneously from the Committee. He was still a member and a Vice President. RD said he did not think that was ok. He began to say that the committee should vote him off, but he was told by CK that the committee would not indulge in holding a kangaroo court at his instigation; there were special procedures under the club rules.

David N concluded this subject by saying that the attempt to find a suitable third party to consider the complaints would continue and noted that the intended vote by the membership could not take place until the complaints were dealt with.

**b Meeting between David Nixon and John Barnes: - CHC negotiations**

An email from John Barnes to David Nixon of 1<sup>st</sup> June 2020 was discussed and a copy of that email is set out under the **Annex** to these Minutes.

The main matter for the current meeting was to decide who should represent the Committee in the discussions proposed by John Barnes; two members from the committee were needed.

David Nixon asked Paul Walker, who had been previously involved, if he would take part, to which Paul agreed. In addition, David N invited David Tebay to join Paul, which he agreed to do, with declared reluctance.

David Nixon asked the Secretary **to ensure that the rescission of the bye-law passed on 22 May was promulgated to the membership.**

Linda questioned what there was to gain from creating a third development team; she felt that substantial and good work and progress had been made by the previous teams.

David N said, in response, his agreement to John Barnes's suggestions was partly a conciliation exercise and that the EGM request/petition had altered the position by asking for further information and clarification of the current status of negotiations. Linda observed that, while some members had responded individually in providing the then negotiating team with further questions to be put to the CHC, the petitioners' representatives had not responded with the list which their spokesperson had undertaken to provide.

David N said that nevertheless, the new team would be able to put further questions to the CHC. Linda observed that this approach seemed to put a group of people with no mandate from the Club into a position of authority to speak for the Club, which she did not think democratic.

David N said that nevertheless, he had faith in John Barnes's ability and *bona fides* to make positive progress. He thought that there was so much mistrust within the club that this was probably the best way forward, although he acknowledged that it would delay the ballot. The committee's original plan had been frustrated by the failure of the EGM. CK explained that the advice from the RYA Legal Department had been that, technically the Committee did not have the power to pass the bye-law under the Rules of the club, but stressed that that advice had been supplemented by the observation that at law, the Committee's decision would probably have been upheld by the Court, because of the current circumstances under which the Committee is compelled to operate, provided the Committee could show that it had acted in good faith and in the interests of the club.

The Secretary was asked to provide John Barnes with the names of the Committee's team, as above agreed.

RD asked – how many members were in the group? David N explained that the agreement made with John Barnes was for two members from each side.

He went on to say that he will not get involved in those discussions, but undertakes to implement whatever is concluded, if practicable.

## **7 Any Other Business**

- a** Raising the subject of security cameras overlooking the berths, David Tebay said that he thought that the subject may have been broached before, but shelved because of cost; he announced that he was in a position to be able to install such a system to which members could be given access so that they would be able to log in and check their boats. David T said that he could do this free of charge. It was agreed that this was indeed, something positive to end on.
- b** David N told Linda that the website that she had located with regard to Volunteer's Week was now on the website.
- c** Linda said we needed some more signs for the defibrillator, which is currently in the gents. She thought we needed something more substantial. Mike H offered to help and knows where they can be purchased. Linda and Mike to discuss between them to organise.
- d** Linda asked what should be done about the cash which she is currently holding, which was paid by a member? Several options were suggested by Paul Walker and finally it was agreed that Linda should pay the money into the bank account of the club. Karen Walker would provide the necessary details and liaise with her as needed.

**Meeting Closed at 20:00 hrs**

**Next Meeting: Wednesday, 1<sup>st</sup> July 2020**

## ANNEX

### Copy of email from John Barnes to DN 01.06.2020

Hi David,

Thank you for your time this morning in regards to our efforts to resolve the Pontoon and EGM stalemate. Please see brief notes of proposals as discussed and agreed, subject to approval from both committee and quorum.

Proposed actions:

- Form a new negotiating team to progress the pontoon development plan whilst satisfying the concerns of the quorum.
- The team to be four members plus facilitator.(JB)
- The group to be made up of two committee members and two club mooring holders from the quorum, this group will form a team with a common goal to progress the project.
- The same team will participate in negotiations with CHC.
- The team members will be approved by both committee and the quorum.

Draft process pathway

- Team formed and meet to discuss concerns and pontoon plan options as raised by quorum,any questions requiring answers from CHC to be recorded.
- Arrange for questions to be handed to CHC followed preferably by a meeting with CHC (distancing dependent)
- On receiving answers including further updates from CHC the ECSC team will meet to discuss the findings, and if satisfied this will allow the way forward for club a members ballot to take place regarding their choice of options.
- It was discussed and agreed that a postal ballot would be the most appropriate considering the make up of the clubs members. (details to be confirmed).

Best rgds

John Barnes