East Cowes Sailing Club

The Rules
General Constitution

1) Name.

The Club shall be known as East Cowes Sailing Club, (hereafter referred to as ECSC or the Club).

2) The Club Flag.

A Red Burgee with a white cross and blue castle in the centre.

3) The Objectives of ECSC.

To encourage recreational sailing, yacht racing, fishing and other amateur boating activities.
To promote good fellowship and mutual support amongst its members.
To promote good sportsmanship.
To promote youth training.
To provide and maintain a range of shore side facilities on the Club premises, to support members at a practical level and for social engagement.

4) President and Vice Presidents.

The Club shall elect a President and a number of Vice Presidents to head-up and from time to time, advise on the running of the Club. The President and Vice Presidents may be any person (member or non-member), proposed by the Committee and elected to post at a General Meeting of members. The Vice Presidents are honorary positions awarded as a token reward for services to ECSC. Members of ECSC appointed as a Vice President will retain all voting rights; however, Non-Members have no voting rights.

5) Flag Officers.

The Flag Officers of the Club shall consist of a President, Commodore, Vice-Commodore & 4 Rear-Commodores who shall be elected annually at the Annual
General Meeting, (AGM) – (see clause 10 below).
Tenure – The Commodore and Flag Officers will stand down after a maximum of three years in post. The Commodore will be replaced by either the current Vice Commodore or other longstanding member of the General Committee or full member of the Club as nominated for election at the AGM.

6) Types of Membership.

Full Member – Persons aged between 18 and 64.
Junior Member – Persons aged 17 and under.
Senior Full Member – Persons aged 65 plus.
Dual Membership – Partners living at the same address.
Family Membership – Families with children aged 17 or under and living at the same address.
Honorary Member – The Club, at any Annual General Meeting or Committee Meeting, may elect Honorary Members by motion duly proposed and seconded. The Secretary shall notify such persons of the Club's decision in writing and forward a copy of the rules, and upon acceptance of the same, they shall become honorary members. An honorary member shall not be called upon to pay either subscription or entrance fee but shall be entitled to all the privileges and benefits of the Club.
N.B.
(i) Life Member – The practice of electing Life Members ceased as from 20/03/91. Those members already enjoying such privilege will continue to do so. Such members receive all the rights and privileges enjoyed by ordinary members, including that of voting.
(ii) In the case of Dual and Family Memberships, the applicant will be regarded as the principal member i.e. The Full Member, and shall be responsible for meeting any special obligations set on full members e.g. see Rule 21.

7) Becoming a Member.

Membership of The Club is open to all without discrimination. The Candidate is required to complete the approved ECSC Application Form in full, with the name and signature of 2 Full Members of the Club as proposer and seconder. The application form, together with entrance fee and subscription for the category of membership applicable at the time of application, must be submitted to the Secretary. The candidate will be invited to meet a Flag Officer for an informal discussion in advance of the application being submitted to the Committee for consideration.

Membership applications may be approved at any General Committee Meeting. Should the Committee so desire, a ballot may be taken with new members elected by majority vote.

All new members must complete a probationary year, (i.e. 12 months from the point of acceptance). During this year full commitment to The Club must be demonstrated i.e. Membership Rules and Bye-Laws must be complied with; occasional participation in social events; undertaking *work to benefit the Club*, (where exemptions have NOT been agreed – see Rule 21). The New member is required to maintain a simple log of visits and activities undertaken within the Club; this Log must be submitted to the General Committee and will be used to support approval of full membership status at the end of the Probationary year.

8) Trustees.

All Club property shall be vested in a minimum of three Trustees who shall be officers or full members of the Club and who shall remain in office until they retire from the office of Trustee, or cease to be a member of the Club, or until the Committee nominate a fresh person or persons in their place.

The Trustees shall deal with the property of the Club as directed by resolution of the Committee, and they shall be indemnified against risk and expense out of the Club Funds. See Dissolution of The Club – Rule 30.

In the event that the existing Trustee(s) consider it necessary to appoint an additional Trustee or Trustees, or should a vacancy occur in the Trusteeship (e.g. as a result of a resignation or death of a Trustee), the existing or surviving Trustee(s) may appoint a member or members of the Club nominated for that purpose by the Committee to be such additional Trustee(s), or to fill such vacancy. Formal adoption of Trusteeship is via completion of a Registered Legal undertaking, the process being managed by the Clubs appointed Solicitor.

9) Data Protection.

Membership of the Club and acceptance of these Rules by the member will be deemed as consent to the holding of relevant personal data for the purposes of the Data Protection Act 1998.

The Organizational Management of The Club

10) General Committee.

A Committee, consisting of The Flag Officers, a Secretary, a Treasurer and four Committee Members shall be elected at the AGM. The role of Committee is to manage the affairs of the Club. The Committee will retire annually at the AGM, pending re-election by members. See Rule 5 – Tenure.

Committee meetings will take place on a monthly basis, (usually the first Wednesday), or more frequently if require. By exception there may be NO meeting in August. A minimum of two Flag Officers and three committee members must be present to form a quorum. Minutes shall be recorded by an attendee and made available to members for information.

Chairman.

The Commodore shall take the chair at the monthly Committee Meetings of the Club. In their absence, the Vice Commodore or in their absence, a Senior Flag Officer will deputize. The Chairman shall have the right to vote on any motion and will also exercise a casting vote in the event of a split vote.

In addition to the above Committee structure, other assistant posts such as a Social Secretary, Webmaster, Health and Safety Officer etc. shall be appointed with reporting to a designated Flag Officer and may also be called to a General Committee meeting to present on specific agenda items.

11) Sub-Committees (accountable to the General Committee).

The General Committee will establish and oversee the operation of Sub-Committees. Each Sub-Committee shall be chaired by a designated Flag Officer and comprise a minimum of 4 members. The 4 principal Sub-Committees are as follows:-

1. **The Sailing Sub-Committee**, chaired by the Rear Commodore-Sailing and 4 other members proposed by the Rear Commodore-Sailing. As a point of reference, all racing will be governed by R.Y.A. and International rules. The Sailing Sub-Committee will have full management of all matters relating to sailing events.
2. **The Stores Sub-Committee**, chaired by the Rear Commodore (Stores), together with 4 other members.
3. **The Social Sub-Committee**, chaired by the Rear Commodore (Social), together with 4 other members.
4. **The Motor boating and Fishing Sub-Committee**, chaired by the Rear Commodore (Motor boating and Fishing), together with 4 other members.

From time to time, with specific purpose in mind, other Sub-Committees may be established by the General Committee, for example, to oversee or investigate any matters of special interest to the Club. Any such Sub-Committee will be chaired by a designated Flag Officer.

The responsible Sub-Committee Flag Officer will ensure that a full record of business transacted at each Sub-Committee meeting is maintained and will submit reports of meeting(s) to the General Committee. All Sub-Committee decisions will be ratified by the General Committee. Sub-Committees will meet as and when determined by the Chair of the Sub-Committee.

N.B. The President and/or Commodore may attend any Sub-Committee meeting without invitation.

N.B. As a general rule, a Flag Officer, will not serve on 2 Sub-Committees.

12) The Annual General Meeting.

The AGM will be held during the first quarter of the calendar year, on a date set by the General Committee. The secretary shall give notice to all members. Two Flag Officers and a minimum of ten members must be present to form a quorum for such meetings.

As a general rule the AGM will be Chaired by The Commodore or their designated deputy.

As a minimum requirement, the Agenda for the AGM will include the following: -

The Clubs Annual Accounts. The Honorary Treasurer shall produce a statement of accounts and balance sheet made up to the end of December, (financial year end), independently audited and approved for publication to the membership.

The Annual Statement. A statement covering the general affairs of the Club, achievements and points of special note etc. this will be read by the Chairman of the Meeting and be included in the minutes of the AGM.

Minutes

A meeting attendee shall keep correct minutes of all business transacted at the AGM. The minutes will be held on file, the minute taker or Chairperson shall take care to retain the same for future reference and as part of the Clubs records.

13) Extraordinary General Meetings.

Special General Meetings (also referred to as Extraordinary General Meetings or EGM's), shall be called by the Secretary when requested by the General Committee; or any two of the Flag Officers; or a petition signed by not less than 12 members. Such a petition must clearly state the object of the proposed meeting for which every member shall receive seven days' notice. Two Flag Officers and ten members must be present to form a quorum for such meetings to proceed.

Minutes

A meeting attendee shall keep correct minutes of all business transacted at the EGM. The minutes will be held on file, the minute taker or Chairperson shall take care to retain the same for future reference and as part of the Clubs records.

14) Notices and General Communications.

All notices concerned with the business of the Club shall be posted on the Club Website and if required on the noticeboard in the Centenary Room. Members will also receive personal e-mail or letter (if not on E-Mail), subject to the importance/urgency of the matter being communicated.

The Club Rules and Bye-Laws

15) The conduct of members and the regulation of the Club is via the Clubs Rules and Bye-Laws.

Alteration to existing Rules, new Rules/additions or rescinding existing Rules (Revisions).

The General Committee has the power propose alterations to the Rules, to draft new Rules or propose that a Rule should be rescinded. However, for any such change to be implemented it must be agreed to by the membership. Therefore, any such change must be put to the membership at either the AGM or an EGM for a vote of approval.

Alternatively, should any of the above be considered necessary by a Club member, a motion signed by not less than one Flag Officer and ten members must be submitted to the General Committee three months prior to the AGM. If the same is regarded favorably by the Committee the Secretary shall give notice to all members that such business will be considered at the AGM. The member responsible for the proposed change to the Rules, must propose the change at this meeting. If duly seconded and approved by a majority vote, the revision will be implemented.

Revisions via an EGM.

Nothing contained in paragraph (a) of this Rule shall prejudice the right of a member to request an EGM for the purposes of effecting a revision to the Rules, (See Rule 13).

16) Authority to make, amend or rescind Bye-laws.

The General Committee shall have the power to make, amend or rescind bye-laws, as deemed necessary for the day to day operation/regulation of the Clubs business, management of resources and the use of facilities. These shall be published (Club notice boards and web-site), for information and will be binding until rescinded by the General Committee or following discussion and a formal vote on the matter, at an AGM, or EGM.

Specifically, the Bye-Laws cover the following:-

- The expected standards of conduct of members and visitors whilst on Club Premises e.g. Health and Safety best practice.
- Berthing arrangements e.g. the use of the pontoon hammerhead, and mooring arrangements for craft on Club Berths.
- The Storage of property on Club premises and storage charges.
- Berthing fees.
- The use of The Centenary Room.

- The use of Club equipment e.g. the use of cradles and winches or other machinery or tools etc.

N.B. For the avoidance of doubt, the Bye-Laws carry the same authority as the Rules. Failure to comply with the Rules and Bye-Laws of the Club can result in sanctions being applied, see Rule 24

17) Referral of concerns to the General Committee.

Any Member may refer matters of concern which may be considered detrimental to the interest of the Club or not provided for by these Rules or an appropriate Club Bye-law, to the General Committee for consideration. Following consideration, the decision of the General Committee decision shall be final, unless the matter is put to the membership at an AGM or Special Meeting as provided for under Rule 12 & 13.

N.B. The Secretary will notify the membership via official notices posted on the Club notice board and website, of any approved revisions

to the Rules or Bye-Laws, similarly, the on-line Document will be amended/updated. See Rule 14.

The Expected Conduct of Members (and visitors).

18) Members are Bound by the Rules of the Club.

In all cases, there is a fundamental expectation that Members of the Club will be bound by the rules and bye-Laws of the Club, failure to do so may result in expulsion or other form of sanction. Similarly, as a matter of courtesy, all visitors to the Club will be expected to comply with the same code or standards of conduct, as expected of a member.

19) Annual Membership Renewal.

Membership of the Club must be renewed on an annual basis by payment of a subscription. The Annual Subscription is due to be paid **on or before the 1st of January each year**. Membership renewal notices/subscription payment remittances will be posted to each member in November. See Rule 14 &18

The Membership Administrator, shall give written notice to each member whose subscriptions or other arrears are unpaid on the 1st off January, i.e. a *final reminder*. Any member failing to pay by the 1st of February, i.e. following a final reminder, is liable for automatic expulsion from the Club. In the meantime, the member's electronic access fob will be turned off, on the 2nd of January, pending receipt of payment, or expulsion from the Club.

20) Resignation.

Should any member desire to withdraw from the Club, they must confirm their intention to do so, in writing to the Membership Administrator and shall, from that date, cease to have any claim upon the benefits of being a Club member i.e. access to premises, storage or mooring facilities.

21) Active Participation in the life of The Club.

1. In keeping with the ethos of the Club, it is a mandatory requirement and condition of ongoing membership, that all full members actively contribute to the practical operations and from time to time the social activities of the Club, e.g. by taking part in work parties, volunteering to undertake a specific task or participating in one or more of the Clubs Committees; this amounting to a minimum obligation of 10 hours work effort to the benefit of the Club per annum.
2. The monitoring period for the 10 hours of work is from November 1st. to October 31st. i.e. spanning 2 consecutive membership years.
3. By exception and with the consent of the General Committee, Full members may be exempted from the mandatory 10 hours of work, either through:-
    a. A formal written request for an Opt-Out – see 4 below.
    b. A Personal Exemption on health or domestic grounds – see 5 below.
4. Full members may prospectively apply to the General Committee for an **Opt-Out,** on the understanding that an additional **levy** will be paid together with their membership fees on or before January 1st, (i.e. at the point of annual membership renewal). Please note - Retrospective applications will NOT be accepted / agreed to. Applicants who fail to pay the levy in full together with their membership renewal fees, risk expulsion from the Club, see Rule 31.
5. A personal exemption from the 10 hours of work obligation may be secured by written application to the General Committee. Exemptions are agreed on the grounds of, e.g. long-term ill health, physical frailty or disability, challenging domestic or work commitments. If agreed, there will be NO requirement to undertake the mandatory 10 hours work or similarly pay the levy or Surcharge.
6. All full members who are required to undertake the 10 hours of work to benefit the Cub annually, but default on this requirement will be **sur-charged in advance of membership renewal for the following year**. Together with an invoice for payment of the Surcharge, the member will receive a notice (Letter or E-Mail), from the General Committee that states that they may be at risk of being expelled from the Club, see Rule 31.
7. Should any full member that is required to undertake the 10 hours of work annually, **default on this requirement 2 years running, they will automatically be expelled from the Club.** Notice of such outcomes will be served in November and the members Key fob will be blocked from January the 1st. Subsequent to the afore mentioned,

access to the Club will be provided and supervised on request and Club Moorings must be vacated and all stored items removed by April 1st.

8. The value of the Levy and Surcharge will be set by the General Committee in October and will apply to the following year. A notice of any changes will be posted on the Club Website.

22) No member shall conduct a business operation on Club premises or use the name of the Club for the purpose of advertising privately or publicly. Specifically, the following apply:-

- No member having independent business interests shall use the Club premises or facilities for the benefit of his/her business.
- No boat owned by a member and used for commercial purposes or for hire, shall use the Club facilities for that purpose.
- No fish, shellfish, equipment or boat gear belonging to such a boat shall be landed at, or conveyed through, the Club's premises
- No Private notices or advertising may be posted on Club Premises, without the consent of the General Committee.

23) Security and Security Locks.

For the purposes of maintaining security within the Clubs premises, all members are issued with a plastic membership card and an electronic gate access fob, each is assigned and as such is identifiable by the membership number or electronic coded. **Members are not permitted to allow other members or non-members use of their assigned membership card or gate access fob.**

N.B. In the event of the electronic security system failing, the push-button code lock at the main entrance to Club will be activated. The code for this lock is given on the membership card; this may be changed if necessary to maintain site security. Members will be notified of any change to the code via the Club website or through contact with a Committee Member.

24) Expulsion of Members.

The General Committee has full power to expel any member by ballot at any General Committee Meeting or at a Special Meeting of the General Committee, called for that purpose. The Secretary shall, on such occasions, give each member of the General Committee three days' notice. Any Committee called to deal with the expulsion of Members shall consist of not less than 7 members of the General Committee. A majority vote of two thirds of those attending is necessary for such expulsion to be approved. The vote will be in the form of a secret submission rather than a simple show of hands.

Any member so expelled may appeal for his/her case to be heard at a Special General Meeting, called in accordance with Rule 12. Notice of the appeal must be given to the Secretary within fourteen days of the Notice of Expulsion and a fee of £25:00 must be enclosed to defray the expenses of the Meeting; this will be returned should the majority at the Special Meeting reverse the decision of the General Committee.

Reasons for consideration of expulsion of a member include:-

- Gambling on Club premises;
- Unbecoming and/or offensive behaviour; improper language or conduct deemed to bring discredit on the Club;
- Actions or conduct deemed to be detrimental to the interest or reputation of the Club;
- Failure to pay membership subscriptions, (expulsion from February the 1st. following non-payment of a final reminder invoice. See Rule 31).
- Failure to pay storage or mooring fees by the due date.
- Non-compliance with Club rules and bye-laws;
- Political canvassing/incitement.

It shall be the duty of any officer or member of the Club to stop all such *offences,* reporting the occurrence forthwith to the General Committee, preferably with a written statement to the Secretary.

25) Visitors.

All members have the privilege of introducing visitors onto the Clubs premises. However, any introduced visitor will be expected to join the Club after three visits.

N.B. No visitor can be introduced if at any time they have previously been rejected by ballot or struck off the list of members (Rule 24).

Visiting yachtsmen may also use Club facilities at the discretion of a responsible official of the Club. In the Case that the visitor is accessing the Club facilities for the sole purpose of participating in an ECSC event, (sailing event or other organized activity), the visitor will not be obliged to become a member by exception.

26) Disclaimer

Members of the club, their guests and visitors, access the club premises, and use the Clubs facilities, entirely at their own risk and agree to the following: -

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.

The Club will not accept any liability for personal injury arising out of use of the club premises and any other facilities of the club, or out of participation in any waterborne event organized 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 neglect, default or negligence of any of the officers, committee or servants of the club.

Before inviting any guests or visitors onto the premises or to participate in events organized by the club, members will draw their guest's attention to this rule.

Club Finances

27) Income

The principal sources of income to the Club are, membership subscriptions, storage and mooring fees, all of which are clearly set out in the Annual Accounts which are made available at the AGM. The funds of the Club shall only be used to carry out the objectives for which the Club was formed and the provision of facilities and resources which benefit members. Similarly, all surplus income and interest on savings investments will be reinvested to the benefit of the Club.

28) Annual Membership

Annual membership is valid from January the 1st to December the 31st. Membership renewals will be circulated in November of each year with payment due on or **before January the 1st. (See Rule 21.6 – payment of Surcharge in advance of Membership Renewal).**

29) Annual Mooring and Storage Charges

Annual Mooring and storage fees will be charged from April the 1st to March the 31st, of the following year. Please note - A Storage and mooring request form must be completed in full and submitted to the Rear Commodore Stores each year. Invoices for payment will be issued in March following confirmation of ongoing membership and all prior dues to the Club being settled.

30) Timely Payment

The timely payment of:- Annual Membership Subscriptions; the levy; yearend surcharges; mooring fees; storage fees; is a Club Rule. Those members, who do not pay on time, will receive one Final Reminder Invoice and their dues to the Club must be settled in full within 28 days of issue. Mooring and Storage fees not settled in full by the due date of the first invoice will be surcharged by 20% of the value of the first invoice, in the Final Reminder Invoice.

31) Failure to Settle

Failure to settle a final invoice by the due date, without advanced explanation to and with the prior agreement of the General Committee, may result in expulsion from the Club and the immediate withdrawal of all storage and mooring facilities.

32) Recovery of bad Debts.

The Club, through its elected officers (The General Committee), reserves the right to recover bad debts through the appropriate legal process**. N.B.** See the Operational Policy which is on the Club's Website.

33) Borrowing Powers.

If at any time the Club, at an AGM or EGM, passes a resolution authorizing the General Committee to borrow money, for the purposes of investing in the Club, the General Committee shall thereupon be empowered to borrow such amount of money for the purpose specified; either at one time or from time to time. Similarly, the Club may issue debentures or debenture stock, for the same purpose. Upon such security as shall be specified in such resolution, the trustees shall at the direction of the General Committee make all such dispositions of the Club property or of any part thereof and enter into such agreements, as the General Committee may deem proper as security for such loans, including any interest charged.

N.B. All members of the Club whether voting on such resolution or not and all persons becoming members of the Club after passing of such resolutions shall be deemed to have assented to the same as if they had voted in favor of such a resolution.

34) Dissolution of East Cowes Sailing Club.

The Club can be dissolved by the consent of 75% of the full members. Every member will receive notice of the same prior to a General Meeting and the necessary Signature(s) must be testified on some legal instrument of dissolution and posted prior to the winding-up of the affairs of the Club.

In the event of dissolution, any assets remaining will be offered to a similar local organization and not realized and dispersed amongst the membership.

END

Revised – February 2020, following members voting at the AGM held on February the 20th 2020.