

# **RULES/CONSTITUTION OF APPLEDORE PILOT GIG CLUB**

## **1. Name**

The name of the Club is **APPLEDORE PILOT GIG CLUB**.

## **2. Club Purposes**

The purposes of the Club are to promote the amateur sport of rowing in Appledore and community participation in the same.

## **3. Permitted means of advancing the Purposes**

The Committee has the power to:

- (a) acquire and provide grounds, equipment, coaching, training and playing facilities, clubhouse, transport, medical and related facilities;
- (b) provide coaching, training, medical treatment, and related social and other facilities;
- (c) take out any insurance for club, employees, contractors, players, guests and third parties;
- (d) raise funds by appeals, subscriptions, loans and charges;
- (e) borrow money and give security for the same, and open bank accounts;
- (f) buy, lease or licence property and sell, let or otherwise dispose of the same;
- (g) make grants and loans and give guarantees and provide other benefits;
- (h) set aside funds for special purposes or as reserves;
- (i) invest funds in any lawful manner;
- (j) employ and engage staff and others and provide services in accordance with Rule 8.
- (k) co-operate with or affiliate to firstly any bodies regulating or organising the Sport and secondly any club or body involved with it and thirdly with government and related agencies;
- (l) do all other things reasonably necessary to advance the purposes;

NONE of the above powers may be used other than to advance the purposes consistently with the Rules below and the general law.

## **4. Membership**

- (a) Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. However, limitation of membership according to available facilities is allowable on a non discriminatory basis.
- (b) The Club may have different classes of membership and subscription on a non discriminatory and fair basis. The Club will keep subscriptions at levels that will not pose a significant obstacle to people participating.

- (c) The Club Committee may refuse membership, or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal or removal may be made to the members.

## **5. All General Meetings**

- (a) All members may attend all general meetings of the Club in person.
- (b) Such meetings need 10 clear days' written notice to members.
- (c) The quorum for all general meetings is five members present.
- (d) The Chair or (in his or her absence) another member chosen at the meeting shall preside.
- (e) Except as otherwise provided in these Rules every resolution shall be decided by a simple majority of the votes cast on a show of hands. In the event of equality of votes the Chairman shall have a second or casting vote.
- (f) Formalities in connection with General Meetings (such as how to put down resolutions) shall be decided by the Committee and publicised to Club members.

## **6. Annual General Meetings (AGM)**

The Club will hold an AGM once in every calendar year and not more than 15 months after the last AGM. At every AGM:

- (a) The Members will elect a Committee including a Chair, Treasurer and Secretary to serve until the next AGM;
- (b) The Treasurer will produce accounts of the Club for the latest financial year audited as the Committee shall decide;
- (c) The Committee will present a report on the Club's activities since the previous AGM;
- (d) The Members will appoint a suitable person to audit the accounts; and
- (e) The Members will discuss and vote on any resolution (whether about policy or to change the Rules) and deal with any other business put to the meeting.

Subject to the exigencies of the business at hand, a quorum shall be at the discretion of the Executive Committee and in the event of equality of votes the Chairman shall have a second or casting vote.

## **7. Extraordinary General Meetings (EGM)**

An EGM shall be called by the Secretary within 14 days of a request to that effect from the Committee or on the written request of not less than 10 members signed by them. Such EGM shall be held on not less than 10 or more than 21 days' notice at a place decided upon by the Committee or in default by the Chair.

## **8. The Committee**

### **(A) Role**

Subject to these Rules the Committee shall have responsibility for the management of the Club, its funds, property and affairs.

(B) Property etc

- (i) The property and funds of the Club cannot be used for the direct or indirect private benefit of members other than as reasonably allowed by the Rules and all surplus income or profits are reinvested in the club. No surpluses or assets will be distributed to members or third parties.
- (ii) The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, medical treatment, away-match expenses, post match refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Finance Act 2002.
- (iii) The Club may also in connection with the sports purposes of the Club:
  - (a) Sell and supply food, drink and related sports clothing and equipment;
  - (b) employ members (though not for playing) and remunerate them for providing goods and services, on fair terms set by the Committee without the person concerned being present;
  - (c) Indemnify the Committee and members acting properly in the course of the running of the Club against any liability incurred in the proper running of the Club (but only to the extent of its assets).
  - (d) The Committee will have due regard to the law on disability discrimination and child protection

(C) Composition etc

- (i) The Committee shall consist of at least five and not more than 14 other members (including Officers).
- (ii) The Committee members may co-opt club members (up to the maximum permitted number) to serve until the end of the next AGM.
- (iii) Any Committee member may be re-elected or re-co-opted without limit.
- (iv) A Committee member ceases to be such if he or she ceases to be a member of the Club, resigns by written notice, or is removed by the Committee for good cause after the Member concerned has been given the chance of putting his/her case to the Committee with an appeal to the Club members, or is removed by club members at a general meeting. The Committee shall fairly decide time limits and formalities for these steps.

(D) Disciplinary Procedure

**Purpose**

- (I). The purpose of the Disciplinary Procedure is to support the Club's Constitution and Code of Conduct.
- (II). To maintain the required personal and sporting standards of behaviour among members in the interests of the Club and its reputation within the local community.
- (III). To promote and ensure fair and consistent treatment for all members.

**Information**

- (I). The elected Committee is responsible for managing the affairs of the Club for the benefit of the members.

- (II). The members of the Club are expected to assist the Committee by observing the Club Constitution and Code of Conduct.
- (III). Members who fail to observe the Club Constitution and Code of Conduct may be subject to disciplinary action.
- (IV). The Committee will exercise common sense in all matters relating to discipline and any action taken.

### **Procedure**

- (I). In the event of information or a complaint being received about a member or members of the Club, the Committee will consider whether or not the matter should be subject to disciplinary action.
- (II). If it is judged that disciplinary action might be warranted, then no further action will be taken until the matter has been investigated.
- (III). The Club Chairman will appoint a member of the Committee to investigate the matter and to speak to all parties involved (including any witnesses). The investigation must be thorough and impartial.
- (IV). The investigating officer will then report his/her findings to the Committee and the Committee will decide whether or not a breach of Constitution and/or Code of Conduct has occurred.
- (V). If the Committee decides that a breach of Constitution and/or Code of Conduct has occurred, a disciplinary hearing will be arranged and the member or members involved will be given at least seven days' notice of the hearing in writing. This notification, from the Club Secretary, will include the following:
  - date , time and location of hearing
  - details of the allegation
  - the fact that the member or members will have the right to state his/her/their case
  - the right to be accompanied by a person of the member's choice to act as a witness or representative as preferred
  - the fact that the hearing could result in disciplinary action and that any previous warnings will be taken into account when deciding the level of action to be applied.
- (VI). The case will be heard by a panel of three Committee members (excluding the investigating officer) and a member of the panel will act as Chair.
- (VII). The panel will study the investigating officer's report and ensure that it has understood the allegation(s) involved. At the hearing, the Chair will explain the charge(s) and allow the member (or their representative) to state their case.

### **Result of Hearing - Disciplinary Action**

- (I). Should the disciplinary panel find that a breach of Constitution and/or Code of Conduct has occurred, then disciplinary action may be applied. The following disciplinary options are available:

#### **Verbal Warning**

If the misconduct involved is judged to be unacceptable (but not unduly serious), a Verbal Warning may be recommended. This warning will be noted and retained by the Club Secretary for future reference.

#### **Written Warning**

If the misconduct involved is judged to be too serious for a Verbal Warning (or has occurred whilst a Verbal Warning is still in force), the disciplinary panel may recommend a Written Warning. This warning will be noted and retained by the Club Secretary for future reference.

#### **Final Written Warning**

If the misconduct is sufficiently serious or if there is a failure to improve following a prior warning for the same type of offence, a final written warning may be given to the member. This warning will be noted and retained by the Club Secretary for future reference.

## **Expulsion/Suspension**

In cases of gross misconduct that seriously affects the interests and/or good name of the Club, or for misconduct that has occurred whilst a Written Warning is still in force, the disciplinary panel may recommend that the member(s) concerned be expelled from the Club with immediate effect. Depending on the nature and degree of the misconduct, the disciplinary panel will have the discretion to recommend that the member(s) is/are suspended as an alternative to expulsion. In cases of gross misconduct, it is recommended that the member concerned be suspended from the Club immediately a complaint or information about such is received.

- (II). Written confirmation of the disciplinary decision will be sent to the member(s) by the Club Secretary within ten days of the hearing and contain the following information:-
  - the disciplinary decision and reasons for the decision
  - the fact that there is a time limit after which the warning or suspension may be disregarded for future disciplinary purposes -
  - the right of appeal and the appeal procedure.
- (III). Verbal warnings will normally lapse and be disregarded for any future disciplinary purposes after a period of twelve months. All written warnings and suspensions will normally lapse and be disregarded for any future disciplinary purposes after a period of two years.

## **Appeals**

- (I). A member may appeal against a disciplinary decision, by writing to the Club Secretary within ten days of receiving the decision in writing, and then by appealing to the members through the EGM process.
- (II). The purpose of the appeal will be to review the decision taken by the disciplinary panel and ensure that procedures have been followed correctly. It is not to re-hear the case in any way, except where new evidence has come to light.
- (III). The member lodging the appeal may be accompanied by a witness or representative. The Chair of the disciplinary panel will also attend the EGM to explain the disciplinary decision.
- (IV). The member lodging the appeal (or their representative) will be allowed to explain their grounds for appeal and why the disciplinary decision is disputed.
- (V). The decision of the EGM is final.
- (VI). Written confirmation of the decision, and an explanation of it, will be sent to the member by the Club Secretary within ten days of the EGM.

## **(E) Committee Meetings**

(i) Whenever a Committee member has a personal interest in a matter to be discussed he/she must declare it, withdraw from that part of the meeting (unless asked to stay), not be counted in the quorum for that agenda item and withdraw during the vote and have no vote on the matter concerned.

(ii) The Committee may decide its own way of operating. Unless it otherwise resolves the following rules apply:

- (a) At least 4 members must be present for the meeting to be valid;
- (b) Committee meetings shall be held face to face;
- (c) The Chair or whoever else those present choose shall chair meetings;
- (d) Decisions shall be by simple majority of those voting;

(e) a resolution in writing signed by every Committee member shall be valid without a meeting;

(f) The chair of the meeting shall have a casting vote.

(E) Delegation etc.

The Committee may delegate any of their functions to sub-committees but must specify the scope of its activity and powers; the extent to which it can commit the funds of the Club; its membership; its duty to report back to the Committee. The Committee may wind up any sub-committee at any time or to change its mandate and operating terms.

(F) Disclosure

Annual club reports and statements of account must be made available for inspection by any member and all club records may be inspected by any Committee member.

**9. Amendments**

(a) These Rules may be amended at a general meeting by two-thirds of the votes cast but not (if relevant) so as to jeopardise the Club's status as a Community Amateur Sports Club as first provided for by the Finance Act 2002 and not in any event to alter its purposes (unless the procedure set out in 9(b) has been followed) or winding up provisions.

(b) The Club Purposes may be changed to include another eligible sport if the Committee unanimously agree and the members also agreed the change by a 75% majority of votes cast.

**10. Dissolution**

(a) The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened general meeting.

(b) The Committee will then be responsible for the orderly winding up of the Club's affairs.

(c) Upon dissolution of the Club any remaining assets shall be given or transferred to another registered CASC, a registered charity or the sport's governing body.

**Adopted at a EGM meeting held at The Church Hall Appledore**

**On 8<sup>th</sup> February 2007**

Name: **LEONARD WHITE**  
[Name and signature of chair of meeting]

Signature:

Witnessed

Name: **DENISE MORRISH**

Signature:

Address:

Occupation: **CLUB SECRETARY**

[Name, address, occupation and signature of witness]

**16 May 2003**

**Bates, Wells & Braithwaite**

