

# **Church Wilne Water Sports Club (CWWSC)**

## **Constitution and Rules**

### **1. NAME**

The name of the club shall be the Church Wilne Water Sports Club (“the Club”).

### **2. ADDRESS**

The registered address of the Club shall be Sawley Road, Draycott, Derby DE72 3QD (or such other address as shall be approved by the Committee from time to time).

### **3. OBJECTIVES**

The object of the club is to provide facilities for and promote participation of the whole community in the sport of Water Skiing and all other water sports which the Committee feel could appropriately use the facilities available to the Club, and to promote both competitive and recreational water skiing activities and training in accordance with a timetable agreed by the Committee. The Club shall be a non-profit making organisation and as such any surplus income or gain shall be reinvested into the Club. There shall be no distribution of Club assets in cash or in kind to managers or third parties but the Club may at the discretion of the Committee or upon dissolution make donations to charities or other clubs that are registered Community Amateur Sports Clubs.

### **4. MEMBERSHIP**

- a) Any person, whether or not the owner of a boat or of other equipment appropriate to the use of the water, who is interested in the objectives of the Club shall be eligible for membership and there shall be no exclusion on the grounds of sex, race, creed, political affiliation, sexual orientation, disability, age, religion or other beliefs.
- b) Subject to Article 4a), the Committee shall have the right to refuse any person membership of the Club.
- c) The Committee may at their discretion establish a maximum membership number to ensure the best use of the water.
- d) A member of the Club shall be either an individual member, family member, junior member or honorary member.
- e) No member shall be allowed to conduct any commercial activity (including, without limitation, the sale of boats or any other ancillary water sports products) on the Club premises without the prior consent of the Committee.
- f) Full members must be 18 years of age or over, and to the exclusion of junior members all other categories referred to in paragraph (d) save for honorary member will be considered full members of the Club. There can be only two full members per family membership. Only full members will be eligible to register craft within the Club.
- g) Family membership shall entitle all members defined in that family to the amenities of the Club; for the purposes of this Article, family shall include a couple or single parent and children under 18 years of age and/or 21 years of age (in the latter case only where the person is in full time education).
- h) Associate/day membership enables anyone to take an active part in the Club but not register as a boat owning member.
- i) A junior member shall be any person under the age of 18 not registered as part of a family membership.

- j) Members shall be responsible for the good behaviour, conduct and safety of all their children and guests whilst on site.
- k) The Committee at their discretion shall provide and maintain suitable equipment to facilitate activities by the Club members on Club waters or at the time being under control of the Club, and to do all such things as are incidental or conducive to the furtherance of the objects of the Club set out in Article 3 above.
- l) Honorary members. The Committee shall have the right to elect suitable persons as honorary members who have, in the opinion of the Committee, been of particular service or distinction within the Club. Honorary membership shall be for the period specified by the Committee and under such conditions as the committee shall decide. Honorary members need not previously have been members of the Club in any other category and they shall be entitled to all privileges of membership except that they shall have no voting rights at an AGM or SGM.
- m) Any member may resign his membership by giving notice in writing to the secretary, provided that if notice is given after the AGM in that calendar year the member shall be liable for any subscriptions due in that year.
- n) The Club may refuse membership or expel from membership only for good and sufficient cause, such as conduct or character likely to bring the club or sport into disrepute. Appeal against such a decision may be made by the clubs members and decided by a majority vote.
- o) Members wishing to exercise voting rights may do so after 12 months of continuous membership.

## **5. GUEST AND VISITORS**

- a) Member's Guests
  - i) Subject to any byelaws, a member shall be entitled to introduce guests to the Club, provided that no person whose application for membership has been rejected or who has been suspended or expelled from the Club shall be introduced as a guest.
  - ii) The member introducing a guest shall enter the name and address of the guest, together with his name, in a book which shall be kept for that purpose on the Club premises.
  - iii) The member introducing a guest shall be responsible for the good conduct and observation of the rules and byelaws of the Club by such guest and for any damage to the Club property caused by him.
  - iv) The Club secretary, or if the secretary is a paid employee, an Officer, shall have a discretion at all times to refuse admission to members' guest if admission to the Club of such guests would result in members being deprived of the facilities of the Club.
  - v) A member is entitled to admit up to four guests on any one occasion. No guest may be admitted as a guest on more than six occasions in any calendar year.
- b) Visitors
  - i) Any persons who are competitors or officials, or who assist in any event(s) sponsored or authorised by or on behalf of the Club shall be entitled to the use of the Club premises on the day of the event(s) and during the day, those who have attained the age eighteen years may purchase and consume intoxicating liquor in the Club premises. They shall not however be entitled to any other rights or privileges in connection with the Club.
  - ii) On arrival at the Club premises, the name and full address of each such visitor must be signed in a separate visiting player's book, and the entry must be counter-signed by an ordinary member of the Club. In the case of a composite team entry, one ordinary member may sign in the entire team.

## **6. DISCIPLINARY ACTIONS**

- a) The Committee shall be empowered to take such disciplinary actions as it deems necessary against any person or persons within a category of membership of the Club who has broken the rules of the Club (comprising this Constitution and any byelaws, regulations or rules made pursuant to it) or who has acted in such a way as to be contrary to the best interests of the Club. Such disciplinary action may be by way of censure, an invitation to the members/s to resign, expulsion, or suspension for a period to be specified by the Committee. Appeals against expulsion are covered in 4.n) of these rules.
- b) Notification of pending disciplinary proceedings (“the Disciplinary Notice”) containing a summary of the allegations giving rise to such proceedings must be sent to the member/s concerned. The Disciplinary Notice must also contain a statement that the member/s has the right either to submit a written statement in response to the Disciplinary Notice or to attend in person at the disciplinary proceedings. The disciplinary hearing shall be carried out at a Committee meeting convened specifically for that purpose. Any member/s subject to disciplinary action shall be given at least seven (7) days notice of any disciplinary hearing. Disciplinary action shall only be exercised subject to a two-thirds majority of the Committee present at the meeting voting in favour of the recommendations.

## **7. EFFECT OF CEASING TO BE A MEMBER**

- a) Any person who is expelled from the Club will immediately forfeit all rights to and all claims upon the Club and its funds and may not utilise the property, facilities or any waters under the control of the Club.
- b) Any person who is suspended from membership of the Club will cease to have any claim upon the Club and its funds and may not utilise the facilities and services provided by the Club subject to the terms and conditions of the suspension as laid down by the Committee.

## **8. SUBSCRIPTIONS**

- a) The rates of entry fees and subscriptions for the various categories of membership shall be decided by the Committee and submitted for ratification by the voting members at the members forum in each year. No member shall be entitled to take part in the activities of the Club or to exercise voting rights until the subscriptions for the current year and all arrears have been paid.
- b) To expedite the issue of the ensuing year boat numbers, the closing date for renewal of membership shall be 10th March in any year, after which all membership numbers for the following year will be issued. A written reminder will be sent to all members who have not renewed their membership. The Committee shall then have the power to issue an emergency full or emergency waiting list number to members who, in their estimation, have a valid reason for renewing their membership after 10th March. Such emergency numbers will be held for the current membership year only. Members who fail to reply to the written reminder, or have no valid reason for failing to renew membership shall by 1st April cease to be a member of the Club.

## **9. COMMITTEE AND CHAIRMAN**

- a) The committee shall comprise not less than four and not more than nine members elected from and by the membership of the Club (the “Committee”). The Committee shall comprise the Club chairman (the “Chairman”), the secretary, treasurer, vice-chairman and safety officer (together the “Officers”) and up to four Committee members who are not Officers..
- b) The Committee membership shall be drawn impartially from the membership, irrespective of the individual’s activity, save that no member who is directly commercially involved with any water skiing or ancillary equipment shall be eligible for election to a committee position.

The Committee should where possible include a representative of each sport taking place within the Club membership. Where no nomination is received the place will remain vacant. The Committee shall act in the best interests of the objectives of the Club irrespective of their own participation in any particular sport.

**A. Retirement, Nomination and Appointment of the Committee and Chairman:**

- i) Any candidate for the position of Committee member must be a current fully registered member who has been a full member for at least one full membership year.
- ii) The Committee (including the Officers) shall be elected by the members at an AGM or SGM. At every subsequent AGM one third of the Committee members at that time, or if their number is not a multiple of three, then the nearest number to one third shall retire from office. Each year, one of the retiring Committee members must be the Chairman. If the Committee is elected at a SGM taking place not more than 2 months before the AGM then no such retirement shall be required to take place at that AGM.
- iii) The Committee members must retire in order of seniority of service on the Committee and in the case of equal seniority the order of retirement must be determined by a show of hands.
- iv) Any Committee member (including the Chairman) retiring may stand for re-election at the AGM at which he retires.
- v) Any candidate or candidates for membership of the Committee must be proposed by one member and seconded by another by notice in writing to the secretary by the 10th March. Such proposal must state whether the candidate is proposed an Officer and if so whether as Chairman, secretary, treasurer, vice-chairman or safety officer.
- vi) Balloting lists must be issued to every member on the day of the AGM or SGM (as the case may be).
- vii) Every full member of the Club, subject to 4 (o), is entitled but not obliged, to vote for as many candidates as there are vacancies to be filled and no more.
- viii) Up to the number of vacancies, the candidates who receive most votes must be declared elected, and in the case of two or more candidates receiving an equal number of votes, the chairman of the meeting has a second or casting vote.

**B. Casual Vacancies on the Committee:**

The Committee shall have the power to appoint any suitable person from within the Club membership to fill any vacancies which may occur on the Committee. Any member so appointed shall retire at the next AGM but shall be eligible for election as a member of Committee at such meetings.

**C. Sub-committee:**

- i) The Committee shall have the power to appoint suitable persons to serve on sub-committees of the Club. The Committee shall depute such powers and duties to the sub-committee as shall be appropriate to their function.
- ii) The purchase of intoxicating liquor for the Club and the supply by the Club of intoxicating liquor shall be managed by a sub-committee of not less than three members being members of the Committee appointed by the Committee for that purpose.
- iii) All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of Committee.

#### **D. Meetings, Quorum and Voting:**

- i) The Chairman shall conduct meetings of the Committee, in his absence the vice-chairman shall preside. If both the Chairman and vice-chairman are absent the meeting shall be presided upon by one of the other Officers present selected by the Committee members on a show of hands.
- ii) The quorum for a meeting of the Committee shall be five.
- iii) Voting at meetings of the Committee shall be by a show of hands; in the event of a tied vote the chairman of the meeting shall have a casting vote.
- i) Majority decisions of the Committee shall be binding unless a specific majority is required with the rules of the Constitution.

### **10. PRESIDENT**

The members may elect a president or vice-president in order to show their appreciations to outstanding services to the Club. An election is to take place at the AGM.

### **11. ANNUAL GENERAL MEETING**

- a) An annual general meeting (“AGM”) shall be held in April each year on a date and time to be fixed by the Committee for the purpose of receiving the annual reports and accounts, for electing the Officers and the Chairman and for any other matter or business of which proper notice has been received by the secretary in accordance with this Constitution.
- b) Notice of the AGM together with resolutions shall be submitted to all members at least 14 days before the date of the meeting.
- c) Two ballot scrutineers shall be appointed from the membership at the AGM.
- d) Any member who desires to move any resolution at the AGM must submit the same to the secretary, in writing, before 10th March.
- e) Members wishing to raise any item under “any other business” should send details to the secretary seven (7) days before the date of the AGM.
- f) No business other than that of which notice has been given may be brought forward at the AGM.
- g) The Chairman shall conduct the AGM and in his absence the vice-chairman shall preside. If both the Chairman and vice-chairman are absent the meeting shall be presided upon by one of the other Officers present selected by the Committee members on a show of hands.
- h) Every full member present at the AGM, subject to 4 (o), is entitled to one vote upon every motion, and in the case of an equality of votes the Chairman shall have a second or casting vote.

### **12. SPECIAL GENERAL MEETING**

- a) A special general meeting (“SGM”) must be called by the Club acting by the Committee upon receipt by the secretary of a written resolution signed by at least twenty (20) full members of the Club or by a resolution passed by a two-thirds majority of the Committee. Such resolution must state the purpose for which the SGM is required. At least ten (10) clear days written notice of the SGM shall be given to all members. Non-receipt of a notice by any member will not invalidate and SGM or decision taken thereat.
- b) The provisions of Article 11 shall apply equally to an SGM, save where they conflict with Article 12 (a) and/or 12 (c), in which case the latter shall prevail in relation to an SGM.
- c) There shall be no more than three (3) SGM’s in any membership year.

### **13. TRUSTEES**

- a) The Committee shall appoint from within the Committee, suitable persons to act as trustees, there being not more than four in number, who shall act on behalf of the Club and the Committee. The trustees shall be indemnified against all claims, actions of costs arising from their appointment as trustees of the Club.
- b) Trustees may be removed or replaced by the Committee on a resolution giving at least twenty-eight (28) days notice to the effect and passed by a two-thirds majority at a suitably convened meeting of Committee.
- c) The Committee shall also have the power to appoint a new trustee in the event of the death, resignation or removal of a trustee.
- d) The property of the Club, other than cash, which shall be under the control of the treasurer, shall be vested in the trustees to be dealt with them as the Committee shall from time to time direct by resolution.

### **14. RULES AND REGULATIONS**

- a) The Committee may from time to time make, amend and repeal all such rules and regulations, not inconsistent with the Constitution, as they think expedient for the well being and management of the Club.
- b) All rules and regulations made by the Committee under this rule shall be binding upon the members until repealed by the Committee or set aside by a resolution of a general meeting of the Club and with prior agreement from Severn Trent Water Limited.

### **15. DISSOLUTION**

- a) If:
  - i) at any AGM or SGM a resolution for the dissolution of the Club shall be passed by a majority of members present; and
  - ii) such a resolution shall, at a SGM held not less than one month thereafter, at which not less than one third of the registered full members be present, be confirmed by a majority of two-thirds of the members voting thereon

the Committee shall thereupon at such future date as shall be specified in such resolution proceed to settle all the debts and liabilities of the Club.

- b) If the debts and liabilities can be settled without the need to realise the property of the Club then it shall be at the discretion of the Committee whether or not the property shall be realised.
- c) In the event of the dissolution of the Club, any assets remaining after the satisfaction of all debts and liabilities shall not be paid or distributed among the members of the Club, but shall be given or transferred to one or more of the following approved sporting or charitable bodies: 1) A registered charitable organisation(s) 2) Another Club which is a registered CASC 3) The sports national governing body for use by them for related community sports.
- d) Upon completion of such division the Club shall be deemed to have been dissolved.

### **16. AMENDMENT OF CONSTITUTION**

Amendments, alterations or additions to the Club Constitution may only be made by resolution at an AGM or SGM convened for the purpose. Notification of the proposed amendment or alteration shall be sent out in accordance with Articles 11 or 12 of the Club Constitution.

## **17. AUTHORITY**

The Committee shall be the sole authority for the interpretation of these rules and regulations made from time to time by the Committee and the decision of the Committee upon any question of interpretation or upon any matter affecting the Club and not provided for by these rules or regulations shall be final and binding upon the members. Save that nothing in this Constitution shall oust or purport to oust the jurisdiction of the courts of England and Wales.

## **18. INVITATION TO OUTSIDE ORGANISATIONS**

It shall be open to the Committee to notify officers or members of Sport England, Erewash Borough Council, British Water Ski Federation or any other governing body of sport appropriate to the activities of the Club to attend any meeting of the Committee of the Club, as observers without voting rights. Severn Trent Water Limited, as Landlord, for the time being of the Club premises shall have the right to attend any Committee meeting, AGM or SGM of the Club as observer without voting rights.

## **19. MEMBERSHIP OF OUTSIDE ORGANISATIONS**

It shall be open to the Club at the discretion of the Committee to seek affiliation of such governing bodies as may appear appropriate to the activities of the Club.

## **20. TERMINATION OF THE CLUB'S LEASE**

On the termination without renewal of the Club's lease of its premises at Church Wilne, the Committee shall call a SGM to propose the dissolution of the Club and the Committee shall consider any action that may be appropriate at the time.

## **21. USE OF FACILITIES BY OUTSIDE ORGANISATIONS**

The Committee shall consider requests from Sport England or from any other authority interested in the promotion of sport to arrange instructive courses, and shall be empowered to negotiate an appropriate fee with such organisations.

## **22. SALES IN ACCORDANCE WITH SECTION 49, LICENSING ACT, 1964**

- a) In accordance with Section 49, Licensing Act, 1964, there may be admitted to the clubhouse persons who are not members of the Club or the guests of such members for the purpose of formally organised occasions, and persons who are not members of the Club admitted in connection with such functions may, if they have attained the age of 18 years, purchase or consume on the premises intoxicating liquor, provided that the number of any such functions held in a calendar year shall be limited to twelve, and the holding of such functions must be notified in writing not less than seven days in advance to the Clerk to the Justices and to the Police.
- b) Any advertisements relating to this category of functions need not comply with the requirements of Article 23.

## **23. ADVERTISEMENTS**

All advertisements of Club functions or entertainments shall carry a notice stating that the admission will be limited to members and bona fide guests only.

## **24. OPENING OF CLUBHOUSE**

The clubhouse shall be opened to members daily between such hours as the Committee from time to time determine; but the Committee may close it for such times as they may deem necessary for cleaning and repairs or staff holidays.

## **25. PERMITTED HOURS**

- a) The permitted hours for the supply of intoxicating liquor shall be fixed and may be varied from time to time by the Committee in accordance with the statutory provisions for the time being in force.
- b) There shall be no supply of intoxicating liquor for consumption off the premises, except directly to a member in person who has attained the age of eighteen years.
- c) The Committee shall cause a notice stating the permitted hours currently operative to be prominently displayed within the Club premises.

## **26. YOUNG PERSONS**

There shall be no sale or supply of intoxicating liquor to any person under the age of eighteen years admitted to the Club premises. Neither shall such person be allowed to consume intoxicating liquor on the Club premises.

## **27. MEMBERS NOT TO MAKE A PROFIT OUT OF THE CLUB**

No members shall, except for professional services rendered at the request of the Committee, on any pretence or in any manner receive any profit, salary, or emoluments from the funds or transactions of the Club.

## **28. PRIVATE BENEFIT NOT TO ACCRUE ON PURCHASE, ETC., OR LIQUOR**

No person shall at any time be entitled to receive at the expense of the Club (or of any member thereof) any commission percentage or similar payment on or with reference to purchase of intoxicating liquor by the Club; nor shall any person directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the Club to members or guests apart from any benefit accruing to the Club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise to or contributing to a general gain from the carrying on of the Club.

## **29. AMENDMENT OF RULES**

- a) Written notice of any proposed amendments which relate to the sale or consumption or alcohol must also be sent to the Clerk to the Justices for notification to and approval by the Justices. No amended or additional rule shall become operative until the approval of the Justices has been so obtained.
- b) In accordance with the Licensing Act, 1964, written notice of any amendment of the rules must be given by the Secretary to the Police, the Local Authority and also the Clerk to the Justices within 28 days of the finalisation of the amendment.