

HELENSBURGH SAILING CLUB CONSTITUTION

(As approved at 2023 AGM)

Club Philosophy

Helensburgh Sailing Club wholeheartedly supports the principle of equal opportunities in sailing and opposes all forms of unlawful direct and indirect discrimination on the grounds of colour, race, religion, ethnic origin, nationality (including citizenship), gender, sexual orientation, age, marital status or disability. To this end within the framework of the law, we are committed, wherever practicable, to promoting and facilitating access to our club and sailing. The Club is fully committed to safeguarding the welfare of all children and vulnerable adults in its care. Responsibilities for promoting safe practice and protection from harm, abuse and exploitation are set out in the "Governance" section of the HSC website – www.helensburghsailingclub.co.uk/Governance - where the Club's adoption of the RYA policies for safeguarding children and adults is documented. All members of the club should follow the good practice guidelines contained within these policies and agree to abide by the Club Code of Conduct contained within them.

Name

Rule 1 The Club shall be called the "Helensburgh Sailing Club".

Object

Rule 2

2.1 The objects of the Club are the encouragement of amateur water-based activities, consistent with the current remit of the RYA (though excluding powered craft other than rescue boats), in the waters adjacent to Helensburgh, the association of persons interested in these activities, and the maintenance of a Clubhouse for the furtherance of such association and objects.

2.2 The Club is a non-profit making organisation. All profits and surpluses will be applied to further the Club's purposes and objects.

2.3 If, upon winding up or dissolution of the Club there remains after the satisfaction of all the Club's debts and liabilities any property whatsoever, the same shall be given or transferred to some other organisation or organisations having objects (that is, aims and activities) similar to the objects of the Club, such organisation or organisations to be determined by members of the Club by Resolution passed at a General Meeting at or before the time of dissolution, and in so far as effect cannot be given to such provision then to some charitable objects.

Burgee

Rule 3

The Burgee of the Club shall be a White Pennant with "The Comet's" flywheel represented on it in black, and the ensign shall be the British Red Ensign.

Membership

Rule 4

4.1 Membership shall consist of Honorary, Life, Ordinary, Spouse/Partner, Intermediate, Student, Senior, Veteran, Family Cadet, Cadet, Junior Cadet, Out of Port, Non-Sailing Parent, Corporate, Helensburgh Challenger Group, Helensburgh Sea Cadet Group and Temporary Members.

4.2 An Ordinary Member means any member of 30 years of age or over on the 1st March.

4.3 Spouse/Partner membership shall be available to couples who would otherwise be Ordinary or Intermediate members.

4.4 An Intermediate Member means any member who is over 18 and under 30 years of age on 1st March.

4.5 A Student Member means any member who is in receipt of full-time further education on the 1st March.

4.6 A Senior Member means any person who, having been an Ordinary or Spouse/Partner member for a minimum of 20 consecutive years, no longer wishes to sail.

4.7 A Veteran Member means any member of 65 years of age or over on the 1st March who has been an Ordinary or Spouse/Partner member for a minimum of 30 consecutive years and who has given significant service to the club.

4.8 A Cadet Member ** means any member aged 12 years and over, and less than 18 years of age, on the 1st of March.

4.9 A Family Cadet Member ** means a Cadet who has a parent or guardian who is an Ordinary, Spouse/Partner or Non-Sailing Parent member.

4.10 A Junior Cadet Member ** means any member aged 5 years and over, and less than 12 years of age on the 1st March. Junior Cadet Members must have a parent or guardian who is an Ordinary, Spouse/Partner, or Non-Sailing Parent member who will be present when they are using the Club, except when they are taking part in formal training courses.

** Cadet, Family Cadet and Junior Cadet Members have no voting rights.

4.11 A Non-Sailing Parent Member is a parent or guardian of a Junior Cadet or Family Cadet Member, but with membership restricted to the use of the facilities necessary for the purpose of supervising their own children, and use of the clubhouse. Non-Sailing Parent members have no voting rights.

4.12 An Out-of-Port Member means any Ordinary, or Intermediate Member permanently resident in excess of a radius of 50 miles from Helensburgh and who only uses the club facilities on an occasional basis. Out-of-Port members have no voting rights, and no right to lay or own a mooring, but otherwise shall have full use of the amenities of the Club.

4.13 Corporate Membership means membership by an employer on behalf of his/her employees. The subscription and terms extended to Corporate Members shall be determined from time to time by the General Committee taking account of the circumstances of each Corporate Member. Corporate Members and their employees have no voting rights.

4.14 Helensburgh Challenger Group (H.C.G.) Membership means membership by the H.C.G. on behalf of its members. The subscription and terms extended to H.C.G. Members shall be determined from time to time by the General Committee taking account of the circumstances of the H.C.G. members. H.C.G. members have no voting rights.

4.15 Helensburgh Sea Cadet Group (H.S.C.G) Membership means membership by the Sea Cadets on behalf of its members. The subscription and terms extended to H.S.C.G. Members shall be determined from time to time by the General Committee taking account of the circumstances of the Sea Cadets unit. H.S.C.G. members have no voting rights.

4.16 The various classes of membership shall be limited to such numbers as may from time to time be determined by the General Committee. The number of Veteran Members is limited to 20.

Rule 5

5.1 Applications for membership must be submitted to the Club's office either on the official application form or via such on-line application facilities as may be provided. Fees due will then be advised and membership will be considered activated when these fees have been paid.

5.2 The General Committee shall have the power to refuse such applications for any good reason.

5.3 Individuals may become Temporary Members for a period not greater than 6 months, at such a subscription rate to be decided by the General Committee. Temporary Members shall have no voting rights and shall be bound by all the rules of the Club.

Rule 6

Honorary Members may be elected at the discretion of the General Committee. Such members shall be persons who have rendered outstanding service to the Club. Though subject to the Rules of the Club they shall be exempt from payment of Entry Fee and Annual Subscription.

Rule 7

Any member wishing to withdraw from the Club shall notify the Secretary of his/her intention in writing before 1st March or he/she shall be liable for his/her subscription for the current subscription year.

Rule 8

8.1 If, in the opinion of the General Committee, the behaviour of a member is prejudicial to the interests of the Club, the General Committee shall have power to call for the resignation, and failing his/her compliance, expel the said member.

8.2 Applicants refused membership under Rule 5.2 or a member required to resign under Rule 8.1 shall have

the right of appeal to a panel (3 in number to form a quorum) of senior club members independent of the current general committee. The decision of the appeal panel is final.

Rule 9

Any member, on ceasing to belong to the Club, shall not use the Club's property or effects.

Entrance Fee and Subscription

Rule 10

10.1 There shall be an Entrance Fee of such sum as the General Committee may from time to time prescribe.

10.2 The Annual Subscription shall be decided by the General Committee, and shall be due on the 1st March. If after a period of time to be decided by the General Committee, the subscription remains unpaid, membership shall be terminated.

10.3 At the discretion of the General Committee, partners of Veteran members who do not qualify for Veteran membership shall pay the difference between the Ordinary and the (joint) Spouses/Partners member subscription rates in the current year.

10.4 Members joining after the 31st July shall pay half the current annual subscription in the year of joining, and tapered discounts may be offered in subsequent months as determined by the General Committee.

10.5 Ordinary and Spouse/Partner Members who have paid their Entrance Fee may compound for their Annual Subscription and become Life Members by a single sum as shall be decided from time to time by the General Committee.

Rule 11

No member shall have the use of the Club property, vote at any meeting, or sail in any Club race until he/she has paid his/her subscription. As the payment of subscription entitles him/her to enjoy all the privileges and advantages of the Club, it shall be held to imply his/her acquiescence to the Rules and Regulations of the Club.

Officers

Rule 12

12.1 The Officers of the Club shall consist of Commodore, Vice-Commodore, three Rear Commodores, Honorary Secretary, Honorary Treasurer, Honorary Sailing Secretary, Honorary Clubhouse Secretary, Honorary Dinghy Park Secretary, Honorary Moorings Secretary and Hospitality Convener.

12.2 The General Committee may appoint an Administrative Secretary and/or Treasurer on such terms as may be agreed and which will be reviewed periodically. The appointment of an Administrative Secretary and/or Treasurer may dispense with the posts of Honorary Secretary and/or Honorary Treasurer at the discretion of the General Committee.

12.3 The Officers of the Club shall be elected annually at the Annual General Meeting.

Management

Rule 13

13.1 The Management of the Club and the election of Members shall be vested in a General Committee, seven to form a quorum, consisting of the Officers and nine elected members.

13.2 The General Committee shall meet at least five times a year and the intervals between meetings shall not be greater than three months.

13.3 The General Committee will form Standing Committees to arrange the affairs of the Club. The Standing Committees will be responsible and accountable to the General Committee. One of the Standing Committees will be a Finance Committee. On the recommendation of the Standing Committees the General Committee may co-opt other Club members to these Committees in a minority. The co-opted members should include one representative of the Classes which the General Committee may from time to time approve.

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

13.5 The Committee shall manage the business and affairs of the Club according to the Rules and Policies and shall cause the funds of the Club to be applied solely to the objects of the Club or for a benevolent or charitable purpose nominated by a General Meeting.

13.6 The Committee shall make amend or repeal such Byelaws and Regulations as it shall from time to time think fit and shall cause the same to be promulgated on the Club's website and publicised via email for fourteen days before the date of implementation. Such amended Byelaws and Regulations shall remain in force until approved or set aside by a vote at a General Meeting.

Rule 14

14.1 The Annual General meeting for the Election of Officers and the General Committee, consideration of Accounts, Reports, and other general business shall be held in November.

14.2 Preliminary notice of the date of the Annual General Meeting shall be promulgated on the Club's website and publicised via email at least six weeks in advance and members will be informed of the agenda at least 14 days before the meeting.

14.3 Nominations for Officers and Members of the General Committee, with names of Proposer and Secunder, are to be in the hands of the Secretary at least three weeks prior to the Annual General Meeting.

14.4 The Commodore and Vice-Commodore may not hold office for more than four years, and after that may not be re-elected to the same office till a further period of two years has elapsed.

14.5 The three senior Committee Members will retire annually and will be eligible for re-election.

14.6 In the event of any vacancy occurring in the Officers or General Committee during the year, the General Committee will have the power to appoint a substitute who will retire automatically after end of the year, but who will be eligible for re-election.

14.7 The immediate Past Commodore shall be, from the date of his/her retiral, an ex-officio member of the General Committee for a period of two years.

Rule 15

An Extraordinary General Meeting of the Club may be called by the General Committee or must be called after a request in writing from twenty members of the Club to the Secretary. Members shall be informed of any such meeting at least fourteen days prior to its being held.

Finance

Rule 16

16.1 The Honorary Treasurer shall keep a complete and accurate account of the finances of the Club.

16.2 The authorisation of expenditure by the Finance Committee shall be in such a manner as the General Committee shall from time to time determine.

16.3 At the Annual General Meeting each year there shall be appointed a Reporting Accountant who shall be a qualified Chartered Accountant (or a person holding such other qualification as may be considered appropriate by the Finance Committee) who will report thereon to the members of the Annual General Meeting. A copy of the accounts with the report of the Reporting Accountant shall be available to the members prior to the Annual General Meeting. In the event of the person appointed as Reporting Accountant being unable or unwilling to act, the General Committee shall appoint a substitute.

Rule 17

The Club may in General Meeting pass a resolution authorising the General Committee to feu or lease heritable property, and to borrow money on the security thereof and that on such terms and conditions shall be specified in such resolution, also to raise money for the promotion of the objects of the Club by the issue of Debentures or in such manner as the General Committee may decide, and thereupon Trustees hereinafter referred to shall at the direction of the General Committee make such arrangements as shall be necessary to give effect to such resolution and such decision or decisions. It is within the powers of the General Committee to borrow money, without the sanction of the Club in a General Meeting, to the extent that the lender holds monies belonging to the Club on other accounts in excess of the advantage and which he has a legal right to offset against the said advance in order to obtain repayment of that advance.

Rule 18

The whole property heritable and movable which belongs or may at any time belong to the Club shall be vested in the Commodore, Vice-Commodore, Honorary Treasurer, and Honorary Secretary for the time being and their successors in office as Trustees for the Club. A majority of the said Trustees shall form a quorum. The trust funds and property of every kind belonging to the Club shall be subject to the disposition of the General Committee, the order in writing of which signed by two members thereof shall be obligatory

upon and indemnify the Trustees for any sale, purchase, investment, disposition in security or other not done by them in the pursuance of such orders.

Rule 19

No member of the General Committee or governing body, and any person or servant employed in the Club, shall have any personal interest in the sale of excisable liquor therein or in profits arising from such sale.

Clubhouse

Rule 20

The Clubhouse shall be open for the use of members at such times as the General Committee may determine.

Rule 21

Smoking is not permitted in the clubhouse and tobacco products are not available for purchase.

Rule 22

The hours during which excisable liquor may be sold or supplied to members shall be as arranged by the General Committee in accordance with the Licensing Acts. A notice stating the hours during which excisable liquor may be supplied shall be displayed in a conspicuous place in the Clubhouse.

Rule 23

The purchase for the Club of excisable goods and the supply of the same upon Club premises shall be exclusively and solely under the control of the Committee or of a special Sub-Committee appointed by the Committee. Intoxicating liquor may only be sold to persons over the age of 18 who are entitled to use the Club premises in pursuance of the Rules, Byelaws and Regulations for the time being in force. No member under the age of 18 may purchase or attempt to purchase or consume intoxicating liquor within the Club premises.

Rule 24

A member shall be allowed to introduce guests to the Clubhouse as visitors subject to such conditions as the General Committee may decide. No visitor shall be supplied with excisable liquor in the Club premises unless on the invitation and in the company of a member, and the member shall, on the admission of such visitor to the Club premises or immediately after his/her being supplied with such liquor, enter his/her own name and the name and address of the visitor together with the date of such visit in a book to be kept for the purpose.

Rule 25

No excisable liquor shall be sold or supplied for the consumption outside the premises of the Club except to a member on the premises or to a person holding an Excise License for the sale of such liquor.

Additions and Alterations

Rule 26

26.1 No additions or alterations to these Rules shall be made except at a General Meeting.

26.2 Members proposing additions and alterations to these Rules shall submit such proposals to the Secretary in writing with the names of Proposer and Seconder at least thirty days prior to the Annual General Meeting.

This Constitution was first approved at the General Meeting of the Club held on 30th October 1951 and contains all amendments approved at subsequent General and Extraordinary General Meetings up until and including the one held on 5th October 2023.

James Miller, Commodore

Donald McLaren, Honorary Secretary