

CONSTITUTION OF BORDERS MODEL BOAT CLUB

GENERAL

1. The club shall be called ***The Borders Model Boat Club.***
2. The principal aim of the Club shall be the promotion of safe and responsible construction and operation of models of all types.
3. Alterations to this constitution can only be made at an Annual General Meeting or at a General Meeting called for that purpose. Any Proposed alterations must be submitted to the Chairman in writing at least 14 days prior to the meeting.

MEMBERS

4. A "member" means any class of membership. The Membership Classes include Senior Membership, Junior Membership, Life Membership, Social Membership.
5. The Committee has the right to refuse membership to new applicants.
(Note:- As a private members club, membership may be refused to any individual, however the reason cannot be due to, race, gender, sexuality, disability etc. It is important that the reasons are documented in meeting minutes.)
6. New members will be required to serve an initial probationary period of 6 months. During this time they will not be eligible to serve on the Committee and may have their membership terminated at the discretion of the Committee for unsatisfactory conduct.
(Note:-During this probationary period the member can be dismissed for misconduct without going through the disciplinary procedure.)
7. New members' subscriptions shall be dependent on the membership class, plus any joining fee as decided at an Annual General Meeting.
8. Subscriptions are due by 1st December each year.
(Note:- A club cannot refuse a members renewal if received before any deadline specified in the constitution, to do so is classed as dismissal and the disciplinary procedure must be followed)
9. Members who have allowed their membership to lapse for less than **1 year** will not normally be asked to re-apply for membership or pay the joining fee, but will be required to pay a full 12 months subscription. The Committee reserves the right to ask for a formal membership application if it so wishes.
10. Members who have not renewed their membership within 12 months will be deemed to have left the club and a renewal after this period will be treated as a new membership application.
11. All members must have Public Liability Insurance.
12. A member may be made a life member for extensive services to the club. Life members can only be created by a majority ballot of club members at a general meeting.

13. All members, without exception, must comply with all club rules. Failure to do so may result in disciplinary action by the Club which may lead to dismissal.

14. Members may invite guests to club meetings on arrangement with the Committee but they must be covered by public liability insurance and the club member must assume total responsibility for the actions and safety of the guest.

COMMITTEE STRUCTURE AND APPOINTMENTS

15. The Committee of the Club shall comprise of not less than **3** members and not more than **6** members.

16. The Officers of the committee shall be, Chairman and Treasurer.

17. Committee officers and members shall be elected at the Annual General Meeting from written nominations received no later than 28 days prior to the meeting, to serve for a period of one year. The Committee will be elected by majority vote by paper ballot from members present. All fully paid up members and life members are eligible to vote.

18. Should a committee position become vacant, the Committee may, by a majority vote, co-opt a replacement who will then serve until the following Annual General Meeting.

COMMITTEE ORGANISATION AND POWERS

19. Members elected to office will have full voting rights at all meetings. In the event of a tie the Chairman will have a casting vote in addition to his initial standing vote.

20. The Committee are authorised to carry out negotiations and make decisions in the interest of the club or on behalf of the membership where necessary without consulting the members. Approval from the membership at an ordinary meeting must be sought for non-routine expenditure greater than **£50-00**

21. The Committee is authorised to open a Bank Current Account.

22. Money may only be withdrawn from the club funds by cheque signed by a Committee Officer who has been nominated as a signatory at an AGM or EGM. Such Committee members are required to submit a sample of his/her signature for banking reference purposes.

23. The Chairman must be informed of any negotiations proposed by club members which affect the Club as a whole and copies of any written correspondence must be submitted to him for record purposes.

24. No member of the Committee or Officer of the club may be a Committee Member or Officer of another model boat club.

25. Any Committee Member wishing to resign must do so in writing.

26. Any member of the Committee who is absent from three consecutive Committee meetings without reasonable cause will automatically forfeit his seat on the Committee.

27. The Committee may pay accounts and incur any normal liabilities on behalf of the club.

VOTING AND CONDUCT OF COMMITTEE MEETINGS

28. All committee meetings will have an agenda and minutes will be recorded. Minutes of committee meetings will be made available to members on request to the Chairman.

29. A quorum of any Committee meeting shall consist of 3 Committee Members.

30. All proposals must be voted upon. A majority vote of Committee members present is required to carry any proposal.

31. Non committee members may attend committee meetings as observers by applying to the Chairman at least 14 days before the meeting or by invitation of a Committee member. Any non Committee Member may be asked to leave the meeting subject to approval from the Committee.

VOTING AND CONDUCT OF GENERAL MEETINGS

32. All general meetings will have an agenda and minutes will be kept. Any other business will only be accepted at general meetings if the Chairman is given at least 14 days notice in writing of the item to be discussed.

33. A quorum of any general meeting is to be at least one quarter of the membership.

34. All proposals must be seconded and voted upon. A majority vote of paid up members present is required to carry any proposal including proposals to alter this constitution.

35. Voting will normally be by a show of hands, however a secret ballot must be taken should any member request that this be done. Proxy and postal votes will not be permitted.

36. Amendments to proposals must be voted upon first.

37. The Committee, through the Chairman has the power to ask a person to leave any meeting in the event of that person disrupting the meeting.

ANNUAL GENERAL MEETINGS

38. A date for the Annual General Meeting will be decided each year by the Committee. This will normally be in the month of October. At least 28 days notice of the meeting will be given in writing to all Club members.

39. Annual subscriptions and the joining fee will be decided at the Annual General Meeting.

40. A competent individual, who is not a member of the Committee, shall be requested by the Committee to carry out an independent examination of the accounts before the Annual General Meeting to verify that the balance sheet is correct and fairly represents the expenditure and receipts of the club, its assets and its liabilities.

EXTRAODINARY GENERAL MEETINGS

41. The Chairman will convene an Extraordinary Committee Meeting within 28 days on request from any officer of the Committee, stating the business to be discussed.

42. The Chairman will convene an Extraordinary Committee Meeting within 28 days on a written request signed by not less than 20% of the members of the Club, stating the business to be discussed. The meeting must be called within 28 days of the request and 28 days notice must be given to all members in writing stating the business to be discussed.

43. When a request for a meeting is made in accordance with Article 42 and it is not called within 28 days, the requisitioners may themselves, at their own expense, convene an Extraordinary General Meeting of the Club by giving 28 days notice in writing to all members, duly setting out the purpose for which the meeting was called. Any resolutions passed at such a meeting shall have the same force and effect as if they were passed at a meeting convened by the Committee.

INSURANCE AND INDEMNITY

44. The club will hold Public Liability Insurance

45. The club will indemnify all committee officers and committee members if they incur any liability on behalf of the club.

46. In the event of a Committee Member being awarded damages or costs in the course of proceedings taken by him in his representative capacity, such damages or costs will belong to the Club and not the Committee Member personally and upon receipt that Committee Member will pay them to the Club Treasurer.

47. When there is a joint meeting between ***The Borders Model Boat Club*** and another club, the participating club must be able to provide evidence of adequate insurance cover well in advance of the event.

DISSOLUTION OF THE CLUB

48. Should it be considered necessary or desirable to dissolve the Club, the Committee will call an Extraordinary General Meeting. Should a quorum fail to appear, the meeting will be adjourned and a further EGM must be called within 14 days. The second meeting will proceed even if a quorum is not present and the motion will then be carried by a simple majority vote.

49. On dissolution and after the sale of assets, settlement of all outstanding debts and the refund of subscriptions for the remaining part of the year to the paid up members; the funds remaining will be donated to the charity nominated at the dissolution meeting.

50. If the final accounts are less than required to refund the subscriptions to the members, the total money remaining will be donated to the charity nominated at the dissolution meeting.

RULES AND DISCIPLINE

51. The Executive Committee shall frame "Club Rules" pertaining to:-

- a) Conduct of Club Members
- b) Operation of model boats on Club waters
- c) Use of steam powered units
- d) Any other competent matters

These rules shall be deemed to be part of the Club's Constitution and any breach thereof shall rendered the defaulter liable to disciplinary measures. In special circumstances, where action is urgently required, the Committee may institute additional rules with immediate effect. Any such rules must be ratified at the next General Club Meeting.

52. Any complaint concerning any member must be made in writing and signed by the complainant(s). The written complaint must then be forwarded to the Chairman so that the matter can be addressed at the next Committee meeting.

53. Where an allegation of misconduct is made against a member, the member may be suspended from all club activities while an investigation is carried out.

(Note:- A suspension carried out in this matter is considered a neutral act and infers no blame or guilt and is purely to allow an investigation.)

54. The Committee may impose a suspension from all club activities, not exceeding **sixty** days, upon any member in the event of misconduct. Any suspension must be accompanied by a verbal and/or written warning as deemed appropriate in accordance with Article 55.

55. The Committee may consider removal of membership where conduct at a club meeting or elsewhere is considered to be prejudicial to the club. Dismissal will be in accordance with the following procedure in order to comply with the laws of natural justice:

a. The member is to be given a verbal warning by an authorised Committee Member in which the member is made aware of his misdemeanour and what he is reasonably required to do to make amends.

b. If the member does not respond, he is to be given a written warning by an authorised Committee Member to advise him of his misdemeanour and what he is reasonably required to do to make amends.

c. If he/she still fails to respond, the Committee should invite him/her in writing to meet with them at a previously agreed date and time to discuss the situation, advising they are considering withdrawal of his/her membership.

d. If he/she still fails to respond to reasoning or fails to attend without reasonable cause, the Committee can advise him/her in writing that his/her membership is withdrawn, stating the reasons why this decision was reached, and advising him/her of his/her right of appeal.

e. When the member is advised of withdrawal of his membership, he/she must be given the right of appeal. If he/she opts to appeal, this will be to the Club membership at an EGM which the Committee would call on his/her behalf at a previously agreed date and time. The motion, to uphold the membership withdrawal or reverse it, must be in accordance with the voting procedures set out in the Club Constitution.

In the event of gross misconduct, immediate dismissal without warnings may be considered but the member must still be accorded his rights to present his/her case to the

Committee and be given a right of appeal in accordance with sub-paragraphs c, d and e above.

In the event of dismissal the Committee will arrange for the member's current membership fee to be reimbursed in full.

Edward Robertson (Chairman) 27th October 2021

The above constitution was approved at the Annual General Meeting of the Club, held on 27th October 2021 at St Boswells Village Hall..

GUIDANCE NOTES

Disciplinary Procedure guidance

Minor faults or shortcomings in behaviour should normally be dealt with informally by a committee member with a view to reaching agreement on the improvement required. Informal warnings should not form part of the formal disciplinary procedure and the formal procedure would not be followed before an informal warning is given. If, however, the problem persists or if the matter is more serious, action under the formal disciplinary procedure outlined in the constitution should normally be taken.

The disciplinary procedure is intended to provide a formal framework to deal with the situation where an individual's conduct falls below acceptable standards and to ensure fair and consistent treatment of all members in such circumstances. The procedure outlined is a good practice guide on how clubs should deal with disciplinary issues.

Invitation to a meeting

The committee should set out in writing to the member, the alleged conduct or other circumstances which have led them to contemplate formal action or dismissal and the member should be invited to a meeting to discuss the matter.

Disciplinary meeting

The meeting should take place before any action is taken (other than suspension, in the event of alleged gross misconduct or police investigation, to enable a full investigation to take place).

The meeting should not take place until

- (i) the member has been informed of the basis for the grounds given in the original notice of formal action or dismissal and
- (ii) the member has had a reasonable opportunity to consider their response to such information.

At the meeting the committee should explain the complaint against the member concerned and go through the evidence that has been gathered.

The member must take all reasonable steps to attend the meeting.

After the meeting the member should be informed in writing of the committee's decision and their right of appeal against such decision to the members at a general meeting if they are not satisfied with it.

Appeal

If the member wishes to appeal they should inform the Chairman in writing within the time frame stated in the decision notice.

The member should set out specific reasons for the appeal.

The Chairman should call an Extraordinary General meeting of the club to hear the appeal
The member must take all reasonable steps to attend the meeting.

The appeal general meeting may take place after the disciplinary action or dismissal takes effect.

After the appeal general meeting the member must be informed of the general meetings final decision.

At any meeting under the disciplinary procedure the member concerned should be given the right to be accompanied by another club member to act in a supporting capacity but such companion may not usually answer questions on behalf of the member subject to the procedure.

The member concerned also has the right to call witnesses or ask questions of any witnesses called by the committee

General principles for the operation of the disciplinary and dismissal procedure

- formal disciplinary action should not normally be taken until the matter has been investigated
- where an allegation of misconduct is made against a member, the member may be suspended from all club activities while an investigation is carried out
- the member should be informed that suspension is a neutral act, that it is not a disciplinary penalty and does not imply guilt
- the member should be advised of the allegations against them and have an opportunity to state their case before any formal disciplinary decision is made
- the member should be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting
- at every stage of the formal disciplinary procedure, the member will have a right to be accompanied at any disciplinary meeting by another club member
- a member should not be dismissed for a first breach of the rules, except in the case of gross misconduct, when the penalty will normally be immediate dismissal
- the member concerned will have the right to appeal against any formal disciplinary penalty
- although the disciplinary penalties which may be imposed under this procedure will normally be imposed in the order set out in the constitution, the procedure may be commenced at any stage if the seriousness of the members alleged misconduct justifies this

Disciplinary sanctions

As part of any disciplinary procedure, where the committee considers it appropriate to do so, they may impose a disciplinary sanction, which is a penalty. These will generally take the form of some type of warning.

• **Verbal warning notice** If conduct does not meet acceptable standards, a member may be given a formal verbal warning. This should set out the conduct problem, confirmation of improvement required and time scale for improvement to be made, together with the assistance to be provided to meet the objectives. A record of the verbal warning will be kept but the warning will be disregarded after usually a six month period (the time frame is dependent on the committee's decision) provided conduct has been satisfactory.

• **Written warning** If the offence is more serious or if there is insufficient improvement after a verbal warning or if a further broadly similar offence occurs whilst a verbal warning remains in force, a written warning may be given. This will set out the nature of the conduct problem and confirmation of improvement required and time scale for improvement to be made, together with the assistance provided to meet the objectives. The warning should also inform the member that should your conduct fail to improve or you commit any further disciplinary offence over the next twelve months, (the time frame is dependent on the committee) then you will be issued with a final written warning. The written warning will be kept on file, and the member should be informed after what time period it will be disregarded providing their conduct, attendance or performance has been satisfactory.

- **Final written warning** If there is still insufficient improvement after a verbal and/or written warning has been issued or if the misconduct is sufficiently serious to warrant only one written warning, a final written warning will be given. This will provide details of the complaint, the improvement required and the timescale for the improvement. It will also warn that a failure to improve or any further disciplinary offences over the next period referred by your employer may lead to dismissal or some other action short of dismissal. The final written warning will be kept on file and the member should be informed when the warning will be disregarded provided your conduct, attendance or performance has been satisfactory.
- **Dismissal or other sanction** If there is still further misconduct or a failure to improve conduct the final stage in the procedure may be dismissal.

Examples of misconduct

Examples of misconduct which may lead to disciplinary action being taken include, but are not limited to:

- failure to comply with field safety rules
- breach of club policies and practices

Examples of gross misconduct

The club may consider some types of misconduct to be so serious that a disciplinary warning would be an insufficient penalty. Such offences are known as offences of gross misconduct. Where the offence is one of gross misconduct the normal penalty will be dismissal without a prior warning being issued (summary dismissal).

Dismissal for gross misconduct will not normally occur until a disciplinary meeting has taken place.

Matters which may justify summary dismissal include, but are not limited to:

- dishonesty, theft and fraud from the club or its members
- deception, for example making untrue statements in membership applications or falsifying expenses incurred on behalf of the club, etc.
- vandalism or sabotage of club equipment and property
- fighting, or seriously disruptive behaviour or offensive or abusive language
- serious misuse of computer, email and internet systems, including posting to club websites or emailing pornographic, offensive or obscene emails to members
- misuse of club financial or other confidential club information
- acts of bullying, harassment or discrimination
- operation of any model while under the influence of drinks, illegal drugs or other intoxicants
- misconduct which may bring the club into disrepute
- serious breaches of the clubs policies, procedures and safety rules
- deliberate or serious damage to the clubs/landowners property or causing loss, damage or injury through serious negligence
- any criminal offence carried out at the club site or during club meetings/events where such offence impacts or may impact upon the club.

G.C.H 15th April 2014

Amendments

1. Clause 38: Date of AGM changed from April to March. Authorised at meeting 27/10/15
2. Examples of gross misconduct, example 8, wording changed to include all model types.
Authorised at meeting 29/3/16
3. Post of secretary deleted. duties assigned to Chairman Authorised at meeting 27/10/21
4. AGM date changed to October Authorised at meeting 27/10/21
5. Minimum size of committee reduced to 3 Authorised at meeting 27/10/21
6. References to the Federation of Model Boat Clubs deleted, owing to its demise.