

# DURHAM AMATEUR ROWING CLUB

*(Established by General Meeting 5<sup>th</sup> December 1860)*

Constitution and Rules of the Club –

Revised June 2017



## **1. CONSTITUTION and AFFILIATION**

1. That this Club be called the DURHAM AMATEUR ROWING CLUB having for its object the provision of facilities and encouragement of participation in rowing and sculling on the River Wear in Durham City and community participation in sport and recreation at the City Boathouse.
2. That this Club shall be affiliated to British Rowing, the National Governing Body for the sport of rowing, and that members of the Club shall therefore be bound to observe the rules of British Rowing. Any person who does not qualify for membership of British Rowing is not and cannot become a competitive rowing member of the Club. All members wishing to compete must apply for British Rowing Registration.

## **2. MEMBERSHIP**

1. That it shall consist of, Life Members, Senior Members and Corporate Members who shall have voting rights after membership of the Club for one year. Associate Members, Junior Members, Social Members and Temporary Members who shall have no voting rights. That membership is Open to all but subject to these rules and bye-laws. Candidates shall complete an application form which will include a declaration to satisfy current health and safety requirements and forward it to the Club Secretary together with a joining fee of 10% of the current full senior subscription. This payment to confer immediate temporary membership and entitle the applicant to use the Club facilities. The application should be accompanied by a direct debit application or an indication of intention to pay the balance of annual subscriptions in full.
2. The power of election to the Club shall rest with the Executive Committee. If it is considered by the Club committee that the granting or renewal of membership would be detrimental to the aims and objectives of the Club, by virtue of conduct or character likely to bring the Club or the sport of rowing into disrepute or for some other similar good cause, the Club committee shall be entitled to refuse or withdraw such membership. In doing so the committee shall provide full reasons for their decision and grant a right of appeal to the member.
3. Upon election the new member will receive written confirmation from the Club Secretary together with notification of the balance of subscription due for the appropriate membership category or confirmation that a direct debit has been set up. Any remaining subscription must then be paid in full within 30 days - failure to do so will automatically forfeit membership.
4. All members will abide by the Rules and Bye-Laws of the Club and the rules of British Rowing, the National Governing Body for the sport of rowing.
5. A person who has been expelled from, or refused membership of, British Rowing shall not be eligible for membership.
6. That any Person may apply for Associate rather than full membership if they do not wish to row, but wish to use all the club's non-rowing facilities including indoor training equipment or fulfil such other criteria as satisfy the Executive Committee that Associate membership is more appropriate than full senior membership.

7. That another organization/body can have use of the Club facilities and equipment by holding a Corporate Membership giving that organization/body a single membership equal to that of one senior member with a single vote and a subscription equal to one full senior member, the said organization will pay an annual fee based on the number of its members using the Club's facilities and equipment, this fee to be set by the Executive Committee. That any member of any such organization/body with a Corporate Membership must hold the minimum of a social membership in order to have use of the Clubs full facilities.

8. Life Membership shall be conferred at the discretion of the Annual General Meeting.

9. That annual subscriptions shall be levied in the following categories:

	<b>Category</b>	<b>Applicability</b>	<b>Payment</b>
<b>A</b>	Senior Membership	Full senior rowing members. Male and Female.	100%
		Concessions - at the discretion of the Executive Committee, senior members who are retired, unwaged or on limited income.	60%
		Senior members who wish to row only at Off Peak times in accordance with Bye Law 12.	50%
		Senior members who intend to Cox or Coach but not participate in other rowing activities	Free
<b>B</b>	Associate Membership	See rule 2.6 above.	50%
<b>C</b>	Junior Membership	Complying with British Rowing rules J15 up to J18 (or school year 10 and 6 <sup>th</sup> form)	60%
<b>D</b>	Junior Membership	Complying with British Rowing J14 rule and younger (or school year 9 and below)	40%
<b>E</b>	Corporate Membership	See Rule 2.7. above	100%
<b>F</b>	Social Membership	See Rule 12 below	10%
<b>G</b>	Temporary Membership	Visitors to the Club intending to row no more than 21 consecutive days.	10%
		Student Holidays Easter or Christmas	10%
		Student Holidays Summer	20%

10. The Executive Committee shall propose the amount of full senior subscription to be levied for the ensuing year and after discussion at the Annual General Meeting the final rates shall be confirmed. Subscriptions shall fall due on 1st of August in each year and in the event of non-payment by the 1st of September membership will cease.

11. The Club will keep subscriptions at levels that will not pose a significant obstacle to people participating.

12. Members elected after 1st September will be liable to pay subscription from the moment of application for the months remaining up to 1st August either in full, or monthly by Direct Debit.

13. That members wishing to resign shall tender their resignation in writing to the Club Secretary giving 28 days' notice and may be liable for any charges incurred by cancelling a direct debit within or before the appropriate notice period.

### **3. GOVERNMENT**

#### **Trustees**

1. That the Club shall acquire by purchase, lease or otherwise, land and building for the provision of suitable club premises, any such acquisition to be authorized by the Executive Committee. The Executive Committee shall not, without the sanction of a General Meeting of the Club, obtain or arrange financial loans for such acquisitions. The Executive Committee shall not, without the sanction of a General Meeting of the club, demise, under-let, exchange, sell or otherwise dispose of all or any part of the land and buildings of the club.

2. The Club may incorporate, or acquire or otherwise purchase shares in, a trading, private company limited by shares provided always that:

a) such company has been incorporated or acquired to further the interests of the Club

b) such company is wholly and beneficially owned by the Club;

c) all the shares in such company must be registered in the names, as joint holders, of two or more of the Trustees of the Club appointed under paragraph 3 below; and

d) the Executive Committee shall have powers to appoint and remove the directors of such company; and

e) the company shall not be owned by the Club solely for investment purposes.

3. Trustees of the Club shall be appointed by the Executive Committee and: a) the real property of the Club (being the City Boathouse building and freehold land in Green Lane, Durham City) shall be vested in them and : b) the legal ownership of the shares of any company limited by shares incorporated or purchased by the Club shall be vested from time to time in any two or more of them. Such real property and shares to be dealt with by them as the Executive Committee shall from time to time direct by resolution (entry in the Minute Book shall be conclusive evidence).

4. The Trustees shall be indemnified against risk and expense out of Club property. The Trustees shall hold office until death or resignation or until removed from office by a resolution of the Committee who may for any reason which may seem sufficient of a majority of them present and voting at any meeting remove any Trustee or Trustees from the office of Trustee. If by reason of any such death, resignation or removal it shall appear necessary to the Committee that a new Trustee or Trustees shall be appointed or if the

Committee shall deem it expedient to appoint any additional Trustees the Committee shall by resolution nominate the person or persons to be appointed the new Trustee or Trustees. For the purpose of giving effect to such nomination the Chairman is hereby nominated as the person to appoint new Trustees of the Club within the meaning of Section 36 of the Trustees Act 1925, and he shall by Deed duly appoint the person or persons so nominated by the Committee as the new Trustee or Trustees of the Club and the provisions of the Trustee Act 1925 as amended shall apply to any such appointment and shall be in favour of a person dealing bona fide and for value with the Club or the Committee be conclusive evidence of the fact so stated.

### **General Meetings**

5. That the Annual General Meeting of the Club shall normally be held in July each year. The secretary shall give at least seven days' notice of the Annual General meeting. The Secretary, Captain and Treasurer will give their respective reports and the Executive Committee of the club will be elected by a majority of the members present and voting. The Committee shall consist of :- President, Chairman, Vice- Chairman, Secretary, Treasurer, Captain, Two Vice- Captains, Junior Co-ordinator, Assistant Secretary, and Three Full Members. Only Members allowed to vote at the AGM may hold office.
6. The meeting will also elect the Vice-Presidents.
7. The meeting will appoint an Auditor to examine the accounting records of the Club and report to the members on the Income and Expenditure Accounts and Balance Sheet that are presented to the next AGM.
8. The meeting will appoint a Welfare Officer and a Safety Advisor who may be co-opted to the Executive Committee.
9. The meeting may also appoint such other officers as are deemed necessary for the proper management of the Club and who may be invited to attend the Executive Committee when appropriate. These may include Regatta Secretary, Press Officer, Coaching Co-ordinator, Volunteer Co-ordinator, Boat Warden and Social Club Co-ordinator.
10. That at all General Meetings fifteen voting members shall form a quorum unless the Club has twenty or less full members when seven voting members shall form a quorum.
11. That Special General Meetings be held as often as required and that seven days' notice of such meetings shall be given by the Secretary.
12. This constitution shall not be altered, amended or rescinded except by a General Meeting of the Club. That any member wishing to propose any alteration or addition to the Rules and Bye-laws of the Club shall give notice in writing to the Secretary who shall post such notice in the Boathouse for 28 days and shall then call a Special General Meeting to consider the same. A resolution to give effect to a change must be passed by at least 75% of the members present at the General Meeting, and voting on this behalf.
13. That a matter decided upon at a General Meeting of the Club shall not be reconsidered until the expiration of three months from the date of the meeting.

14. Accidental Omission to give notice of a meeting to, or the non-receipt of notice of, a meeting by any member shall not invalidate the proceedings of a meeting

#### **Executive Committee**

15. That the Committee and all the Officers of the Club shall take office immediately upon election.

16. In the case of casual vacancy among the Committee, the said Committee shall be entitled to appoint another eligible person to act until the next AGM.

17. At the first meeting of each year the Executive Committee should make such appointments and co-options as are deemed necessary and appoint such Club representatives as are required by other bodies associated with or affiliated to the Club. (to include Durham Regatta and Northern Rowing Council).

18. The Executive Committee shall manage the affairs of the Club. Financial or legal liability incurred in the rightful exercise of their office shall not, however, be the personal liability of the Committee, but shall be the responsibility of the Club as a whole. The Committee should ensure that adequate and appropriate insurance is in place to cover all the activities of the club, its committee and members.

19. The Executive Committee may appoint sub committees from within its members to carry out routine management, organization and governance of the Club's affairs always subject to the approval of the Executive Committee. Power to co-opt additional members is extended to the membership of the sub committees. The Executive Committee may delegate authority to the sub committees to sanction expenditure within prescribed limits to enable the daily and weekly expenses to be met.

20. That Executive Committee Meetings be held as often as required and that at least two days' notice shall be given to each member.

21. That at Executive Committee Meetings seven members shall form a quorum

22. That the Chairman of the Club shall preside at all Meetings of the Club but if he shall not be present within fifteen minutes after the time appointed for the Meeting or has signified his inability to be present at the Meeting the members present shall choose one of their number to be Chairman of the Meeting. The Chairman shall be responsible for guiding the activities of the club in accordance with its general policy as expressed by the majority of its members. The Chairman is an ex officio member of all sub committees appointed by the Executive Committee.

23. That the Secretary make and preserve correct Minutes of all proceedings of the Club both at General and Executive Committee Meetings.

#### **4. FINANCE**

1. That the funds of the Club be applied to defraying the necessary expenses of the club - providing and maintaining the Boathouse, the hire or purchase of boats and other equipment, etc.
2. That no expenditure on behalf of the Club will be defrayed from the Club funds unless sanctioned by the Executive Committee or an authorized sub-committee and that any account opened in the name of the Club must be under the signatures of the Treasurer and at least one other member of the Executive Committee.
3. That the Treasurer shall receive all money due to the Club and shall keep account of all the sums received and shall be responsible for all payments made on behalf of the Club, subject to the Rules of the Club and the approval of the Executive Committee.
4. That the Treasurer shall be responsible for preparing and presenting to the Annual General Meeting an Annual Statement of Income and Expenditure which has been examined by the Auditor appointed by the Club and found correct.
5. 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.
6. The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, medical treatment, regatta expenses, refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Finance Act 2002.
7. 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.
8. In no circumstances can any profit be distributed to members, but any profits earned shall be used in furthering the objects of the Club.

#### **5. GRIEVANCE AND DISCIPLINE**

1. An individual or a member with a complaint about treatment by the Club should set out their grievance, in the first instance to the Club Chairman. The Club will seek to deal with complaints in a fair and timely manner, with reference to the Club's Grievance and Discipline Procedure and British Rowing Guidelines on Grievance and Disciplinary Procedures in Rowing.
2. Any member violating the rules or regulations of the Club or conducting themselves in an unsatisfactory manner will be dealt with in a fair and timely manner, with reference to the Club's Grievance and Discipline Procedure and British Rowing Guidelines on Grievance and Disciplinary Procedures in Rowing. This may lead to suspension or expulsion from the Club.

3. If the conduct and behaviour of a member is such as to endanger the health, safety, or well-being of other members, the senior club officer present can temporarily suspend the member and remove the member from Club premises until such time as the disciplinary procedures at 5.2 are completed.

4. Members are expected to conduct themselves in accordance with the Club Code of Conduct.

(Note: See current Durham Amateur Rowing Club Code of Conduct and Grievance and Discipline Procedures which can be downloaded from the Club Website or obtained from the Club Secretary and guidelines on Grievance and Disciplinary Procedures in Rowing published in the British Rowing Almanac and downloadable from the British Rowing website: [www.britishrowing.org/](http://www.britishrowing.org/)).

## **6. TERMINATION**

If at an Extraordinary Special General Meeting (of which not less than four weeks written notice has been given to each member) and at which not less than half of the members eligible to vote are present a Resolution for the Dissolution of the Club is passed by a majority of two thirds of the members present and voting, the Committee must immediately, or at some future date as is specified in the Resolution, proceed to realise the property of the Club.

The proceeds will be used to establish another Rowing Club of the same name elsewhere, or go to another Club with similar sports purposes which is a registered charity or to another Club with similar sports purposes which is a registered CASC, failing which the proceeds will be donated to such sporting charity or charities as are agreed upon by the membership. In default of such agreement the sporting charity or charities will be nominated by the President for the time being of British Rowing.

## **7. EQUAL OPPORTUNITIES**

1. Membership is open to anyone interested in the Sport of Rowing.

2. The Club is fully committed to the principles of equality of opportunity and is responsible for ensuring that no member, volunteer, employee or job applicant receives less favourable treatment on the grounds of age, gender, disability, race, ethnic origin, nationality, colour, parental or marital status, pregnancy, religious belief, social status, sexual orientation or political belief.

## **8. HEALTH and SAFETY.**

1. The Executive Committee shall appoint a member to act as Safety Adviser whose duty it will be to understand the requirements of British Rowing as set out in their document 'Row Safe: A Guide to Good Practice in Rowing' and advise on their prominent display, their observation and their implementation at all times.

2. Members must be familiar with the British Rowing guidance set out in 'Row Safe: A Guide to Good Practice in Rowing and accept all advice given by the Water Safety Advisor.



## **9. CHILDREN and VULNERABLE ADULTS.**

The Club accepts the Policy and Procedures relating to Safeguarding and Protecting Children and Vulnerable Adults as set out by British Rowing and requires all members to accept them as a condition of membership. The Executive Committee shall appoint:-

- a) A Junior Co-ordinator who has gained one of the British Rowing Coaching Awards to be responsible for the Club's Juniors on a day to day basis.
- b) A separate Club Welfare Officer to whom concerns or allegations regarding inappropriate treatment of juniors and vulnerable adults may be made. It will be his/her duty to understand the requirements of the British Rowing Safeguarding & Protecting Children and Vulnerable Adults Procedures and Policies and to act on them as necessary. He/she must also ensure that there is a well-established complaints procedure and that parents and children have relevant information and thus easy access to it.

## **10. GENERAL**

1. That all trophies won by a crew shall, if capable of fair division, be their own property but if incapable of division (as where a single cup or other article constitutes the prize) such trophy to be the property of the Club.
2. That the Club will not allow members to accept Challenge Trophies won by crews at regattas. These trophies to remain with the appropriate Regatta Committee. The Executive Committee shall however have the power to request the loan of such trophies should the occasion arise.
3. That any financial prize or sponsorship shall be the property of the Club other than personal sponsorship sanctioned by the Executive Committee.
4. That any member who shall wilfully or by negligence damage any boat or other property belonging to the Club shall be charged with the cost of repair. Any accidental damage shall be borne by the Club. The question whether the damage be accidental or not shall be decided by the Executive Committee.
5. That private boats may, by leave of the Executive Committee, be kept in the Boathouse, but that such boats be left at their owners risk and notice of their being at such risk be given in writing by the Secretary and on payment of the appropriate racking fee as determined by the Executive Committee. Racking fees must be paid by 1<sup>st</sup> September either in full or monthly by Direct Debit and if payment is not made the boat may be removed from the Boathouse. Members must hold third party liability insurance for their boats and a copy of the certificate to be held by the Club on application and renewal of policy.
6. That any property owned by a member left in the City Boathouse will be left at that owners risk and the Club will accept no responsibility for any loss or damage. (Members should never leave valuables unattended).

**11. POWER of DECISION.**

1. That a copy of the Club rules be displayed at all times on the Club Website and that each member be entitled to a personal copy if he or she so desires.
3. That the Executive Committee shall have power to frame Bye-laws which shall be deemed to have equal force and authority as if incorporated in these Rules.
4. Any matter not provided for in these Rules and Bye-Laws, or any question over the interpretation of it shall be dealt with by the Executive Committee whose decision shall be final.
5. Where there is a conflict between any of the 'key rules' and any other rule or rules the key rule(s) will take priority, Interpretation of all the rules must be consistent with the statutory requirements for CASCs (which means Community Amateur Sports Clubs as first provided for by the Finance Act 2002) .

(The Key Rules being those in the following sections of this Constitution : 1. CONSTITUTION and AFFILIATION, 2. MEMBERSHIP, 4. FINANCE and 6. TERMINATION).

**12. SOCIAL CLUB.**

1. The Club will hold a Full Premises License in accordance with the Licensing legislation.
  2. All officers and members of Durham Amateur Rowing Club shall be subject to the terms and conditions of the Premises License in the use of the licensed areas of the City Boathouse.
  3. Any other regulations as are necessary to conform to the Licensing Acts shall be deemed to be embodied in the Club Rules.
  4. Any person wishing to be entitled to use the social facilities only may apply for Social Membership of Durham Amateur Rowing Club.
  5. Social Members may not use the clubs' boats or premises for the purpose of rowing or sculling, enter any rowing or sculling regatta or other event under the name of the Club, use the Club's premises or equipment for any game or athletic training, nor may they use the Club's changing and bathing facilities.
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## **Bye-Laws**

### **1. MEMBERSHIP**

A person who has not renewed membership by paying the appropriate subscription before 1st September is not entitled to use any of the Club's facilities or equipment.

### **2. BOAT ALLOCATION**

That a crew chosen to compete in any boat race shall so far as is possible be allotted by the Captain a boat for use during training.

### **3. REGATTA ENTRIES**

That any members wishing to compete at a Regatta or Head of the River Race shall complete in full a British Rowing Entry Form and hand it to the Captain or Vice-Captain or other nominated person together with the full entry fee before the entry is submitted. All entries must be submitted in this way. No member may submit an entry direct to a Regatta.

### **4. CAPTAIN OF A CREW**

That each crew shall choose its own Captain but in default of such choice the stroke oar shall be the Captain for the time being.

### **5. UPSTREAM LIMIT**

That no boats be taken past the Maiden Castle Footbridge. Members ignoring this Bye Law will be held fully liable for any damage to equipment and will be disciplined under the Rules of the Club.

### **6. HOUSING BOATS**

That every Member on landing from a Club boat shall be bound to assist in housing such boat and oars and in so doing shall follow the directions of the Captain or other officer present. Members must close and bolt the boat bay doors after racking boats and oars.

### **7. TRAINING OUTINGS**

That all outings shall be recorded in advance on the monitoring sheets provided in the boathouse.

### **8. OPENING OF BOATHOUSE**

a. That crews or scullers shall arrange for an Officer or Executive Committee member to be present to open the Boathouse.

b. Boathouse keys and fobs may be issued at the discretion of the Executive Committee on payment of £20.00, such keys and fobs to remain the property of the Club.

c. No member or crew shall leave the Boathouse unattended or unsecured when going out training or on the river. Ignoring this bye-law 8(c) will render the member or crew fully liable for any loss or damage and liable to be disciplined under the Rules of the Club.

d. The use of any equipment by a member of the Club or Corporate Member under the age of 18 years is prohibited unless with the express permission and supervision of an authorized representative of the Club. Any breach of this bye-law 8(d) will result in the expulsion of the Member or Corporate Member.

#### 9. RESPONSIBILITY OF CREW CAPTAIN

That the Crew Captain shall be responsible to the Executive Committee for the reporting of any loss or damage to boats or other equipment and recording such loss or damage in the book provided in the boathouse.

#### 10. CREW RACING KIT

That official matching club rowing colours and clothing shall be worn at all regattas and in all races. Failure to comply with this bye-law may result in a fine of £10.00. Please note that a regatta umpire can disqualify a sculler or crew if they are not wearing the correct and matching club colours.

#### 11. CARRIAGE OF BOATS & USE OF CLUB VEHICLES

That the Club shall provide and maintain boat trailers and shall assist with the fitting of towing equipment to approved cars at the discretion of the Executive Committee. The Club may assist with obtaining the necessary licenses to tow the trailer or drive a club vehicle. Any member shall be deemed a Club employee when driving a Club vehicle or towing the Club's trailers. Persons shall not be employed and paid specifically to drive vehicles or tow trailers other than; appropriate expenses or as an incidental part of their normal employment. Members using the boat trailers or vehicles will be charged a fee for boat transport or use in addition to the race entry fee, such fees will be set to cover reasonable costs and will not be profit making. Such fee to be paid in full along with the race entry fee at the time the entry is submitted. Members must de-rig and load boats at the time suggested by the Club Captain or other club officer and similarly must assist in unloading the trailer and must re-assemble the boats within 48 hours of the unloading. Failure to comply and re-assemble the boats within 48 hours may result in a fine of £10 to each member concerned.

12. OFF PEAK ROWING. Members who have opted to pay off peak subscription are only permitted to use the Club's Rowing and Training Equipment during the hours of 9am and 4pm on week days or at other times which have been agreed with the Club Captain.