

# Constitution & Rules of

## The British Sub-Aqua Clubs Teesside 43 Branch

### Community Amateur Sports Club

#### 1. Name

The name of the club is **British Sub-Aqua Club Teesside 43 Branch** (hereinafter called 'the Branch')

#### 2. Club Purpose

The purpose of the Branch shall be to ***promote the amateur sport of sub-aqua diving in the Teesside and surrounding areas and community participation in the same***; and to provide for its members, facilities, opportunity and training for diving in accordance with the standards of the British Sub-Aqua Club (BSAC), together with related social activities; this being in line with the purposes of the BSAC and its Articles and Memorandum of Association.

#### 3. Membership

Membership of the Branch shall be open to all persons regardless of age, sex, ethnicity, nationality, disability, sexual orientation, religion or beliefs, provided that they satisfy BSAC and medical requirements for the activity.

**3.1** Full Diving Membership for which any person of 14 years of age or over shall be eligible. Abated Membership is available to a Full Diving Member who belongs to the same family, and is a member of the same household as another Full Diving Member who pays a full subscription.

**3.2** Associate Membership for which any person shall be eligible. Such members shall not be entitled to take part in snorkelling or any activity involving the use of a breathing set.

**3.3** Junior Membership for which any person under the age of 19 years shall be eligible. Such members shall not be entitled to take part in any activity involving the use of a breathing set.

**3.4** Snorkelling Membership for which any person aged 19 years or over shall be eligible. Such members shall not be entitled to take part in any activity involving the use of a breathing set.

**3.5** Student Membership for which any person aged 18 years or over shall be eligible provided that they are in full-time education. Student Members must support their application for this class of membership with evidence of their student status.

**3.6** Honorary Membership shall be conferred upon those who have made significant contribution to the Branch over many years this being subject to the agreement of the Committee. It is the responsibility of the Honorary Member to ensure that they remain a Member of BSAC if they wish to continue to dive.

**3.7** Only members who are either Honorary Life Members or Full Diving Members shall be voting members of the Branch. All other members shall be non-voting members.

**3.8** Non-voting members shall have no right to receive notices of or to attend General Meetings of the Branch.

**3.9** Full Diving Membership shall be confined to persons aged 14 years or over provided that prior to acceptance of membership:-

**3.9.1** There shall be an interval of at least 1 week between their nomination/application for Membership, and their admission.

**3.9.2** An applicant for membership of the Branch shall apply to the Committee, and upon acceptance of the application and payment of the appropriate Branch and BSAC Headquarters subscriptions shall be admitted to the Branch. Applicants new to diving will not be accepted unless they have complied with the requirements for medical examination. (see also clause 12)

**3.9.3** The names and addresses of any person proposed for membership will be prominently displayed for not less than 1 week in the club premises in a part frequented by the Members.

**3.10** The Branch Committee has powers to be selective in whom it allows to join or renew on a non-discriminatory basis and will make enquiries as necessary. If rejected an applicant has the right of appeal to the full membership at a General Meeting; this right should not be denied.

**3.11** Lapsed members should only be allowed into the Club bar area and will be required to be signed in as a Guest. They shall not have the use of any club equipment, nor the use of any other Club facilities including the pool sessions. They shall be required to reapply in full for membership of the Club.

#### 4. BSAC & Branch Subscriptions and Baths Fee

**4.1** Subscriptions to BSAC are laid down by the parent body under the British Sub-Aqua Club rules. These

subscriptions are published in BSAC's nominated magazine.

**4.2** Branch subscriptions and Baths fees shall be laid down by the Branch Committee.

**4.3** BSAC & Branch subscriptions and baths fees will run concurrently, and will be due for payment on same date.

**4.4** Membership of the Branch and BSAC shall cease immediately if a member fails to pay all subscriptions due by the due date.

**4.5** A register will be kept by the Branch containing the names and addresses of all members.

**4.6** Any member who ceases to be a member shall have no claim whatsoever on the Branch or the undertaking or assets thereof; nor shall they be entitled to be repaid any part of the subscriptions paid by that member to BSAC or the Branch.

## **5. Committee**

The Officers of the Branch shall be at least Chairperson, Secretary, Treasurer & Diving Officer; and, if considered necessary for smooth running of the Branch, any of Membership Secretary, Equipment Officer and Training Officer.

**5.1** The Branch Committee of Management shall consist of; Chairperson, Secretary, Treasurer/ Membership Secretary, Diving Officer, Equipment Officer plus Bar Manager and not less than 4 other voting Members of the Branch, all of whom shall be elected at each Annual General Meeting.

**5.2** The Committee shall meet at least 8 times in any year and all Committee Members shall be given not less than a week's notice of such meetings.

**5.3** A quorum shall be not less than 6 Members of the Branch Committee of Management.

**5.4** Any Committee Member who fails to attend more than 3 consecutive Committee meetings without good reason may be relieved of Committee duties.

**5.5** The Chairperson and Secretary shall be empowered to call special Committee meetings. Any 4 Committee Members may make written application to the Secretary for a special meeting of the Committee to be held, stating the nature of the business to be discussed. Such special meetings must be held within 14 days of receipt of the application. Not less than a week's notice of special meetings, and only the business for which the meeting is called may be discussed.

**5.6** New Licensing Laws introduced in 2003 and implemented in November 2005 require that all premises shall have a Designated Premise Supervisor/Personal Licence Holder (DPS/PLH). (see also clause 13.3)

**5.6.1** A premise selling alcohol which does not have a DPS/PLH is in breach of the Licensing Laws laid down by Redcar & Cleveland Borough Council Licensing Department and is unable to sell alcohol until such time a person is nominated.

**5.6.2** A responsible person shall be nominated by the Branch (Teesside 43 Branch). This person is a single point of accountability in the event of any problems arising and has the responsibility of the premises (i.e bar, clubhouse). The DPS/PLH is responsible for supplying of alcohol, or authorising the supply of alcohol by others.

**5.6.3** If the DPS/PLH leaves, nominations shall be accepted by the Branch (Teesside 43 Branch) then an application shall be made in writing to the appropriate authority (R&CBC) Licensing Dept. A half day course will be needed at Teesside University to gain appropriate qualifications.

**5.6.4** Any person introducing a person wishing to become a member must be signed in.

**5.6.5** Licensing Hours are displayed behind the bar for perusal.

**5.6.6** All children must be accompanied by an adult and, if under the age of 14 must leave the bar area by 9.30 pm.

**5.7** All Members entitled to vote at the election must be equally capable of being elected, and have equal rights to nominate persons for election.

**5.7.1** Any Full Member is eligible for the position of Bar Manager. This position is however subject to the licensing laws and the minimum age of the Manager must comply these laws.

**5.7.2** Honorary Auditors should be elected at the Annual General Meetings and the accounts of the Branch should be audited before each Annual General Meeting.

**5.7.3** Voting Members are those Branch Members who are current Members of the British Sub-Aqua Club, the Branch and have attained the age of 18 years. They should also hold the minimum BSAC grades of either Snorkel Diver or Ocean Diver.

**5.7.4** An Officer of the Branch may be elected into the same office for no more than 5 consecutive years. In the event that, after a Branch Officer has been in place for 5 years, and no other member is willing to take their place, the sitting officer can remain in office until such time as another member volunteers.

**5.7.5** A Committee Member and the Bar Manager may be re-elected each year for as long as that Member holds Full Diving Membership.

**5.7.6** In the event of a Member resigning from the Committee, another Branch member may be co-opted onto the Committee.

**5.8** No arrangements shall be made:-

**5.8.1** for any person to receive at the expense of the Branch any commission, percentage or similar payment on or with reference to the purchase of intoxicating liquor by the Branch.

**5.8.2** for any person directly or indirectly to derive any pecuniary benefit from the supply of

intoxicating liquor by or on behalf of the Branch to Members or guests, apart from any benefit accruing to the Branch as a whole and/or a part, also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the Branch.

5.8.3 by any member of the Committee to enter into any bond or agreement binding on the Branch to purchase excisable articles from any person exclusively or to the absolute control and that of the Branch Members over the supply of excisable articles of the Branch.

5.9 The property and funds of the Club cannot be used for the direct or indirect private benefit of individual members; all surplus income and/or profits being reinvested in the club.

## 6. Annual General Meeting & Extraordinary General Meetings

6.1 The Annual General Meeting of the Branch shall be held before the end of March in each year and the Branch's financial year shall be from 1<sup>st</sup> January to 31<sup>st</sup> December.

6.2 Notification of the Annual General Meeting together with the Agenda, All Officers Reports and any other Committee Members Reports shall be posted on the club web site at least 1 week before the date of the Annual General Meeting. The Agenda, All Officers Reports, other Committee Members Reports and Financial Statements will also be placed on the club notice board.

6.3 Extraordinary General Meetings may be called either at the direction of the Committee or at the signed request to the Secretary of at least 8 full Members. At least 14 days notice must be given for all such meeting, and only the business for which the meeting is called may be discussed.

## 7. Proceedings at Annual General Meetings

7.1 The presentation of the minutes of the previous Annual General Meeting and any Extraordinary General Meeting held since.

7.2 Appointment of Tellers for any poll or show of hands which may be required.

7.3 Chairperson's address.

7.4 The Honorary Treasurer's Report, the Report of the Auditors, and adoption if approved of the audited accounts and balance sheet for the past year.

7.5 All other Officers Reports and any other Committee Members Reports.

7.6 Where required, declaration of the results of the election of Officers and other members of the Committee for the following year.

7.7 Consideration of motions for which due notice has been given.

7.8 Any other business as the Chairperson may allow provided that this should not be treated as "special business".

7.9 All business shall be deemed to be "special" when it is transacted at an Extraordinary General Meeting; and all business which is transacted at an Annual General Meeting being ordinary business.

7.10 The Branch Chairperson shall preside as the Chair of every General Meeting but if the elected Chairperson is not at any particular meeting, the Members present shall nominate another member to act as Chair for that meeting.

7.11 No business shall be transacted at any General Meeting unless a quorum of members is present at the time when the meeting proceeds to that business. A quorum shall be at least 6 of the ordinary voting members plus the quorum for the Committee (see clause 5.3 above).

7.12 If within half an hour from the time appointed for any General/Extraordinary Meeting a quorum is not present, the meeting if convened at the request of Members, shall be dissolved. In any other case it shall stand adjourned to another day, at a time and place as the Branch may determine. If at the adjourned meeting a quorum is not present within half an hour of the appointed time of the meeting, the members present shall be a quorum.

## 8. Votes of Members

8.1 Clause 3 of this constitution defines the members who are entitled to vote at General Meetings.

8.2 No member shall be entitled to vote at any Meeting unless their membership of BSAC and the Branch is fully paid.

8.3 In a poll, votes may be given either in person or by proxy.

8.4 Motions at General Meetings put to the vote shall be decided by poll.

8.5 When a vote is tied the Chairman of the meeting shall be entitled to a casting vote.

## 9. Accounts

9.1 The Treasurer shall keep accurate accounting records and these records shall include:-

9.1.1 All sums of money received and expended by the Branch.

9.1.2 The assets and liabilities of the Branch.

## 10. Diving Officer

**10.1** A Branch Diving Officer should hold at least the qualification of BSAC Advanced Diver and ideally be a BSAC Nationally Qualified Instructor. Alternatively, a lesser qualified member may be appointed as Acting Branch Diving Officer.

**10.2** The elected Diving Officer shall submit to the Branch Committee, the names of Members who they wish to help them on the Diving Committee, for approval. This could include the position of Training Officer.

## 11. Duty of Care

**11.1** The Branch takes very seriously its responsibilities for the duty of care to its members. These policies and procedures include the following and are covered more fully in Appendix A **Codes of Practice**:-

**11.1.1** Conduct within the social and diving activities of the Branch.

**11.1.2** Policy with respect to vulnerable people.

**11.1.3** Equipment, its maintenance and usage.

## 12. Fitness to Dive

**12.1** All diving members must have an in date medical certificate or declaration of fitness to dive.

## 13. Hours

**13.1** The Branch premises shall be opened and closed at such hours as may be from time to time fixed by the Branch Committee of Management. The Branch premises shall be open to the members during these hours.

**13.2** The permitted hours for the supply of intoxicating liquor shall be in accordance with the current licensing laws and any future changes.

**13.3** Children will only be admitted to Branch premises at such times and in areas of the premises as the Committee at their sole discretion shall determine; but only if they accompanied by and under the full control of a parent or guardian. (see also clause 5.6.6)

## 14. Guests

**14.1** Persons aged 18 or over may be introduced as guests to the premises by a Full Member provided that:-

**14.1.1** The introducing Full Member will enter their name and the visitors name(s) in the visitors book.

**14.1.2** Guests are not allowed to remain on Club premises after the departure of the introducing Member. The introducing Member shall be responsible for the behaviour their guests whilst on the premises.

**14.1.3** Although they may be allowed to consume alcoholic drinks Guests will not be allowed to pay for them.

**14.1.4** No Full Member shall introduce more than 2 guests at any one time, nor may the same person be introduced as a guest more than twice per calendar month.

## 15. Winding Up

**15.1** The Club may be wound up by a resolution presented at an Extraordinary General Meeting called expressly for that purpose. No other resolution will be discussed at that meeting.

**15.2** The members may vote for such a winding up of the Club only if at least 75% of those present and eligible to vote support that motion at the Extraordinary General Meeting.

**15.3** The Committee will then be responsible for the orderly winding up of the Club's affairs.

**15.4** After settling all of the Clubs liabilities, the Committee shall dispose of the net assets remaining to one or more of the following:-

**15.4.1** To another Club with similar sports purposes which is a registered charity *and/or*

**15.4.2** To another Club with similar sports purposes which is a registered CASC *and/or*

**15.4.3** To the Club's governing body for use by them for related community sports

## 16. Alteration to this Constitution

**16.1** No alterations to this constitution shall be valid unless approved by a two-thirds majority of Members present at an Annual or Extraordinary General Meeting.

## 17. Additional Branch Rules

**17.1** Proposals and motions passed at a previous Annual General Meeting shall written up as Teesside 43 Branch rules and thereafter any proposals and motions passed shall be added to the Branch rules.

## 18. Priority of Rules

**18.1** Where there is any conflict between any of the above Rules (“key Rules”) and any other rule(s) 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 and any subsequent amendments)

## Appendix A

## Codes of Practice

### 1. Duty of Care to Membership and Others

All members will at all times whilst engaged on branch activities or on branch premises act in a responsible manner. Under no circumstances shall they indulge in offensive conduct which is likely to cause harassment, alarm or distress to any person be that a member of the Branch (BSAC) or other member of the public; nor shall any conduct be allowed which is likely to bring BSAC and/or the Club into disrepute.

### 2. Policy in Relation to Vulnerable People

The Branch fully endorses the BSAC Policy, a copy of which is available in the Club House.

### 3. Disciplining Members

**3.1** From time to time, Branch Committees have the unenviable task of disciplining members. It is important that disciplinary measures are taken strictly in accordance with this guidance which relate to the matter. Failure to follow the guidance could undermine the Committee’s position, make the matter drag on and thereby create further problems.

**3.2** Members may have to be disciplined if they are considered and found guilty of persistent or serious breaches of Branch or BSAC Rules.

**3.3** At the first signs of unacceptable behaviour, other than serious breaches of BSAC rules, the appropriate Branch Officer (Chairperson, if the behaviour does not relate to diving; Diving Officer if it does) should speak discretely to the member to explain why such behaviour is unacceptable, how it should be corrected and a warning as to what may happen if it is not. This should be minuted at the next meeting.

**3.4** If the unacceptable behaviour continues or a serious breach of BSAC rules has been committed, the member(s) involved should be called before the Branch Committee to explain their actions, or to present their side of the argument. The Committee will take account of all the circumstances and reach a majority decision upon whether any or what further action is appropriate. Action which may be considered might be suspension from Branch activities, or denial of use of Branch equipment (compressor, boats, etc.) for a period. The action agreed by the Committee will be given in writing to those involved. This should also be minuted at the next meeting.

**3.5** Dismissal from the Branch should be a ‘last resort’. In the event of persistent or very serious breach of behaviour or safe practices dismissal from the Branch may be considered. The decision to dismiss a member is more serious and should be at least a 67% majority in favour by the Branch Committee. The member will be offered a right of appeal to the full membership at a General Meeting: this right should not be denied. The member is entitled to have another member present at this appeal.

**3.6** If a member is dismissed, details of the member and the reasons for dismissal should be forwarded as soon as possible to BSAC HQ. On the recommendation of the Committee, BSAC HQ may believe it to be appropriate to notify neighbouring Branches if it is felt that the dismissed member may try to transfer membership and create the same problems elsewhere.

**3.7** A condition of membership of the BSAC is that the individual must be a member of a Branch. Therefore, dismissal should not be taken lightly. If a Branch believes the actions of the member are of such severity that the member should be excluded from membership of the BSAC as well as the Branch, then full details should be forwarded to BSAC HQ for the matter to be placed before Council. Council then has to follow procedures as set down in the Articles of Association and Rules of the BSAC.

**3.8** All actions relating to disciplinary measures, or warnings to members who may be considering actions or dives which are unwise / unsafe, will be given to the individuals involved in a written statement or letter. Such correspondence will be sent by recorded delivery. Copies will be kept in Branch records.

**3.9** The processes for disciplining members described above apply during the currency of a member’s Branch membership. Should the BSAC and Branch membership of someone who is undergoing disciplinary

action be close to its expiry date, the Branch Committee has the option of declining to accept their membership renewal.

#### **4. Compressor Operation**

**4.1** Only nominated persons, who have been instructed and qualified or are undergoing supervised instruction in the correct and safe operation of the equipment, should be allowed to operate the compressor. Only such persons will have use of a key to the compressor house.

**4.2** A list of those persons is displayed adjacent to the filling station.

**4.3** A record of who has actually filled the cylinder should be kept for all filling operations in the Compressor logbook.

**4.4** No other person(s) shall be allowed in the compressor room while filling is taking place other than for depositing cylinders in the marked area.

**4.5** Under no circumstances shall members of the public be allowed access to the compressor house.

**4.6** Only cylinders "in test" should be filled.

**4.7** Cylinders for filling need to be clearly labelled with name of owner, working pressure and test date - this is the responsibility of the cylinder owner.

**4.8** The Compressor operator has the right to refuse to fill cylinders which are not in test and which are not clearly labelled, as above.

#### **5. Compressor Maintenance**

**5.1** This must be undertaken by a suitably qualified person on an annual basis. Documentation (including receipts) for this maintenance will be kept and any recommendations given should be actioned. A sign will be displayed to act as a reminder as to when the maintenance is due as part of the maintenance programme.

**5.2** A suitably qualified dive club member can carry out general maintenance, such as oil/water checks, but a "check sheet" shall be completed whenever this maintenance is carried out. The importance of maintaining records cannot be over emphasised. If approached by an enforcement/regulatory body and asked about the maintenance regime, this can only be demonstrated by keeping records.

**5.3** Air sampling should be undertaken with the results recorded and displayed.

#### **6. Compressor House**

**6.1** The storage of fuel in the compressor house must be kept to an absolute minimum. Signage indicating "flammable liquid" is displayed.

**6.2** No smoking is allowed in the compressor house.

**6.3** A Powder/Foam fire extinguisher should be kept and wall mounted (and inspected along with other extinguishes in the club house on an annual basis).

**6.4** Signage indicating compressed air is present in the building should be displayed.

**6.5** The door between the diesel generator and filling area should have a sign indicating restricted access.

**6.6** A means of ventilation must always be maintained when operating the compressor.

**6.7** The storage of cylinders in the compressor room should be avoided.

#### **7. Diving Practices**

**7.1** BSAC has laid out "Safe Diving Practices" and the Branch and its members shall comply with these. BSAC will not support non-compliance which cannot be clearly justified. A copy of "Safe Diving Practices" is available on the notice board in the Club House. Safe diving practices are to be followed at all times by all Club divers

**7.2** Official Branch dives are those that are carried out with the full approval of the Branch Diving Officer. Club boats are never authorised for private use. Dives which are undertaken by Club members without the full approval of the Branch Diving Officer do not have the implicit approval of the DO. The BSAC's Public Liability Insurance applies only so long as the dive is carried out in accordance with the BSAC diving recommendations and 'Safe Diving' guidelines

**7.3** If members insist on going ahead with plans for dives that the DO considers unwise, unsafe or beyond the experience of someone in the party, the DO's reservations will be expressed in writing to all members involved, and a copy kept in the Branch records. Such incidents will be addressed by the Branch DO in conjunction with the Branch Committee and action taken in accordance with the disciplinary guidance above.

**7.4** All Branch Dives must be managed (marshalled). For known dive sites the manager (marshal) needs to be a BSAC Dive Leader or Advanced Diver. An Advanced Diver should be able to manage (marshal) any dive a Branch is likely to make.

**7.5** For dive sites unknown to the Branch, the Dive Manager (Marshal) needs to be an Advanced Diver.

**7.6** Proposed dives shall be publicised in advance and where practicable by a notice going up on the notice board.

**7.7** It is essential that the handling of dive boats is carried out under the control of qualified persons at all times. The DO shall determine from time to time those who can handle the boats on the basis of qualifications and experience.

**7.8** Dive Managers (Marshals) organising dives with club boats shall need to ensure that the boats are refueled after the dive in readiness for next dive party.

**7.9** Dive Managers (Marshals) shall ensure that Dive Record Sheets are completed for all dives involving club members on Branch dives.

**7.10** Dive Managers (Marshals) shall inform the Equipment Officer of any problems with the boats or their equipment.

**7.11** The Branch Training Programme is the responsibility of the Training Officer, with the DO's approval. Training within the Branch will be conducted by suitably qualified Instructors. Training activity needs to be approved by the TO/DO.

**7.12** The DO will ensure that records of qualifications achieved are kept by updating these records when stamping up individual divers' qualification books. These records shall be conveyed to BSAC HQ to assist in ensuring the membership database is up-to-date.

**7.13** Discipline and adherence to BSAC recommendations is also important on Branch Dives. BSAC Rule 5 (C) states that: "To secure safety and discipline on diving expeditions the Expedition Leader may suspend for the duration of the expedition any member who fails to obey orders given by such a leader for the said purpose. All such suspensions shall be reported promptly to the Branch Committee". The term 'Diving Expedition' is equally interpreted by the BSAC as meaning a Branch Dive.

**7.14** Diving incidents and accidents should be reported to the DO, so that training and diving techniques can be developed and improved and that any claims on the Membership Liability Insurance can be actioned without delay.

**7.15** All incidents and accidents should be reported, not just serious ones. The DO will want to speak with those concerned and investigate the incident. All club members have a duty to assist in the fullest capacity with this process of investigation.

**7.16** The BSAC Report Form will be completed where appropriate and forwarded to HQ, for the attention of the Incidents Adviser. Other relevant material such as statements from witnesses, press cuttings, etc., will also accompany the report.

**Adopted at a meeting held -**

at - Teesside 0043 Branch Club house at South Gare, Warrenby, Redcar

on 2<sup>nd</sup> August 2007

**Signed**

Name .....

Signature .....

(Name and signature of chair of the meeting)

**Witnessed**

Name .....

Address .....

Occupation .....

Signature .....

(Name, address, occupation and signature of witness)

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