

# **ELIE SPORTS CLUB**

## **Constitution**

**1. Title.** The name of the Club shall be “Elie Sports Club”, hereinafter referred to as the Club.

## **2. Objects.**

- a) The objects of the Club are to provide and manage recreational and sporting facilities, services and activities and to promote sport to children and adults for the inhabitants of Elie and Earlsferry, the surrounding area and visitors thereto; to offer enjoyable, educative and stimulating activities to assist in gaining fitness, skills and awareness.
- b) For the avoidance of doubt, the term “sporting facilities” shall include all such ancillary activities as the Committee of Management may from time to time deem it appropriate to provide and manage including, without prejudice to the foregoing generality, facilities for the sale and consumption of food and drink. The Club is a non-profit making body dedicated to the supply of sporting facilities, services and activities, and is an unincorporated association without shareholders and owned by the members.

## **3. Membership.**

- a) Membership of the Club shall be open to anyone interested in any of the sports provided on application, regardless of gender, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs.
- b) The Committee of Management may refuse membership or remove it only for good cause such as conduct or character likely to bring the Club into disrepute.
- c) It is a condition of membership that membership records shall be held on computer and every Member accepting membership will be deemed to have acceded to this condition. The categories of membership shall be
  - i) Family Members. Both parents, whom failing up to two grandparents of any family holding a Family Membership annual ticket. For the avoidance of doubt each parent or grandparent shall be entitled to a vote but the total number of votes under this category shall not exceed two per family ticket. A family membership annual ticket shall cover all children of the family under the age of twenty-three but said children will not be entitled to vote nor attend any General Meeting of the Club.
  - ii) Ordinary Members. Any person of or over the age of 23 years in respect of whom the appropriate annual subscription as may be fixed by the Committee of Management from time to time for an individual member in respect of one or more of the following sports:- Golf,

Tennis, Bowling and such other sports or activities as may be from time to time be approved by the Committee of Management has been paid.

- iii) Junior Members. Any person under the age of 23 years in respect of whom the appropriate annual subscription as may be fixed by the Committee of Management from time to time for an individual junior in respect of one or more of the following sports:- Golf, Tennis, Bowling and such other sports or activities as may be from time to time approved by the Committee of Management has been paid. No junior member shall be entitled to vote or attend a general meeting of the Club.
- iv) Life Members. Any person in respect of whom the appropriate subscription for a Life Member as may be fixed from time to time by the Committee of Management has been paid or who, by reason of services rendered to the Club or for such other reason as may be approved by the Committee of Management has been elected a Life Member.

#### **4. Committee of Management.**

a) **Constitution and Composition.** There shall be a Committee of Management which will consist of

- i) The Captain of The Golf House Club, Elie . In the event of the Captain of the Golf House Club declining to accept office, his place will be taken by an ex-captain of the Golf House Club, nominated by the Committee of The Golf House Club who shall hold office until a new Captain of the Golf House Club is elected.
- ii) The Vice Captain of the Golf House Club during the second year of office of the Captain.
- iii) The Head Teacher of Elie Primary School.
- iv) One person nominated jointly by Elie and the Royal Burgh of Earlsferry Community Council and Elie Improvements Association.
- v) One person nominated by each of the associated clubs, these being
  - The Golf House Club
  - Elie and Earlsferry Ladies Golf Club
  - Earlsferry Thistle Club (including Earlsferry Thistle Ladies Golf Club)
  - Elie Bowling Club

and such other clubs with a minimum of twenty members using the Club's facilities for sporting or recreational purposes as may be approved from time to time as associated clubs by the Committee of Management.

Each nominee shall be nominated by means of notice in writing given to the Secretary of the Club and signed by the Chairman or Secretary of the nominating body. Except in the event of earlier death or resignation, a nominee shall serve for a period of three years from

receipt of such notice by the Secretary of the Club or until replaced by the nominating body, whichever is the sooner.

- vi) Four additional persons (who shall be Ordinary Members of the Club) elected as hereinafter provided for. (The four additional persons shall be elected, except as hereinafter provided for, by the Club at the Annual General Meeting. At the first election following adoption by the Club in General Meeting of this constitution, one person will be elected to serve for one year, two to serve for two years, one to serve for three years. At any subsequent election of a successor to such person (except an election following upon a death or resignation) the person elected shall serve for a period of three years. "Year" in the foregoing context shall mean the period from one Annual General Meeting to the next following Annual General Meeting. In the event of any person serving as one of the four additional persons dying or resigning, the Committee of Management may appoint a successor to serve until the next following Annual General Meeting when the Club in General Meeting shall elect a successor who shall serve for the remainder of that person's term of office. Any person serving as one of the four additional persons shall be eligible for re-election at the end of his or her term of office. A person proposed for election as one of the four additional persons shall be nominated by being proposed by one Ordinary Member of the Club and seconded by another in writing signed by the proposer and seconder. Nominations must be in the hands of the Secretary of the Club no later than ten days prior to the General Meeting at which the election is to take place. )
- vii) The Secretary of the Golf House Club, the Secretary/Treasurer employed in terms of Clause 4d and the Club's Golf Professional may attend meetings of the Committee of Management and may address the meeting if authorised by the Chairman so to do. They shall not be entitled to vote at any meeting of Committee of Management.

No member of the Committee of Management or office bearer of the Club shall rent or lease land to the Club or be a relative, business partner or person acting under the direction of any person renting or leasing land to the Club.

#### **b) Powers**

- i) The Committee of Management shall have overall control and superintendence of the whole affairs of the Club including the provision of insurance of the Club's assets and against third party liability. They shall be charged with, and have all powers necessary for, the conduct and management of those affairs. Such control and superintendence and powers associated therewith shall only be limited or derogated from as set out in, and not by any specific responsibility elsewhere conferred on the Committee by, this constitution. The powers referred to above shall include without prejudice to their generality power to borrow such sums not exceeding £20,000 as the Committee shall determine, on such terms and conditions as they think fit and with or without security, with a view to, or in connection with, the attainment of any of the objects of the Club.

- ii) The Committee shall not enter into any contract or undertaking, the value of which exceeds £50,000 nor shall incur expenditure in excess of £50,000 without the approval of the Club in General Meeting.
- c) **Meetings** The Captain of The Golf House Club, Elie or ex-captain nominated as in clause 4a hereof, if present, shall be the Chairman of all meetings of the Committee of Management and General Meetings of the Club. In his absence, he shall nominate a member of the committee to act as Chairman. The Chairman or Chairperson shall have a deliberative and a casting vote. The Committee of Management shall meet at least four times every year (“year” in this context being the period from one Annual General Meeting to the next following Annual General Meeting). The date, time and location of meetings shall be fixed by the Chairman and a meeting shall be inquorate unless it is attended by not less than four members of the Committee of Management. Members of the Committee of Management shall not be entitled to appoint substitutes to attend meetings of the Committee in their stead.
- d) **Employment of Secretary/Treasurer** The Committee of Management shall employ a Secretary/Treasurer, whose terms and conditions of employment will be determined by the Committee of Management.
- e) **Appointment of Finance Convenor.** The Committee of Management shall appoint from among their number a Finance Convenor whose remit will be determined by the Committee.
- f) **Sub-committees.** The Committee of Management may appoint such Sub-Committees from among their number to carry out any of their functions and shall regulate all matters relating to such Sub-Committees, including without prejudice to the foregoing generality composition, remit, powers and conduct of meetings, all as they in their absolute discretion may deem appropriate.
- g) **Co-option.** The Committee of Management may co-opt any person to assist them and may provide for any Sub-Committee appointed by them to have the same or a similar power of co-option. Persons co-opted whether by the Committee of Management or by a Sub-Committee shall not be entitled to vote at any meeting.
- h) **Rules.** Except as hereinafter provided, the Committee of Management may make such rules affecting the conduct of the Club in pursuit of its objects as the Committee in their absolute discretion consider appropriate. All such rules made by the Committee shall be binding on every member of the Club and on any person permitted, whether on payment or otherwise, to be on any property or to use any facilities belonging to provided and managed by the Club unless and until they are set aside by the Club in General Meeting. All current rules shall be prominently displayed in the Club’s Pavilion. The rules which may be made by the Committee of Management in terms of the foregoing power shall exclude any rules altering or in conflict with this constitution.

**5. Title to Property.** Title to the heritable property purchased or leased by the Club will be held in the names of the Captain and Secretary of the Golf House Club *ex officio* and their respective successors in office as Trustees for Elie Sports Club and under such Declarations of Trust as the Club may from time to time deem appropriate.

**6. Financial Provisions.**

- a) The Club's financial year shall run from 1st April in one year to 31st March in the next following year, both dates inclusive.
- b) Without prejudice to the provisions of clause 4b of this constitution the Committee of Management shall have control of and management of all the assets of the Club of whatever kind and of the Club's income and expenditure. The Committee shall keep or cause to be kept correct accounts and books showing the financial affairs and intromissions of the Club. Such accounts and books shall be examined by a professional Independent Examiner appointed by the Club in General Meeting.
- c) Contracts of employment (except those relating to the employment of the Secretary/Treasurer which shall be signed by the Chairman and a member of the Committee of Management) and related documentation, cheques not exceeding £1,500 or such other sum as the Club in General Meeting may from time to time determine and other contracts not exceeding £1,500 in value or such other sum as the Committee of Management may from time to time determine (excluding contracts for the purchase, sale or lease of heritage, which shall be signed by the Chairman and Secretary) shall be signed on behalf of the Club by the Secretary/Treasurer. All other cheques and contracts shall be signed on behalf of the Club by the Secretary/Treasurer and by the Finance Convenor.
- d) All profits or surpluses generated by the Club shall be applied to the continuance, maintenance or improvement of the Club's facilities. In the event of the winding up or dissolution of the Club, no surplus or profits shall be distributed other than to another non-profit making body with objects similar to those of the Club.

**7. General Meetings.**

**a) Annual General Meetings**

- i) The Club shall hold an Annual General Meeting in Elie and Earlsferry on a Saturday in each calendar year. The Chairman of the Committee of Management shall fix the date, time and location of an Annual General Meeting at least three months in advance. The Secretary shall immediately inform the Secretaries of the associated clubs of the date, time and location of the Annual General Meeting and post a notice giving that information on the notice board of the Club. An Annual General Meeting shall be open to all Ordinary Members of the Club (as defined in clause 3 of this Constitution). The agenda of an Annual General Meeting shall include:

- (i) presentation of the annual report of the Committee of Management and an abstract of the independently examined annual accounts of the Club;
  - (ii) election of a member or members of the Committee of Management as required;
  - (iii) any resolution (and amendment thereto) validly made;
  - (iv) the appointment of an independent examiner in terms of clause 6 of this constitution;
  - (v) any other business which the Chairman of the Annual General Meeting in his sole and unfettered discretion may deem competent.
- ii) Only business which is specified on the agenda or which the Chairman of the meeting deems competent shall be transacted at an Annual General Meeting. The order of business at an Annual General Meeting shall be as determined by the Chairman of that meeting.
  - iii) Any resolution to be considered at an Annual General Meeting must be received by the Secretary not less than 42 days prior to the meeting

**b) Extraordinary General Meeting.**

- i) An Extraordinary General Meeting of the Club shall be called by the Committee of Management either on their own determination or on a written requisition being received by the Secretary signed by at least 30 Ordinary Members of the Club. Any such requisition must clearly state the reason or reasons for which an Extraordinary General Meeting is to be called and be accompanied by the resolution(s) put forward. An Extraordinary General Meeting shall be held in Elie and Earlsferry; the Chairman of the Committee of Management shall, subject to that and to holding the meeting not less than 22 days and not more than 42 days after the Committee of Management determination or receipt of a valid requisition, fix the date, time and location of an Extraordinary General Meeting.
- ii) The agenda at an Extraordinary General Meeting shall consist of any validly made resolution(s) and amendment(s) thereto and only business specified on the agenda shall be transacted at an Extraordinary General Meeting. The order of business transacted at an Extraordinary General Meeting shall be determined by the Chairperson of that meeting.

**c) General Meetings- Common Provisions**

- i) Voting shall be in person at a General Meeting.
- ii) Resolutions relating to (a) the disposal of any part of the Club's heritage exceeding one third of an acre; (b) any addition or amendment to, or revocation of, this constitution or (c) the dissolution of the Club or the amalgamation of the Club with any other club or body, shall require a three quarters majority of valid votes cast in order to be carried.
- iii) A resolution or amendment to a resolution may be put forward by the Committee of Management or by any two Ordinary Members of the

Club as proposer and seconder. Every resolution or amendment to a resolution must be submitted to the Secretary in writing and where put forward by the Committee of Management be signed by the Chairman of that committee and where put forward by two Ordinary Members as proposer and seconder be signed by them. Any amendment to a resolution must be received by the Secretary not less than ten days prior to the relevant meeting.

- iv) The Secretary shall send to all members of the Committee of Management and to the Secretaries of associated clubs a Notice calling a General Meeting not later than 21 days prior to the date fixed for the meeting. (A notice sent to the Secretary of an associate club shall be deemed to have been sent to all members of that club). Such notice may be sent by post or by E-mail. The Notice shall state the date, time and location of the meeting and shall be accompanied by an agenda which shall give sufficient information to appraise the recipients fully as to the business to be transacted at the meeting. The Secretary shall post on the notice board of the Club (a) a copy of the Notice and agenda not later than 21 days prior to the date fixed for the meeting and (b) a copy of any subsequently received valid amendment(s) to the resolution(s) to be considered at the meeting as soon as received by him. The foregoing provisions shall be accepted as full and proper notice.

- 8. Compliance with Constitution and Rules.** Every member of the Committee of Management, Member of the Club and person entering on any land or premises of, or under the management of the Club shall be bound by this constitution and shall be deemed to have submitted himself to any Rules made by the Committee of Management under clause 4 h of this constitution. If any person fails to comply with a Rule made by the Committee of Management or conducts himself on any land or premises of, or under the management of, the Club in such a way as appears to the Secretary or member of the Committee to endanger the character, interests or good order and reputation of the Club, the Secretary or member of the Committee may take such action as they deem fit including declaring the person *persona non grata* in which event the offending person shall not be entitled to enter upon such land or premises. All such offending persons shall be entitled, however, to make representations to the Committee of Management either personally or in writing and to be heard by that Committee which may take whatever action they in their sole discretion deem appropriate in the light of such representations.