



WIVENHOE SAILING CLUB

CONDITIONS OF USE for Club Facilities (2018)

Wivenhoe Sailing Club is a small sailing club that seeks to offer its members a wide range of facilities to encourage members to use their boats and enjoy their sailing. Everything that the Club does is run on a voluntary self-help basis and depends on the good will of all members. This is what makes our club special. It also enables us to keep costs down. Inevitably some members are able and willing to do more than others but it is vitally important that these people are not taken for granted.

These "Conditions of Use" documents were originally created in 2005 and updated in 2018. Documents have been drawn up covering:

- Club Pontoons
- Club Sheds
- Cruiser Lifting (Launching and recovery)
- Cruiser Winter Storage
- Dinghy and Tender Spaces
- Mooring Spaces
- Scrubbing Posts

The Club will always take a flexible attitude to help any member where there are genuine situation of hardship or ill health. The Vice-Commodore has the ability to waive most of the conditions but must be approached before or immediately after a waiver is required. Requests will be dealt with in confidence where necessary.

The Sailing Committee will adjudicate on any incidents or circumstances arising from but not covered by these Conditions of Use. Appeals against such ruling must be made to the General Committee within one month of the decision being made by the Sailing Committee.

These conditions may be revised from time to time and it is the responsibility of members to keep up to date with changes and comply with them.

Conditions of Use

Club Pontoons

The club pontoons were originally funded by the EU to improve visitor facilities and are now owned by Wivenhoe Sailing Club. However, Wivenhoe Sailing Club continues to make the pontoons available to visiting yachts.

WSC retains some use of the pontoons including a berth for Viking and by members when loading, unloading, filling water tanks etc. Members may also request (from the Mooring Secretary or Vice Commodore) permission to occupy a pontoon for specific purposes including ill health and emergency maintenance.

The outer pontoon is shared use. The riverward side of the upstream half of the outer pontoon reserved for use by the local Fisherman. The riverward side of the downstream half of the pontoon is reserved for members to drop off and pick up supplies and food.

The landward side of the outer pontoon, upstream and downstream, is for the use of visitors.

1. Visitors' use

- 1.1 The maximum permitted stay for a visiting yachts belonging to non-members is 48 hours.
- 1.2 Visitors may not occupy the space reserved for Fishermen.
- 1.3 Facilities for the disposal of ordinary refuse are located at the rear of the clubhouse. There are no facilities for the disposal of oil, batteries or other hazardous waste.
- 1.4 Visitors may use the water on the pontoons for topping up tanks but are asked to refrain from using it for any other purposes.
- 1.5 No charge is made for the use of the pontoons.
- 1.6 Visitors may use the WC and Shower facilities in the Club House. Front Door keys are available from members and should be returned to the letterbox.
- 1.7 Visitors should not do anything that will cause a disturbance to neighbours ashore or to other users of the river.
- 1.8 There is no facility to pre- book use of the pontoons.

2. Fishermen

- 2.1 Fishermen may occupy the upstream half of the outer pontoon.

3. Members Use – Summer – 1 April – 31 October

Members' use of the pontoons during the summer is limited primarily to drop off/pick up of supplies and crew.

- 3.1 Member must vacate the pontoon on the same tide on which they arrived. They should not leave their boat unattended for more that 1 hour and should be prepared to accept another boat rafting up alongside.
- 3.2 Members wishing to use the pontoons for a longer period must seek permission from the Vice Commodore before or immediately after arrival.
- 3.3 Any member not complying with the above may have their boat moved back to their mooring.
- 3.4 Members are asked to take all their refuse home
- 3.5 Members who keep their boats elsewhere are not considered to be visitors.
- 3.6 Tenders spaces on the inside of the pontoon are allocated by the Sailing Committee as for Dinghy andTender spaces.

4. Members Use – In connection with Boat Lifting activities

Members using the lifting facilities of the club may use the pontoons for up to 48 hours before lift out and up to 48 hours after launching.

5. Members Use – Winter 1 November – 31 March

- 5.1 The inside of the pontoons are available for use by members during the winter months on application to the Mooring Secretary. The moorings Secretary will keep a list of members requesting to store

boats on the pontoons for the winter and allocate spaces on behalf of the Sailing Committee

Conditions of Use

- 5.2 The riverward side of the pontoon will not be allocated for winter use. Members may not occupy the space reserved for Fishermen.
- 5.3 Members will normally only be able to use the pontoons for one winter season unless there is sufficient space the following year.
- 5.4 No major refits to be carried out to boats on the pontoons. Members will be asked to outline any works they intend to carry out. If the works proposed to be carried out are considered by Sailing Committee to be a major refit then a space will not be allocated.
- 5.5 Electric Cables are not to be trailed over the path. No mains electricity to be used unless someone is on board.
- 5.6 No live a-boards
- 5.7 Spaces may not be taken up before 1 November and boats must be removed by 1 April
- 5.8 General Committee sets charges for Winter use of the pontoons annually.

Club Sheds

The boat shed at the clubhouse is primarily for storing the safety boats, storing club equipment and maintaining boats belonging to the cadet section. However, at times it may be possible for members to use one of the bays to work on their own boats. The old tractor garage and the shed on the old hard are also available for members to work on their own boats

1. Members wishing to use either shed must apply in writing to the Vice Commodore, stating the reason they need to use the shed and the expected duration prior to putting boat in the shed.
2. The sheds must be kept in a clean and tidy condition.
3. Members are expected to make a donation of £5 for each week (or part week) for the use of this facility Please pay by bank transfer to Sort Code 08 92 99 Account Number 65704736 quoting "Shed" and (if possible) your membership number. Alternatively pay by cheque and post to the clubhouse.
4. Members using the shed without due regard to these conditions may have their boat and equipment removed.
5. Safety Boat Shed: - Access to club equipment stored in the shed must be available at all times.
6. Shed on the old hard: - Access to the toilet and storage areas must be available at all times.
7. Wivenhoe Sailing Club accepts no responsibility for loss or damage to any craft occupying the sheds

Cruiser Lifting

The club has a haul out facility available to members for boats up to 4.5 tons displacement and max draught of 5'3".

This facility is run on a strictly self-help basis overseen by a small team of experienced and dedicated helpers, but all members using the facility must attend the lifting of their own boat and also on at least one other occasion.

- 1 Applications
- 1.1 Applications for Lift Out or Lift In must be made to the Lifting Group Treasurer. Applications Forms can be downloaded from the Web site, obtained from the Clubhouse or are available at the Club House,

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- 1.2 Owners who have not assisted others with their boats may have their applications refused.

- 2 Charges
 - 2.1 Charges are set each year by the General Committee.
 - 2.2 The charges are for the supply and maintenance of the equipment. They do not purchase a service.

- 3 Safety
 - 3.1 Safety is an absolute priority. All participants in boat lifting must read and abide by the Working and Safety Procedures before assisting in the use of any equipment including the masting derricks. All participants must sign to say that they have read and understood the procedures and agree to abide by them. Members should also attend the briefing session held before each lifting season so that they are fully aware of all issues and schedules.
 - 3.2 Members are at all times responsible for their own boats. They must attend on the occasion that their boat is being lifted. If they do not attend their boat will not be lifted
 - 3.3 The Club will not be liable for any damage sustained during lifting operations. Members' should check that their own insurance covers them for the use of the equipment.

Winter Cruiser Storage

Wivenhoe Sailing Club has limited hard standing for winter storage of cruisers and other boats, normally moored in summer.

1. Applications
2. The Lifting Group committee will receive applications and, with the approval of the Sailing Committee, allocate space available. Priority will normally be given to boats stored the previous winter. The maximum number of cruisers that may be accepted for winter storage will be determined by the Sailing Committee in conjunction with the Lifting Group Committee. If the target figure is lower than the current level, the target is to be achieved by natural wastage. A waiting list will be maintained.

3. Charges

Charges are set each year by the General Committee.

4. Storage
 - 4.1 Boats must be safely stored on purpose built trailers or cradles maintained in a suitable condition. Shoring up is not permitted by the club's insurers.
 - 4.2 Cradles and trailers must be clearly marked with the boat name and a contact telephone number.
 - 4.3 Boat covers should be no larger than the maximum dimensions of the boat. Owners wishing to erect covers, which are larger than the maximum dimensions of the boat, must apply in writing to the Vice Commodore.
 - 4.4 It is a condition of the planning consent that all masts on boats stored on the hard standing to the North West side of the car park need to be lowered and stored safely.
 - 4.5 It is the boat owner's responsibility to keep the area around their boat in a clean, tidy and in a safe condition. All waste materials from laying up and fitting out etc must be disposed of in a safe manner away from Club premises.
 - 4.6 Members are responsible for ensuring that their boat is kept in the allocated place.
 - 4.7 Members are responsible for ensuring that their boats do not obstruct access to or from the hard or the fairway.

5. Storage Season

Conditions of Use

- 5.1 All boats are to be off the storage area by the last launch date. Please note that this will change from year to year depending on the tides, but will nominally be mid-May. Members must choose a launching date from the club calendar and make a reservation. Usually, between 3 and 5 boats may be launched each day.
 - 5.2 In certain circumstances an extension may be granted. Requests for extensions should be made in writing to the Vice Commodore for consideration by the Sailing Committee. A fee will be charged in these circumstances.
 - 5.3 There is a limited amount of space for the summer storage of trailers and cradles for which a charge will be made. Applications for summer storage of trailers and cradles should be made using the dinghy storage form.
 - 5.4 Any boat remaining on winter storage area after the final launch date without prior agreement of the Sailing Committee shall be deemed to be abandoned. The General Committee reserves the right to have abandoned boats disposed of and recover the costs from the owner (see rules 17 & 18 of the constitution).
- 6. Other**
- 6.1 Wivenhoe Sailing Club accepts no responsibility for loss or damage to any craft occupying hard spaces or moorings
 - 6.2 Members not abiding by these conditions on winter storage may be asked by the Vice Commodore to remove their boat from club premises.
 - 6.3 The owner of a craft is liable for any damage caused to or by that craft howsoever arising. Insurance is the sole responsibility of the owner.
 - 6.4 Members using the hard are expected to contribute regularly to keeping the hard clean and relatively free from mud.

Dinghy and Tender Spaces

Spaces are available at the clubhouse and at the Old Hard for storage of dinghies and tenders by club members; subject to availability and these conditions of use.

- 1 **General**
 - 1.1 Permit labels will be issued each year with the member's unique membership number. Labels must be fixed to the boat or launching trolley and be clearly visible to allow for checking of stored dinghies.
 - 1.3 Members wishing to sail after the Laying Up Race should advise the Dinghy Registration Secretary before the end of October. All other dinghies may be removed to non-sailing locations to make way for winter cruiser storage.
 - 1.4 Wivenhoe Sailing Club accepts no responsibility for loss or damage to any craft occupying hard spaces or moorings.
 - 1.5 The owner of a craft is liable for any damage caused to or by that craft howsoever arising. Insurance is the sole responsibility of the owner.
 - 1.7 Members are responsible for ensuring that their boats do not obstruct access to or from the hard or the slipway.
 - 1.8 Members using the hards are encouraged to contribute regularly to keeping the slipways clean and relatively free from mud
- 2 **Allocation of Spaces**
 - 2.1 Applications for hard spaces should be made to the Dinghy Registration Secretary, who will allocate spaces with the approval of the Sailing Committee. A separate form should be submitted for each boat stored on club premises.
 - 2.2 Applications for dinghy & tender spaces will only be accepted from club members, for their own boat(s).

Conditions of Use

- 2.3 Applications must be on the appropriate form and accompanied by the appropriate fee. The form must be signed by the member to confirm that they accept these conditions of use and confirming they have the appropriate insurance cover. No application will be considered unless the application form is completed, signed and payment made.
- 2.5 To ensure that spaces are used as efficiently as possible members may be required to move to an alternative suitable space from time to time.
- 2.6 No dinghy or tender should be left on club premises before getting approval from the Dinghy Registration Secretary.

3 **Fees**

- 3.1 The General Committee sets all fees annually for a full season (April 1st -March 31st). Mooring and hard space fees should be paid by 30th April each year.
- 3.2 The Sailing Committee may re-allocate hard spaces for which no fee has been received by 30th April.

4 **Abandoned Boats**

- 4.1 Any boat left at either site without payment after May 31 will be considered to be abandoned and may be removed to a remote location on the Club premises.
- 4.2 Rules 18 & 19 of the club Constitution (as recommended by the RYA) give the club the authority to deal with abandoned boats.
- 4.3 The General Committee reserves the right to dispose of abandoned boats and recover the costs from the owner.
- 4.4
 - a. A notice to be clearly affixed to the boat/item; preferably a large self-adhesive label.
 - b. Anyone acting on behalf of the Club must keep adequate records, including photographs when appropriate, of the disposal process.
 - c. A letter and email to be sent to the member/owner, if known.
 - d. A list of boats/items scheduled for disposal to be clearly displayed on the Club notice board and website.
 - e. After the statutory period of 3 months the abandoned boats and items will be advertised and sold by the Club.
- 4.5 The process for disposal of abandoned boats is not prescribed, but must be open, transparent with the object to yield a fair price for the vessel.
For lower value craft (e.g. less than £500), advertising on the club notice board and website (and if applicable also elsewhere), followed by a blind auction would normally be appropriate.
For higher value craft (e.g. greater than £500), the club should consider selling through an auction company (e.g. Ebay or similar). There may be situations where to engage a broker or other professional would be best way to yield a fair price.
- 4.6 If the disposal results in a sale of the abandoned vessel, the balance (after settling any debts to the club) is owed to the boat owner. If the owner is unknown or untraced, the balance of the sale must be held for six years in case the owner turns up.
- 4.7 These procedures do not supersede the RYA guidance (GUIDANCE NOTE ON ABANDONED BOATS AND TRAILERS) which should be read in conjunction with these recommendations.

Moorings

These Conditions of Use supplement the Moorings License agreement. Where there is any conflict between the documents the terms of the License agreement will prevail.

1 General

- 1.1 Wivenhoe Sailing Club leases the sites of the moorings from Colchester Borough Council and can then grant licenses to bona fide Club Members to lay moorings subject to those members entering into a license agreement with the Club. Licensees of the club are bound by the terms & conditions of the Club's lease with the Council. If there is any conflict between the license with members and the Club's lease with the Council then the terms of the lease prevail.
- 1.2 Mooring spaces are let to individual club members for 1 full year (1st April to 31st March) and are not transferable. Members may change the boat they keep on the mooring. The Moorings Secretary should be notified in advance of any such change.
- 1.3 If a member sells their boat the mooring space is not transferred to the new owner. The new owner must apply as outlined below.
- 1.4 All boats using moorings spaces must be clearly identifiable by means of permanent marking of their hulls. Boat names or alternative means of identification must be recorded on the application form. Hull colour and/or sail numbers will not be considered adequate means of identification for this purpose.
- 1.5 Members may not occupy or allow their boats to be occupied permanently. There may not be any commercial use of boats on the club's mooring sites.
- 1.6 In extenuating circumstances, and at the sole discretion of the Sailing Committee Conditions of use may be varied provided such variations do not contravene the terms of the lease with Colchester Borough Council or the licence agreement. Requests for any variation must be made in writing to the Vice Commodore.
- 1.7 Members should ensure that their use of the moorings does not cause any nuisance to other river users or neighbours.

2 Mooring Tackle

- 2.1 All craft occupying moorings must be securely moored fore and aft in their allocated space.
- 2.2 Mooring tackle is the property of the licensee for the period of the license. The member is responsible for the maintenance of the said mooring site and must ensure that all associated ground tackle; mooring warps etc. are sound and adequate for their purpose.
- 2.3 On taking up a mooring and on the annual renewal of their mooring license, members are required to confirm that their mooring has been checked that they have adequate third party insurance in place.

3 Moving Moorings

- 3.1 To ensure that mooring spaces are used as efficiently as possible members may be required to move to an alternative suitable mooring site from time to time.
- 3.2 Such moves will be undertaken only after full consultation with the members involved. Ground tackle (but not necessarily buoys and buoy-lines) will remain on the vacated sites. The Sailing Committee will advise on instances where some compensation may be due from the incoming licensee.
- 3.3 The club reserves the right, if requested by the Council to remove any boat at any time should it become necessary to do so in connection with the exercise of the Council's statutory functions or if there is a fundamental breach of the Club's lease with the Council.
- 3.4 The Council has a right on giving the Club 24 hours notice, or forthwith in the case of an emergency, to remove any boat entirely at the owners risk that obstructs the river or is left in a dangerous condition.

Conditions of Use

4 **Allocation of Mooring Spaces**

- 4.1 Applications for mooring spaces will only be accepted from club members, for their own boat(s). Applications must be on the appropriate form and accompanied by the appropriate fee. The form must be signed by the member to confirm that they accept the conditions of the licence agreement and confirming they have the appropriate insurance cover. No application will be considered unless the application is signed.
- 4.2 All members with a boat or in the process of acquiring a boat can apply for a mooring space.
- 4.3 Applications for a mooring space should be made to the Moorings Secretary who will allocate mooring spaces with the approval of the Sailing Committee.
- 4.4 Under the terms of its lease with the Council the Club may only grant licenses for mooring spaces to be used by sailing boats or displacement motorboats. Only such vessels or their tenders may occupy club mooring sites.
- 4.5 The Moorings Secretary will keep a waiting list for moorings sites in date-order of receipt. Vacant mooring sites will be allocated from the list, but strict date order may not always be possible because of differences in mooring sites and boats.
- 4.6 Should a member be unable to take up the offer they will retain their position in the list and the vacant space will be offered to the next member on the list.
- 4.7 Members on this list will be offered any mooring spaces that that are available for on a temporary basis. Accepting a temporary license will not affect the member's position on the waiting list.

5 **Fees**

- 5.1 The General Committee sets all fees annually for a full season (April 1st -March 31st). Mooring space fees should be paid by April 30th each year. If the fee has not been received by April 30th, the Sailing Committee may reallocate the mooring space.

6 **Sabbaticals**

- 6.1 If a member does not wish to make use of the allocated mooring space for a temporary period of up to two years the Moorings secretary should be informed so that it can be temporarily reallocated.
- 6.2 Reallocation will be the sole responsibility of the Moorings Secretary and the Sailing Committee. Members may not sublet their own mooring spaces.
- 6.3 Responsibility for the mooring tackle will transfer to the temporary user so they will be expected to ensure that, apart from normal wear and tear, it is left in the same condition at the end of the temporary period as when they took it over.
- 6.4 Members who do not use their mooring space for 1 year and do not inform the Moorings Secretary will relinquish their right to that space.
- 6.5 Members who relinquish their right to a mooring space in this manner may immediately apply, in writing, to be placed on the waiting list.

7 **Shared Mooring sites and Pontoons**

- 7.1 Members must obtain permission from the Sailing Committee before installing a mooring pontoon. Application should be made in writing to the Vice Commodore at least three months before the proposed installation providing full details of the proposal.
- 7.2 Where two or more licensees jointly occupy a mooring site, with or without a pontoon, the responsibility for the mooring tackle (including any pontoon) is the joint responsibility of those licensees.

Scrubbing Posts

Scrubbing Post have been installed on the Old Hard for the convenience of members who use them at their own risk

Conditions of Use

1. Any member may use the scrubbing posts on the old hard. Members should make a booking in the Scrubbing Posts calendar in the foyer of the clubhouse.
2. Members should not occupy the scrubbing posts for longer than two tides unless they have previously obtained permission of the Vice Commodore.
3. Members may only make one booking at a time and cannot make block bookings.
4. Wivenhoe Sailing Club accepts no responsibility for loss or damage to any craft occupying the scrubbing posts.
5. The owner of a craft is liable for any damage caused to or by that craft howsoever arising. Insurance is the sole responsibility of the owner.