

## HEATON MOOR GOLF CLUB Ltd

### POLICY - MEMBERSHIP APPEALS PROCEDURE AND PROCESS

**1.Membership Principles:** - Membership of Heaton Moor Golf Club Ltd will be open to all persons irrespective of ethnicity, nationality, gender, sexual orientation, religion, belief, age or disability unless that category of Membership has reached the limit determined by the Board.

#### **2. Membership Appeals: -**

2.1 This document covers the process and procedures for dealing with appeals from non-members who on application to the Club have been refused membership.

2.2 All appeals will be treated with due regard and shall in the first instance be considered by the Club Secretary. Based on the information presented to the Club Secretary (in consultation with the Chairman of the Board) will determine whether the appeal can be resolved informally and if It would be appropriate to deal with the issue in this way.

#### **3. Membership Appeals Panel, Heaton Moor Golf Club Limited.**

3.1 If an appeal has been made that the Club Secretary and Chairman cannot resolve informally then an Appeals Panel will be selected by the Club Secretary and/or Chairman of the Board from the voting members of the Club. The Appeals Panel will not comprise of less than three voting members one of whom will be selected as Chairman by the Club Secretary and/or Chairman of the Board.

3.2 The Appeals Panel shall as far as practical be unbiased and show consideration and respect for all parties involved.

3.3 Appeals Panel Members should treat all information relating to the Appeal “in confidence” and it should only be discussed with individuals directly involved and this should never be done in the presence of others.

3.4 The Appeals Panel appointed will have the authority of the Board to deal with the appeal as required with no referral back to the Board.

3.5 If a member of the Appeals Panel, resigns, otherwise becomes unable to or cannot complete his or her duties the Club Secretary and/or Chairman of the Board will appoint another Appeals Panel Member in his or her place.

3.6 Any Appeals Panel Member declaring a conflict of interest in relation to the appeal being considered shall be excluded from the proceedings if necessary a replacement selected by the Club Secretary and/or Chairman of the Board.

3.7 No Appeals Panel hearing may take place without a quorum of three members of the Appeals Panel being present.

#### **4. Appeals Procedure:**

4.1 If the Club Secretary and/or Chairman of the Board decides that any appeal should be considered by the members they will appoint an Appeals Panel, see Section 3.1. The Club Secretary and/or Chairman of the Board/Director will be responsible for providing all the relevant information to the Appeals Panel. Anonymous or unattributed evidence will not be considered.

4.2 The Club Secretary/ Chairman of the Board shall inform the Individual who is appealing the grounds on which membership has been refused. Enclosing any supporting information or written evidence which documents the reason for refusal and shall invite the Individual to make written representations in answer to it, within 14 days or longer if agreed in writing. The Club Secretary and/or Chairman of the Board will also advise the Individual who has been appointed to the Appeals Panel.

4.3 After receiving the individuals reply, or failing receipt of a reply after the expiry of the period for delivery of the same, the Appeals Panel shall set a date for a hearing.

4.3.1 The Individual will be given at least 7 days' notice of the date, place and time of the personal hearing. The notice will provide details of the reason the individual has been refused membership.

4.3.2 The Individual will be asked to provide details of any witnesses and other information they intend to bring to the hearing at least 2 clear days before the hearing;

4.3.3 If the Individual fails to provide the information required in a timely manner then the hearing may be adjourned or may continue at the discretion of the Appeals Panel Chairman.

4.3.4 The Individual may be represented or accompanied in the hearing by one other individual of his or her choice.

4.3.5 If the Individual refused membership was under 14 years of age all correspondence and communication shall be addressed only to the Individual's parent or guardian. If the Individual is between 14 and 18 years of age copies of all correspondence will be addressed to his/her parent or guardian as well as to the individual.

At any hearing before the Appeals Panel involving an Individual who is considered to be an: -

- adult 'at risk'
- adult with a disability
- or is under the age of 18 at the date of hearing

the Individual shall be entitled to be supported by a parent, guardian or other appropriate adult acting in the best interests of the individual who may attend the hearing, to speak on behalf of the individual and make such representations to the Panel as they think appropriate on the individual's behalf.

4.3.6 The hearing will be held in private. Where the hearing involves an adult at risk or person under the age of 18 years of age, either as a witness or is subject of the proceedings consideration should be given to the time, date,

location, potential length of hearing, commensurate with the age/disability of the person involved. (Advice should be sought from the Club Welfare Officer)

4.3.7 At the hearing the Appeals Panel shall take account of the written and oral evidence which is placed before it. Where a person involved is under the age of 18 years the Panel must ensure that the language used is age appropriate and clearly understood by the young person(s)/adult at risk involved. The Individual shall be entitled to cross examine witnesses. However other than in exceptional cases the Panel should avoid the cross examination of a witness who is under the age of 18 years. The Panel will determine how the evidence of a witness under 18 years of age will be heard/tested on a case by case basis. (Advice should be sought from the Club Welfare Officer)

4.3.8 The Individual shall be entitled to present his/her case to the Appeals Panel and to call such supporting witnesses as he/she wishes. The Appeals Panel are entitled to ask any questions of these witnesses.

4.3.9 The failure of any person involved to attend a hearing or to answer any question or to produce any necessary papers shall not prevent the Appeals Panel from proceeding to a decision.

4.3.10 At the conclusion of the proceedings, the Appeals Panel shall consider its decision in private.

4.3.11 When reaching a decision, the Appeals Panel shall not be required to be unanimous. A majority of the Appeals Panel in favour of any decision is sufficient.

4.3.12 The decision of the Appeals Panel will be conveyed in writing to the Individual making the appeal and any other individuals as appropriate.

4.3.13 The decision of the Appeals Panel is final and binding on the Club and binding on the Individual concerned.

4.3.14 For the avoidance of doubt, there is no right of appeal to any relevant County or other association or to England Golf in respect of any proceedings of or any decision taken under or pursuant to the Club's Membership Appeals process or procedure.

4.3.15 The Appeals Panel shall not be obliged to follow the strict rules of evidence in the course of any proceedings and shall be entitled to admit such evidence and accord it such weight as it thinks fit. The standard of proof in all cases will be the balance of probabilities.

4.3.16 The Appeals Panel shall have the power to regulate its own procedure including (without limitation) to extend or vary any time limit set out in this procedure; adjourn any proceedings at any time; allow time for the submission of further evidence or for any other reason; ask questions of any party or witness to any proceedings before it; admit or exclude any evidence on grounds of relevance or for failure to comply with directions; give or make directions at any time with regard to proceedings before it or to be held before it; and to order that the costs of and incidental to any proceedings before it be paid (or that a contribution towards such costs) be paid by any party.

## **5 General**

5.1 No breach of procedure or failure to follow any directions given in the course of any proceedings under this procedure shall invalidate such proceedings unless such breach or failure shall have materially and substantially prejudiced the individual who was appealing.

5.2 This procedure may be amended from time to time by the Board as it sees fit and any such amendment shall come into force and have effect from such