



Congleton Amateur Swimming Club

Constitution

Rules of Congleton Amateur Swimming Club ("the Club")

as at 21st October 2013

1. Name

- 1.1 The name of the club shall be Congleton Amateur Swimming Club, herein after called the Club.

2. Objects

- 2.1 The objects of the club shall be the teaching, development and practice of swimming for its members. In furtherance of these objects:

- 2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of age, sex, ethnic origin, religion, disability or political persuasion, on any grounds.
- 2.1.2 The Club shall implement its Equal Opportunities policy.
- 2.1.3 The Club shall adopt Child Safeguarding Procedures; and shall recognise that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and protected from harm.
- 2.1.4 Members of the Club shall comply with the Club's Safeguarding Procedures.
- 2.1.5 The Club shall adopt a policy and procedures setting out its rights and responsibilities in terms of its discipline, its internal dispute procedures and the sanctions it can impose. When applicable, these will correspond to the laws of the ASA.
- 2.1.6 The Club shall adopt a Code of Ethics; and follow the rules and regulations of:
- 2.1.6.1 British Swimming (in particular its Doping Control Rules and Protocols and Disciplinary Code); and
- 2.1.6.2 FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules")

- 2.2 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

3. Membership

- 3.1 The total membership of the Club shall not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose and remove from time to time any limits on total membership (or any category of membership) of the Club.
- 3.2 Paid instructors, teachers and coaches who are not members of the Club must be members of a body which accepts that its members are bound by the ASA's Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and whilst engaged in activities under the

jurisdiction of the ASA shall be subject to all constraints and privileges of the Judicial Laws and Rules.

- 3.3 Any person who wishes to become a member of the Club must submit a signed application to the Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or carer). Election to membership shall be determined by the Membership Officer but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.
- 3.4 The Secretary or Membership Officer shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee ("Review Panel") comprising not less than three members, (who may or may not be members of the Committee). The Review Panel shall [wherever practicable] include one independent member nominated by the ASA North West Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.
- 3.5 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation.
- 3.6 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute.

4. Subscription and Other Fees

- 4.1 The annual members' subscription and attendance fees (as applicable) shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.
- 4.2 The annual subscription shall be due on joining the Club and thereafter on the 1st day of April each year.
- 4.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment shall be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.
- 4.5 The Officers shall have the power in special circumstances to remit the whole or part of the fees, to address issues of social inclusion.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual subscription or any other fees returned.
- 5.3 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than two months in arrear shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in

writing that he/she is no longer a member by notice handed to him/her or sent by post to his/her last known address.

5.4 If the Club becomes affiliated to the ASA. the ASA Membership Department shall be informed should a member resign when still owing money or goods to the Club.

6. Expulsion and Other Disciplinary Action

6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.

6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee to be refunded.

6.3 The Club shall comply with the requirements and procedures of the Judicial Rules and Regulations for handling Internal Club Disputes as the same may be revised from time to time. (A copy of the relevant Regulations and Procedures may be obtained from the Secretary.)

6.4 A member may not be expelled or, subject to Rule 6.5 below, be made the subject of any other penalty unless the panel hearing the dispute shall by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.

6.5 The Officers of the Club, or any person to whom the Committee shall delegate this power, may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules and Regulations.

7. Committee

7.1 The Committee shall consist of the Chair, Vice Chair, Secretary, Treasurer and three elected members all of whom must be members of the Club. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without the power to vote.

7.2 The Committee shall appoint as and when required a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate Child Safeguarding courses, compliant with ASA and accredited by Cheshire East Council. The Welfare Officer shall not be a member of the teaching and coaching staff or a member of the family of an officer, committee member, or the teaching and coaching staff. The Welfare Officer shall not be a member of the committee but will have a right to attend Committee meetings without a power to vote and shall report to the Committee on all aspects of welfare concerning members of the club.

7.3 The Officers and Committee members shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chair has closed the meeting. Any vacancy occurring by resignation or otherwise in any position previously filled at the Annual General Meeting may be filled by the Committee. Retiring Officers and members of the Committee shall be eligible for re-election.

7.4 Management Committee meetings shall be held six-weekly save where the Committee itself shall by a simple majority resolve not to meet, but there shall be not less than 6 meetings of the Committee per year. The quorum for the meeting shall be such

number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chair and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Committee not less than seven days written notice of a meeting. Decisions of the Committee shall be made by a simple majority and in the event of equality of votes the Chair, or the acting Chair of that meeting, shall have a casting or additional vote. The Secretary, or in his/her absence a member of the Committee, shall take minutes.

7.5 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chair. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 and Rule 11.2 shall not apply.

7.6 In addition to the members so elected the Committee may co-opt up to 2 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present. Co-opted members shall not be less than 18 years of age.

7.7 The Committee may from time to time appoint from among the membership of the club such sub-committees as they may consider necessary and to remove, in whole or in part, or vary the terms of reference of such sub-committees and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.

7.8 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.

7.10 The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club. The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.

7.12 The Committee shall maintain an Accident Book in which all accidents to Club members at swimming related activities shall be recorded.

7.13 The Committee shall have power to make regulations, create by-laws, see also Rule 13.1, and to settle disputed points not otherwise provided for in this Constitution.

7.14 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years.

7.15 The Committee shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.

8. Officers

8.1 The Officers of the Club shall be the Chair, Vice Chair, the Secretary and the Treasurer. [Other Officer positions may be added to the list if required]

8.2 The Annual General Meeting of the Club, if it thinks fit may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Club but on election shall, *ex officio*, be an honorary member of the Club and must be included in the Club's Annual Return of Members.

8.3 The Committee may elect any person as an honorary members of the Club for such period as it thinks fit, or as a Life Member, and they shall be entitled to all the privileges of membership, except that they shall not be entitled to vote at meetings and serve as Officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the Club. Such honorary members and Life Members must be included in the Club's annual return as to membership.

9. Annual General Meeting

9.1 The Annual General Meeting of the Club shall be held each year on a date in June or July. The date, time and venue for the Annual General Meeting shall be fixed by the Committee.

9.2 The purpose of the Annual General Meeting is to transact the following business:

9.2.1 to receive the Chair's report of the activities of the Club during the previous year;

9.2.2 to receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;

9.2.3 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he/she remain in office;

9.2.4 to elect the Officers and other members of the Committee;

9.2.5 to elect the Delegates to attend the Council meetings of any bodies and associations to which the club is affiliated, as required.

9.2.6 to decide on any resolution which may be duly submitted in accordance with Rule 9.4.

9.3 Nominations for election of members to any office, position or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than 21 days prior to the date of the meeting. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election.

9.4 Notice of any resolution, proposal or nomination to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 21 days prior to the date of the meeting.

10. Special General Meeting

10.1 A Special General Meeting may be called at any time by the Committee.

10.2 A Special General Meeting shall be called by the Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than 3 members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.

10.3 A Special General Meeting shall be called in response to a resolution to that effect passed at the Annual General meeting or at any other Special General meeting.

11. Procedures at the Annual and Special General Meetings

11.1 The Secretary shall personally be responsible for making available to each member a written notice of the date, time and venue of the Annual General Meeting together with the closing date for the receipt of any resolutions, proposals, nominations or reports to be considered thereat not less than 28 days before the date of the meeting. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of the Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.

11.2 The Secretary shall personally be responsible for making available to each member a written agenda for a General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting and in the case of the Annual General Meeting a copy of the reports to be considered, a list of nominees for the Committee posts and other positions and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication.

11.3 The quorum for the Annual and Special General Meetings shall be seven members entitled to attend and vote at the Meeting which must include at least one officer.

11.4 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling one month after the date of the meeting, or such other date and time, as may be determined by the Chair. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to the minimum notice contained in Rule 11.1 and Rule 11.2 shall not apply.

11.5 The Chair, or in the Chair's absence a member appointed by the Committee, shall take the chair.

Each member present shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 11.1

11.6 In the event of an equality of votes the Chair shall have a casting or additional vote.

11.7 Details of membership and who is entitled to vote are given in Annex 1.

11.8 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meeting

11.9 The Chair shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

12. Alteration of the Rules and Other Resolutions

12.1 The Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting.

12.2 If the Club is affiliated to the ASA, no amendment(s) to the Rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the ASA North West Region or at a later date decided by the meeting.

12.3 Any Senior member who is not excluded under the conditions of Annex 1 shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 21 days before the date of the meeting in the case

of the Annual General Meeting or a Special General Meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1 and Rule 11.2.

13. By-Laws

13.1 The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well being of the Club which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

14. Finance

14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be drawn from that account except by cheque signed by two of the four signatories who shall be the Chair, Vice Chair (if one has been elected), Secretary and Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit. If two officers are members of the same close family, they may not both sign the same cheque.

14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club.

14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the Club and to any other person or persons for services rendered to the Club.

14.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.

14.5 The financial year of the Club shall be the period commencing on 1st April and ending on 31st March. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 The Committee shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years.

15. Borrowing

15.1 The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion up to such limits on borrowing as may be laid down from time to time by the General Meeting for the general upkeep of the Club or with the prior approval of a General Meeting for any other expenditure, additions or improvements.

15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.

15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

16. Property

16.1 The property of the Club, other than cash at the bank, shall be vested in not more than four Custodians. They shall deal with the property as directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.

16.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.

16.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17. Dissolution

17.1 A resolution to dissolve the Club shall only be considered at a General Meeting and shall be carried by a majority of at least three-quarters of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.

17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.

17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities or other non-profit making organisation(s) having objects similar to those of the Club for the furtherance of such objects nominated by the last Committee.

18. Acknowledgement

18.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

The following statement must appear on Club membership forms and is to be signed by the member and must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

I acknowledge receipt of the rules of Congleton Amateur Swimming Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.

Annex 1 Membership categories and voting rights

1. Junior Member

A Junior Member is one who is not yet 16 years old. A Junior Member does not have voting rights at a General Meeting. The Junior Member may nominate one adult (over 18 years old) as their “sponsor”, who will hold voting rights in their stead.

2. Senior Member

A Senior Member is one who is 16 years old or above. The Senior Member has voting rights at a General Meeting.

3. Volunteers

Volunteers are considered to be de facto members in line with points 1 and 2 above.

4. Life Members

Where a person has been nominated as Life Member of the Club, he or she will have no voting rights unless they fall under one of the other categories.