



# ***Nottingham Leander Swimming Club***

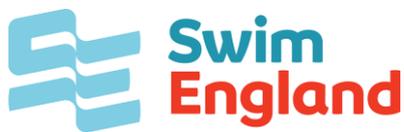


## Constitution

Website: [www.leandersc.com](http://www.leandersc.com)

Email: [info@leandersc.com](mailto:info@leandersc.com)

2017 v3



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# Nottingham Leander Swimming Club – Constitution

As adopted September 2012

## 1. The Club

- 1.1. The name of the Club shall be “Nottingham Leander Swimming Club”.
- 1.2. The Club colours shall be Green and White.
- 1.3. The Club headquarters shall be at the address of the current secretary.

## 2. Objects

- 2.1. The objects of the Club shall be in accordance with the objects of the Amateur Swimming Association (ASA) and in particular promote the teaching and development of swimming and water polo.
- 2.2. The Club is committed to treat everyone equally and without discrimination within the context of their activity.
- 2.3. The Club believes that the welfare of children is everyone’s responsibility and that all members have a right to have fun, be safe and be protected from harm.
- 2.4. The Club shall be affiliated to the ASA East Midland Region (and shall adopt and conform to the rules of such association) and such other bodies as the Club may determine from time to time.
- 2.5. The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association (“ASA Laws”).
- 2.6. All competing members shall be eligible competitors as defined in ASA Laws.
- 2.7. The Club shall in accordance with ASA Laws adopt and comply with the ASA Child Protection Procedures and all members must abide by these procedures.
- 2.8. Members of the Club shall abide by the Nottingham Leander SC Code of Conduct (Appendix 1).
- 2.9. By virtue of affiliation of the Club to the ASA East Midland Region the Club and all members of the club shall acknowledge that they are subject to the laws and rules of:
  - a. The ASA East Midland Region,
  - b. The Amateur Swimming Association (to include the ASA/ISTC Code of Ethics),
  - c. The Amateur Swimming Federation of Great Britain (including ASAFGB Doping Control Rules and Protocols and the ASAFGB Disciplinary Code),
  - d. FINA (the world governing body for the sport of swimming and all its disciplines).
- 2.10. In the event that there shall be any conflict between any rule or bye – law of the Club and any of the Governing Body rules then the relevant Governing Body rule shall prevail.

## 3. Membership

- 3.1. All persons who assist with the club’s activities shall become members of the club and the relevant ASA membership fee shall be paid. This includes but is not limited to:
  - a. All swimmers and water polo players who train with and/or compete for the club,
  - b. Elected and appointed officials of the Club,
  - c. Honorary members of the Club,
  - d. Non – swimming parent members,
  - e. All persons who act in a volunteer capacity are included on the Club’s register of volunteers or who work for the club in a remunerated capacity. This shall include but not be restricted to, administrators, teachers and coaches (whether employed, self – employed or voluntary), committee members, regular helpers, technical and non – technical officials.
- 3.2. The total membership of the Club shall not normally be limited. If however the Committee considers that there is a good reason to impose (or remove) any limit then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club which may endorse, amend or remove any limits on total membership (or any category of membership) the Committee may have imposed.
- 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 Committee or a sub – committee appointed by the Committee but other persons authorised by the Committee may make recommendation as to the applicant’s acceptability.
- 3.4. Parents or carers of swimmers under 18 years of age, who are not swimming members of the club in their own right, may join the club by payment of the appropriate membership fee. This will gain them ASA membership which provides insurance cover and enables them to vote at Annual or Special General Meetings.
- 3.5. Should an application for membership be refused the Committee (or appointed subcommittee) shall be required to give reasons for the refusal.
- 3.6. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee comprised of not less than three members who may or may not be members of the Committee. The



Review panel shall (where practicable) include one independent member nominated by ASA East Midlands Region. The person refused membership shall be entitled to make representations to the Review Panel. Procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

- 3.7. On acceptance to membership, each member will be advised of their category of membership, i.e. learn to swim group, development squad, junior squad, senior squad, masters swimmer, parent or senior or junior water polo player.

#### 4. Subscription and Other Fees

- 4.1. The annual member's subscription, coaching and squad fees (as applicable) shall be determined annually by the Committee and the Committee shall in so doing make special provision for different classes of membership as it or the Annual General Meeting shall determine.
- 4.2. The annual subscription shall be due on joining the Club and thence on 1<sup>st</sup> September each year. It may be paid in one annual payment or by 12 equal instalments by monthly standing order.
- 4.3. Members who have paid only part of their subscription or who continue to make payments which at any time are incomplete or in arrears shall be referred to the committee for the course of action to be determined.
- 4.4. The Club's annual subscription shall include the individual ASA Membership Fees required by (and payable to) the ASA on behalf of members, unless the committee determine that in particular circumstances such subscription should be paid otherwise.
- 4.5. Any increase in subscriptions shall be advised to the members in writing by post or by email, with the reasons for any increase, and shall be ratified by the members at the next Annual General Meeting or Special General Meeting.

#### 5. Resignation and Lapsing of Membership by Failure to Pay Subscriptions

- 5.1. A member wishing to resign membership of the Club must give the Secretary written notice of his/her resignation. A member's resignation shall only take effect when this rule has been complied with.
- 5.2. Should a member paying his/her subscription as one annual payment not have paid this by 1<sup>st</sup> November (or two months after it otherwise becomes due) or should a member paying by monthly standing order not pay for two consecutive months their membership may be deemed to have lapsed and he/she may, depending on such evidence as may be available, –
- be given notice that they have one further calendar month to redress the arrears,
  - be suspended by the Committee from some or all Club activities until the arrears are paid,
  - have their membership terminated from a date to be determined by the Committee unless before that date the arrears are paid.
- 5.3. Members whose membership is deemed to have lapsed, to be in arrears, or to have been terminated shall be informed of this in writing by hand, by post or by email to their last known address.

#### 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 him/her to remain a member.
- 6.2. The Club shall adopt and comply with the current ASA Guidelines for handling internal club disputes ("The Guidelines"). *NB The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook (and may be obtained from the ASA Legal Affairs Department).*
- 6.3. A member may not be expelled or (subject to Rule 6.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two – thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.4. The Executive Officers of the Club (or any person/s 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 complaint will thereafter be dealt with in accordance with The Guidelines.

#### 7. The Committee

- 7.1. The Committee shall consist of:
- The four elected Executive Officers who shall be:
    - Chairperson,
    - Vice – chairperson,
    - Secretary,
    - Treasurer;
  - Those elected to the following positions:
    - Minuting Secretary,
    - Membership Secretary,
    - Welfare Officer (who shall not be a relative to the Executive Officers, the Chief coach, the club Teachers or anyone appointed as a Team Manager),
    - Swim 21 co – ordinator,



- v. Workforce development officer,
  - vi. Volunteer co – ordinator,
  - vii. School liaison officer,
  - viii. Fundraising and social co – ordinator;
  - c. Four other members to be elected at the AGM;
  - d. A representative nominated by each of the following sections of the club:
    - i. Water polo,
    - ii. Masters swimming,
    - iii. Tadpoles;
  - e. The Chief Coach as appointed.
- 7.2. The above shall together be deemed the “Committee” of the Club. All must be members of the Club and must be not less than 18 years of age.
- 7.3. The Committee may allow member(s) under age 18 to attend their meetings as observers without power to vote.
- 7.4.
- a. The committee members in section 7.1.a, 7.1.b and 7.1.c above shall be proposed, seconded and elected by ballot at the AGM each year and shall remain in office until their successors are elected at the next AGM.
  - b. Retiring members of committee shall be eligible for re – election.
  - c. The committee members listed under 7.1.d above shall be nominated by the sections listed and confirmed by vote at the AGM.
- 7.5. Any vacancy on the committee occurring at or after an Annual General Meeting shall be filled by appointment by the Committee.
- 7.6. The Committee shall appoint a Chief Swimming Coach. He/she shall become a member of the Committee and shall have voting rights.
- 7.7. The Chief Coach and Committee shall determine, arrange and supervise:
- a. a programme of teaching to swim, stroke development and competition activities to cater adequately for all levels of ability,
  - b. a programme of coaching development and supervision,
  - c. that the Club’s coaches abide by the ASAs Code of Ethics for coaches,
  - d. the encouragement of members who show interest and promise to develop their abilities in such aquatic disciplines as are provided for by the club.
- 7.8. Committee meetings shall be held at least bi – monthly and the quorum of that meeting shall be six persons of whom one shall be an Executive officer.
- 7.9. Further meetings of the Committee shall be called by agreement of the Committee, by the joint agreement of the Chairman and the Secretary or by a formal request to the Secretary signed by five voting members of the Committee, in which latter case the meeting shall be held within 21 days and the Secretary shall give at least 14 days’ notice to all those entitled to attend..
- 7.10. The date of the next meeting will be decided at the end of each meeting. This shall be confirmed by circulation of the meeting’s agenda to all entitled to attend at least seven days before the agreed date by the appointed officer.
- 7.11. At each meeting the Committee shall receive the minutes of the previous meeting and a report from each of the Officers, receive a report from the Secretary and Treasurer plus such other business as is listed on the published agenda of the meeting. Any business other than that on the agenda may be considered if accepted by a majority of those present.
- 7.12. Decisions of the Committee shall be made by a simple majority unless there are nine or fewer members present when at least six votes shall be required for a vote to be carried. In the event of equality of votes the Chairman (or the person acting as Chairman of that meeting) shall have an additional vote.
- 7.13. The Minuting Secretary, or other nominated member of the Committee, shall take minutes which shall be presented for ratification at the next meeting.
- 7.14. In addition to the members elected the Committee may co – opt five further members of the Club who shall serve until the next Annual General Meeting. Co – opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.
- 7.15. The Committee may appoint such sub – committees as they consider necessary and shall agree their terms of reference and delegate to them such powers and duties as the Committee may determine. All sub – committees shall include at least one member of the Committee. Sub – committees shall periodically report their proceedings to the Committee and shall conduct their business as may be directed by Committee.
- 7.16. The Committee shall have the authority to make such rules or conditions (which are within ASA rules & laws or otherwise approved by the ASA) as they may deem necessary for the conduct of club galas, open meets, inter – club events and related activities organised by the club.
- 7.17. 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.
- 7.18. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner whose appointment shall be confirmed by the members at a General Meeting.
- 7.19. 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.



## 8. Specific Disciplines

- 8.1. The Club shall establish and promote such swimming disciplines as there is an interest amongst members.
- 8.2. Such disciplines shall be an integral part of Leander Swimming Club and shall be subject to all Club rules and requirements.
- 8.3. The Club shall establish relevant training sessions to cater for the needs and numbers of those interested and attending.
- 8.4. Each section shall hold a separate meeting at least once each year to which the club chairman and secretary and all club members who have attended a relevant session shall be invited.
- 8.5. The meetings shall elect a secretary and such other officials deemed necessary for the effective running of the section and conduct such other business as is needed to run the section efficiently.
- 8.6. Each section shall be responsible for keeping a list of those attending the respective sessions and informing those who attend of the section's and related activities.
- 8.7. Minutes shall be kept of all decisions taken at meetings and circulated to members regularly attending training sessions and the Club Secretary who shall present them to the Club Committee for ratification.
- 8.8. Each section shall be entitled to nominate one of their members to represent the section at the club's Committee meetings.
- 8.9. Each section shall present a report of its year's activities to the Club AGM.

## 9. Club Honorary President

- 9.1. The Club may appoint an Honorary President.
- 9.2. He/she shall be proposed at the club AGM by the Club Chairman or Secretary on behalf of the Committee.
- 9.3. The Committee may seek recommendations from members when the position of President becomes vacant.
- 9.4. The President shall be a member of the club and normally be offered the position for five years (or other length of time as the committee shall agree).
- 9.5. The president shall be invited each year to:
  - a. Attend and preside (as chairman) at the Club's AGM,
  - b. Present the awards at the club's annual awards ceremony,
  - c. Present the awards at any open meets or inter – club events that the club may organise,
  - d. Attend the Notts ASA AGM as part of the club's delegation,
  - e. Attend any official civic or swimming functions to which the club is invited.
- 9.6. Whilst not a formal member of the Club's committee (and hence having no vote there) the President may be invited to, or may request to, attend committee meetings when it is felt that he/she should be involved in any discussions.
- 9.7. The President shall be invited to further the interests of the club whenever any such opportunity may arise.

## 10. Life Membership.

- 10.1. The Club may accord life membership to:
  - a. a member who has rendered substantial services to the Club over a sustained period of time as a swimmer, coach, or club official,
  - b. a person who has been an established member of the club over several years who has made an outstanding contribution to the sport of swimming,
- 10.2. In June or July of each year the secretary shall inform members that they may submit recommendation(s) to the committee of members who they consider should be accorded life membership who they consider come under the above criteria. Such recommendations should be made to the secretary by 1<sup>st</sup> September and should normally be accompanied by a brief written statement in its support.
- 10.3. At a September or October committee meeting the committee shall consider all such recommendations for life membership and any additional persons the committee may feel should also be considered.
- 10.4. The committee shall decide which nomination(s) fully meet the above criteria (as 11.1) and should be proposed to the AGM and the names of those so proposed shall be included in the notice of the meeting.
- 10.5. The Chair or Secretary shall propose to the AGM (with accompanying citation) the name(s) of those who have the support of the committee for Life Membership.
- 10.6. A record of all Life members shall be kept on the Club website or in such other available form as the Committee may decide.
- 10.7. Those accorded Life Membership shall:
  - a. have the right to attend and vote at all Club AGMs and SGMs,
  - b. have the right to attend appropriate Club training sessions free of charge while ever their ASA affiliation fee has been paid by the club or by the member concerned,
  - c. be informed of all Club activities while ever they may so wish.

## 11. Annual General Meetings (AGMs)

- 11.1. The Annual General Meeting of the Club shall be held on a date during November in each year as shall be decided by the Committee.



- 11.2. The Annual General Meeting shall transact the following business:
- a. Receive the report(s) of the Chairman and/or Secretary,
  - b. Receive the reports of other elected officials and of sections,
  - c. Receive and consider the accounts of the Club for the previous year and the Treasurer's report as to the financial position of the Club,
  - d. Receive and consider the report on the accounts of the independent financial examiner,
  - e. Elect the Committee as prescribed within this constitution,
  - f. Consider and vote upon any proposals from the committee for persons to be awarded Life Membership of the Club (see section 11),
  - g. Approve the appointment of the Financial Examiner for the forthcoming year,
  - h. Confirm the four Custodians appointed by the Committee,
  - i. Review the Club Constitution to ensure it is in line with current legalisations and members' needs and consider such proposals to amend the constitution as are included on the notice of the meeting sent to members.
  - j. Transact such other business as is listed on the notice of the meeting sent out to members.

## 12. Special General Meetings (SGMs)

- 12.1. A Special General Meeting may be called at any time:
- a. by the Committee,
  - b. upon receipt by the secretary of a written request for a Special General Meeting from 6 or more members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed. The meeting shall take place within 28 days of the request being made to the Secretary.

## 13. Procedure at the Annual and Special General Meetings.

- 13.1. All members who are up – to – date with their membership subscriptions shall be given notice of an AGM (or SGM) not less than 14 days before the date of the meeting.
- 13.2. All members aged 18 and over and honorary members may speak or vote at an AGM (or SGM).
- 13.3. No person attending may cast more than one vote except in the event of equality of votes the person acting as Chairman of the meeting shall have an additional vote.
- 13.4. Ten members entitled to vote shall form a quorum.
- 13.5. Except for changes to the rules (see section 14) decisions at a general meeting shall be made by a simple majority unless there are 14 or fewer members present when at least eight votes shall be required for a vote to be carried.
- 13.6. In particular circumstances, as agreed beforehand by the committee, members under 18 may be entitled to attend and vote on issues which concern only juniors.

## 14. Alteration of the Rules

- 14.1. Additions, deletions or alterations to the Club rules shall be made only at:
- a. the AGM when the date for any such propositions shall be submitted to the Club Secretary by the first day of October or;
  - b. a SGM which shall be held according to Section 13 above.
- 14.2. A resolution to change a rule must be carried by a majority of at least two – thirds of members present and entitled to vote unless there are 14 or fewer members present when at least 10 votes shall be required to vote to be carried.
- 14.3. No amendment to the rules shall become effective until such amendment shall have been submitted to and validated by the ASA East Midland Region.

## 15. Finance

- 15.1. All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. All cheques shall have two of four signatories who shall be the Chairman, Treasurer and two other members of the Committee as the Committee shall decide. Any moneys not required for immediate use may be invested as the Committee in its discretion thinks fit.
- 15.2. 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.
- 15.3. 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.
- 15.4. The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit and kept for a minimum of six years.
- 15.5. The financial year of the Club shall be the period commencing on 1<sup>st</sup> September and ending on 31<sup>st</sup> August. Any change to the financial year shall require the approval of the members in a General Meeting.



- 15.6. In the event of a member having financial difficulty the Committee or approved sub – committee shall have the authority to waive or reduce fees to the individual. The decision to be reviewed at intervals not exceeding three months.
- 15.7. The Committee shall have a duty to ensure the finances of the Club are maintained in good order and the Club remains financially solvent. Should the Committee have concerns over the Club’s finances at any time they should seek such advice as is available and take such steps as the deem are necessary to resolve the situation.

**16. Property**

- 16.1. The property of the Club, other than cash at the bank, shall be vested in not more than four Custodians who shall be appointed by the Committee and confirmed by members at each AGM. 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. Liability**

- 17.1. The Club shall not be responsible for any loss of property, injury or accident to any person, or wilful damage caused by a member.
- 17.2. Any accident that occurs during a club activity shall be placed in the Clubs Accident Report Book and the Accident Book of the Establishment where the incident took place and a copy of the report sheet shall be given to the Club Secretary. Members have a Duty of Care to inform the club of such incidents. An annual report shall be submitted to the ASA.

**18. Dissolution**

- 18.1. A resolution to dissolve the Club shall only be proposed at a Special Meeting and shall be carried by a majority of at least two thirds of the members present and entitled to vote.
- 18.2. The dissolution shall take effect from the date of the resolution and the members of the Committee shall be responsible for the winding – up of the assets and liabilities of the Club.
- 18.3. Any property remaining after the discharge of the debts and liabilities of the Club shall be donated to one or more organisations, approved by the Committee, involved in the pursuit of swimming and affiliated to the Nottinghamshire ASA or a similar organisation.

**19. ACKNOWLEDGEMENT**

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 should appear on Club membership forms and should be signed by the member and must also be countersigned by parent or guardian of members under 18 years of age:***

***Acknowledgement***

**I acknowledge receipt of the Codes of Conduct of Nottingham Leander Swimming Club and confirm my understanding and acceptance that such rules as defined in the Constitution (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 Codes of Conduct.**

***Signed .....******Member***

***Signed .....******Parent/Guardian (if member is under 18)***



