

## **CARLTON FORUM SWIMMING CLUB CONSTITUTION (as at May 2008)**

### **1. Name**

1.1 The name of the Club shall be the "Carlton Forum Swimming Club"

1.2 The Club colours shall be Green, Red and White. The emblem of the Club shall be a White Disc bearing a Green Seahorse superimposed with a diving figure; the whole encircled with a red garter emblazoned "Carlton Forum Swimming Club"

### **2. Objects**

2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular the promotion of and instruction in the arts of swimming, diving and competitive swimming.

In the furtherance of these objects:

2.1.1 The Club is committed to treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, disability or political persuasion.

2.1.2 The Club believes 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 be protected from harm.

2.1.3 The Club shall implement the ASA Equal Opportunities and Equity Policies. 2.2 The Club shall be affiliated to the ASA East Midlands Region and the Nottinghamshire ASA (and shall adopt and conform to the rules of such associations) and such other bodies as the Club may determine from time to time.

2.3 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") and in particular:

2.3.1 all competing members shall be eligible competitors as defined in ASA Laws; and

2.3.2 the Club shall in accordance with ASA Laws adopt the ASA Child Protection Procedures; and

2.3.3 members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.

2.4 By virtue of the affiliation of the Club to ASA East Midlands Region the Club and all members of the Club acknowledge that they are subject to the laws and rules of:

2.4.1 ASA East Midlands Region and Nottinghamshire ASA; and

2.4.2 the Amateur Swimming Association; (to include the ASA/ISTC Code of Ethics); and

2.4.3 the Amateur Swimming Federation of Great Britain (to include in particular the ASFGB Doping Control Rules and Protocols and ASFGB Disciplinary Code); and

2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules")

2.5 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 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 swimmer's parent or guardian must sign the application). Election to membership shall be in the discretion of the Executive Committee or other person(s) authorised by that Committee

3.3 Members must notify the Hon Secretary of any change of address and/or telephone number.

### **4 Subscription and Other Fees**

4.1 The annual member's subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Executive Committee and this Committee shall in so doing make special provision for different classes of membership as it shall determine.

4.2 The annual subscription shall be collected by the Membership Secretary and shall be deposited into the club accounts by the Hon Treasurer.

4.3 Any member whose subscription is unpaid by the date decided upon and notified by the Executive Committee may be suspended by the Executive Committee from some or all Club activities from a date to be determined by the Executive Committee and until such payment is made

4.4 The Executive Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership 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 Once paid, membership fees and subscriptions are non-refundable.

### **5 Resignation**

5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of their resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.

**6 Expulsion and other disciplinary action** 6.1 The Executive Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for him to remain a member.

6.2 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines") as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook. A copy of the current Guidelines 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 Officers of the Club (or any person to whom the Executive 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.

6.5 All Members shall have the right to lodge any dispute, complaint or appeal of a nature domestic to the club to be heard by the Executive Committee, by submitting a notice in writing to the Hon Secretary within 7 days of any relevant incident.

## 7 Executive Committee

7.1 The Executive Committee shall consist of the Chairperson, Secretary, Treasurer together with such additional secretaries (e.g.: Fixtures Secretary) as required to manage specific activities of the Club, (together "the Officers of the Club") and 12 elected members all of whom must be members of the Club. All Executive Committee members must be not less than 18 years of age, though the Executive Committee may allow younger member(s) to attend their meetings as observers without power to vote.

7.2 The Executive Committee members shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until the next Annual General Meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election.

7.3 The Executive Committee meetings shall be held in normal circumstances on the first Wednesday of each calendar month, and the quorum of that meeting shall be 6 Members (to include not less than two Officers). The Chairperson and the Secretary shall have discretion to call further meetings of the Executive 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 a one-day notice of a meeting. A simple majority shall make decisions of the Executive Committee (and in the event of equality of votes the Chairperson (or the acting Chairperson of that meeting) shall have a casting or additional vote. The Secretary, or in their absence a member of the Executive Committee, shall take minutes.

7.4 In the event that a quorum is not present within thirty 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 Chairperson. If a quorum is not present at the adjourned meeting then those Executive 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 shall not apply

7.5 In addition to the members so elected the Committee may co-opt up to 5 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 Executive Committee and shall be counted in establishing whether a quorum is present.

7.6 The Executive Committee may from time to time appoint from among their number such sub-committees as they may consider necessary. They may 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 Executive Committee as the Committee may determine. All sub-committees shall report their proceedings to the next monthly Executive Committee and shall conduct their business in accordance with the directions of the Executive Committee.

7.7 The Executive 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 Executive Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Executive 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, if the members present so wish.

7.8 The Executive Committee shall arrange such insurance to indemnify the Club Officials and members of the Club from any claim arising from a third party.

7.9 If in an emergency situation, a decision of administration has to be made, then 3 members of the Executive Committee, whose number must include two Officers of the Club, may implement "on the spot" decisions. The decisions must be reported in full to the next monthly Executive Committee meeting following the event.

7.10 Unavoidable Poolside decisions are the responsibility of the Chief Coach, or deputy, with or without consultation, excepting those decisions at competitions, which are the responsibility of the Referee or the Gala Promoters.

7.11 The total number of full time elected Officers, temporary Officers, committee members or co-opted members involved with the coaching or teaching activities of the Club, shall not exceed 4 for voting purposes on coaching or teaching matters at any one meeting or during the elected period of the Executive Committee

7.12 The Executive Committee shall retain for a minimum period of 6 years all financial records relating to the Club and copies of the minutes of all meetings.

## **8 Officers and Honorary Members**

8.1 The Officers and Executive Committee of the Club shall be proposed seconded and elected at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy, occurring by resignation or otherwise may be filled by the Executive Committee. Retiring officers shall be eligible for re-election.

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 association, and on election shall, *ex officio*, be an honorary member of the Club and must be included in the Club's Annual Return of Members to the ASA.

8.3 The Executive Committee may elect any person as an honorary member of the Club for such period, as they think fit. They shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings, or serve as officers or on the Executive Committee, unless any such person shall have retained in addition his ordinary membership of the Club. Such honorary members must be included in the Club's annual return as to membership.

8.4 The Annual General Meeting, on recommendation of the Executive Committee may grant honorary Life Membership.

## **9 Annual General Meeting**

9.1 The Annual General Meeting of the Club shall be held each year on a date falling within the period 1st October ("the Opening Date") and 31<sup>st</sup> October ("the Closing Date"). The Executive Committee shall fix the date for the Annual General Meeting.

9.1.1 The Club Membership year shall commence on the 1<sup>st</sup> November.

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

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

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

9.2.3 to elect the independent examiner of accounts (who must not be a member of the Executive Committee or a member of the family of a member of the Executive Committee) should those gathered decree by a simple majority;

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

9.2.5 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.

9.3 That notice of any resolution proposed to be moved or changes to the rules at the Annual General Meeting shall be given in writing to the Honorary Secretary not less than 14 days before the Meeting.

9.4 The Chief Coach or his representative shall declare the Club Captains during the Annual General Meeting who shall have been elected in camera by the Coaches panel. All active swimmers shall be eligible provided they are aged 16 years or over at the time of declaration.

## **10 Special General Meeting**

10.1 The Executive Committee may call a Special General Meeting at any time by. A Special General Meeting shall be called by the Secretary within 28 days of receipt by him of a requisition in writing signed by not less than 10 members entitled to attend and vote at a General Meeting or (if greater) such numbers as represents one-tenth in number of such members stating the purposes for which the meeting is required and the resolutions proposed.

## **11 Procedure at the Annual and Special General Meetings**

11.1 The Secretary shall personally be responsible for the displaying a written notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting on the Club Notice Board.

11.2 The quorum for the Annual and Special General Meetings shall be the President or his representative, 2 Officers and 4 members of the retiring Executive Committee together with at least 6 other members.

11.3 The President or in his absence a member selected by the Executive Committee, shall take the chair. Each member present shall have one vote and a simple majority shall pass resolutions. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the President shall have a casting or additional vote. Paid up members who have not reached their 16<sup>th</sup> birthday shall be entitled to be heard and vote only on those matters determined by the Chairperson as matters concerning juniors.

11.4 The Honorary Secretary, or in their absence a member of the Executive Committee, shall take minutes at the Annual and Special General Meetings.

11.5 The President 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. No amendment to the rules shall become effective until such amendment shall have been submitted to and validated by the ASA.

12.2 Such number of members as represent one-tenth in number of the members entitled to attend and vote at a General Meeting 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 Honorary Secretary of the Club so as to be received not later than 10<sup>th</sup> September in the case of the Annual General Meeting. In the case of a Special General Meeting 14 days before the date of the meeting is required. Thereafter the Honorary Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1

## **13 Bye Laws**

13.1 The Executive Committee shall have power to make, repeal and amend such bye laws as they may from time to time consider necessary for the well being of the Club which bye 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 Honorary 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 three signatories, which shall be the Chairman, Secretary and Treasurer. Any moneys not required for immediate use may be invested as the Executive Committee in its discretion thinks fit.

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, save as set out in Rule 16.3.

14.3 The Executive 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 Honorary Treasurer shall in such manner as the Executive Committee thinks fit shall record the financial transactions of the Club.

14.5 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 Property**

15.1 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 Executive Committee and entry in the minute book shall be conclusive evidence of such a resolution.

15.2 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.

15.3 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.

15.4 The Club shall maintain an Accident Book in which all accidents shall be recorded. An annual report shall be made in the prescribed manner to the ASA.

## **16 Dissolution**

16.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three-quarters of the members present and entitled to vote.

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

16.3 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 organisations having objects similar to those of the Club for the furtherance of such objects) nominated by the last Executive Committee.

16.4 Trophies shall be held in Trust by the Club's bank for a period of 5 years under Trustee, to be returned to the Club if and when restarted within that period.

## **17 Acknowledgment**

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

**Signed (President)**

**Date**

**Signed (Secretary)**

**Date**