



# HODDESDON

## SWIMMING CLUB

### **.Hoddesdon Swimming Club Constitution** **RULES (updated 21<sup>st</sup> October 2018)**

#### **1. Name**

- 1.1 The name of the Club shall be Hoddesdon Swimming Club.
- 1.2 The club colours shall be Blue / Red / White
- 1.3 The Headquarters shall be in Hoddesdon, Herts, with all communications "c/o" the address of the Secretary of the Club.

#### **2. Objects**

2.1 The objects of the Club shall be the objects of Swim England and in particular promote the teaching and practice of swimming. In the furtherance of these objects:

2.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination, and shall act in compliance with the protections afforded by the Equality Act 2010.

2.1.2 The club shall implement the Swim England Equal opportunities policy

2.1.3 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.

2.2 The Club shall be affiliated to Swim England East 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.

2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Articles, Regulations and Technical Rules of Swim England ("Swim England Regulations") and in particular:

2.3.1 All competing members shall be eligible competitors as defined in Swim England Regulations; and

2.3.2 the Club shall in accordance with Swim England Regulations adopt Swim England's Child Safeguarding Policy and Procedures ("Wavepower"); 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 be protected from harm, and

2.3.3 Members of the Club shall in accordance with Swim England Regulations comply with Wavepower, and

2.3.4 abide by the Hoddesdon Swimming Club Code of Conduct for all competitive swimming squads (Appendix 1)

2.4 By virtue of the affiliation of the Club to Swim England East Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:

2.4.1 the Swim England East Region; and



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2.4.2 the Swim England; (to include the Code of Ethics); and

2.4.3 the British Swimming (to include, in particular, its Anti-Doping Rules and Judicial 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 All persons who assist in any way with the club's activities shall become members of the club and hence of Swim England and the relevant Swim England membership fee shall be paid. Assisting with the club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of Swim England's educational certificates.

3.3 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 Swim England's Code of Ethics, Swim England Regulations relating to Wavepower and those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.

3.4 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 guardian). Election to membership shall be at the discretion of the Committee or other person(s) authorised by the Committee. The Committee or authorised representative shall be required to give reasons for the refusal of any application for membership if requested. Any person refused membership may seek a review of this decision before a review panel appointed by the Committee (“Review Panel”) comprised of not less than three members (who may or may not be members of the Committee). The panel shall [wherever practicable] include one independent member nominated by Swim England East 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.



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3.5 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.

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, or, in the case of a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.

3.7 The swimmer has to be a fully paid member of the club, complete 2 months prior to the Age at date of the Club Championships to be eligible to compete.

#### 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 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 and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st day of September each year.

4.3 Any member whose subscription is unpaid by the date falling 30 days after the 1st October may 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. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England Membership Fees to the Swim England on behalf of members be consequential upon an increase in individual Swim England 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.

#### 5. Resignation

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



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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 membership fee 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 arrears 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 last known address.

5.4 The Swim England 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 him/her to remain a member. The Club in exercising this power shall comply with the provision 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 and must return any Club or external body's trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.

6.3 The Club shall comply with the relevant Judicial Rules for handling Internal Club Disputes Procedures ("the Procedures") as the same may be revised from time to time. (A copy of the Procedures may be obtained from the Swim England website, Swim England Handbook or from the Office of Judicial Administration).

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 complaint 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 complaint will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

### **7. Committee**

7.1 The Committee shall consist of the Chairman, Vice Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") Fixtures Secretary, Membership Secretary, Fund Raising



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Secretary, Gala Co-ordinator [together with such additional secretaries (together “the Officers of the Club”) 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 power to vote.

7.2 The Committee shall appoint a Head Coach. The Head Coach shall be co-opted to the Committee and shall have voting rights. The Head Coach and Committee shall determine, arrange and supervise a programme of teaching to swim, stroke development and competition activities to cater adequately for all levels of ability.

7.3 The Committee shall appoint 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 training in accordance with Wavepower. The Welfare Officer will have a right to attend Committee meetings without a power to vote.

7.4 The Executive 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 Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Executive Officers and members of the Committee shall be eligible for re-election.

7.5 Committee meetings shall be held at least once every 8 weeks (save where the Committee itself shall be a simple majority resolve not to meet) and the quorum of that meeting shall be five persons. At each meeting the Committee shall receive a report from each of the Officers plus any other business. The Chairman 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. Decisions of the Committee shall be made by a simple majority [and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote]. The Secretary or, if absent, a member of the Committee, shall take minutes.

7.6 In addition to the members so elected, the Committee may co-opt 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.

7.7 The Committee may from time to time appoint, from among their number, such subcommittees 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 subcommittees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.





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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.

7.9 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.

7.10 The Committee shall maintain an Accident book in which all accidents to Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the insurers in accordance with the Accident/Incident Notification guidelines. The Club shall make an annual return to the Swim England Membership Department indicating whether or not an entry had been made in the prescribed online form.

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

### **8. Annual General Meeting**

8.1 The Annual General Meeting of the Club shall be held on a date before the end of November in each year fixed by the Committee.

8.2 Additions, deletions or alterations to the Club rules shall be made only at:

8.2.1 an AGM and any such propositions shall be submitted to the Club Secretary 28 days prior to the date of the AGM or;

8.2.2 an SGM which shall be held within eighteen days of the receipt by the Club Secretary of any such proposition.

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

8.3.1 to receive the Chairman and other Officer's reports of the activities of the Club during the previous year;

8.3.2 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.

8.3.3 to elect the Officers, Honorary members and other members of the Committee, plus the Financial Examiner.



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8.4 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than 28 days prior to the date of the AGM. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election.

### 9. Special General Meeting

9.1 A Special General Meeting may be called at any time by the Committee. 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 five members entitled to attend and vote at a General Meeting, stating the purposes for which the meeting is required and the resolutions proposed.

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

10.1 Each Member in Subscription shall be given notice of an AGM (or SGM) not less than fourteen days before the date of the meeting. Such notice shall include an agenda containing all items for discussion and decision. The Secretary shall personally be responsible for the handing out or sending/emailing to each member at his last known address written notice of the date, time and place of the General Meeting together with the resolutions to be passed. The Notice of Meeting shall in addition, wherever possible, be displayed on the Club Notice Board where one exists.

10.2. Only Senior Swimming Members and Associate Members may speak and vote at an AGM or SGM. Twelve such Members shall form a quorum. In exceptional circumstances and by special notice from the Committee, Junior Swimming Members may be entitled to vote on matters concerning only Juniors.

10.3 The Chairman or, in his absence, a member selected by the Committee, shall take the chair.

10.4 The Secretary, or in his absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.

10.5 The Chairman 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.

### 11. Alteration of the Rules and other Resolutions

11.1 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



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11.2 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 Secretary of the Club so as to be received by him/her, in the case of the Annual General Meeting 28 days before date of the meeting or, in the case of a Special General Meeting, 18 days before the date of the 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. by, the Swim England East Region.

11.3 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 Swim England East Region.

### 12. By-Laws

12.1 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.

### 13. Finance

13.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. Cheques require any one of the four signatories who shall be: - the Chairman; Membership Secretary; Secretary and Treasurer. Internet banking to be carried out by the Treasurer or a nominated signatory. Any moneys not required for immediate use may be invested as the Committee, in its discretion, thinks fit.

13.2 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. The Club is a non-profit making organisation. All profit and surpluses will be used to maintain or improve the club's facilities. No profit or surplus will be distributed, other than to another non-profit making body, to members on winding up or dissolution of the club (in accordance with Rule 16.3).

13.3 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.

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



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

### 14. Borrowing

14.1 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.

14.2 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.

14.3 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.

### 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 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. They shall be known as the Club President and three Vice- Presidents.

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.

### 16. Liability

16.1 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. Dissolution

17.1 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.



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17.2 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.

17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall pass to Swim England East Region.

### 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 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: I acknowledge receipt of the rules of Hoddesdon 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.

Signed ..... Member

Signed .....Parent/Guardian (if member under 18yrs of age)



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### Appendix 1

#### HODDESDON SWIMMING CLUB COMPETITIVE SWIMMING SQUADS CODE OF CONDUCT

##### PURPOSE

The Swimming Club exists for the benefit of the swimmers, to develop their skill in competitive swimming and to instil a code of behaviour that will carry them forward with credit. To create the atmosphere and example necessary to achieve this objective the following code of conduct will be adopted.

##### Swimmers

At training sessions it is expected that they will:

- endeavour to attend at least 75% of their sessions
- arrive in good time for the beginning of the session with all necessary equipment in good order
- spend time prior to a session preparing for the session by doing flexibility exercises
- put every effort into training sessions and avoid short cutting or missing sections by toilet excuses etc.
- always consult their coach if they arrive late, wish to leave early, feel unwell etc.
- pay attention to the coach when he/she is talking to them
- keep up with the activities of the Club by reading the notice board and consulting coaches/officials
- generally act in a responsible manner at all times At all galas it is expected that swimmers will:
  - arrive at the venue in plenty of time for the warm up and immediately join their team group - remain at all times throughout the gala with their team group unless they have agreed with the team manager (or representative) a reason to leave the poolside
  - not leave the poolside after their last swim until their team manager (or representative) has agreed for them to go. In a trophy gala they must remain to acknowledge the winning team
  - not consume food on the poolside (except where agreed by the Coach)
  - provide encouragement and support to fellow team members.
  - keep in constant touch with the programme and prepare themselves in plenty of time for their race without relying on the team manager
  - wear a Club hat if a hat is to be worn
  - wear Club swimwear, most especially for relay events
  - generally act in a responsible manner at all times

Note: It is expected that swimmers be available for all league or club galas or other competitions that Hoddesdon Swimming Club enter. Any difficulties must be discussed with the Coach or Team Manager.

##### Parents / Guardians

At training sessions it is expected that they will:

- ensure that the swimmers get to training sessions in good time
- keep in touch with the Club activities, through notice boards and Club officials





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- direct any queries to Club Officials or Coaches, when not involved in training sessions
- where queries are unresolved, request the issue be raised with the Committee - wherever possible, offer assistance in Club activities
- promote a responsible and disciplined attitude At all galas it is expected they will:
- get swimmers to the gala venue in good time
- remain in the spectator area, whilst in the pool hall, unless requested to assist encourage swimmers to remain with the team group

### **Coaches / Officials**

At all times it is expected that they will:

- arrive in good time to organise and control their activities
- meet the commitments they make to the Club - be supportive of the agreed Club policies
- be prepared to assist swimmers and their Parents/Guardians in any queries they may have and carry forward to the Committee any issues they are unable to resolve
- display a disciplined and sporting attitude and help to promote the same from the swimmers



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