

The City of Leeds Diving Club Constitution

1 Name

- 1.1 The name of the club shall be "City of Leeds Diving Club", and its colours shall be blue and gold. The headquarters of the club shall be "Leeds Aquatic Centre, John Charles Centre for Sports, Middleton Grove. LS11 5DJ".

2 Objectives

- 2.1 The object of the club shall be the promotion of, and instruction in the art of diving and related activities. 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 Equality Policy (as may be amended from time to time).
- 2.2 The Club shall be affiliated to Swim England North East Region, Yorkshire Swimming Association and shall adopt and conform to the rules of that Region, and to 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.
- 2.3.3 Members of the Club shall in accordance with Swim England Regulations comply with Wavepower.
- 2.4 By virtue of the affiliation of the Club to Swim England North East Region and Yorkshire Swimming Association, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of
- 2.4.1 Swim England North East Region and Yorkshire Swimming Association; and
- 2.4.2 Swim England (to include the Code of Ethics); and
- 2.4.3 British Swimming (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. 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 Swim England's Code of Ethics, Swim England Regulations relating to Wavepower, 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 determined by the Committee but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.

The Committee 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") comprised of 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 Swim England North 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
- 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.

4 Subscription and other fees

- 4.1 The annual membership subscription 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 the Annual General Meeting shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the club and thereafter on the first day of January each year.
- 4.3 Any member whose subscription is unpaid by the date falling thirty days after the due date for payment 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 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.
- 4.5 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the Swim England membership 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 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 membership fee or any other fees returned.
- 5.3 Notwithstanding the provisions of rule 5.1 above a member whose subscription is more than three months in arrears shall be deemed to have resigned. Where the membership of the member shall be terminated in this way he shall be informed in writing that he is no longer a member by notice handed to him 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 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 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 Regulations 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 unanimously 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 interest of the club. Where such action is taken, the complaint will thereafter be dealt with in accordance with the **Judicial Regulations**.

7 Committee

- 7.1 The Committee shall consist of the Chairman, Hon Secretary, Hon Treasurer, Head Coach and Divers' representative (together "the Executive Officers of the club") and a minimum of five and a maximum of ten Elected Members all of whom must be members of the club. All Committee members

must be not less than eighteen years of age though the Committee may allow younger members to attend their meetings without the power to vote.

- 7.2 The Committee shall appoint a member of the club as Welfare Officer who must not be 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 the power to vote. (The welfare officer should ideally have no personal or professional relationship with the head coach or Executive Officers of the club).
- 7.3 The Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting each year and shall remain in office until their successors are elected at 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.
- 7.4 Committee meetings shall be held not less than bi-monthly (save where the committee itself shall be a simple majority resolve not to meet), and the quorum of that meeting shall be 6 plus one Officer. The Chairman and the Secretary shall have the 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 10 days oral or written notice of a meeting. Decisions of the Committee shall be made by a simple majority and in the equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote. The Secretary, or in his absence a member of the committee, shall take minutes.
- 7.5 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 Chairman. 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 shall not apply.
- 7.6 In addition to the members so elected the committee may co-opt further members of the club as and when required, 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 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. The committee shall also have the power to make regulations and to settle disputed points not otherwise provided for in this constitution.
- 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 diving-related accidents to club members occurring outside council provided training 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 has been made in the prescribed online form.

8 Ceremonial Positions and Honorary Members/Life Members

- 8.1 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 Swim England.
- 8.2 The Committee may elect any person as an honorary member of the club for such period as they think fit 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 his ordinary membership of the club. Such honorary 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 falling within the period 1st October (the opening date) and 30th November (the closing date). The date 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 Chairman'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 Treasurers 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 remain in office;
 - 9.2.4 To elect the officers and other members of the committee;
 - 9.2.5 To decide on any resolution which may be duly submitted in accordance with rule 9.3.
- 9.3 Nominations for election of members to any officer or to membership of the committee shall be made in writing by the proposer and seconder to the secretary not later than 21 days before the opening date specified above. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not less than 21 days before the opening date.

10 Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Secretary within twenty-eight days of receipt by him of a requisition in writing signed by not less than ten 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 Hon. Secretary shall personally be responsible for providing a "Notice of Meeting" to each member, this will be carried out either by hand, in writing at the last known address or by email using the most recent email address provided.

- 11.1.1 The Notice will include the date, time and place of the General Meeting together with the resolutions to be proposed thereat.
- 11.1.2 Notice will be provided at least 14 days before the meeting and in the case of the Annual General Meeting, a list of the nominees for the Committee posts and a copy of the examined accounts.
- 11.1.3 The Notice of Meeting shall in addition wherever possible be displayed on the club notice board where one exists.
- 11.2 The quorum for the Annual and Special General Meeting shall be 10 members entitled to attend and vote at the meeting or (if greater) such number as represents one tenth of such members.
- 11.3 The Chairman, or in his absence a member selected 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 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote.
- 11.4 Only paid up members of the club who have reached their 18th Birthday shall be entitled to be heard and vote on all matters. Members who have not reached their 18th Birthday shall be entitled to be heard and vote only on matters determined by the chairman as matters concerning juniors, such as the election of the diver's representative.
- 11.5 The Secretary, or in his absence a member of the committee, shall take minutes at the Annual and Special General Meetings.
- 11.6 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purposes 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 Swim England North East Region.
- 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 Secretary of the club so as to be received by him not later than 10 September in the case of the AGM or in the case of a Special General Meeting 28 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.

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 wellbeing 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 The Hon. Treasurer is accountable for managing the club finances, ensuring all monies are collected as required and expenditure is appropriate.
- 14.2 A bank account has been set up in the name of the Club; between three and five signatories will be registered at any one time to include the Hon. Treasurer and Hon. Secretary.

- 14.3 The withdrawal of monies from the club will be undertaken according to the following:
- 14.3.1 By cheque signed by two of signatories.
 - 14.3.2 Using the club account debit card which shall be in the name of the Hon. Treasurer. When using the card, the Hon. Treasurer shall inform either the Hon. Chairman or Hon. Secretary of the transaction date, amount spent and recipient within 48 hours of the transaction.
 - 14.3.3 By online payment; as above, the Hon. Treasurer shall inform either the Hon. Chairman or Hon. Secretary of the transaction date, amount spent and recipient within 48 hours of the transaction.
- 14.4 All monies payable to the Club shall be received by the Treasurer and deposited in a Bank account in the name of the Club. Any monies not required for immediate use may be invested, as the committee in its discretion think fit.
- 14.5 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 17.3.
- 14.6 The Committee shall have power to authorize 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.
- 14.7 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee think fit.
- 14.8 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.

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 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 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. 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 none profit making organization 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 will appear on club membership forms and is to be signed by the member and countersigned by a person having parental responsibility if the member is under 18 years of age.

"I acknowledge the receipt of the rules of The City of Leeds Diving club and confirm my understanding and acceptance of the rules laid down in the club constitution (found on the Clubs website – www.diveleeds.com & notice board) shall govern my membership of the club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules".