

# BRIDPORT BARRACUDAS SWIMMING CLUB



## CONSTITUTION

1<sup>st</sup> January 2019

# **Bridport Barracudas Swimming Club Ltd**

## **Constitution at 1<sup>st</sup> January 2019**

### **1. Name**

The name of the Club shall be Bridport Barracudas Swimming Club Ltd, thereafter known as, the Club.

### **2. Objects**

2.1 The objects of the Club shall be the teaching, development and practice of swimming, open water and water polo for its members and shall, where appropriate, be to compete. In the furtherance of these objects:

2.1.1 The Club is committed to treat 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 the Swim England South West Region and to Dorset County ASA and shall adopt and conform to the rules of these Associations and to such other bodies as may be determined 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 South West Region and Dorset County ASA, 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 South West Region and Dorset County ASA; 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 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, vice presidents, technical and non-technical officials, temporary members 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 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, or electronically signed application to the Membership Secretary (and in the case of a junior swimmer the application must be signed, or electronically signed by the swimmer's parent or guardian). Election to membership shall be determined by

the Membership Secretary but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability. The Membership Secretary 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 one of whom, whenever practicable, should be an independent member nominated by the Swim England ASA South West Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

3.5 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.

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

4.1 The annual members' subscription and teaching and coaching 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 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 consequent upon an increase in individual Swim England membership fees. Any increase in subscriptions shall be advised to the members in writing and the reasons be reported to the members at the next Annual General Meeting.

4.5 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 Membership 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 two months in arrears shall be deemed to have resigned. Where membership shall be terminated in this way the member shall be informed in writing, by notice handed to him or sent by post or e-mail to his last known address, that he is no longer a member of the Club.

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 the 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. 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 to the Club 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 adopt and 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 Hand book 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 Judicial Regulations.

## **7 Committee**

7.1 The Committee shall consist of the Chairman, Vice-Chairman, Secretary, Treasurer (together “the Executive Officers of the Club”) and up to four elected members all of whom must be members of the Club. Committee members must be not less than 18 years of age although the Committee may allow younger member(s) to attend their meetings without power to vote.

7.2 The Committee shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who shall not where possible be a relative of any of the Executive officers, the Coach, the Club Teachers or the Team Managers, 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.

7.3 The Executive Officers and Committee Members shall be proposed, seconded and elected by ballot at the Annual General Meeting and shall nominally remain in office for a period of three years. One third of Committee Members shall retire annually but shall be eligible for re-election subject to the needs of the Club. Newly elected members will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee but a member so appointed must stand for election at the next AGM. Retiring members of the Committee shall be eligible for re-election subject to the requirements of the Club.

7.4 Committee meetings shall be held not less than quarterly (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chairman (or Vice 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. The Secretary shall give all the members of the Committee not less than seven days oral/email notice of a meeting. Decisions of the Committee shall be made by a simple majority and, in the event of equality of votes, the Chairman (or Vice-Chairman) 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 or Vice-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 up to four further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall be counted in establishing whether a quorum is present.

7.7 The Committee may from time to time appoint 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 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 indemnified by the members of the Club against all 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 has been made on the prescribed online form.

## **8 Honorary Members/Life Members**

8.1 The Annual General Meeting of the Club, if it thinks fit, may elect a President or 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 it thinks 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 in September/October. The date, time and venue of the Annual General Meeting shall be fixed by the Committee and published no later than 28 days prior to the AGM.

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 Treasurer's report as to the financial position of the Club;

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

9.2.4 to elect the Executive 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 office, or for membership of the Committee, shall be made in writing by the 'proposer' and 'seconded' to the Secretary at least 21 days before the date of the meeting. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Notice of any resolution proposed and seconded to be moved at the Annual General Meeting shall be given in writing to the Secretary at least 21 days before the date of the meeting.

## **10 Special General Meeting**

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 request in writing signed by not less than seven members entitled to attend and vote at a General Meeting, or (if greater) such number as represents one-tenth in number of such members as published on the Club notice board and website, 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 handing out or sending to each member, at his last known postal or e-mail address, a written agenda giving 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 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. The Secretary may, with the agreement of the Committee, communicate these details by advertisement on both the Club notice board and website.

11.2 The quorum for the Annual and Special General Meetings shall be seven members entitled to attend and vote at the meeting or (if greater) such number as represents one-tenth in number of such members as published on the Club notice board and website.

11.3 The Chairman or Vice-Chairman shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority, with the exception of Club Rules which are covered in clause 12.1. 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 or Vice-Chairman shall have a casting or additional vote. Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairman or Vice-Chairman as matters concerning juniors, such as the election of club captains.)

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

11.5 The Chairman or Vice-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.

## **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(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 Dorset County Association/Swim England South West Region.

12.2 Any member shall be entitled to put any proposal for consideration at a General Meeting provided the proposal, in writing, shall have been seconded and handed to, or posted to, the Secretary of the Club so as to be received by him at least 21 days before the date of the Annual General Meeting 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**

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

## **14 Finance**

14.1 All monies payable to the club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be drawn from that account except by cheque signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer, or by Bankers Automated Clearing Services (BACS) and electronically authorised by the Treasurer, as appropriate. Any monies not required for immediate use may be invested as the 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 17.3).

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

14.4 The financial transactions of the Club shall be recorded by the Treasurer in accordance with good accounting practise, or in such manner as the Committee thinks fit. If the financial transactions are recorded by computer then back-up copies should be taken together with a manual record.

14.5 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.

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

## **15 Borrowing**

15.1 The Committee may borrow money on behalf of the Club, for the purposes of the Club, 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. However, the sums borrowed should be commensurate with the Club's assets, expected income and ability to pay.

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 sum or sums of money, in such manner or on such terms and conditions as it thinks fit and, in particular, by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.

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

## **16 Property**

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

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

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

## 17 Dissolution

17.1 A resolution to dissolve the Club shall only be proposed at 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 In the event of the dissolution of the Club any assets remaining after the satisfaction of all debts and liabilities shall not be paid to or distributed among the members of the Club but shall be given to, or transferred to, one or more of the following approved sporting or charitable bodies:

- A registered charitable organisation
- Another Club which is a registered Community Amateur Sports Club
- The sports' governing body for use by them for related community sports

## 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.

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

***"I acknowledge receipt of the rules of Bridport Barracudas 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: \_\_\_\_\_

Mr. D Clark – Chairman

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Mrs. C Morey – Treasurer

Date: \_\_\_\_\_