



**1. Name**

- 1.1 The name of the Club shall be Worksop Dolphins Swimming Club.
- 1.2 The Headquarters shall be at the Worksop Leisure Centre in Nottinghamshire or at a place decided by the Committee.
- 1.3 The club colours shall be Navy, Green and White.

**2. Objects**

- 2.1 The objects of the Club shall be the objects of the Swim England and in particular the promotion, teaching and practice of swimming and diving in Worksop and surrounding area; and community participation in the same. 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 shall implement the Swim England Equal Opportunities and Equity policies.
- 2.2 The Club shall be affiliated to Swim England East Midland Region and the Nottinghamshire ASA and shall adopt and conform to the rules of the 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 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 the Swim England 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 the Region, the Club and all members of the Club acknowledge that they are subject to the rules and constitutions of:
  - 2.4.1 Swim England East Midland Region 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.
- 2.6 In the event of any conflict between the rules of the Governing Body and the statutory requirements for CASCs (which means Community Amateur Sports Clubs as first provided for by the Finance Act 2002), the statutory requirements for CASCs shall prevail.

### **3. Membership**

- 3.1 Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs, maternity or pregnancy except as a necessary consequence on the requirements of the sport of swimming. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis.
- 3.2 The Club may have different classes of membership and subscription on a non-discriminatory and fair basis.
- 3.3 All persons who assist in any way with the Club's activities shall first become members of the Club and hence of the 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, instructors, teachers and coaches (whether employed, self-employed or voluntary) Committee members, helpers, Honorary members, life members, officers, patrons, presidents, technical and non-technical officials, vice presidents and verifiers or tutors of the Swim England educational certificates.
- 3.4 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 Code of Ethics, Swim England Child Safeguarding Regulations, 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.
- 3.5 Any person who wishes to become a member of the Club must submit a signed application to the Secretary, in the case of a junior member, the application must be signed by the swimmer's parent or guardian. Election to membership shall be at the discretion of the Committee. Other person(s) authorised by the Committee may make recommendations as to the applicant's acceptability.

Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee comprised of not less than three members (who may or may not be members of the Committee). The Review Panel shall wherever practicable include one independent member nominated by Swim England East Midland 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.

- 3.6 The Club may refuse membership, or remove it, only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute. Appeal against refusal or removal may be made to the members.
- 3.7 Honorary Life membership may be granted to any person who has rendered good service to the Club. Nominations shall be submitted to the Club Committee who then decides if the nomination should be proposed to the AGM.
- 3.9 All new members shall be provided with a copy of the Club constitution, Codes of Conduct and by-laws for their own information and retention.

### **4. Subscriptions and Other Fees**

- 4.1 The annual members' 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 shall be due on joining the Club and thereafter on the 1st day of January each year (pro rata if joining during year). Membership fees for a junior swimming member shall include associate membership for a parent or guardian. (was 3.6)
- 4.3 Any member whose subscription is unpaid by the 31<sup>st</sup> January may be suspended by the Committee from some or all Club activities until such payment is made.

- 4.4 The Committee shall have the power in special circumstances to remit the whole or part of the fees to address issues of social inclusion.
- 4.5 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 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 AGM. The Committee will endeavour to keep said subscriptions and other fees at levels which will not prevent people from joining.

## **5. Resignation**

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of 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 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 or sent by post to his/her 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 the 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 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 Regulations for handling Internal Club Disputes ("the Regulations") as the same may be revised from time to time. A copy of the current Regulations may be obtained from the website or 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. An appeal against such a decision may be made in accordance with Rule 3.6.
- 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 incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

## **7. Committee**

- 7.1 The Committee shall consist of the Chair, Secretary and Treasurer (together the Executive Officers), the President, Vice Chair and eight other members. All Committee members must be paid up members of the Club and aged 18 years or older. A maximum of five (in the order of longest serving) Life Members may attend committee meetings and have the right 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 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 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 Chair 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.
- 7.4 Committee meetings shall be held at least once every 8 weeks and the quorum at such meetings shall be five persons. At each meeting the Committee shall receive reports from the Head Coach and committee members, plus any other business. The Chair and/or 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 two days' notice of a meeting either orally or by email. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chair (or the acting Chair of that meeting) shall have a casting or additional vote.) The Secretary, or in his/her 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 Chair. 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 three 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 but shall not count when establishing 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 be chaired by a member of the Committee, who may co-opt, as necessary, from the Club membership for the purpose of carrying out the duties delegated to the sub-committee. The Chair of the sub-committee shall conduct the business in accordance with the directions of the Committee and shall report the proceedings to the full 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 the 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 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 Swim England Membership Department. 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 form, which is to be found on the membership renewal form.
- 7.10 The Committee shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.
- 7.11 Committee members are required to declare any personal interest in issues discussed at Committee meetings. Any Committee member declaring such interest may, at the discretion of the other Committee members, be asked to leave the meeting for the duration of the issue, so that meaningful discussion can take place and a decision made.
- 7.12 The Committee shall appoint a Head Coach who will work closely with the Committee to determine, arrange and supervise a programme of teaching to swim, stroke development and competition activities to cater adequately for all levels of ability. The Head Coach shall prepare regular reports for the attention of the Committee at all its meetings.

- 7.13 At the last Committee meeting prior to the AGM the club captains shall be decided. The Head Coach shall make recommendations to the Committee and the Committee shall select the appointments. The positions are held for one year, but swimmers may be elected for further terms of captaincy.

## 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 President. A President or Vice President need not be a member of the Club 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 Swim England.
- 8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, 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 their ordinary membership of the Club. Such honorary members and Life 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 during November of each year on a date fixed by the Committee. Notice of the AGM date and venue shall be advised to members by a notice exhibited to members at least 14 days prior to the date given.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
- 9.2.1 To receive the Chair and other officers' reports 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 financial year, 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 elect the Executive Officers and other members of the Committee.
- 9.2.4 To remove and elect the independent examiner, or confirm that he/she remains in office. The independent examiner must not be a member of the Committee or a member of the family of a member of the Committee.
- 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 seconder to the Secretary not later than 7 days prior to the meeting. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election. Notice of any resolution proposed to be moved at the AGM shall be given in writing to the Secretary not later than 7 days prior to the meeting.

## 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 Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than 7 members entitled to attend and vote at a General Meeting or, if greater, such number as represents one-tenth in number of such members, stating the purposes for which the meeting is required and the resolutions proposed.

## 11. Procedures at the Annual and Special General Meetings

- 11.2 The quorum for an Annual or Special General Meeting shall be 12 or 10% of the voting membership whichever is the greater. In the event that a quorum is not present, the Secretary shall arrange for another date, within 28 days, for the AGM to take place. If a quorum is still not present, then the meeting will continue, provided that the club officers and committee (as listed in Rule 7.1) are in attendance.
- 11.3 The Chair, or in the Chair's absence a member appointed 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 Chair shall have a casting or additional vote.

Only paid up members who have reached their 16<sup>th</sup> birthday shall be entitled to be heard and to vote on all matters. 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 Chair as matters concerning juniors.

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

11.5 The Chair shall, at all General Meetings, have unlimited authority upon every Question of Order and shall be for the purpose of such Meetings 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 the resolution(s) are carried by a majority of at least two thirds of members present and entitled to vote at the General Meeting provided that nothing in such alterations shall prejudice the club's status as a Community Amateur Sports Club under existing statutory requirements. No amendment to the rules shall become effective until such amendment shall have been submitted to and validated by such person that is authorised to do so by Swim England East Midland Region.

## **13. By-Laws**

13.1 The Committee shall have power to make, repeal and amend such by-laws as it may from time to time consider necessary for the wellbeing of the Club, which by-laws, providing that nothing in such alterations shall prejudice the Club's CASC status under existing statutory requirements. Repeals and amendments shall remain in effect until set aside by the Committee or at a General Meeting.

## **14. Finance**

14.1 The funds of the Club cannot be used for the direct or indirect private benefit of its members other than as reasonably allowed by this Rule.

14.2 All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. Cheques will be signed by two of the three signatories who shall be the Chairperson, Secretary or Treasurer. Any monies not required for immediate use may be invested as the committee in its discretion think fit.

14.3 If the Committee decides to operate all or part of its financial matters on internet banking it shall first discuss the process with the relevant bank and as a minimum shall make provision, in conjunction with the bank, to ensure that two of the aforesaid signatories shall approve the payments made by the Club through the internet.

14.4 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 or third parties other than other community or sports clubs or charities

14.3 The Committee shall have the 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 such manner as the Committee deems appropriate.

14.5 The financial year of the Club shall be the period commencing on 1<sup>st</sup> October and ending on 30<sup>th</sup> September. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 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 a General Meeting.

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

**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 for the general upkeep of the Club or with the prior approval of a General Meeting for any other expenditure, additions or improvements. [up to such limits on borrowing as may be laid down from time to time by the General Meeting]

15.2 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. Winding Up**

16.1 The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened General Meeting.

16.2 Committee will then be responsible for the orderly winding up of the Club's affairs.

16.3 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.

16.4 Upon dissolution of the Club any remaining assets shall be given or transferred to another registered CACS, a registered charity or Swim England for use by them in related community sports.

**17. Priority**

17.1 Interpretation of all the Rules must be consistent with the statutory requirements for CASCs.

**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.