

**CONSTITUTION OF  
TYLDESLEY SWIMMING AND WATER POLO CLUB**

**1. Name**

1.1 The name of the Club shall be Tyldesley Swimming and Water Polo Club.

**2 Objects**

2.1 The objects of the Club shall be the teaching, development and practice of swimming and water polo, the promotion of competitions and championships for its members and entry into competitions and championships at Local, County, Region National and International level in the furtherance of these objects:

2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of age, sex, ethnic origin, religion, disability or political persuasion, on any grounds.

2.1.2 The Club shall implement the ASA Equal Opportunities policy.

2.2 The Club shall be affiliated to the ASA North West Region and the Lancashire County Water Polo and Swimming Association and shall adopt and conform to the rules of those Associations 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 Laws, Regulations and Technical Rules of the ASA ("ASA. Laws") and in particular:

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

2.3.2 the Club shall in accordance with ASA Laws adopt the ASA Child Safeguarding Procedures and shall recognise that the welfare of children is everyone's responsibility and that all children and young people have the right to have fun, be safe and be protected from harm;

2.3.3 Members of the Club shall in accordance with ASA Laws comply with the ASA Child Safeguarding Procedures.

2.4 By virtue of the affiliation of the Club to the ASA North West Region the Club and all members of the Club acknowledge that they are subject to the laws, rules, regulations and constitutions of:

2.4.1 The Lancashire County Water Polo and Swimming Association, and

2.4.2 ASA North West Region

2.4.3 The ASA (to include the ASA/loS Code of Ethics)

- 2.4.4 British Swimming (in particular the Doping Control Rules and Protocols and Disciplinary Code); and
- 2.4.5 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 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 the ASA and the relevant ASA 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, President, Vice Presidents, technical and non technical officials, temporary members and verifiers or tutors of the ASA’s educational certificates.
- 3.3 Any person who wishes to become a member of the Club must submit a signed application to the Club (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.
- 3.4 The Committee or such authorised person(s) 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 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 ASA North 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 The Club shall not refuse an application for membership on discriminatory grounds, whether in relationship to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation.
- 3.6 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or 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. An appeal against a decision to refuse membership may be made to an independent panel, appointed for that purpose by the Committee and any decision shall be made by a majority vote and shall be final.

- 3.7 All membership shall be renewed on an annual basis through the process of re-application not later than 1st January.
- 3.8 The category of membership shall be decided in accordance with:
- 3.8.1 Senior Members who shall be not less than 18 years of age. Senior Members shall have the right to vote at General Meetings, to hold office and be elected to the Committee. Senior Members shall not be allowed to attend meetings of the Committee, or vote at Committee Meetings unless elected to or by invitation of the Committee.
  - 3.8.2 Junior members who shall be less than 18 years of age, shall not be allowed to hold office, attend meetings of the Committee, unless by invitation of the Committee or vote at Committee or General Meetings.
  - 3.8.3 Life Members, who shall be elected at the Annual General Meeting on a recommendation made by the Committee in recognition of outstanding services rendered to the Club. Life Members shall have the right to vote at General Meetings, to hold office and be elected to the Committee. Life Members shall be allowed to attend meetings of the Committee without the power to vote (unless elected to the Committee or hold office). Such Life Members must be included in the Club's annual return as to membership.
  - 3.8.4 Honorary Members, who shall be elected at the Annual General Meeting on a recommendation made by the Committee in recognition of support or services rendered to the Club. Honorary Members shall be entitled to all the privileges of membership including the right to vote at General Meetings, to hold office and be elected to the Committee. Such Honorary members must be included in the Club's annual return as to membership.
  - 3.8.5 Associate Members, who shall be entitled to all the privileges of membership including the right to vote at General Meetings, to hold office and be elected to the Committee. Such Associate members must be included in the Club's annual return as to membership.
  - 3.8.6 Temporary Members, who are individuals granted temporary membership by the ASA by virtue of their participation in specific event(s) organised by the Club in conjunction with a club, body, association or organisation under the provision of the ASA Regulations on temporary membership.

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

- 4.1 The annual subscription and coaching fees shall be determined from time to time by the Committee on a recommendation received from the Committee and the Committee shall in so doing make special provision for different classes of membership as the Committee shall determine.
- 4.2 The annual subscription fee shall be due on joining the Club and thereafter on the 1<sup>st</sup> January each year.

- 4.3 Any member whose subscription is unpaid by the 1st February shall be suspended by the Committee from all club activities, 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 ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.
- 4.5 The Committee shall have the power in special circumstances to remit the whole or part of the fees, including the ASA 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/her resignation. A member's resignation shall only take effect when agreed by the Committee, when there is no outstanding financial commitment or disciplinary action outstanding against the individual, when all perpetual trophies held by the individual have been returned and 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 a member whose subscription has not been received by 1st April 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 to him/her or sent by post to his/her last known address.
- 5.4 The ASA Membership Department shall be informed should a member resign when 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 best interests of the Club for the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rule 6.3 and Rule 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.
- 6.3 The Club shall comply with the requirements and procedures of Judicial Rules and Regulations for handling all internal Club Disputes, as the same may be revised from time to time.
- 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 dispute 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(s) 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 it shall be dealt with in accordance with the appropriate Judicial Rules and Regulations.
- 6.6 The Officials in charge of a particular event shall be responsible for the discipline. If further action is required this is to be referred to the Internal Disputes procedures as laid down in the ASA Judicial Laws and Regulations.

## **7 Committee**

- 7.1 The Committee shall consist of a President, Vice Presidents (4), Secretary, Treasurer, Water Polo Secretary, Age Group Secretary, and up to fifteen elected persons all of whom must be members of the Club. All Committee members shall be not less than 18 years of age.
- 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 ASA Child Safeguarding courses. The Welfare Officer will have a right to attend Committee meetings without a power to vote.
- 7.3 The Officers and Committee members, seconded and elected at the AGM each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the President has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Officers and members of the Committee shall be eligible for re-election.
- 7.4 Committee meetings shall be held not less than once a month, save where the Committee itself shall by a simple majority resolve not to meet and the quorum of that meeting shall represent not less than a simple majority of the Committee members, to include not less than one Officer. The President 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 written notice of a meeting. Decisions of the Committee shall be made by a simple majority and in the event of equality of votes the President (or the acting chairman of that meeting) shall have a casting or additional vote. The minutes of the meetings shall be taken by the Secretary. The Secretary, or in his/her absence a member of the Committee, shall take the 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 to such other date and time as may be determined by the President. If a quorum is not present at the adjourned meeting those Committee members attending may act for the purpose of calling a Special General meeting of the members, to which the provisions as to the minimum notice contained in Rule 10.2 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 not be counted in establishing whether a quorum is present. Co-opted members shall not be less than 18 years of age.
- 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-committee shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.8 The President, Treasurer and Secretary shall be ex-officio at all sub committee meetings.
- 7.9 No paid officials shall be members of the Committee.
- 7.10 Any member of the Committee not attending three meetings in succession without tendering an apology shall no longer be a member of the Committee.
- 7.11 The Committee may allow Senior Member(s) by invitation of the Secretary to attend their meetings as observers without the power to vote.
- 7.12 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 the members of the Club.
- 7.13 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 members at the Annual General Meeting.
- 7.14 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.
- 7.15 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 ASA Membership Department. The Club shall make an annual return to the ASA Membership Department indicating whether or not an entry has been made on the prescribed form, which is to be found on the membership renewal form. The Accident Book shall be retained for a period of at least three years following the last entry.
- 7.16 The Committee shall have the power to make regulations and to settle disputed points not otherwise provided for in this constitution.
- 7.17 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least six years.

- 7.18 The Committee shall appoint as and when required a Welfare Officer who shall not be a member of the teaching or coaching staff or a member of the family of an Officer, committee member or the teaching and coaching staff or a Team Manager. The Welfare Officer shall not be a member of the committee and shall report to the Committee on all aspects of welfare concerning members of the club.
- 7.19 At the first Committee meeting following the Annual General meeting the Committee shall appoint the delegates to attend the Council meeting of the ASA North West Region, the Lancashire County Water Polo and Swimming Association and such other bodies and associations to which the Club is affiliated, as required.
- 7.20 At the first Committee meeting following the Annual General meeting the Committee shall appoint from among its Senior Members any additional roles/responsibilities, required to those determined at the AGM and those of Rule 7.19, that are required for the running of the club. These additional roles/responsibilities shall be as listed in the Club Byelaws.

## **8 Life and Honorary Membership**

- 8.1 Any nominations for Life Membership or Honorary Membership shall be submitted to the Committee prior to the September meeting for discussion and recommendation by a Vice Presidents sub-committee prior to the October meeting. Nominees recommended by the sub-committee and subsequently approved by the Committee at the October meeting shall be put forward for election at the Annual General Meeting in accordance with Rules 3.8.3 and 3.8.4.

## **9 Annual General Meeting**

- 9.1 The Annual General Meeting of the Club shall be held a date in November. The venue and time of the Annual General Meeting shall be fixed by the Committee.
- 9.2 The purpose of the AGM is to transact the following business:
- 9.2.1 to receive the President's report;
  - 9.2.2 to receive the swimming, water polo and social reports;
  - 9.2.3 to receive and consider the accounts of the Club for the previous year and report on accounts of the independent examiners and the Treasurer's report as to the financial position of the Club;
  - 9.2.4 to remove and elect the independent examiner(s) who must not be a member of the Committee, or a member of the family of a member of the Committee, or confirm that the independent examiner(s) remain in office;
  - 9.2.5 to elect the Officers, these being the President, Secretary. Treasurer and other members of the Committee;
  - 9.2.6 to elect the Club Captains.
  - 9.2.7 to decide on any resolution, which may be duly submitted in accordance with Rule 9.3;

9.2.8 To receive recommendations from the coaching staff for the competitions in which the Club will take part.

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 twenty-one days prior to the date of the meeting. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election. The nomination form shall contain the signatures of the proposer and seconder. Notice of any resolution, proposal or nomination to be moved at the AGM shall be given in writing to the Secretary not later than twenty-one days before the date of the meeting.

## **10 Special General Meeting**

10.1 A Special General Meeting may be called at any time by the Committee.

10.2 A Special General Meeting shall be called by the Club within twenty eight days of receipt by the Secretary of a requisition in writing signed by not less than seven members entitled to attend and vote at General Meeting stating the purposes for which the meeting is required and the resolutions proposed.

10.3 A Special Meeting shall be called in response to a resolution to that effect passed at the Annual General Meeting or at any other Special General Meeting.

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

11.1 The Secretary shall personally be responsible for making available to each member a written notice of the date, time and place of the Annual General Meeting together with the closing date for receipt of any resolutions, proposals or nomination to be considered thereat not less than 28 days before the date of the meeting. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The notice of the meeting shall in addition be displayed on the Club Notice.

11.2 The Secretary shall personally be responsible for making available to each member a written agenda for a General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting and in the case of the Annual General Meeting a copy of the reports to be considered, a list of nominees for the Committee posts and other positions and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication.

11.3 The quorum for the Annual and Special General Meetings shall be ten members entitled to attend and vote at the meeting including at least one Officer.

11.4 The President, or in the President's 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 President shall have a casting or additional vote.

- 11.5 Only paid up Senior Members shall be entitled to be heard and to vote on all matters. Junior Members shall be entitled to be heard on those matters determined by the President.
- 11.6 The Secretary, or in his/her absence a member of the Committee, shall take the minutes at the Annual and Special General Meetings.
- 11.7 The President shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

## **12 Alteration of the Rules and Other Resolutions**

- 12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two thirds of the members present and entitled to vote at the General Meeting. No amendment(s) to the rules shall become effective until such amendment(s) have been submitted to and validated by the ASA North West Region or at a later date decided by the meeting.
- 12.2 Any member not less than 18 years of age shall be entitled to put any proposal for Consideration at any General meeting provided the proposal in writing shall have been posted to the Secretary of the Club (so as to be received by him/her not later than 21 days before the date of the meeting in the case of the Annual General 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 and Rule 11.2.

## **13 Emergency Decisions**

- 13.1 The President has power to give decisions on any question arising, which requires urgent attention. The Secretary to consult with the President and carry out such decisions.
- 13.2 Any decisions taken under Rule 13.1 shall be reported to the next meeting of the Committee and recorded in the minutes of the meeting.

## **14 By-Laws**

- 14.1 The Committee shall have the 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, these by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

## **15 Finance**

- 15.1 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 the Treasurer and countersigned by one of the three other signatories who shall be the President, Secretary and a nominated Vice President. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

- 15.2 The income and property of the Club shall be applied only in the 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 except as set out in Rule 17.3.
- 15.3 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 person or persons for services rendered to the Club.
- 15.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee think fit.
- 15.5 The financial year of the Club shall be the period commencing 1<sup>st</sup> September and ending 31<sup>st</sup> August. Any change to the financial year shall require the approval of the members in a General Meeting.
- 15.6 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least six years.

## **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 considered 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 should 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 discharge of debts and liabilities of the Club shall be given to other non-profit making organisations having objects similar to those of the Club for furtherance of such objects nominated by the last Committee.

## **18 Acknowledgement**

18.1 The Members acknowledge that this Constitution is a legally binding contract to regulate the relationship of the members with each other and the Club and have signed accordingly.

September 2010.