

**Constitution of**  
**Paignton Amateur Swimming and Life Saving Society.**  
**As at the 3<sup>rd</sup> March 2020.**

**1. Name**

The name of the club shall be Paignton Amateur Swimming and Life Saving Society. But is also commonly known as Paignton Swimming Club.

**2. Objects**

2.1. The objects of the club shall be the objects of Swim England and the teaching, development and practice of swimming and water polo for its members and shall where appropriate, be to compete in both. In furtherance of these objects.

2.1.1 The club is committed to treating everyone equally within the context of its activity and due respect to the difference 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 Southwest Region & Devon County Amateur Swimming Association (and shall adopt and conform to the rules Swim England Southwest Region) and such other bodies as the club may determine from time to time.

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

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

2.3.2. the club shall in accordance with Swim England Regulations adopt the Swim England's Child Safeguarding Policy and Procedures ("Wavepower"); and shall recognize 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 Southwest Region, 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 Southwest Region and Devon County ASA, and any other bodies to which we may be affiliated.

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

2.4.3 British Swimming (in particular its Doping Control 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 clubs activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, Officers, patrons, presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of Swim England's educational certificates.
- 3.3 Paid instructors, teachers and coaches who are not members of the Club must be members of a body which accepts that its members are bound by the Swim England's Code of Ethics, Swim England Regulations relating to Wavepower and those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.
- 3.4 Any person who wishes to become a member of the club must submit a signed application to the membership secretary (and in the case of a junior swimmer, the application must be signed by the swimmer's parent or guardian). Election to membership shall be at the discretion of the committee or Membership Secretary authorized by the committee.

The committee or 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 comprised of not less than three members (Who may or not may not be members of the committee). The Review Panel shall include one independent member nominated by the Swim England Southwest Region. The member 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, 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 member's subscription and coaching fees 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. 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.
- 4.2 The annual subscription shall be due on joining the club and thereafter on the 1<sup>st</sup> day of January each year. The annual subscription for a new member joining during the year will be on a pro rata basis of 1/12<sup>th</sup> of the annual fee for each month of the year remaining plus the levies imposed by Swim England, Swim England South West region, and Devon County A.S.A., will also be payable; whilst these fees are still payable to Swim England, when registering new members, plus the Clubs joining fee.
- 4.3. Any member, whose subscription is unpaid by a date falling 30 days after 1<sup>st</sup> January will be deemed as no longer wishing to be a member. Their membership will be suspended and will be suspended from all club activities, until an application in writing to the committee: or its designated Membership secretary is made for membership. Any application will be reviewed by the designated officer or at the next normal committee meeting. Places will not be kept open. Any Member, who is accepted to rejoin in this manner, will be subject to a Late payment Fee, the amount to be determined at the AGM.
  - 4.3.1. In the case of new members, subscription is due on their 1<sup>st</sup> swim, any one not paying 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. All new Members will be subject to a joining fee as determined by the AGM.
  - 4.3.2. Members whose monthly session fees or other monies, are more than 2 months in arrears will be excluded from all club sessions until all outstanding monies are paid or arrangements made to the satisfaction of the clubs treasurer.
  - 4.3.3. Volunteer membership- This type of membership is to encourage people to become helpers & volunteers and to participate at all levels of the club, whilst removing the financial disincentive to take up membership. All fees due to Swim England, Swim England Southwest Region etc. will be met by the club. Members holding this type of membership will not have voting rights or be able to sit on the clubs committee other than in a non-voting, advisory capacity.
  - 4.3.4 Student membership is only open to university students and will be of a non-voting, non-Competitive Member type and is not applicable for members in any other form of education they will also not be able to sit on the clubs committee other than in a non-voting, advisory capacity.  
Family membership only covers direct family members, children must be under 18 years of age, unless in full time education, when they may still be included as family members until the end of the year in which they are 19 years old.

- 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 membership subscription is more than one (1) calendar months in arrears shall be deemed to have resigned. Where the membership of a 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 or email 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.
- 5.5. A swimming member, not attending sessions for more than 4 weeks without notification to the club either during or prior to a period of absence, is liable to have their place filled & be removed from membership of the club. All reasonable efforts using registered contact details will be taken to contact the member or their representatives before this action will be sanctioned by the committee. If no contact is successful a letter , email or text will be sent to their last registered address contact information held on the clubs systems, informing them of the decision and giving them 2 weeks notice and reminding them to stop all standing orders or other payments to the club from that date.

## **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 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 Procedures”) as the same may be revised from time to time. (A copy of the procedures may be obtained from the Swim England website, Swim England Handbook or from the Office of Judicial Administration).
- 6.4 A member may not be expelled or (subject to Rule 6.5 below) be made the subject of any other penalty unless the panel hearing the complaint shall, by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.5. The officers of the club (or any person to whom the committee shall delegate this power) may temporarily suspend or exclude a member from a particular training session and/or wider club activities, when in their opinion, such an action is in the interests of the club. Where such action is taken the complaint will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

## **7 Officers and Committee.**

- 7.1. The committee shall consist of the Chairman, Vice Chairman, Secretary, Treasurer (together “the executive officers of the club”) and up to 9 elected members all of whom must be members of the club. All committee members must be not less than 18 years of age, though the committee may allow younger members to attend their meetings as observers without the power to vote. Please also refer to 13.4.
- 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; if not on the committee, will have a right to attend Committee meetings without a power to vote.
  - 7.2.1 The Committee shall also appoint a Volunteers organiser & such secretaries as are required to manage specific activities of the club.
- 7.3. The Executive Officers and 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 and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the committee. Retiring officers and members of the committee shall be eligible for re-election.
  - 7.3.1 Officers & Committee members are only eligible for reelection if they have attended 50% of all committee meetings during the previous twelve (12) months. Officers & Committee members who fall into this category may be re-elected to the committee by the members present at the Annual general meeting if they deem it appropriate and if no other more suitable persons are willing to stand.

7.4. Committee meetings shall be held not less than 4 times a year; normally on the first Tuesday of each month, with the option of an extra meeting directly after the AGM. There will not normally be a meeting in August. The Chairman and the Secretary shall have discretion to call further meetings of the committee if they consider it to be in the interest of the club. The Secretary shall give all members of the committee not less than 7 days notice of a meeting (this maybe verbally or electronically). Decisions of the committee shall be by simple majority, and in the event of equality of votes the Chairman (or the acting Chair of that meeting) shall have the casting or additional vote. The Secretary, or in his absence, a member of the committee shall take minutes.

7.4.1 In the event of the full committee not being present a Quorum may be called. The quorum must consist of at least 50% of the committee eligible to vote and include not less than one Executive Officer. Persons present to elect a chairman and secretary for the purposes of that meeting.

7.5. In the event that a quorum shall not be present within thirty minutes of the published start time, then the 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 shall not be present at the adjourned meeting then the committee may act for the purpose of calling a Special General meeting of the members with 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 (3) 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.

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 purpose 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 shall be examined by an independent examiner to be appointed by the members in General Meeting. The committee is responsible for ensuring that minutes of meetings are recorded.

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/club 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 in the prescribed online form.

7.10.1 Records will be kept for a minimum of 20 years, or for as long as legislation dictates. Records will be kept by the club secretary, who will ensure relevant data protection.

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

- 7.12 Financial records and minutes of meetings must be held on record for a minimum of six (6) years as hard (paper) copy, and be freely available to all members on request. Records will be held by the club secretary or club treasurer, for their relevant sections as appropriate. Hard copies will be held for the above time and electronically thereafter for as long as is practicable.

## **8. Ceremonial Positions and Honorary Members/Life Members**

- 8.1. The Annual General Meeting of the club, will elect a President (who may also be a serving committee member) and if it thinks fit may elect a Vice-President. The President and /or the Vice-President need not be a member of the club prior to election and on election shall be an, 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. The term of the President and /or the Vice-President will normally be of one year, and the office of President Elect shall become operative during the 12 months preceding the retirement of that President and /or the Vice- President. The club may also elect a Vice –president as an honorary mark of thanks to a long serving club member.
- 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.
- 8.3 Once created by the Committee, honorary and/or Life membership categories may only be removed (notwithstanding that persons may hold these categories of membership) at an Annual General Meeting of the Club, when it shall be properly proposed in accordance with these Rules.
- 8.4 A minimum of 14 days in advance of the Annual General Meeting, the Committee shall write to all holders of honorary and/or Life membership effected by the above proposal drawing the proposal to his/her/their attention and inviting him/her/them to attend the Annual General Meeting.
- 8.5 Where the effected holder or holders of the honorary and/or Life membership do not attend the Annual General Meeting, the Chairman may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by show of hands OR secret ballot.

## **9. Annual General Meeting.**

9.1. The Annual General Meeting of the club shall be held each year during November, the date of which shall be fixed by the committee. This will normally be the Tuesday immediately following the Third Saturday of the month.

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

9.2.1. To receive the Chairman's and the Secretary's report of the clubs activities 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 the dissolution of existing honorary and/or Life membership categories

9.2.6. To decide on any resolutions 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 seconder to the Secretary not later than 21 days before the Annual General 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 Annual General Meeting shall be given in writing to the Secretary not less than 21 days before the Annual General 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 Secretary within 28 days of receipt by the secretary of a requisition in writing signed by not less than 9 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 purpose for which the meeting is required and the resolutions proposed.

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

11.1 The Secretary shall personally be responsible for notifying members of the date, time and place of the General Meetings, 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 notice of the meeting and list of the nominees shall be displayed on the club notice board and sent electronically by email.

11.2. The quorum for the Annual General Meeting and Special General Meeting shall be 7 members entitled to attend and vote at the meeting.



- 11.3. The Chairman, Vice Chairman, or in their absence, a member selected by the committee, shall take the chair. Each member 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 vote 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 Chairman as matters concerning Juniors; such as the election of Club Captains.

- 11.4. The Secretary, or in his absence a member of the committee, shall take the minutes at the Annual General and Special General meetings.
- 11.5. The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the club.

## **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 such person as is authorised to do so by the Devon County ASA/Swim England South West Region.

12.2. Any member shall be entitled to put any proposal for consideration at any General meeting provided the proposal in writing shall have been handed 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 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 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 which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

For more information please see the see Swim England Annexes 1, 2 and 3 at the link below <https://www.swimming.org/swimengland/becoming-a-members-club/>

13.2 It shall be the prerogative of the Committee or their representative, to decide the eligibility of all entrants for Club Competitions (e.g.:- Championships, Secondaries, Rainbow, etc.), this will normally be the first named Club on the swimmers Swim England registration form.)

13.2.1 That no member shall be eligible to compete in any event or receive any prizes unless all their liabilities; membership subscriptions and session fees, to the Society are paid and that they shall have been a member for 60 days prior to the closing date of any competition.

- 13.3 Swimmers, who the Head Coaches have deemed suitable, are liable to be entered en bloc for specific Open Meets or Events. These events will have been advertised on the Club notice board and squad entries specified. Swimmers or their Parents will be liable for and billed for all entry fees.
- 13.4 The clubs senior coach is not necessarily required to be a committee member or attend all meetings. But is eligible to become a member of committee if he is willing to stand and is so elected by the members of the club at the AGM. Upon election he will assume the same responsibilities as other committee members. Paid coaches may be asked to leave the meeting and will be declined a vote on any matters involving payment or in matters which may result in profitability for them. The same rule applies to matters concerning employment or other disciplinary proceedings and or complaints. However they will be able to defend them selves accordingly.

#### **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, Vice-Chairman and Treasurer. Signatories may only be changed at the AGM or a special General Meeting. Any monies not required for immediate use may be invested as the committee in its discretion think 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 member 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 appropriately recorded by the Treasurer in such a manner as the Committee think fit.
- 14.5. The financial year of the club shall be the period commencing 1<sup>st</sup> October and ending on 30<sup>th</sup> September.
- 14.6 The Committee shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years.
- 14.6.1 As related at 7.12.  
Financial records and minutes of meetings must be held on record for a minimum of six (6) years as hard (paper) copy, and be freely available to all members on request. Records will be held by the club secretary or club treasurer, for their relevant sections as appropriate. Hard copies will be held for the above time and electronically thereafter for as long as is practicable.

## **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 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 less than two but 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 resolution shall be included in the resolution.
- 17.2. The dissolution shall take effect from the date of the resolution and the members of the Committee shall be responsible for the winding up of the assets and liabilities of the club.
- 17.3. Any property remaining after the discharge of the debts and liabilities of the club shall be given to a charity or charities (or other non-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.
- 18.2 The following statement must appear on Club membership forms and is to be signed by the member. It 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 Paignton Amateur Swimming and Life Saving Society 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.”***

Dated 3<sup>rd</sup> March 2020.