



Nottingham Northern Swimming Club
Beechdale Swimming Centre
Beechdale Road
Bilborough
Nottingham
NG8 3LL
www.northernsc.co.uk

Nottingham Northern Swimming Club Club Constitution

Updated in line with ASA November 2013

1. Name

- 1.1 The name of the Club shall be Nottingham Northern Swimming Club.
- 1.2 The club colours shall be red white and blue.

2. Objects

- 2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular promote the teaching, development and practice of swimming and where appropriate 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, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds. The club shall implement the ASA Equal Opportunities Policy.
 - 2.1.2 The Club believes 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 and all members of the club will comply with the ASA Child safeguarding procedures.
 - 2.1.3. All members of the club and their parents and guardians will abide by the NNSC Code of conduct
- 2.2 The Club shall be affiliated to Amateur Swimming Association East Midland Region (and shall adopt and conform to the rules of that association) and such other bodies as the Club may determine from time to time.
- 2.4 By virtue of the affiliation of the Club to East Midland Region the Club and all members of the Club acknowledge that they are subject to the laws and rules, and constitutions of:
 - 2.4.1 ASA East Midland Region and
 - 2.4.2 the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and
 - 2.4.3 British Swimming (in particular its Doping Control Rules and Protocols and Disciplinary 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.



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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 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, whether employed, self-employed or voluntary, Committee members, helpers, Honorary members, life members, officers, patrons, presidents, technical and non-technical officials, temporary members, vice presidents 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 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 in the discretion of the Committee or other person(s) authorised by the Committee. 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 (who may or may not be members of the committee). The review panel shall wherever practicable include one independent member nominated by the ASA East Midland region. The person refused membership shall be entitled to make representations to the Review Panel whose decision shall be final and binding.
- 3.4 The club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, sex, religion, disability, political persuasion or sexual orientation.
- 3.5 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 by the Club to the applicant for membership.

4. Subscription and Other Fees

- 4.1 The annual member's 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 or the annual general meeting shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club, paid monthly with the coaching and squad fees.
- 4.3 Any member whose monthly subscription is unpaid by after three months from when it is due 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 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 at the Annual General meeting and other current communication methods with the reasons for any increase reported to the members at the next Annual General Meeting.



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4.5 The Executive officers shall have the power in special circumstances to remit the whole or part of the fees, including the ASA membership fees, to address the 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 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 shall be informed in writing that he is no longer a member by notice handed to him or sent by post to his last known address.

5.4 The ASA Membership Department shall be informed should a member resign when still owing money or goods to the club.

6. Expulsion and other Disciplinary action

6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for him/her 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 fees 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 Rules for handling Internal Club Disputes ("the rules") as the same may be revised from time to time. The Rules are set out in the ASA Judicial Laws and appear in the ASA Handbook. (A copy of the current Rules may be obtained from the ASA Department of Legal Affairs.)

6.4 A member may not be expelled or (subject to Rule 6.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall unanimously vote in favour of the expulsion of (or other penalty imposed upon) the member.

6.5 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion; such action is in the interests of the Club. Where such action is taken, the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

7. Committee

7.1 The Committee shall consist of up to 15 members. This must include a Chairman, Secretary, Treasurer, (the "Executive Officers" of the club), and to include the roles of President, Welfare Officer, Gala Fixtures Secretary, and Membership Secretary". All Committee members must be members of the club and not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings as observers without power to vote.



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- 7.2 The appointed Welfare Officer who must not less than 18 years of age, who should have an appropriate background and is required to undertake appropriate training in accordance with ASA Child safeguarding courses.
- 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 at the close of the meeting. Any casual vacancy occurring by resignation or otherwise may be filled by the Committee but any member so chosen shall retire at the next Annual General Meeting but shall be eligible for re-election at that meeting
- 7.4 The Committee shall appoint a Chief Coach. He/She shall be co-opted to the Committee and shall have voting rights. The Chief Coach and Committee shall determine, arrange and supervise a programme of teaching to swim, stroke development, and competition activities to cater adequately for all levels of ability.
- 7.5 Committee meetings shall be held at least every 8 weeks and the quorum of that meeting shall be five persons. (To include not less than one Executive Officer) At each meeting, the Committee shall receive a report from each of the Officers plus any other business. The 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 two days notice of the meeting. Decisions of the Committee shall be made by a simple majority [and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote. The Secretary, or in his absence a member of the Committee, shall take minutes.
- 7.6 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.
- 7.7 In addition to the members so elected the Committee may co-opt further members of the Club, up to 15, 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.
- 7.8 The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees) and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.9 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.
- 7.10 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.
- 7.11 Any accident that occurs during the period of hire shall be also the Accident Book of the Establishment where the incident took place; a copy of the report sheet shall be given to the Club and brought to the committee. All



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members have a Duty of Care to inform the club of such incidents. Details of such accidents shall be reported to the ASA Membership Department. The Club shall make an annual return to the ASA membership department indication whether or not an entry has been made in the prescribed form, which is to be found on the membership renewable form.

7.12 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.

8. **The Appointment of Honorary Members or Life Members.**

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 their ordinary membership of the Club.

9. **Annual General Meeting**

9.1 The Annual General Meeting of the Club shall be held on a date during March or April and no later than April 31st in each year. The date, time and venue for the AGM shall be fixed by the Committee.

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

9.2.1 To receive the Chairman's report and other Officer's 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 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 family member of Committee) or confirm that they will 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 12.2.

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 prior to the start of meeting. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Notice of any resolution to be moved at the AGM shall be given in writing to the Secretary no later than one month prior to AGM.

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 seven members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.



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11 Procedure at the Annual and Special General Meetings

- 11.1 The Secretary shall personally be responsible for notifying each member of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting. Such notice shall include an agenda containing all items for discussion and decision. The secretary may distribute these materials by email or similar form of communication. The notice of the Meeting shall in addition wherever possible be displayed on the Club notice board, where one exists, and on the 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.
- 11.3 The Chairman, or in the Chairman'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 12.2. In the event of an equality of votes the 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 as matters concerning the election of swimming Club captains.

- 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 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 ASA East Midland 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 or posted to the Secretary of the club so as to be received by him no later than one month before the AGM or in the case of a Special General Meeting 14 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in rule 11.1

13. By-Laws

- 13 .1 The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the 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 moneys 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



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signatures who shall be the Chairman, Secretary, Treasurer or additional committee member who the committee feels is relevant. Any moneys 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 such manner as the Committee thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on 1st January and ending on 31st December. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The committee shall retain all financial record relating to the club and copies of all Minutes of all meetings for a minimum period of six 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 and at their own discretion up to limits on borrowing as may be laid down from time to time by the General Meeting for the upkeep of the Club with the 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 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



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- 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 special date for the dissolution shall be included in the resolution.
- 17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
- 17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be passed to a charity or charities (or other non-profit making organisation having objects similar to those of the club for the furtherance of such objects) nominated by the last Committee.

18. Liability

The Club shall not be responsible for any loss of property, injury or accident to any person, or wilful damage caused by a Member.

19. ACKNOWLEDGEMENT

The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

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