

Heckington Community Swimming Pool Constitution

1.NAME

Heckington Community Swimming Pool

1.1 CONTACT

Appointed Chairman.

1.2. TYPE OF ASSOCIATION

Voluntary Community Body

1.3. THE COMMITTEE

The Committee is comprised of a minimum of ten members of which there must be a Chairman, Deputy Chairman, Secretary and Treasurer. The Treasurer must be elected by all Members of the Committee.

2. OBJECT OF HECKINGTON COMMUNITY SWIMMING POOL COMMITTEE

To operate, maintain and promote Heckington Community Swimming Pool as a facility for the use by pupils of Heckington St. Andrews Primary School and wider community groups, organisations and the wider population within Heckington Parish and surrounding areas.

3. POWERS

Heckington Community Swimming Pool Committee has the following powers, which may be exercised only in promoting the Object.

- 3.1 To provide advice
- 3.2 To publish or distribute information
- 3.3 To co-operate with other bodies
- 3.4 To raise funds (but not by means of taxable trading)
- 3.5 To acquire or hire property of any kind
- 3.6 To set aside funds for special purposes or as reserves against future expenditure
- 3.7 To deposit or invest funds in any lawful manner.

- 3.8 To take out public liability and personal accident insurance to cover Heckington Community Swimming Pool Committee meetings, to insure Heckington Community Swimming Pool property against any foreseeable risk and take out other insurance policies to protect Heckington Community Swimming Pool where required.
- 3.9 To insure Members of the Committee against the costs of a successful defence to a criminal prosecution brought against them as charity trustees or against personal liability incurred in respect of any act or omission which is or is alleged to be a breach of trust or breach of duty (unless the Member concerned knew that, or was reckless whether, the act or omission was a breach of trust or breach of duty.)
- 3.10 Subject to clause 9.2, to employ paid or unpaid agents, staff or advisers.
- 3.11 To enter into contracts to provide services to or on behalf of other bodies.
- 3.12 To pay the costs of forming the Committee
- 3.13 To do anything else within the law which promotes the Object.
- 3.14 The Committee have the following powers in the administration of Heckington Community Swimming Pool:
 - 3.14.1 to delegate any of their functions to sub-committees, consisting of two or more persons appointed by them (but at least one member of every sub-committee must be a Committee Member and all proceedings of sub-committees must be reported promptly to the Committee).
 - 3.14.2 To make rules consistent with this Constitution about the Committee and sub-committees, to govern proceedings at general meetings and generally about the running of Heckington Community Swimming Pool (including the operation of bank accounts and the commitment of funds)

4. MEMBERSHIP

- 4.1 Members of Heckington Community Swimming Pool are members of the local community, with community interest willing to give their support to the pool voluntarily. Co-Opted Membership is also conferred to but not essential for approved and appropriately certified Lifesaver recognised and authorised by an Officer of Heckington Community Swimming Pool Committee.
- 4.2 Members of Heckington Community Swimming Pool Committee are members of the local community with community interest, willing to give their support to the pool voluntary in order to achieve the Object. Co-Opted Committee Membership is also conferred to but not essential for those members of the community who undertake

certified Lifesaver training provided by Heckington Community Swimming Pool Committee.

- 4.3 But the Committee may for good reason exclude any person from membership whose presence at or support of Heckington Community Swimming Pool is deemed a danger to the Pool or might bring Heckington Community Swimming Pool into disrepute (but only after notifying the member concerned in writing and considering the matter in the light of any written representation which the Member puts forward within 14 clear days after receiving notice.)

5. GENERAL MEETINGS

- 5.1 All Members and Committee Members are entitled to attend any Annual General Meeting (AGM) or Extraordinary General Meeting (EGM) of the Heckington Community Swimming Pool Committee.
- 5.2 General meetings are called by 7 clear days notice to the Committee Members specifying the business to be transacted.
- 5.3 There is a quorum at a general meeting if there are six Committee Members including three Officers present, one of which must be (either) the Chairman, Deputy Chairman or a nominated deputy.
- 5.4 The Chair or (if the Chair is unable or unwilling to do so) some other Committee Member elected by those present presides at a general meeting.
- 5.5 Except where otherwise provided in this Constitution, every issue at a general meeting is determined by a simple majority of the votes cast by the Committee Members present and by the number of written proxy votes received.
- 5.6 Except for the Chair of the meeting, who has a second or casting vote, every Committee Member present or who submits a written proxy vote is entitled to one vote on every issue.
- 5.7 An AGM must be held in every year (except that the first AGM may be held at any time within 18 months after the formation of the Committee.)
- 5.8 At an AGM the Committee Members and Members:
- 5.8.1 Receive the accounts of Heckington Community Swimming Pool for the previous financial year.
 - 5.8.2 Receive the report of the Committee on the activities of Heckington Community Swimming Pool since the previous AGM.
 - 5.8.3 Elect the Committee
 - 5.8.4 Appoint an independent examiner or auditor

5.8.5 May confer on any individual (with his or her consent) the honorary title of Patron, President or Vice President of Heckington Community Swimming Pool.

5.9 An EGM may be called at any time by the Committee and must be called within 21 days after a written request to the Chair or Deputy Chairman from at least 6 Members or Committee Members.

6. THE COMMITTEE

6.1 The Committee as Charity Trustees have within the boundaries of the conditions of the Lease with Heckington Parish Council control of Heckington Community Swimming Pool, its property and funds.

6.2 The Committee when complete shall comprise the Officers and the other persons set out in clause 1.3

6.3 The number of co-opted Committee Members shall not exceed 50% of the number of ordinary Committee Members.

6.4 The Committee shall be elected at the AGM and shall hold office until the next AGM but the co-opted Committee Members may be co-opted by the Committee at any time and shall hold office until the next AGM.

6.5 Nominations for election to the Committee may be made by one Member seconded by another. Such nominations must have the consent of the nominee. Nominations can be made in writing to the Chair at any time until the election process has been completed.

6.6 The treasurer to the Committee is to be elected by the whole Committee, with each Committee Member having one vote, apart from the Chair who has a second or casting vote.

6.6 A Committee Member automatically ceases to be a Member of the Committee if he or she:

6.6.1 Is an appointed Charity Trustee and is disqualified under the Charities Act 1993 from acting in this capacity.

6.6.2 Is incapable whether mentally or physically, of managing his or her own affairs

6.6.3 Resigns by written notice to the Committee (but only if at least two Committee Members remain in office.)

6.6.4 Is removed by a resolution passed by all the other Members of the Committee after inviting the views of the Committee Member concerned and considering the matter in the light of any such views.

6.7 A retiring Committee Member is entitled to an Indemnity from the continuing Committee Members at the expense of Heckington Community Swimming Pool in respect of any liabilities properly incurred while he or she held office.

7. COMMITTEE MEETINGS

7.1 There is a quorum at a Committee meeting if there are six Committee Members including three Officers present, one of which must be (either) the Chairman, Deputy Chairman or a nominated deputy.

7.2 The Chair or (if the Chair is unable or unwilling to do so) some other Committee Members elected by those present presides at a Committee meeting.

7.3 The Chair may invite such other people as he or she shall deem appropriate for a particular meeting or agenda item.

7.4 Every issue may be determined by a simple majority of proxy votes received and the votes cast at a Committee meeting but a resolution which is in writing and signed by all Members of the Committee is as valid as a resolution passed at a meeting and for this purpose the resolution may be contained in more than one document and will be treated as passed on the date of the last signature.

7.5 Except for the Chair of the meeting, who has a second or casting vote, every Committee Member has one vote on each issue

7.6 The minutes of each meeting will be circulated within four weeks of each meeting and will be made available on the Heckington Community Swimming Pool website.

7.7 The notice of a meeting with agenda and accompanying papers shall be circulated 10 days in advance.

7.8 Committee Members or Members wishing to raise agenda items are to notify the Secretary of the Committee at least 14 days before a meeting. It shall be the responsibility of the Committee Member or Member raising any such agenda item to prepare a briefing note for circulation with the agenda.

7.9 Supplementary items shall be taken at the sole discretion of the Chairman at the meeting. Any other items of business shall be notified to the Chair before the meeting and shall be at the Chair's discretion.

8. PROPERTY AND FUNDS

- 8.1 The property and funds of Heckington Community Swimming Pool must be used only for promoting the Object and in accordance with the Parish Council Lease document.
- 8.2 No Committee Member may receive any payment of money or other material benefit (whether direct or indirect) from Heckington Community Swimming Pool except
 - 8.2.1 Under clause 3.9 (indemnity insurance) and 8.2.3 (fees)
 - 8.2.2 Reimbursement of reasonable out-of-pocket expenses (including hotel and travel costs) actually incurred in the administration of Heckington Community Swimming Pool.
 - 8.2.3 In the case of an individual Member or Committee Member, charitable benefits in his or her capacity as a beneficiary subject to compliance with clause 8.3
- 8.3 Whenever a Committee Member has a personal interest in a matter to be discussed at a Committee meeting, the Committee Member must
 - 8.3.1 Declare an interest before discussion begins on the matter
 - 8.3.2 Withdraw from that part of the meeting unless expressly invited to remain in order to provide information
 - 8.3.3 Not be counted in the quorum for that part of the meeting.
 - 8.3.4 Withdraw from the vote and have not vote on the matter.

9. RECORDS AND ACCOUNTS

- 9.1 The Committee must comply with the requirements of the Charities Act 1993 as to the keeping of financial records, the audit or independent examination of accounts and the preparation and transmission to the Commission of
 - 9.1.1 Annual reports
 - 9.1.2 Annual returns
 - 9.1.3 Annual statement of account
- 9.2 The Committee must keep proper records of:
 - 9.2.1 All proceedings at General meetings
 - 9.2.2 All proceedings at Committee meetings
 - 9.2.3 All reports of sub-committees
- 9.3 Annual reports and statements of account relating to Heckington Community Swimming Pool are to be made available for inspection by any Committee Member

wishing to view them and retained for a period of 6 years. Non Committee Members may be granted access to view these documents, via The Parish Council, upon request.

- 9.4 A copy of annual reports and statements of accounts relating to Heckington Community Swimming Pool must be sent to Heckington Parish Council.

10. NOTICES

- 10.1 Notices under this constitution may be sent by hand or by post by suitable electronic means or in any newsletter distributed by Heckington Community Swimming Pool.
- 10.2 The address at which a Committee Member is entitled to receive notices (if sent by post) is the last known address of the Committee Member.
- 10.3 A technical defect in the giving of notice of which the Committee Members are unaware at the time does not invalidate decisions taken at a meeting.

11. AMENDMENTS

This Constitution may be amended at a general meeting by a two thirds majority of the votes cast, but

- 11.1 The Committee Members must be given 21 clear day's notice of the proposed amendments
- 11.2 No amendment is valid if it would make a fundamental change to the Objects or to this clause or destroy the charitable status of Heckington Community Swimming Pool.

12. DISSOLUTION

- 12.1 The Committee may be dissolved by a resolution presented at an EGM called for this purpose subject to clause 4 of the Lease document with Heckington Parish Council. The resolution must have the assent of two thirds of votes cast, whether in person or by means of a written proxy vote.
- 12.2 The net assets shall be distributed to Heckington Parish Council as per the Lease document with Heckington Parish Council.

13. INTERPRETATION

- 13.1 'AGM' means an annual general meeting of the Members of Heckington Community Swimming Pool and Committee.

Heckington Community Swimming Pool means the Premises defined in the Lease document with Heckington Parish Council.

'The Chair' means the chair of the Committee elected at the AGM.

'Charity Trustees' has the meaning prescribed by section 97(1) of the Charities Act 1993

'Clear day' means 24 hours from midnight following the triggering event.

'The Commissioner' means the Charity Commissioners for England and Wales

'Co-opted Committee Member' means a Member of the Committee appointed by the Members of the Committee in accordance with clauses 4 and 6.

'Co-opted Member' means a member of the community who may assume temporary responsibilities in association with the Premises and Object, subject to clause 4.1.

'EGM' means a general meeting of the Members of Heckington Community Swimming Pool and Committee which is not an AGM.

'Fundamental change' means such a change as would not have been within the reasonable contemplation of a person making a donation to the Association.

'General meeting' means an AGM or EGM

'Independent examiner' has the meaning prescribed by section 43(3)(a) of the Charities Act 1993

'Material benefit' means a benefit which may not be financial but has a monetary value.

'Member' and 'Membership' refer to members of Heckington Community Swimming Pool.

'Committee Member' refers to Members of Heckington Community Swimming Pool Committee.

'Months' means calendar months

'The Objects' means the charitable objects of the Association set out in clause 2

'taxable trading' means carrying on a trade or business on a continuing basis for the principle purpose of raising funds and not for the purpose of actually carrying out the Object.

'Written' or 'in writing' refers to a legible document on including a fax message and email.

'Year' means calendar year

- 13.2 References to an Act of Parliament are references to the Act as amended or re-enacted from time to time and to any subordinate legislation under it.

ADOPTED AT A MEETING HELD

At:

On:

Name:

Signature

(Name and signature of Chair of meeting)

Witnessed

Name:

Address:

Occupation

(Name, address, occupation and signature of witness)