

CLUB CONSTITUTION

RULES of Braunstone Swimming Club as of 13/10/2013

1 Name

- 1.1 The name of the club shall be Braunstone Swimming Club.

2 Objects

- 2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular the teaching and practice of swimming and competitive swimming.

In the furtherance of these objects:

- 2.1.1 The Club is committed to treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, disability or political persuasion.
- 2.1.2 The Club shall implement the ASA Equal Opportunities policy.
- 2.2 The Club shall be affiliated to East Midland Region Amateur Swimming Association (and shall adopt and conform to the rules of such association), FINA and such other bodies as the Club may determine from time to time. These shall include Leicestershire ASA and Winstanley Community College.
- 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association ("ASA Laws") and FINA 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 a 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 ASA *East Midland* Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:
- 2.4.1 ASA *East Midland* Region and
- 2.4.2 the ASA (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.

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, 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 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 ASA's Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Rules.
- 3.4 The Club shall have a mixed membership comprising of Adults and Swimming members. Adult members are expected to assist in the general running of the Club.
- 3.5 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 swimmer's parent or guardian must sign the application). Election to membership shall be in the discretion of the Committee or other person(s) authorised by the Committee.

The Committee or other person(s) authorised by the Committee 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 person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

- 3.6 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, sex, religion, disability, political persuasion or sexual orientation.
- 3.7 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, not being able to achieve the entry standards and training schedule as lay down and provided by the Club to the applicant for membership.
- 3.8 Applicants for swimming membership shall be assessed by the coaching staff (led by the Chief Coach), against the standard approved by the Committee.

4. Subscription and Other Fees

- 4.1 The annual members' subscription and squad 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.
- 4.2 The annual subscription is due in advance, on 1st September of each year and shall be paid by 30th September to retain membership.
- 4.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment 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 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 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 Membership Secretary written notice of their resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 5.3 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than two months in arrears shall be deemed to have resigned.
- 5.4 The A.S.A 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 the individual to remain a member. The club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.
- 6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee to be refunded and must return any Club or external body's trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.
- 6.3 The Club shall comply with the relevant Judicial 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 A.S.A Judicial Laws and appear in the ASA Handbook.
- 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 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 will consist of the Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") and 14 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 (eg Boy's and Girl's Captains) to attend their meetings without power to vote. All members of the Committee shall have a vote.
- 7.2 The Committee shall appoint a member of the club as Welfare Officer, who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with ASA Child Safeguarding courses. The Welfare Officer is entitled to attend Committee meetings without voting rights.
- 7.3 A Chief Coach, appointed by the Committee, shall be a member ex-officio, with voting rights.
- 7.4 The 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 members of the Committee shall be eligible for re-election.
- 7.5 Committee meetings shall be held not less than quarterly save where the Committee shall by a simple majority resolve not to meet. 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 a meeting. Decisions of the

Committee shall be made by a simple majority and in the event of equality of votes the Chairman, or acting Chairman of that meeting shall have the casting vote. The Secretary or in their absence, a member of the Committee, shall take minutes.

- 7.6 Seven voting members to include at least one Officer shall form a quorum at a Committee meeting. 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 The Committee may from time to time co-opt to the Committee any additional members when needed. Not more than two members may be co-opted to the Committee at any single meeting. Co-opted members shall be entitled to vote.
- 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 purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 7.9 The members of the Committee shall be indemnified whilst acting in accordance with ASA law, by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.
- 7.10 The Committee may appoint an Emergency Committee to consist of The Chairman, Vice Chairman, General Secretary, Treasurer and President and any other sub-committees as may be deemed necessary 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.
- 7.11 The Committee will ensure that the Club will keep and maintain an Accident Book which will be available for any inspection. Details of any accidents shall be reported to the ASA office. The Club shall make an annual return to the ASA in the prescribed form which is to be found on the membership renewal 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. Ceremonial Positions and Life Members

- 8.1 A President may be appointed by the Committee and shall hold office for a term not exceeding two years but may be re-appointed for non-consecutive further terms. The President shall become a member of the Committee with full voting rights and must be included in the Club's annual return as to membership.
- 8.2 Life Membership. The Committee shall have the power to confer honorary Life Membership on any member of the Club. Life members must be included in the Club's annual return as to membership.

9. Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year in October, at which audited accounts and Committee reports shall be submitted and general business transacted. The date, time and venue for the Annual General Meeting 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 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 Treasurer's report as to the financial position of the Club;

- 9.2.3 to appoint an independent examiner for the accounts;
 - 9.2.4 to elect the Officers and other members of the Committee;
 - 9.2.5 to decide on any proposals submitted to the meeting 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 with a proposer and seconder who shall both be aged 16 or over, to the Secretary not later than 21 days before the A.G.M. 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 no later than 21 days before the AGM.
- 9.4 Nominations for the positions of Team Captains:
- 9.4.1 shall be confined to paid-up Swimming Members and made in writing to the Secretary not later than 14 days before the AGM.
 - 9.4.2 Voting will be confined to paid-up Swimming Members of the club.
 - 9.4.3 Voting slips will be issued to all those eligible to vote. These slips must be returned to the Secretary no later than two days before the AGM.
 - 9.4.4 The result of the vote will be announced at the AGM.
- 9.5 At least 28 days notice of the Annual General Meeting will be given to all members by electronic messaging (where possible) or in writing to his/her last known address.
- 9.5.1 Any matters (apart from alteration of the Rules and other Resolutions) for discussion under Any Other Business may be submitted in writing to the Secretary prior to the AGM.
- 9.6 Amendments to the Constitution may be made at the Annual General Meeting or at a Special General Meeting. Refer to Rule 12.1
- 9.6.1 Notice of any amendment to the Constitution must be made in writing to the Secretary at least 21 days prior to the meeting.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee or at the request of twelve members, who shall be aged 16 or over, within 21 days of notice in writing to the Secretary. Eight of the twelve members must attend the Special General Meeting.

11. Procedure at the Annual and Special General Meetings

- 11.1 The Secretary shall personally be responsible for distributing to each member by electronic messaging (as agreed) or sending to his/her last known address, a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting and nominees for the Committee posts and a copy of the examined accounts if available. The Notice of Meeting shall in addition be displayed on the Club Notice Board and Club website.
- 11.2 At the meeting 12 members shall form a quorum.
- 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 vote or general agreement.
 - 11.3.1 For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.6.1. In the event of an equality of votes the Chairman shall have a casting or additional vote.

11.3.2 In the event of the Chairman being involved in any ballot, they shall stand down from the position of Chair and be deputised for that ballot by an Officer of the Club; namely the General Secretary, or in their absence, the Treasurer.

11.3.3 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 juniors, eg the election of team captains (refer to Rules in 9.4)).

11.4 The Secretary, or in their 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(s) to the Rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the County Association/ASA East Midland Region.

12.2 Any member shall be entitled to put any proposal for consideration at any Annual 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 not later than 21 days in the case of the Annual General Meeting, or in the case of a Special General Meeting, 18 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.

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 signatories who shall be the Chairman, Secretary and Treasurer. 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 transactions of the Club shall be subject to an annual audit by a suitably qualified person.

14.6 The financial year of the Club shall be the period commencing on 1st September and ending on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.

14.7 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years.

15. Borrowing

- 15.1 The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion (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 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 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 given 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. 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.