

# **CLUB CONSTITUTION**

## **RULES of Braunstone Swimming Club as of 22.06.06**

### **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 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.

**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 Protection Procedures; and

**2.3.3** members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.

**2.4** 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 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.

**3.2** 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 such authorised person(s) shall not be required to give reasons for the refusal of any application for membership.

**3.3** Applicants for swimming membership shall be assessed by the coaching staff (led by the Chief Coach), against the standard approved by the Committee.

**3.4** Life Membership. The Committee shall have the power to confer honorary Life Membership on any member of the Club.

### **4. Fees**

**4.1** The amount of the annual subscription shall be fixed by the Committee and is due in advance, on 1<sup>st</sup> September of each year and shall be paid by 30<sup>th</sup> September to retain membership. The Committee has the power to alter fees, subscriptions and payment dates at any time.

**4.2** 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.

## **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.

## **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 he or she to remain a member.

**6.2** The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines") as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook.

**6.3** 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 by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.

**6.4** 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 complaint will thereafter be dealt with in accordance with the Guidelines.

## **7. Committee**

**7.1** The Management of the Club shall be the responsibility of the Committee.

Management of the Club shall be as follows:

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|------------------|---|
| <b>Officers</b>  | The Chairman, Vice Chairman, General Secretary and Treasurer.   |
| <b>Executive</b> | Fixtures Secretary, Membership Secretary, Gala Secretary, Social Secretary, Fund-raising Secretary, Competitions Secretary, Leicestershire ASA Delegate and six other members – a total of 17 members including the Officers. |

**7.2** All members of the Committee shall have a vote.

**7.3** All Committee members must be paid up members of the club 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.

**7.3.1** Boy's and Girl's Captains are permitted to attend Committee Meetings as observers without power to vote.

**7.4** A Chief Coach, appointed by the Committee, shall be a member ex-officio, with voting rights.

**7.5** A President may be appointed by the Committee and shall hold office for as term not exceeding two years but may be re-appointed for further terms. The President shall become a member of the Committee with full voting rights.

**7.6** The Committee shall appoint a Welfare Officer, who is entitled to attend Committee meetings without voting rights.

**7.7** Seven voting members shall form a quorum at a Committee meeting.

**7.8** 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. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election.

**7.9** 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.

**7.10** 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.

**7.11** 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. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the Committee's directions.

**7.12** 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.

**7.13** 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.

## **8. Annual General Meeting**

**8.1** 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.

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

**8.2.1** to receive the Chairman's report of the activities of the Club during the previous year;

**8.2.2** 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;

**8.2.3** to elect the Officers and other members of the Committee;

**8.3** 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 14 days before the A.G.M.

**8.4** All members and parents may attend the meeting. Voting will be confined to paid up members present aged 16 and over on the day of the AGM.

**8.5.1** Nominations for the positions of Team Captains shall be confined to paid-up Swimming Members and made in writing to the Secretary not later than 14 days before the AGM.

**8.5.2** Voting will be confined to paid-up Swimming Members of the club.

**8.5.3** 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.

**8.5.4** The result of the vote will be announced at the AGM.

**8.6** At least 21 days notice of the Annual General Meeting shall be given to all members.

**8.6.1** Any matters for discussion under Any Other Business may be submitted in writing to the Secretary prior to the AGM.

**8.7** All motions shall be decided by a simple majority vote or by general agreement. Upon an equalisation of the votes the Chairman shall have the casting vote. 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.

**8.8** Amendments to the Constitution may be made at the Annual General Meeting or at an Extra-Ordinary General Meeting.

**8.8.1** Notice of any amendment to the Constitution must be made in writing to the Secretary at least 14 days prior to the meeting.

**8.9** At the meeting 25 members shall form a quorum.

**8.10** All Sub-Committees shall periodically report to the Committee.

## **9. Extra-Ordinary General Meeting**

**9.1** An Extra-Ordinary 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 Extra-Ordinary General Meeting.

## **10. Procedure at the Annual and Extra-Ordinary General Meetings**

**10.1** The Secretary, or in their absence a member of the Committee, shall take minutes at the Annual and Extra-Ordinary General Meetings.

**10.2** 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.

**10.3** No amendment to the rules or Constitution shall become effective until such amendment shall have been submitted to and validated by East Midland Region ASA.

## **11. Finance**

**11.1** All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. Any moneys not required for immediate use may be invested as the Committee in its discretion thinks fit.

**11.2** 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 13.3.]

**11.3** 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.

**11.4** The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.

**11.5** The financial transactions of the Club shall be subject to an annual audit by a suitably qualified person.

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

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

## **12 By-Laws**

**12.1** 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.

## **13. Dissolution**

**13.1** A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least 75% of the members present and entitled to vote.

**13.2** 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.

**13.3** 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.

## **14. Acknowledgement**

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