

Constitution of the City of Bradford Swimming Club

1. NAME

- 1.1. The Club shall be called 'The City of Bradford Swimming Club'.

2. OBJECTIVES

- 2.1. The Club shall have as its objectives the teaching and practice of the art of swimming and the promotion of competitive swimming.
- 2.2. The Club shall be affiliated to the ASA North Eastern Region (and shall adopt and conform to the rules of such association), the Yorkshire Swimming Association 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 Laws and Technical Rules of the Amateur Swimming Association ('ASA Laws') and in particular:
 - 2.3.1.1. all competing members shall be eligible competitors as defined in ASA Laws; and
 - 2.3.1.2. the Club shall in accordance with ASA Laws adopt the ASA Child Protection 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.
 - 2.3.1.3. members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.
- 2.4. By virtue of the affiliation of the Club to the ASA North Eastern Region the Club and all members of the Club acknowledge that they are subject to the laws and rules of:
 - 2.4.1.1. the ASA North Eastern Region and the Yorkshire Swimming Association: and
 - 2.4.1.2. the Amateur Swimming Association (to include the ASA/ IOS Code of Ethics); and
 - 2.4.1.3. British Swimming (to include in particular the British Swimming Doping Control Rules and Protocols and British Swimming Disciplinary Code): and
 - 2.4.1.4. 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
- 2.6. The Club is committed to treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, disability or political persuasion.
- 2.7. The Club shall implement the A.S.A. Equal Opportunities policy

3. MEMBERSHIP

- 3.1. Membership of the Club shall be open to swimmers and social members of both sexes, and also corporate bodies. 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. There will be four categories of membership, defined as follows:
 - 3.1.1.1. Senior swimming membership – for all those over the age of 18 who wish to compete for the City of Bradford Swimming Club. All competing members must be eligible to compete as defined by ASA laws. .
 - 3.1.1.2. Junior swimming membership – for all those under the age of 18 who wish to compete for the City of Bradford Swimming Club. All competing members must be eligible to compete as defined by ASA Laws.
 - 3.1.1.3. Rising Stars membership – for all those under the age of 12 who wish to compete in the Rising Stars gala series but who will not train with or compete with the City of Bradford Swimming Club. These members or their parent/ guardians are not eligible to vote at an AGM or EGM.
 - 3.1.1.4. Social membership – for parents, friends or other individuals interested in the objectives of the Club. (One parent or guardian of any swimmer under the age of 18 (other than 'Rising Stars' members) will be automatically offered this class of membership for the duration of the junior swimmers valid membership and will be eligible to vote on their behalf at the Annual General Meeting ('AGM'), subject to the provisions of paragraph 5 of this Constitution.)
 - 3.1.1.5. Corporate membership – for bodies or organisations who wish to become associated with the work of, or be interested in, the Club.

- 3.2. Any person or corporate body 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 (Other than 'Rising Stars' members) the application must be signed by the swimmer's parent or guardian who will be the nominated Social Member with voting rights on their behalf)). 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 Panel shall, wherever practicable, include an independent member nominated by the ASA North East Region. The person refused membership shall be entitled to make representations to the review panel. The procedure for the review shall be at the discretion of the review panel whose decision shall be final and binding..
- 3.3. The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation
- 3.4. Each member on payment of his or her subscription shall be entitled to all the privileges of the Club subject to the provisions of this Constitution.
- 3.5. No member shall be entitled to the privileges of the Club or be eligible to enter any Club race unless he or she has paid his or her current subscription and all his liabilities (if any) to the Club, or is exempt by special dispensations approved by the Committee.
- 3.6. 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 or her to remain a member. The Club in exercising this power shall comply with the provisions of Rules 3.7 and 3.8 below
- 3.7. 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. A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department.
- 3.8. A member may not be expelled or (subject to paragraph 3.9 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.
- 3.9. The officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from 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.
- 3.10. Only members over the age of 18 years are entitled to vote at an AGM or an Extraordinary General Meeting ('EGM').
- 3.11. A member shall not be eligible for election to the Committee of the Club until he or she has been a member for not less than three months prior to the AGM at which the election is to take place.
- 3.12. A member wishing to resign membership of the Club must give to the Secretary written notice of his or her resignation. A member's resignation shall only take effect when this has been complied with.
- 3.13. Notwithstanding the provisions of Rule 3.12 above, a member whose subscription is more than three months in arrears shall be deemed to have resigned. Where membership is terminated in this way the member shall be informed in writing that he or she is no longer a member by notice handed to him or her or sent by post to the last known address of that member.

4. MEMBERSHIP FEES

- 4.1. The annual members subscription shall be fixed at the AGM or an EGM.
- 4.2. The annual subscription shall be due on joining the Club and thereafter on the 1st day of September each year.
- 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. 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.

5. ANNUAL GENERAL MEETING

- 5.1. The AGM shall be held each year in the month of August. The date for the Annual General Meeting shall be fixed by the Committee.
- 5.2. The Honorary Secretary shall be responsible for the handing out or sending to each member or the parent/guardian of paid up members under the age of 18 (Other than Rising Stars Members) at his or her last known address written notice of the date, time and place of the AGM together with the resolutions to be proposed thereat at least 14 days before the meeting, together with a list of the nominees for the Committee posts and a copy of the examined accounts. The Notice of Meeting shall in addition wherever possible be displayed on Club notice boards and on the Website.

- 5.3. The purpose of the AGM is to transact the following business:
 - 5.3.1.1. to receive reports of the activities of the Club during the previous year;
 - 5.3.1.2. 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;
 - 5.3.1.3. to remove and elect an 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 or she remains in office;
 - 5.3.1.4. to elect the Officers and other members of the Committee;
 - 5.3.1.5. to decide on any resolution which may be duly submitted in accordance with paragraph 5.3.
- 5.4. Nomination for Office and any proposals for changes or additions to the rules of the Club must be received by the Honorary Secretary, in writing, 28 days prior to the AGM. Nominations for office must be proposed and seconded, and elected by ballot at the A G M. Nominations for office can only be made by paid up members over the age of 18 who have been members for at least six months .
- 5.5. The Officers of the Committee, who shall be elected at the AGM, shall be a Chairperson, Honorary Secretary, Honorary Treasurer, Honorary Championship Secretary, Honorary Social Secretary, Assistant Championship Secretary, Membership Secretary, Welfare Officer and a Committee of at least four who must be over the age of 18. The Chief Coach shall be co-opted onto the Committee each year at the AGM
- 5.6. The Constitution may only be changed at an AGM or EGM. No amendment to the rules of the Club shall become effective until such amendment shall have been submitted to and validated by the ASA North East Region
- 5.7. The quorum for the Annual and Special General Meetings shall be 7 paid up members over the age of 18 entitled to attend and vote at the Meeting or (if greater) such number as represents one-tenth in number of such members.
- 5.8. The qualification for voting at an AGM shall be paid up members over the age of 18 years on the date of the meeting or the parent/ guardian of paid up members under the age of 18 (Other than Rising Stars Members).
- 5.9. Life members may only be elected at an AGM.
- 5.10. The Chairman, or in his absence a member selected by the Committee, shall take the chair. Each member over the age of 18 present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairman shall have a casting or additional vote.
- 5.11. The Secretary, or in his absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 5.12. 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.
- 5.13. 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 not later than 28 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 5.2

6. BY-LAWS

- 6.1. 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.

7. EXTRAORDINARY GENERAL MEETING

- 7.1. An EGM must be called on the receipt by the Honorary Secretary of a requisition for such a meeting, signed by not less than 7 members over the age of 18 (Other than Rising Stars Members) entitled to attend and vote at a General Meeting or (if greater) such numbers as represents one-tenth in number of such members. Such meetings must be called within 14 days of receiving such a request, and notice of such meeting must be given in accordance with the provisions for giving notice for an AGM contained in paragraph 5.2 above.

8. MANAGEMENT OF CLUB AFFAIRS

- 8.1. This shall be by the elected Officers and committee.
- 8.2. The Chairman, Honorary Secretary and Honorary Treasurer ("together the Officers"), Honorary Championships Secretary, Honorary Social Secretary, Honorary Assistant Championships Secretary, Membership Secretary and 4 elected 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. On the occasion of any resignations occurring by resignation or otherwise, the Committee has the power to fill any such vacancies and to co-opt members if the need arises. Retiring members of the Committee shall be eligible for re-election. The club shall have a Welfare Officer appointed by the Committee who shall ensure that the Club follows the guidance set out in the A.S.A. Child Protection Policy.

- 8.3. At the termination of office, all elected Officers and officials shall return all books, documents and equipment belonging to the Club.
- 8.4. The Committee shall be responsible for the management 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. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.
- 8.5. The Chairperson or Deputy shall chair all Committee meetings and AGMs/EGMs. In the event of a tie in voting, he or she may give a casting vote. A member may serve a maximum term of office of two consecutive years as Chairperson. A member may stand for re-election after a period of one year.
- 8.6. The Honorary Secretary shall notify all members of General Committee meetings, take charge of and conduct all correspondence, keep a record of attendance at meetings and record and publish the minutes.
- 8.7. The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.
- 8.8. The Committee 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 A.S.A. Office. The Club shall make an annual return to the A.S.A. in the prescribed form

9. GENERAL COMMITTEE

- 9.1. The General Committee shall meet at least once per month on or at the Chairperson's or Honorary Secretary's discretion. The quorum of the meeting shall be such number as shall represent not less than a simple majority of the Committee members eligible to vote. Decisions of the Committee shall be made by a simple majority, and in the event of equality of votes the Chairperson (or the acting chairperson of that meeting) shall have a casting vote.
- 9.2. In the event that a quorum is not present within thirty 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.

10. SUB-COMMITTEES

- 10.1. The Committee may from time to time appoint from among its 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. Each sub-committee will have a maximum of five members and will elect a Secretary from its members.
- 10.2. Sub-committees may co-opt specialists in their respective fields.
- 10.3. All decisions made by sub-committees are subject to confirmation by the General Committee.

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. No sum shall be drawn from that account except by cheque signed by two of the signatories. Any moneys not required for immediate use may be invested as the Committee in its discretion think fit.
- 11.2. The income and property of the Club shall be applied only in furtherance of the objectives 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 provided by paragraph 13 below.
- 11.3. The Committee shall have power to authorise the payment of remuneration and expense to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club, in accordance with ASA Laws.
- 11.4. The financial year of the Club shall be the period commencing on September 1st and ending on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.
- 11.5. The Committee shall retain for a minimum period of six years all financial records relating to the club and copies of Minutes of all meetings.

12. PROPERTY

- 12.1. 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.
- 12.2. 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.
- 12.3. 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.

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 three-quarters 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, by nomination of the last Committee, to a charity or charities (or other non-profit making organisation) having objectives similar to those of the Club, for the furtherance of those objectives.

14. CONTINGENCY

- 14.1. Any contingency not covered by this Constitution will be dealt with according to the Laws the Amateur Swimming Association. 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.

15. ACKNOWLEDGEMENT

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