

Constitution

1. NAME

1.1 The name of the club shall be “BRIGHOUSE SWIMMING CLUB”

2. OBJECTS

2.1 The objects of the Club shall be the teaching ,development and practice of swimming for its members in the furtherance of these objects

2.1.2 The Club shall implement the Amateur Swimming Association ('A.S.A') Equal Opportunities Policy

2.2 The Club shall be affiliated to the A.S.A North East Region and Yorkshire Swimming Association, and shall adopt and conform to the rules of the Association, and to such other bodies as the Club may determine from time to time

2.3 The business and affairs of the Club shall be at all times be conducted in accordance with the Laws and Technical Rules of the A.S.A ('A.S.A. Laws') and in particular:

2.3.1 All competing members shall be eligible competitors as defined in A.S.A Laws

2.3.2 In accordance with the A.S.A Laws the Club shall adopt the A.S.A Child Protection Procedures (to which members of the Club shall comply), 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

2.4 The Club shall adopt the Calderdale Safeguarding Children Board procedures in respect of child protection

2.5 By virtue of the affiliation of the Club to the A.S.A. North Eastern Region and Yorkshire Swimming Association, the Club and all its members of the Club acknowledge that they are subject to the laws , rules and constitution of: 2.5.1 The A.S.A North East Region and Yorkshire Swimming Association 2.5.2 The A.S.A. (to include the A.S.A / Institute of Swimming Code of Ethics.) 2.5.3 British Swimming (to include in particular their Doping Control Rules, Protocol and Disciplinary Code) 2.5.4 Federation Internationale de Natation, the world governing body for the sport of swimming in all its disciplines (together "The Governing Body Rules")

3. MEMBERSHIP

3.1 All persons who are not paid by the Club and assist in any way with the Clubs activities shall become members of the Club and hence of the A.S.A. and the relevant A.S.A. membership fee shall be paid. Assisting with the Clubs activities shall include, but not be restricted to, administration, associate members, voluntary instructors, teachers, 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 A.S.A's educational certificates. Instructors, teachers and coaches who are not paid by the Club, who are not members of the Club must be members of a body which accepts that its members are bound by the A.S.A's Code of Ethics, the Laws relating to Child Protectionand those parts of the Judicial Laws, Judicial Rules and proceduresnecessary for their implementation. Whilst engaged in activities under the jurisdiction of the A.S.A., Instructors and coaches who are paid by the Club shall be subject to all the constraints and privileges of the Judicial Laws and Rules

3.2 Any person who wishes to become a member of the Club must submit a signed application to the secretary (and in cases of a junior swimmer, the application must be signed by the swimmers parent or guardian). Election to membership shall be determined by either: 3.2.1 The Membership Officer 3.2.2 Other person(s) authorised by the Committee to make recommendations as to the applicants acceptability

3.3 The Membership Officer 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 representation to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding

4. SUBSCRIPTIONS AND OTHER FEES

4.1 The annual members subscription and session fees shall be determined from time to time by the Committee and the Committee shall in doing so make special provision for different classes of membership as it shall determine.

4.2 The annual subscription shall be due on joining the Club and therefore on the 1st day of January 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

4.4 The Committee shall from time to time, have the power to determine the annual membership subscription fee and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual A.S.A. Membership Fees to the A.S.A. on behalf of members, be consequential upon an increase in individual A.S.A. 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

5. RESIGNATION

5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of their resignation. A members resignation shall only take effect when this (Rule 5.1) has been complied with.

5.2 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, they shall be informed in writing that they are no longer a member by notice handed to them or sent by post to their last known address.

6. EXPULSION AND OTHER DISCIPLINARY

6.1 The Committee shall have the power to expel a member when, in its opinion, it would not be in the interests of the Club for them to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.2 and 6.3

6.2 The Club shall adopt and comply with the A.S.A. Guidelines for handling internal club Disputes ('Guidelines') as the same may be revised from time to time. The Guidelines are set out as an Appendix to the A.S.A. Judicial Laws and appear in the A.S.A. Handbook. (A copy of the current Guidelines may be obtained from the A.S.A. Legal Affairs Department

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 Review 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 Committee shall consist of the President, Secretary, Treasurer (together the "Executive Officers of the Club") and at least 4, but not more than 20, elected members all of whom must be members of the Club. The Club shall have a Welfare Officer. All committee members must not be less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.

7.2 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 (See also Rule 8.1 below)

7.3 Committee meetings shall be held not less than quarterly (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of the meeting shall be 5 Committee members (to include not less than the Executive Officer). The President 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 oral or written notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the President (or the acting President of that meeting) shall have a casting or additional vote.) The Secretary , or in their absence a member of the Committee , shall take minutes.

7.4 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 president. 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.

7.5 In addition to the members so elected the Committee and co-opt additional members of the Club (up to a maximum Committee and co-opted members combined total of twenty three) 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 NOT be counted in establishing whether a quorum is present

7.6 The Committee may from time to time appoint from among their numbers such Sub - Committees as they may consider necessary (and to remove (in whole or 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

7.7 The Committee shall be responsible for the management of the Club and shall have sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have the 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 to be examined by an independent examiner to be appointed at the Annual General Meeting. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.

7.8 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.

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

7.10 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.. The Club shall make an annual return to the A.S.A. in the prescribed form.

8. OFFICERS AND HONORARY MEMBERS

8.1 The Executive Officer and Committee of the Club shall be proposed, seconded, and elected (by ballot) at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring officers shall be eligible for re-election.

8.2 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Club and on election shall EX OFFICIO, be an honorary member of the Club and must be included in the Club's Annual Return of Members to the A.S.A.

8.3 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit 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 in addition their ordinary membership of the Club. Such honorary members must be included in the Club's Annual Return of Members to the A.S.A.

9. ANNUAL GENERAL MEETING

9.1 The Annual General Meeting of the Club shall be held each year on a date between 1st November and 31st January. The date 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:

9.21 To receive the Presidents report of the activities of the Club during the previous year.

9.22 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.

9.23 To remove and elect the 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 they remain in office

9.24 To elect the Executive Officers and other members of the Committee.

9.25 To decide on any resolution which may be duly submitted in accordance with Rule 9.3 below

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 not later than fourteen days before the Annual General Meeting. The nominee shall be required to indicate in writing on the nomination form their willingness to stand for election. Notice of any resolution proposed to be considered at the Annual General Meeting shall be given in writing to the Secretary not later than fourteen days before the Annual General Meeting

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 Secretary within fourteen days of receipt by them of a requisition in writing signed by not less than seven members entitled to attend and vote at a General Meeting or, if greater, such numbers as represents one tenth in number of such members, stating the purposes for which the meeting is required and the resolutions proposed.

11. PROCEDURES AT THE ANNUAL AND SPECIAL GENERAL MEETINGS

11.1 The Secretary shall personally be responsible for the handing out or sending to each member, at their last known address, a written agenda giving notice of the date, time, place of the General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting and in the case of the Annual General Meeting, a list of the nominees for the Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of

member(s) concerned, distribute these materials by email or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board

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 President, or in their absence a member selected 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 9.3 above In the event of an equality of votes the President shall have a casting or additional vote. Only paid up members who have reached their eighteenth birthday shall be entitled to be heard on all matters. (Members who have not reached their eighteenth birthday shall be entitled to be heard and vote only on those matters determined by the President as matters concerning juniors, such as the election of Club Captains)

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 President 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 Constitution of the Club.

12. ALTERATION OF THE CONSTITUTION AND OTHER RESOLUTIONS

12.1 The Constitution may be altered by resolution at any 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

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 them not later than fourteen days before 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 above.

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 monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. All amounts drawn from that account by cheque shall be signed by two of the signatories who shall be the President, Secretary and Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

14.2 The income and property of the Club shall be applied 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 below)

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 November and ending on 31st October. Any change to the financial year shall require the approval of the members in a

General Meeting.

14.6 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.

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 discretion, up to £2000, 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 the power to raise in any way any sum or sums of money and to raise and secure the repayment of any sum or sums of money in such manner on or such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by 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 two thirds of the members present and entitled to one 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 held in trust for the re - formation of the Club. (SEE GUIDANCE notes 6 and 12 ref Taxation and VAT)

18. ACKNOWLEDGEMENT

18.1 The Members acknowledge that this constitution constitute a legally binding contract to regulate the relationship of the Members with each other and the Club

END OF CONSTITUTION