
	Document No. :	BASC-CON-001	
	Creation Date :	23.02.10	
	Revision :	1.2	
	Revision Date :	April 2014	
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Constitution of Birtley Amateur Swimming Club

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Introduction

This Club Constitution has been revised and adopted at the Annual General Meeting of the Club held on WEDNESDAY 9th APRIL 2014.

1. NAME OF THE CLUB

1.1 The name of the Club shall be: BIRTLEY AMATEUR SWIMMING CLUB.

2. OBJECTIVE OF THE CLUB

To advance the physical education of children and young people 6 years and over by the provision of facilities for aquatic sports and the preservation of human life by the teaching of swimming, water safety and lifesaving skills.

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

2.1.1 The Club is committed to treat everyone equally within the context of its activities. This shall be, without regard to gender, ethnic origin, religion, disability or political persuasion, on any grounds.

2.1.2 The Club shall implement the ASA Equal Opportunities policy.

2.2 The Club shall be affiliated to the ASA North East Region and also to the Northumberland and Durham Branch of RLSS UK, and shall adopt and conform to the rules of these Associations, and to such other bodies as the Club may determine from time to time. The Club shall also be registered and affiliated to the Birtley Community Partnership.

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 ASA and the RLSS:

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 the ASA Laws comply with the ASA Child Safeguarding Procedures.

2.4 By virtue of the affiliation of the Club to the ASA North East Region, the Club and all members of the Club acknowledge that they are subject to the Laws, Rules and Constitutions of:

2.4.1 The ASA North East Region

2.4.2 The Northumberland and Durham Branch of the RLSS UK

2.4.3 The Amateur Swimming Association: (to include the ASA/IOS Code of Ethics)

2.4.4 British Swimming (in particular its Doping Control Rules and protocols and Disciplinary Code)

2.4.5 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. MISSION STATEMENT OF THE CLUB

- 3.1 The Club undertakes to assist young people to attain swimming skills and personal development in water safety. The Club incorporates in its instruction programme, training in Life Saving Skills to the RLSS National Awards Standards.

4. MEMBERSHIP OF THE CLUB

- 4.1 The total membership of the Club shall not normally be limited. If however the Club Committee considers that there is a good reason to impose any limit from time to time, then the Committee shall put forward an appropriate proposal for consideration and adoption at an Annual General Meeting of the Club. The Committee may with good reason, request the removal of the limit on membership numbers prior to the next Annual General Meeting, when the action taken, will be ratified, if it is deemed the correct action, for the total membership of the Club to be once again unlimited.

All persons who assist in any way with the Club's activities shall become a member of the Club and hence of the ASA and the relevant ASA membership fee for that appropriate category shall be paid. Assisting with the Club's activities shall include, but not be restricted to any in the role of, Administrators, Voluntary Instructors, Teachers and Coaches, Committee Members, Helpers and Temporary Members.

Any person who wishes to become a member of the Club must submit a signed copy of the Club Membership Application Form to the Club Secretary or to the Club Administration Team.

In the case of a Junior Swimmer (those aged 15 years and under) the Application Form must be signed by the swimmer's parent or guardian.

Acceptance of Membership to the Club shall be determined by the Club Chairperson, the Club Secretary, the Poolside Organiser(s) and the Administration Officer, but other person(s) authorised by the committee may make such recommendation as to the applicant's acceptability.

The Club Chairperson, the Club Secretary, the Poolside Organiser(s) and the Administration Officer, shall be required to give reasons for the refusal of any application for membership. 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 dispute, or, in the case of a swimmer, being unable to achieve the entry standards as laid down and set by the Club to the applicant for membership.

Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee. The Review Panel shall be comprised of not less than three members (who may or may not be members of the Committee). The panel shall [wherever practicable] include one independent member nominated by the ASA North East Region.

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.

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.



5. ANNUAL MEMBERSHIP FEE AND THE WEEKLY SUBSCRIPTION

- 5.1 The Annual Membership Fee and the Weekly Subscription charge shall be determined at the Annual General Meeting.
- 5.2 The Annual Membership Fee shall be due on joining the Club and covers the period of 1st September to 31st August of the following year. The Committee has the right to reduce the level of the Annual Membership Fee for new members, according to the period of the year left for that person. Existing Club members are required to pay their Annual Membership Fee from the period of 1st June each year BUT this must be paid not later than the last Club Night in September.
- 5.3 Any Club member whose subscription is unpaid by the end of September in the year in which the Fee is due, shall have their membership of the Club terminated. The Club Secretary shall submit a letter to the Club member reminding them of their responsibility to pay the Annual Membership Fee. Failure to respond to the letter within 14 days will result in their Club membership being terminated.
- 5.4 The Committee shall have the power to recommend to the Annual General Meeting, Annual Membership Fee, the Weekly Subscription, the RLSS Awards Fees and any other fees that might be incurred on behalf of Club members. This shall include the power to make such increases in the Fees/Subscriptions, where the Club pays the individual ASA Membership Fees to the ASA on behalf of members. Any increases in Fees and Subscriptions shall be advised to the members by means of a printed notification with the reasons for any increase.
- 5.5 The Club Officials or the Club Committee, shall have the powers, in special circumstances, to remit the whole or part of the Annual Membership Fee, and or, the whole or part of the Weekly Subscription, including the ASA Membership Fees, to address issues of social inclusion.

6. RESIGNATION OF CLUB MEMBERSHIP

- 6.1 A Club member may relinquish their membership of the Club at any time. A letter to the Club Secretary stating the termination of their Club membership and a reason for termination would be deemed as an acceptable action.
- 6.2 The Club is to inform the ASA if any member relinquishes their involvement (whether voluntarily or for another reason) whilst they still owe money or have not returned goods that are the property of the Club.

7. REMOVAL FROM CLUB MEMBERSHIP

- 7.1 A Club member will be deemed as no longer a Club Member if there is no attendance for four consecutive weeks and no reason is given for that non-attendance and there is no response within 14 days of the Club letter that is delivered after the 5th week of non-attendance.

8. EXPULSIONS AND OTHER DISCIPLINARY ACTION

- 8.1 The Committee shall have the power to expel a Club member when, in its opinion, it would not be in the interest of the Club for that person to remain a Club member.



- 8.2 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. (A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department).
- 8.3 A member may not be expelled or (subject to Rule 8.4 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.
- 8.4 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.

9. CLUB COMMITTEE

- 9.1 The Executive Committee of the Club shall consist of the Chairperson, the Vice-Chairperson, the Secretary, the Treasurer, the Club Administrator, the Poolside Organiser, the Assistant Poolside Organisers, the Club RLSS Lifesaving Co-ordinators.

The Executive Committee shall at no time be less than 9 or more than 12 elected persons.

The above shall be “the Club Executive” and shall be empowered with the day to day running of the Club. All of the above elected members must be members of the Club.

The Executive Committee shall appoint members of the Club as Welfare and Assistant Welfare Officers, who must be not less than 18 years of age, and who should have an appropriate background and who are required to undertake the appropriate training in accordance with ASA Child Safeguarding courses. The Welfare Officers shall have the right to attend the Club Committee Meetings and the Annual General Meeting.

The additional Committee membership is to be made up of ALL Club Instructors and any others who have been duly elected at the Annual General Meeting of the Club.

All of the Committee must be not less than 18 years of age, though the Committee may allow younger Club members to attend their meetings without the power to vote.

- 9.2 The Club Executive 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 for other reasons may be filled by the Club Executive. Retiring members of the Committee shall be eligible for re-election.

- 9.3 The Committee shall hold meetings at regular intervals between the Annual General Meetings. A Committee meeting will be held every 12 weeks. The Chairperson and the Secretary shall have the discretion to call additional meetings of the Committee if they consider it to be in the interests of the Club.

The Secretary is required to give all the members of the Committee not less than 7 days Written Notice of such a meeting. The quorum required for a Committee meeting shall be 9 persons, with there being at least four of the Club Executive present and four non-executive members in attendance. Decisions of the Committee shall be made by a simple majority



vote of those attending the meetings. In the event of equality of the votes cast, the Chairperson (or the Vice-Chairperson) shall have a casting or additional vote.

The Secretary, or in their absence, a member of the Committee, shall take the minutes of the meeting and shall record the details of all voted proposals.

- 9.4 In the event that a quorum is not present within thirty minutes of the published start time of the meeting, a meeting shall stand adjourned to the date and time falling seven days after the date of the adjourned meeting or to such another date and time that is determined by the Chairperson.

If the required quorum is not present at an adjourned meeting, then those Committee members attending the second adjourned meeting may act for the purpose of calling a Special Club General Meeting to which notification of fourteen days written notice is to be issued.

- 9.5 In addition to the members so elected, the Committee may co-opt further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote on any issues at the Committee meetings. The Co-opted members will not be used in a count towards the quorum of the Committee meetings.

- 9.6 The Committee may from time to time appoint from among its members such sub-committees as they may consider necessary and may delegate to them such powers and duties as the Committee deem appropriate and they shall conduct their business in accordance with the directions given to them by the Committee.

Such a sub-committee shall report back to the main Committee and the powers and duties of such a sub-committee shall be terminated once the purpose of the sub-committee has been fulfilled.

- 9.7 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 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.

- 9.8 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.

The Committee shall maintain an Accident and Incident Record in which all accidents and incidents involving Club members 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.



10. ANNUAL GENERAL MEETING

- 10.1 The Annual General Meeting of the Club shall be held each year on the Wednesday prior to Easter. The date and time for the next Annual General Meeting will be fixed at the end of a current Annual General Meeting.
- 10.2 The purpose of the Annual General Meeting is to transact the following business:
 - 10.2.1 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.
 - 10.2.2 To consider any proposals submitted by the Club Treasurer as to any changes that are required in the Annual Membership Fees or the Weekly Subscriptions.
 - 10.2.3 To confirm the re-election of the independent examiner (who must not be a member of the Committee) or to nominate and elect another suitable person.
 - 10.2.4 To receive the Membership Report of the Club.
 - 10.2.5 To receive the Chairperson's report on the activities of the Club during the previous year.
 - 10.2.6 To receive the Awards Report.
 - 10.2.7 To receive the Club Secretary Report.
 - 10.2.8 To receive the Poolside Organisers Report.
 - 10.2.9 To elect the Executive Officers and the other members of the Committee.
 - 10.2.10 To consider the Club Structure and Development and any other such relevant issues.
 - 10.2.11 To consider and decide on any resolution that has been duly submitted to the Club Secretary, in accordance with rule 10.4.
- 10.3 Nominations for the election of a change in position of any Executive Officer shall be made in writing and are to be registered with the Club Secretary fourteen days prior to the date of the Annual General Meeting. Such nominations shall have a proposer and a seconder. The nominee shall be required to indicate in writing on the nomination form their willingness to stand for election.
- 10.4 Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 18 days prior to the date of the Annual General Meeting.

11. SPECIAL GENERAL MEETINGS

- 11.1 A Special General Meeting may be called at any time by the Committee.
A Special General Meeting shall be called by the Secretary within 28 days of the receipt by him of a requisition in writing signed by not less than six members entitled to attend and vote at a General Meeting.



12. PROCEDURES PRIOR TO AND AT THE ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETING

- 12.1 Secretary shall be responsible for the handing out or sending to each member written notification of such meetings. The notification is to be prepared and submitted to the membership no less than 14 days prior to the meeting date. The notification to include the venue, the date, time and the meeting agenda. The notification material shall also include any proposed resolutions that have been submitted for inclusion in the meeting.

Copies of any nominations shall also be distributed prior to the meetings.

The Notice of the Meeting shall in addition be displayed on the Club Notice Board two weeks prior to the meeting.

- 12.2 The quorum for an Annual General Meeting and a Special General Meeting shall be nine members who are entitled to attend and to vote at such meetings.
- 12.3 The Chairperson, or in their absence, the Vice-Chairperson shall conduct the meeting. Each member present shall have one vote and where required will use that vote for any of the proposals or resolutions that require a vote. Proposals or resolutions will be passed or defeated by a simple majority of the votes cast. Members who have reached their 16th birthday shall be entitled to attend the meeting, they shall be given the opportunity to speak and to vote on all matters raised in the agenda. In the event of equality of the votes cast, the Chairperson (or the Vice-Chairperson) shall have a casting or additional vote.
- 12.4 The Secretary, or in their absence, a member of the Committee, shall take the minutes of the meeting and shall record the details of all voted proposals.
- 12.5 The Chairperson or Vice-Chairperson shall at all Annual General Meetings and General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meetings, the sole interpreter of the Rules of the Club.

13. ALTERATION OF THE RULES AND OTHER CLUB RESOLUTIONS

- 13.1 The rules may be altered by resolution at an Annual General Meeting or at a Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of the members who are entitled to attend and to vote.

Any Changes to the Club Constitution and rules, need to be submitted and approved by the ASA North East Region.

- 13.2 Any member shall be entitled to put forward any proposal for consideration at any General Meeting provided that the proposal is in writing and has been handed to the Club Secretary eighteen days before the date of the relevant meeting. The Secretary shall then supply a copy of the proposal to all of the Committee members.
- 13.3 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.

14. CLUB FINANCE

- 14.1 All monies payable to the Club shall be received by the Treasurer and deposited in to a bank account in the name of the Club. No sum shall be drawn from that account except by cheque and has been signed by two of the three signatories of the Club who shall be the Chairperson, the Secretary and the Treasurer.



- 14.2 The income and property of the Club shall be applied only for the furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any member of the Club.
- 14.3 The Committee shall have the power to authorise the payment of a remuneration and expenses to any officer 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 Club Treasurer in such a manner as the Committee deems fit.
- 14.5 The financial year of the Club shall be the period commencing on 1st January and ending on 31st December each year.
- 14.6 The Committee shall retain for a minimum period of six years, all the financial records relating to the Club and copies of the Minutes of all meetings for the same period of time.

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 the 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 deems fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or 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 OF THE CLUB

- 16.1 The Club at present does not own, lease, rent or are responsible for any structural property.
- 16.2 The equipment used by the Club, is stored on the premises of Birtley Swimming Pool which is owned and operated by Gateshead Borough Council.
- 16.3 The Club has at present (increased in September 2006) six storage crates in which is kept:
 - 16.3.1 The Club buoyancy and flotation aids, weighted bricks and other similar equipment that are used in the teaching of swimming.
 - 16.3.2 The Full Body manikins, the Torso manikins, the Junior manikins and the Baby manikins along with throwing ropes, reach sticks, submersible aids and other similar equipment that are used in the teaching of Lifesaving skills.
- 16.4 The Custodians of the Club equipment who are charged with the responsibility of its maintenance, up-keep and replacement are the Club Poolside Organisers and the Club RLSS Lifesaving Co-ordinator, who shall be elected at an Annual General Meeting of the Club and shall hold office until death or resignation, unless removed by a resolution passed at the Annual General Meeting.



- 16.5 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. THE ADMINISTRATION OF THE CLUB

- 17.1 The administration of the Club is the responsibility of the Club Secretary and the Club Administrator, who shall be elected at an Annual General Meeting of the Club and shall hold office until death or resignation, unless removed by a resolution passed at the Annual General Meeting.
- 17.2 The responsibility of the Administration Team is to ensure that:
- 17.2.1 The weekly registration of Club members is undertaken.
 - 17.2.2 The Club membership records are accurate and up-to-date
 - 17.2.3 That the Club class lists are updated and presented to the Club instructors on a regular basis.
 - 17.2.4 That the member's awards are recorded accurately.
 - 17.2.5 That all correspondence is dealt with in an appropriate manner.
 - 17.2.6 That all prospective new Club members are contacted at appropriate times to advise them on the procedures that the Club undertakes to prepare for their placement in the Club.
- 17.3 The Administration Team are required to keep and store all such relevant working Club records in a manner that is accessible in the event of a transfer of responsibility.
- 17.4 The Administration Team are required to present an up-to-date written report on the state of the Club at the Annual General Meeting.

18. DISSOLUTION OF THE CLUB

- 18.1 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 percent of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.
- 18.2 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 the liabilities of the Club.
- 18.3 Any property remaining after the discharge of the debts and the liabilities of the Club shall be given to a charity or charities, or to other non-profit making organisations that have objects similar to those of the Club for the furtherance of such objects. These shall be nominated and agreed at the last Committee meeting.

19. ACKNOWLEDGMENT

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