

Constitution 2007

1. Rules of City of Birmingham Swimming Club as at 31-10-2007 as amended on 29th October 2007 at the AGM

2. Name

2.1. The name of the Club shall be the **City of Birmingham Swimming Club**

3. Objective

3.1. The objective of the Club shall be to promote and encourage competitive swimming (including masters and disability), synchro and water polo in the Birmingham area for its members. In the furtherance of these objects:

3.1.1. The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds.

3.1.2. The Club shall implement the A.S.A. Equal Opportunities policy

3.2. The Club shall be affiliated to ASA West Midland Region and the Warwickshire County ASA, 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.

3.3. 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:

3.3.1. all competing members shall be eligible competitors as defined in ASA Laws; and

3.3.2. 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.

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

3.4. By virtue of the affiliation of the Club to ASA West Midland Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:

3.4.1. ASA West Midland Region and Warwickshire County ASA

3.4.2. the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and

3.4.3. the British Swimming (to include in particular the BS Doping Control Rules and Protocols and BS Disciplinary Code); and

3.4.4. FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules")

3.5. 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

4. Membership

- 4.1. 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.
- 4.1.1. All persons who assist in any way with the club's 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 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 A.S.A.'s educational certificates.
- 4.1.2. 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 A.S.A.'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 A.S.A. shall be subject to all the constraints and privileges of the Judicial Laws and Rules.
- 4.2. Any person 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 the application must be signed by the swimmer's parent or guardian). Election to membership shall be in the discretion of the Committee but other person(s) authorised by the Committee may make recommendation as to the applicants' acceptability. The Committee shall not be required to give reasons for the refusal of any application for membership.
- 4.3. Membership of the club shall be open to anyone interested in the sport regardless of ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation. However, limitation of membership according to available facilities is allowable on a non discriminatory basis.
- 4.4. All competing members of the Club, with the exception of Synchronized members, shall be members of a 'Parent Club' (a Parent Club is defined as another club affiliated to the ASA) and shall be 'dual registered' with that club, nominating City of Birmingham for ranking purposes.
- 4.5. Members may only enter themselves under the City of Birmingham SC umbrella through the entry procedure of the City of Birmingham SC. The conditions of the Constitution (Areas of Competition) must also be met.

4.6. Any person refused membership of the club has the right of appeal to a "review panel", this panel being set up by the Club Committee

5. Subscription and Other Fees

- 5.1. The annual member's subscription 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.
- 5.2. The monthly coaching and squad fees (as applicable) shall be determined from time to time by the Head Coach (or sub-section coach) in consultation with Birmingham City Council and shall in so doing make special provision for different classes of membership as relevant.
- 5.3. The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st day of September (or a time determined by the relevant sub-committee OR the City of Birmingham SC Management Committee) each year.
- 5.4. 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
- 5.5. 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.
- 5.6. The committee shall have power in special circumstances to remit fees to address issues of social inclusion. If this includes County/Regional or ASA fees then the club will still be required to pay these on the members behalf

6. Resignation

- 6.1. A member wishing to resign membership of the Club must give to the Secretary written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 6.2. 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 he/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his last known address.
- 6.3. If a member resigns then they have no right to a refund of any fees. If any member resigns still owing money or goods the ASA membership department should be informed.

7. Expulsion and other Disciplinary action

- 7.1. The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for him/her to remain a member. The Club in exercising this power shall comply with the provisions of Rules 7.2 and 7.3 below
- 7.2. The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines") as 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.)

- 7.3.A member may not be expelled or (subject to Rule 7.4 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.
- 7.4.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.
- 7.5.If a member is expelled or disciplined then they are not entitled to any refund of fees and must return any trophies they hold.

8. Welfare Officer

- 8.1. The Welfare Officer shall be qualified as determined by the ASA Guidelines and shall be able to attend Management Committee Meetings as a non voting officer by right.

9. Committee

- 9.1. The Club shall be managed by a Management Committee composed of the President, Chairman, Honorary Secretary, Honorary Treasurer, Chief Swimming Coach, the Club Coaches for Water Polo, Masters, Disability and Synchronized Swimming, along with up to ten representatives; two from each of the four constituent sections, (all of whom must be members of the Club) and two representatives of local clubs nominated by the *Warwickshire ASA Birmingham Swimming Action Group (SAG)*.
- 9.2.The club shall have a Welfare Officer.
- 9.3.All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote
- 9.4.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. 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 8.1)
- 9.5.The Management Committee shall meet not less than four (4) times each year and at such times as the Chairman in consultation with the Honorary Secretary shall deem necessary. The Management Committee shall have the power to co-opt, as it deems necessary. The Secretary shall give all the members of the Committee not less than seven (7) days 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 Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Secretary, or in his absence a member of the Committee, shall take minutes. The Quorum shall be five (5) and shall include at least two (2) elected Officers
- 9.6.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. 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 shall not apply
- 9.7.In addition to the members so elected the Committee may co-opt up to two (2) further members of the Club 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 be

counted in establishing whether a quorum is present.

9.8. The sections of the club shall appoint at the Annual General Meeting from among their number sub-committees to have delegated powers and duties for the efficient running of the section. All such sub-committees shall report their proceedings to the Management Committee and shall conduct their business in accordance with the directions of the Management Committee.

9.8.1. The sub-committees shall be for:
Speed swimming (including masters)
Synchronised swimming
Water Polo
Disability swimming

9.8.2. Each sub-committee shall consist of the section Secretary, section Chair, section Coach (or nominated representatives) and section Treasurer and up to four other persons elected at the Annual General Meeting. The members of this Committee to be nominated from the section members of the Club

9.9. The Management Committee shall be responsible for the overall management of the Club and shall have the sole right of appointing the position of Chief Coach, which is an honorary post. The appointment will be for a fixed term with negotiable extension at any point by agreement between the Club and the Chief Coach. The Chief Coach may terminate the appointment at any time.

9.10. 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.

9.11. The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.

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

9.13. The sub-committee(s) shall ensure the maintenance of 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 ASA in the prescribed form

10. Officers and Honorary Members

10.1. The Executive Officers and Committee(s) 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 Management Committee. Retiring officers shall be eligible for re-election.

10.2. The Annual General Meeting of the Club shall elect a President. The President need not be a member of the association 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 ASA.

10.3. The Committee may elect any person as an honorary member or life 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 his ordinary membership of the Club. Such honorary and life members must be included in the Club's annual return as to membership.

Life membership may be given to any person who has rendered good service to the Club. Nomination should be submitted to the Management Committee who may make recommendations to the Annual General Meeting

11. Annual General Meeting

- 11.1. The Annual General Meeting of the Club shall be held each year within two (2) months of the end of the Club's financial year. The date for the Annual General Meeting shall be fixed by the Management Committee
- 11.2. The purpose of the Annual General Meeting is to transact the following business:
- 11.2.1. to receive the Chairman's report of the activities of the Club during the previous year;
 - 11.2.2. 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;
 - 11.2.3. 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 he remain in office;
 - 11.2.4. to elect the Executive Officers and other members of the Management Committee and sub-Committees;
 - 11.2.5. to decide on any resolution which may be duly submitted in accordance with Rule 10.4
- 11.3. Nominations for election of members to any office or for membership of the Management Committee shall be made in writing by the proposer and seconder to the Secretary not later than fourteen (14) days prior to the date of the AGM. The nominee shall be required to indicate his willingness to stand for election.
- 11.4. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 31st August.

12. Special General Meeting

- 12.1. A Special General Meeting may be called at any time by the Management Committee. A Special General Meeting shall be called by the Secretary within (28) days of receipt by him of a requisition in writing signed by not less than sixteen (16) members entitled to attend and vote at a General Meeting or such numbers as represents one-tenth in number of such members stating the purposes for which the meeting is required and the resolutions proposed. Only matters under the published Agenda shall be dealt with at that meeting

13. Procedure at the Annual and Special General Meetings

- 13.1. The Secretary shall personally be responsible for the handing out or sending to each member at his 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 in the case of the Annual General Meeting a list of the nominees for the Management Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board.
- 13.2. The quorum for the Annual and Special General Meetings shall be sixteen (16) members entitled to attend and vote at the Meeting or (if greater) such number as represents (one-tenth) in number of such members.

- 13.3. The Chairman, or in his 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. In the event of an equality of votes the Chairman shall have a casting or additional vote. 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.)
- 13.4. The Secretary, or in his absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 13.5. 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.

14. Alteration of the Rules and other Resolutions

- 14.1. 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 Warwickshire County Association/ASA West Midland Region.
- 14.2. Such number of members as represent one-tenth in number of the members entitled to attend and vote at a General Meeting 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 fourteen (14) days in advance of the Annual or Special General 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

15. By-Laws

- 15.1. 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.

16. Finance

- 16.1. 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 authorised signatories one of whom shall be the Treasurer.) Any moneys not required for immediate use may be invested as the Management Committee in its discretion think fit.
- 16.2. 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.)
- 16.3. The Committee shall have power to authorise the payment of remuneration and expenses to any officer or member of the Club and to any other person or persons for services rendered to the Club.
- 16.4. The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit. As from the 31st October 2000, the Funds of the various constituent sections, i.e., Swimming, Water Polo, Masters, Disability and Synchronized Swimming, which previously remained separate from the general account, shall be submitted as an amalgamated account to be included into a single General Club account under the control of the Management Committee. This single general account will be audited and presented at the Annual General Meeting.

- 16.5. 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.
- 16.6. 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.

17. Borrowing

- 17.1. 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 Annual General Meeting] for the general upkeep of the Club or with the (prior) approval of a Special General Meeting for any other expenditure, additions or improvements.
- 17.2. 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.
- 17.3. 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.

18. Property

- 18.1. 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.
- 18.2. The Custodians 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 a Special General Meeting.
- 18.3. 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.

19. Dissolution

- 19.1. 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.
- 19.2. The dissolution shall take effect from the date specified in the resolution and the members of the Management Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
- 19.3. 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 Management Committee.

20. Areas of Competition

- 20.1. The Club shall be conducted in accordance with the laws of the A.S.A. and members shall conform to Committee instructions.
- 20.2. The areas of competition in which the Club may compete are as follows:

- 20.2.1. Warwickshire County ASA Synchronized Championships and Age Groups
 - 20.2.2. A.S.A. Midland Region Individual and Team Championships
 - 20.2.3. A.S.A. Midland Region Age Group Swimming Competitions
 - 20.2.4. All sections of the Midland Region Synchronized Swimming, Water Polo and Masters Championships
 - 20.2.5. A.S.A. National Championships and A.S.A. National Age Groups Competitions
 - 20.2.6. All sections of the National Water Polo Championships and the National Water Polo League
 - 20.2.7. All sections of the A.S.A. National Age Group Synchronized Swimming and Masters Competitions and their appropriate National Championships
 - 20.2.8. Open Competitions held under A.S.A. Laws or the Laws of Constituent members of FINA outlined in the annual club calendar
- 20.3. The Club shall not compete in the following competitions; neither shall members of the club be entered in the name of the club in these events:
- 20.3.1. Warwickshire A.S.A. County Swimming Championships
 - 20.3.2. Warwickshire A.S.A. Age-Group Swimming Competitions
 - 20.3.3. Warwickshire A.S.A Team Swimming
 - 20.3.4. The Speedo League
 - 20.3.5. East or West Midland winter leagues
 - 20.3.6. Diddy Leagues
 - 20.3.7. The Birmingham and District Water Polo League and any other such competitions organized by the Warwickshire A.S.A. for Swimmers at County Level.
 - 20.3.8. All competitions promoted by, or under the auspices of, Clubs whose headquarters lie within the City of Birmingham boundary (excepting competitions organized by the Club) and are organized solely for the benefit of all Clubs situated in Birmingham
 - 20.3.9. All open competitions not included in the club annual competitions calendar
- 20.4. These approved and restricted rules apply to ensure the representative nature of the City of Birmingham SC at a level commensurate with the standing of the club and to ensure there is no conflict of interest with 'parent' clubs or issues relating to first call.

21. Acknowledgments

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