

Team Bath AS
Constitution
Dated: Agreed Feb 2018

1. Name

1.1 The name of the Club shall be Team Bath AS.

2. Objects

2.1 **The Club** is a performance swim club dedicated to serving the young people in the Bath area.

The objects of the Club shall be the teaching, development, and practice of all disciplines of swimming, but in particular competitive swimming guided by the principles of long term athlete development. The competitive focus of the Club shall be County, Regional, National, International and selected Open Meets/Arena League, as determined by the Head Coach and the Management Committee.

In the furtherance of these objects:

2.1.1 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.

2.1.2 The Club shall implement the Swim England Equal Opportunities Policy.

2.2 The Club shall be affiliated to Somerset ASA and consequently to Swim England South West Region and shall adopt and conform to the rules of both associations 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, Regulations and Technical Rules of Swim England (“Laws”) and in particular:

2.3.1 all competing members shall be eligible competitors as defined in Swim England Laws; and

2.3.2 the Club shall in accordance with Swim England Laws adopt Wavepower, the Swim England Child Safeguarding Policy and Procedure; 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 protected from harm.

2.3.3 members of the Club shall in accordance with Swim England Laws comply with Wavepower, the Swim England Child Safeguarding Policy, Regulations and Procedures.

- 2.4 By virtue of the affiliation of the Club to Somerset ASA and Swim England South West Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitution of:
- 2.4.1 Somerset ASA and Swim England South West Region; and
 - 2.4.2 Swim England (to include the Swim England/IOS Code of Ethics and Wavepower); and
 - 2.4.3 British Swimming (in particular its Anti-Doping Rules and Protocols and Judicial Code); and
 - 2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together “the Governing Body Rules”).
- 2.5 In the event there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

3. Membership

- 3.1 Entry criteria will be proposed by the Head Coach and agreed by the Management Committee.
- 3.2 The total membership of the Club shall not normally be limited. If, however, the Management Committee considers that there is a good reason to impose any limit from time to time, then the Management Committee shall put forward appropriate proposals for consideration at an AGM or SGM. The members of the Club, by virtue of a majority vote, 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.
- 3.3 All persons who volunteer in any way with the Club’s activities shall become members of the Club and of Swim England and the relevant Swim England membership fee shall be paid unless already paid by another club. Assisting with the Club’s activities shall include, but not be restricted to, Administrators, Associate Members, Voluntary Instructors, Teachers and Coaches, Committee Members, Club Registered Volunteers, Honorary Members, Life Members, Officers, Patrons, Presidents, Technical and Non-Technical Officials, Temporary Members, Vice Presidents and Verifiers or Tutors of Swim England’s educational certificates.
- 3.4 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 Swim England’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 Swim England shall be subject to all the constraints and privileges of the Judicial Laws and Rules.
- 3.5 Any person who wishes to become a member of the Club must submit a signed application to the Membership Secretary (and in the case of a junior swimmer the application must be signed by the swimmer’s parent or guardian).

- 3.5.1 In the case of a junior swimmer aged under 16, the parent or guardian signing the application form shall be regarded as a member of the Club.
- 3.5.2 Election to category 2 membership shall be determined by the Head Coach following an assessment by the Head Coach. Election to category 3 membership shall be determined by the Management Committee.
- 3.6 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, the Club shall not refuse membership on the basis of a Protected Characteristic within the Act, such as disability; gender or gender identity, pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political affiliations.
- 3.7 The Club may refuse membership only for good and sufficient cause, such as conduct or behaviours likely to bring the Club or the sport into disrepute; or, in the case of a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.

4. Subscription and Other Fees

- 4.1 The annual members' subscription and coaching and Club fees (as applicable) shall be determined from time to time by the Management Committee and the Management Committee shall in doing so make special provision for different classes of membership as it shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st day of September each year. Collection of the monthly Club fees will be via Standing Order on the 1st day of each month.
- 4.3 Any member whose training fees are unpaid by the date falling 30 days after the due date for payment, may be suspended by the Management Committee from some or all Club activities from a date to be determined by the Management Committee and until such payment is made.
- 4.4 The Management 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 Swim England Membership Fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees. Any increase in subscriptions shall be advised to the members in writing and the reasons for any increase to be reported to the members at the next Annual General Meeting.
- 4.5 The Executive Officers (or the Management Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the Swim England membership fees, to address issues of social inclusion.

5. Leaving

- 5.1 A member wishing to resign membership of the Club must give to the Membership Secretary 30 days written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with and all outstanding fees have been settled in full.
- 5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 5.3 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/her last known address.
- 5.4 The Swim England Membership Department shall be informed should a member resign when still owing money or goods to the Club.

6. Expulsion and Other Disciplinary Action

- 6.1 The Management Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.
- 6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith. In exercising this power, the Club is required to comply with provision of Rules 6.3 and 6.4 below.
- 6.3 The Club shall comply with the relevant Judicial Rules for handling Internal Club Disputes ("the Rules") and the same may be revised from time to time. The Rules are set out in the Swim England Judicial Laws and appear in the Swim England Handbook. (A copy of the current Rules may be obtained from the Swim England Department of Legal Affairs.)
- 6.4 A member may not be expelled or (subject to Rule 6.5 below) be made the subject of any other penalty unless the panel hearing the complaint shall unanimously vote in favour of the expulsion of (or other penalty imposed upon) the member. The panel will be drawn from either 2 or 4 members of the Club Management Committee plus an independent member.
- 6.5 The Officers of the Club (or any person to whom the Management 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 incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

7. Committees

7.1 The Club shall be governed by a Management Committee.

7.2 The Management Committee shall consist of the Chairman, Secretary and Treasurer, (together “the Executive Officers of the Club”) and such additional personnel as may be required to manage the day-to-day activities of the Club (together known as “the Officers of the Club”). The Club shall have a Welfare Officer and may have a Special Advisor. A Special Advisor can also be appointed by the Management Committee (7.4.2). All members of the Committee must be members of the Club and not less than 18 years of age.

7.3 Appointments

7.3.1 The Management Committee shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with Wavepower Child Safeguarding courses. The Welfare Officer will have a right to attend committee meetings without a power to vote.

7.3.2 Where appointed by the Management Committee, the Special Advisor must not be less than 18 years of age and should have an appropriate background and specialist knowledge of matters relating to the sport in general. The Special Advisor will have the right to attend committee meetings and have the power to vote. The Special Advisor should not be a parent, grandparent or guardian of a swimming member of the Club.

7.4 The Executive Officers and Management Committee members shall be proposed, seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Management Committee. Retiring Executive Officers and members of the Management Committee shall be eligible for re-election.

7.5 Management Committee meetings shall be held not less than monthly (save where the Committee itself, shall by a simple majority, resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Management Committee members (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Management Committee if they consider it to be in the interest of the Club.

7.5.1 The Secretary shall give all the members of the Management Committee not less than two days oral notice of a meeting. Decisions of the Management Committee shall be made by simple majority and in the event of equality of votes the Chairman, (or the acting Chairman of that meeting) shall have a casting vote. The Secretary, or in his/her absence, a member of the Management Committee, shall take minutes.

- 7.6 In the event that a quorum is not present within 30 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 contained in Rule 11.1 shall not apply.
- 7.7 In addition to the members so elected the Management Committee may co-opt further members of the Club who shall serve until the next Annual General Meeting. Co-opted members will have the power to vote and will count towards a quorum.
- 7.8 The Management Committee may from time to time appoint from among their number 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 Management Committee as the Management Committee may determine. All sub-committees shall periodically report their proceedings to the Management Committee and shall conduct their business in accordance with the directions of the Management Committee.
- 7.9 The Management 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 Management Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Management 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 a Management Meeting or AGM.
- 7.10 The members of the Management 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.
- 7.11 The Management Committee shall maintain an Accident Book in which all accidents involving Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the Swim England Membership Department. The Club shall make an annual return to the Swim England Membership Department indicating whether or not an entry has been made in the prescribed form, which is to be found on the membership renewal form.
- 7.12 The Management Committee shall have power to make regulations, create rules (see Rule 12.1) and to settle disputed points not otherwise provided for in this Constitution (see 11.1)

8. Annual General Meeting

- 8.1 The Annual General Meeting of the Club shall be held each year on a date in October or November. The date, time and venue for the Annual General Meeting shall be fixed by the Management Committee.

- 8.2 The purpose of the Annual General Meeting is to transact the following business:
- 8.2.1 To receive the Chairman's report of the activities of the Club during the previous year;
 - 8.2.2 To receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;
 - 8.2.3 To remove and elect the independent examiner (who must not be a member of the Management Committee or a member of the family of a member of the Management Committee) or confirm that he/she remain in office;
 - 8.2.4 To elect the Executive Officers and other members of the Management Committee;
 - 8.2.5 To decide on any resolution which may be duly submitted in accordance with Rule 11.2.
 - 8.2.6 To agree any changes to the Club Constitution.
- 8.3 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 7 days before an AGM. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 7 days before an AGM. In the event of no nominations being received for any post, nominations will be taken at the AGM for election at that AGM.

9. Special General Meeting

- 9.1 A Special General Meeting may be called at any time by the Management Committee. A Special General Meeting shall be called by the Club within 7 days of receipt by the Secretary 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 number as represents one-tenth in number of such members stating the purposes for which the meeting is required and the resolutions proposed.

10. Procedure at the Annual and Special General Meetings

- 10.1 The Secretary shall personally be responsible for the handing out or sending to each member at his/her last known email address, a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed there at least seven 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.

- 10.2 The quorum for the Annual and Special General Meetings shall be 15 members entitled to attend and vote at the Meeting, or if greater, such number as presents one-tenth in number of such members.
- 10.3 The Chair, or in the Chair's absence an executive officer of the club appointed by the Management 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 8.2.5. In the event of an equality of votes the Chairman shall have a casting or additional vote.
- 10.3.1 All members as defined in 3.5 shall be entitled to vote.
- 10.4 The Secretary, or in his/her absence a member of the Management Committee, shall take minutes at the Annual and Special General Meetings.
- 10.5 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.

11. Alteration of the Rules and Other Resolutions

- 11.1 The Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of 50%+1 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 Somerset ASA/Swim England South West Region.
- 11.2 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 him/her not later than 21 days before 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 10.1.

12. Rules

- 12.1 The Management Committee shall have power to make, repeal and amend such rules as they may from time to time consider necessary for the well-being of the Club. The rules, repeals and amendments shall have effect until set aside by the Management Committee or at a General Meeting.

13. Finance

- 13.1 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 or by bank transfer. Cheques should be signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit. If the committee decides to operate all or part of its financial matters on Internet banking, it shall first discuss the process with the relevant bank and as a minimum shall make provision, in conjunction with the bank, to ensure that two of the aforesaid signatories shall approve the payments made by the club through the Internet.

- 13.2 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.
- 13.3 The Management 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.
- 13.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Management Committee thinks fit.
- 13.5 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.
- 13.6 The Management Committee shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years.

14. Property

- 14.1 The property of the Club, other than cash at the bank, shall be vested in not less than two but 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.
- 14.2 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.
- 14.3 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.

15. Dissolution

- 15.1 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.
- 15.2 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.
- 15.3 In the event of dissolution or, winding up, all assets remaining after settlement of all debts and liabilities shall be given to a registered charity, or to the Sports National Governing Body or, as otherwise agreed by the Committee as the best solution for the furtherance of the swimming development of the membership on the dissolution.

16. Data Protection Act

- 16.1 The Club shall comply with the Data Protection Act as applicable.

17. Acknowledgement

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

18. Statement

- 18.1 The following statement needs to appear on Club membership forms and is to be signed by the member and must all be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

I acknowledge receipt of the rules of Team Bath AS and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.