

**AMATEUR SWIMMING ASSOCIATION  
CITY OF BRISTOL SWIMMING CLUB CONSTITUTION  
Version Nine – 20<sup>th</sup> July 2016**

**CONSTITUTION of City of Bristol Swimming Club as at 2016 (final date to be agreed)  
Agreed by Gloucester ASA - 22<sup>nd</sup> July 2016  
Agreed at the City of Bristol Swimming Club AGM - ????**

**1. Name**

1.1 The name of the Club shall be **City of Bristol Swimming Club (COB)**. The COB Committee will also be known as the City of Bristol Swimming Club Aquatics Board.

**2. Objects**

2.1 The objects of the City of Bristol Swimming Club (COB) shall be to support opportunities for athletes to achieve their potential, improve standards and raise the enjoyment and engagement in the Aquatics Disciplines of Swimming, Synchronised Swimming and Waterpolo in Bristol and the surrounding area. The Club is dedicated to serving its athletes, members and supporting the Network of Participating Clubs. The Club's aims are the teaching, development and practice of competitive and recreational Swimming, Synchronised Swimming and Waterpolo guided by the principles for development from the ASA. The competitive focus of COB shall be;

- Swimming – County, Regional, National, International, Leagues, Open Meets and Development Meets as determined by the Club's Head Swimming Coach and agreed by the Swimming Management Committee.
- Synchronised Swimming - County, Regional, National, International and selected competitions as determined by the Club's Head Synchronised Swimming Coach and agreed by the Synchronised Swimming Management Committee.
- Water Polo – Local League, County, Regional, National, British & European competitions as determined by the Club's Head Water Polo Coach and agreed by the Water Polo Management Committee.
- See section 19 covering Competitions for those COB Swimmers who are also members of Participating Network Swimming Discipline Clubs.

In the furtherance of these objects:

- 2.1.1 The Club is committed to treat everyone equally within the context of their activity. This shall be, for example, regardless of gender, ethnic origin, religion, disability or political persuasion on any grounds.
- 2.1.2 The Club shall adhere to the ASA Equal Opportunities Policy.

- 2.2 The Club shall be affiliated to Gloucester County ASA and the ASA South West Region and shall adopt and conform to the rules of those Associations, and to 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 the ASA and in particular:
  - 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 and Regulations, adopt the ASA Child Safeguarding Procedures (current Wavepower); 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. These principles will also apply to the protection of vulnerable adults.
  - 2.3.3 Members of the Club shall, in accordance with ASA laws, comply with the ASA Child Safeguarding Procedures (current Wavepower).
- 2.4 By virtue of the affiliation of the Club to Gloucester County ASA and ASA 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 Gloucester County ASA and ASA South West Region; and
  - 2.4.2 The ASA (to include the ASA/IOS Code of Ethics); and
  - 2.4.3 British Swimming (in particular its Doping Control Rules and Protocols and Disciplinary 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 that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.
- 2.6 The Club will be SWIM 21 accredited. All Participating Network Swimming Clubs must be SWIM 21 accredited or actively working towards SWIM 21.

### **3. Membership**

- 3.1 The total membership of the Club shall not normally be limited. If however the COB Committee considers that there is a good reason to impose any limit then the COB 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 any limits on total membership or any category of membership of the Club.
- 3.2 All persons who assist with the Club's activities can apply for membership of the Club and hence of the ASA and the relevant ASA membership fee shall be paid, by the Club. See **Appendix A – Club Policies on Membership**
- 3.3 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 ASA's Code of Ethics, the Laws and Regulations relating to Child Safeguarding and those parts of the Judicial Laws, Judicial Rules, Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Regulations.
- 3.4 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 Members (under

18 years old) the application must be signed by the swimmer's parent or person having parental responsibility for the member. Admission to membership shall be determined by the COB Committee or other person(s) authorised by the COB Committee.

- 3.5 The COB Committee or such authorised person(s) 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 COB Committee comprised of not less than three members (who may or may not be members of the COB Committee). The panel shall wherever practicable include one independent member nominated by the ASA South West 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.
- 3.6 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, gender, disability, political persuasion or sexual orientation.
- 3.7 Every Member shall submit updates (or confirm there are no changes) on their personal contact information. This may be in written form or uploaded to the Club data system.
- 3.8 The members of the COB Committee are by virtue of their positions, Members of the Club.
- 3.9 If required by the COB Discipline, Club Captain(s) shall be appointed. The process for appointing Club Captains to be decided by each Discipline.
- 3.10 Swimming - All members joining from a Participating Network Swimming Discipline Club will be expected to continue as members of their Home Club, as well as COB. The list of Participating Network Swimming Discipline Clubs to be agreed by the Swimming Management Committee and can be amended by the COB Committee, without the need for an SGM. All Swimmer joining COB from a Participating Network Swing Discipline Club shall be fee paying Members of the ASA, as described in ASA regulation 47.4.3, for that or any other Participating Network Swimming Discipline Club (their Home Club) for the duration of their COB Membership.

#### **4. Subscription and Other Fees**

- 4.1 All fees shall be determined by each Discipline Management Committee and signed off by the COB Committee and will, in so doing, make special provision for different classes of membership as it shall determine. Annual Membership Fees can, if agreed by the COB Committee, be collected as part of training fees. This shall include the power to make such increase in fees as shall, where the Club pays the individual ASA Membership fees to the ASA on behalf of members, resulting from an increase in individual ASA membership fees. Any increase in fees shall be advised to all members in writing or by email with the reasons for any increase.
- 4.2 Any Member whose subscription is unpaid shall be subject to the COB Late Payment Policy – see appendix B
- 4.3 The COB Committee shall have the power in special circumstances to waive the whole or part of the fees, including the ASA membership fees, to address issues of social inclusion.

#### **5. Resignation**

- 5.1 A Member wishing to resign membership of the Club must give to the Membership Secretary written notice of his/her resignation. A Member's resignation shall take effect only when this (Rule 5.1) has been complied with.
- 5.2 Notwithstanding the provisions of Rule 5.1 above, a Member whose fees have not been paid and following the provisions of the COB Late Payment Policy shall be deemed to have resigned. Where the membership of a Member shall be terminated in this way he shall be informed in writing that he is no longer a member by notice handed to him or sent by email.
- 5.3 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 Fee or any other fees returned.
- 5.4 The ASA Membership Department shall be informed should a member resign or have their membership terminated when still owing money or goods to the Club.

## **6. Expulsion and other disciplinary action**

- 6.1 The COB 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 6.3 and 6.4 below.
- 6.2 Upon expulsion the former Member shall not be entitled to have any part of the annual fee refunded and must return any Club or external body's trophy or trophies held forthwith.
- 6.3 The Club shall comply with the requirements and procedures of the ASA Judicial Rules and Regulations for handling Internal Club Disputes as the same may be revised from time to time. A copy of the relevant Regulations and Procedures are given as appendix C to the constitutional rules.
- 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 by a two-thirds majority vote in favour of the expulsion of or other penalty imposed upon the member.
- 6.5 The Officers of the Club (or any person to whom the COB 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 appropriate ASA Judicial Rules and Regulations.
- 6.6 Any complaint must be referred to the COB Committee in writing – including by email.

## **7. Committee**

- 7.1 The COB Committee (also known as the COB Aquatics Board) who are responsible for the management of COB shall consist of the following Committee Members, elected at the AGM, who are entitled to vote at COB Committee Meetings:
  - Chairperson, Vice Chairperson, Secretary and Treasurer (the Officers of the Club), Membership Secretary, SWIM 21 Coordinator, Communication Manager
- 7.2 Also COB Committee Members from the Disciplines who are elected at the AGM and who are entitled to vote at COB Committee Meetings:
  - A Representative of COB Synchronised Swimming
  - A Representative of COB Water Polo

- A Representative of COB Swimming
  - A Representative of COB Disability Swimming
  - A Representative nominated by each of the Participating Network Swimming Clubs. The nominated person must be a member of the Network Club Committee. This nominated person will have a vote at the COB Committee if the Club has 5 of the following actively and regularly involved with COB – Swimmers in one of the COB Squads, Committee members (excluding the member nominated to represent the Network Club), Coaches, registered technical officials. If less than 5 the representative can attend the COB Committee but not vote. The Network representative shall become a member of COB and those with voting rights shall be approved by the AGM or in the case of substitution during the year by the COB committee.
- 7.3 Also COB Committee Members appointed by the COB Committee who do not have a vote at the COB Committee Meetings:
- Welfare Officer
  - Fund Raising/Sponsorship Manager
- 7.4 Also Advisers - invited to attend Committee meetings to input and advise but take no part in the management of the Club.
- 7.5 The Accountabilities of the COB Committee (also known as the COB Aquatics Board) are listed in Appendix D
- 7.6 The COB Committee shall have a Welfare Officer who must be not less than 18 years of age, who should ideally have an appropriate background (e.g. Teacher, Nurse, Doctor, Social Worker etc) and who is required to undertake appropriate training in accordance with ASA Child Safeguarding Guidelines (Wavepower). The Welfare Officer shall ideally not be a Member of the teaching and coaching staff or a Team Manager or a member of the family of an Officer, COB Committee Member, the teaching and coaching staff or a Team Manager. The Welfare Officer is a Member of the COB Committee, without a vote, and shall report to the COB Committee on aspects of welfare concerning members of the Club in accordance with current ASA Wavepower.
- 7.7 The Officers and COB Committee Members (see 7.1 & 7.2) 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. Any vacancy occurring by resignation or otherwise may be filled by the COB Committee. Retiring Officers and members of the COB Committee shall be eligible for re-election.
- 7.8 COB Committee meetings shall be held at least quarterly (save where the COB Committee itself shall by a simple majority resolve not to meet), The Chairperson and/or the Secretary shall have discretion to call further meetings of the COB Committee if they consider it to be in the interests of the Club. The Secretary shall give all members of the COB Committee not less than seven days oral or written notice of a meeting. Decisions of the COB Committee shall be made by a simple majority and in the event of equality of votes the Chairperson, Vice Chairperson (in the absence of the Chairperson) or the acting Chairperson (in the absence of the Chairperson or Vice Chairperson) of that meeting shall have a casting additional vote. The Secretary, or in his or her absence a Member of the COB Committee, shall take minutes, record attendees and details of any votes taken.

- 7.9 The quorum for a COB Committee meeting shall be such number as shall represent not less than a simple majority of the COB Committee Members entitled to attend and vote, to include not less than one Officer. 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 COB 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 shall not apply.
- 7.10 In addition to the members elected, the COB Committee may co-opt up to six 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 COB Committee but shall not be counted in establishing whether a quorum is present. Co-opted members shall not be less than 18 years of age.
- 7.11 The COB Committee may from time to time appoint (from among its number and other Club members) such sub-committees as it may consider necessary (and to remove or vary the terms of reference of such sub-committees) and may delegate to them such of the powers and duties of the COB Committee as the COB Committee may determine. All sub-committees shall periodically report their proceedings to the COB Committee and shall conduct their business in accordance with the directions of the COB Committee.
- 7.12 The COB 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 and voluntary helpers of the Club. The COB Committee shall have the power to enter contracts for the purposes of the Club on behalf of all members of the Club.
- 7.13 The COB 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 COB Committee.
- 7.14 The Members of the COB 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.
- 7.15 The COB Committee shall maintain an Accident Book in which all accidents involving Club Members at COB swimming related activities shall be recorded. Details of such accidents shall be reported to the ASA Membership Department. The Club shall make an annual return to the ASA 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. All accidents recorded in the Club's Accident Book should also be recorded, at the same time, in the Accident Book of the facility at which the accident took place.
- 7.16 The COB Committee shall also have power to make regulations, create by-laws, see also Rule 13.1, and to settle disputed points not otherwise provided for in this Constitution.
- 7.17 The COB Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years.
- 7.18 At the first COB Committee meeting following the Annual General meeting the COB Committee shall appoint the delegates to attend the Council meetings of the South

West Region, the County Association and such other bodies and associations to which the Club is affiliated, as required.

- 7.19 Discipline Management Committees will be formed to manage the day-to-day activities of the different Aquatic Disciplines that make up COB. The requirement for a Management Committee including the delegated accountabilities and membership required to deliver these accountabilities will be agreed by the COB Committee.
- 7.20 The membership of each Discipline Management Committee will be proposed by each Management Committee, agreed by the COB Committee and approved at the AGM but not voted on. Management Committees will be established for:
  - Swimming
  - Synchronised Swimming,
  - Waterpolo
- 7.21 The delegated accountabilities of each of these Management Committees are listed in Appendix D

## **8. Officers**

- 8.1 The Officers of the Club shall be the Chairperson, Vice Chairperson, the Secretary and the Treasurer.
- 8.2 The Annual General Meeting of the Club, if it thinks fit may elect a President and Vice-President/s. A President or Vice-President need not be a member of the Club but 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.

## **9. Annual General Meeting**

- 9.1 The Annual General Meeting of the Club shall be held each year in June or July. The date, time and venue for the Annual General Meeting shall be fixed by the COB Committee.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
  - 9.2.1 To receive the Chairperson's report of the activities of the Club during the previous year;
  - 9.2.2 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;
  - 9.2.3 To remove and elect the independent examiner (who must not be a Member of the COB Committee or a member of the family of a Member of the COB Committee) or confirm that he/she remain in office;
  - 9.2.4 To elect the Officers and other Members of the COB Committee (see 7.1 & 7.2);
  - 9.2.5 To decide on any resolution that may be duly submitted
- 9.3 Nominations for election of Members to any office, position or for membership of the COB Committee shall be made in writing by the proposer and seconder to the Secretary not later than 21 days before the AGM. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election.
- 9.4 Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not less than 21 days before the AGM.

## **10. Special General Meeting**

- 10.1 A Special General Meeting may be called at any time by the COB Committee.
- 10.2 A Special General Meeting shall be called by the Secretary within 28 days of receipt by him or her of a requisition in writing signed by not less than 7 Members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.
- 10.3 A Special General Meeting shall be called in response to a resolution to that effect passed at the Annual General meeting or at any other Special General meeting.

## **11. Procedures at the Annual and Special General Meetings (AGM and SGM)**

- 11.1 The Secretary shall personally be responsible for the making available handing out or sending by email to each member a written notice of the date, time and venue at least 28 days before the AGM or SGM. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists and Club Website where one exists
- 11.2 The Secretary shall personally be responsible for making available to each member a written agenda for a General Meeting together with the resolutions to be proposed there at least 14 days before the meeting and in the case of the Annual General Meeting a copy of the reports to be considered, a list of nominees for the COB Committee posts and other positions and a copy of the examined accounts. The Secretary may, alternatively, distribute these materials by email or similar form of communication.
- 11.3 The quorum for the AGM or SGM shall be 10 members entitled to attend and vote at the Meeting.
- 11.4 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 one month 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 COB Committee Members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to the minimum notice contained in Rule 11 shall not apply.
- 11.5 The Chairperson, or in their absence the Vice Chairperson or if both absent a member selected by the COB 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. In the event of an equality of votes the Chairperson shall have a casting additional vote.
- 12. 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 Chairperson as matters concerning juniors, such as the election of Club Captains.
- 12.1 The Secretary, or in his/her absence a member of the COB Committee, shall take minutes at AGMs and SGMs.
- 12.2 The Chairperson 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.



### **13. Alteration of the Rules and other Resolutions**

- 13.1 The Constitution may be altered only by resolution at an AGM or SGM provided that the resolution is carried by a majority of at least two-thirds of members present and voting at the General Meeting.
- 13.2 No amendment to this Constitution shall become effective until such amendment shall have been submitted to and validated by such person as is authorised to do so by Gloucester County ASA.
- 13.3 Any member 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, posted or emailed to the Secretary of the Club so as to be received by him not later than 21 days before the Annual General Meeting or Special General Meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members

### **14. By-Laws**

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

### **15. Finance**

- 15.1 The Financial relationship between the COB Committee and the Discipline Management Committees (Swimming, Synchronised Swimming and Waterpolo) will be governed by **Financial Protocols detailed in appendix E**
- 15.2 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.
- 15.3 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.
- 15.4 The financial transactions of the Club shall be recorded by the COB Treasurer or Discipline Finance Officers in such a manner as the COB Committee think fit
- 15.5 The financial year of the Club shall be the period commencing on 1st April and ending on 31st March. Any change to the financial year shall require the approval of the members at a General Meeting.
- 15.6 The Committee shall retain all financial records relating to the Club and copies of Minutes of all meetings for a minimum period of six years.
- 15.7 Discipline Management Committees will be accountable for their own finances as agreed by the COB Committee; they will have their own Bank account/s. All money payable to each Discipline Management Committee shall be received by the Finance Officer and deposited in a bank account in the name of that Discipline. No sum shall be drawn from that account except where agreed by two of the three signatories who shall  
be the Chairperson, Secretary and Treasurer or others appointed by the COB Committee or Management Committees.

Number of signatories;

- ⤴ COB Committee – three
- ⤴ Management Committees – five - three members of the Management Committee. Plus two from the COB Committee, to be Treasurer plus Chairman or Secretary. The signatories from the COB Committee will only exercise this authority should one of the Management Committee signatories leave post or if clause 14.8 is in acted.

15.8 The COB Committee will at all times have the authority to take full control of any individual Discipline's finances should they feel it necessary. Control shall only be reinstated once any anomalies or irregularity to the finance plan or monetary control has been restored in to line with the individual Discipline's annual finance plan or to such time, that any irregularity has been duly concluded to the COB Committees satisfaction.

15.9 If the COB 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 provision, in conjunction with the Bank, to ensure that two of the aforesaid signatories (14.7) shall approve the payments made by the Club through the internet.

## **16. Property**

16.1 The property of the Club, other than cash at the bank, shall be directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.

## **17. Dissolution**

17.1 A resolution to dissolve the Club shall be proposed only 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 dissolution shall be included in the resolution.

17.2 The dissolution shall take effect from the date specified by the resolution and the members of the COB 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 given to a charity or charities or other non-profit making organisation having objectives similar to those of the Club for the furtherance of such objectives nominated by the last COB Committee.

## **18. Competition – Swimming Discipline**

18.1 The areas of competition in which the Club Members may represent the City of Bristol Swimming Club are as follows:

18.1.1 GCASA County Youth and Age Group competitions.

18.1.2 SWRASA Region Youth and Age Group competitions.

18.1.3 National and Regional Championships and National Age Group Competitions.

18.1.4 Any competitions approved in advance by the Committee.

## **19. COB Network of Swimming Discipline Clubs**

In addition to the City of Bristol SC there will be a Network of Participating Swimming Discipline Clubs. The COB SC (Swimming Discipline) and the Network of Participating Swimming Discipline Clubs form the COB Swimming Discipline Network. The list of Participating Network Swimming Clubs to be agreed by the COB Committee and can be amended by the COB Committee, without the need for an SGM. Policies concerning Participating Swimming Discipline Network Clubs are included in Appendix F.