

# Essex County ASA

## Affiliated to ASA East Region and ASA London Region

December 2008

### RULES

#### Preamble

**1.1** In these Rules:

“A.S.A.” shall mean the Amateur Swimming Association;

“Region” shall mean the ASA East and ASA London Regions; and hereafter reference to Region refers to both Regions unless the context indicates to the contrary;

“County” shall mean the Essex County ASA comprising the ceremonial County of Essex together with the London Boroughs of Barking and Dagenham, Havering, Newham, Redbridge and Waltham Forest;

“Club” shall include all affiliated bodies, organisations and associations unless the context indicates to the contrary;

words importing the masculine gender shall include the feminine;

words of the plural number shall include the singular and words of the singular number shall include the plural;

the term swimmer shall include synchronised swimmer, diver and water polo player unless the context indicates to the contrary.

#### Name

For all legal or official purposes relating to the performance of its duties as an integral component of the Region the Body shall be called Essex County A.S.A.

#### Composition

The Essex County ASA shall consist of the clubs, associations, organisations and bodies affiliated to the Region whose principal location where the club's swimming activity takes place is located as defined in 1.1.3.

#### Objects

**4.1** The objects of the Essex County ASA shall be to:

**4.1.1** Promote development of swimming and swimming related activities and in particular to promote swimming, diving, synchronised swimming and water polo championships and competitions

**4.1.2** carry out the aims and objects of the Region;

**4.1.3** obey and enforce the laws, rules, resolutions and rulings of the A.S.A. and the Region;

In the event that there shall be any conflict between any rule of Essex County ASA and/or any of the

Governing Body Rules then the governing body rules shall prevail.

5. **Responsibilities of the County Association**

**5.1** Essex County ASA shall

be responsible for managing the sport of swimming within its boundaries for those clubs affiliated to it ;

**5.1.2** follow the resolutions and rulings of the A.S.A. Board and/or ASA Council and/or the Regional Council and/or the Regional Management Board and ensure that they are followed within its jurisdiction;

**5.1.3** be accountable to the Region for the proper discharge of its function;

**5.2** In relation to its Administration and Finances the Essex County ASA shall:

**5.2.1** determine the uses to which its funds are allocated; set up and implement a Strategic Plan including a budget indicating the source of the required funding and how it will be spent; have the authority to set a County element of the affiliation and membership fees due from each of the clubs affiliated to it;

6 **Finance, property, accounting and dissolution**

**6.1** Any changes in the Essex County ASA banking arrangements shall be decided by the Management Committee

**6.2** The Essex County ASA's financial year shall end on 31st March, to which date all reports and accounts shall be completed

**6.3** Every member of the Essex County ASA Management Committee, employee, servant or agent of the Essex County ASA shall be indemnified by Essex County ASA and it shall be the duty of Essex County ASA to pay all costs, losses and expenses which any such person may incur or for which he may become liable by reason of any contract entered into or act or thing done by him in good faith in the discharge of his duties

**6.4** Any member of the executive or its standing committees will be entitled to claim expenses in accordance with the guidelines agreed by the Management Committee. All expenditure is to be supported by legitimate documentation.

**6.5** Essex County ASA may purchase or by any other means acquire and take options over any property whatever, and any rights or privileges of any kind over or in respect of any property, and if it does so

**6.5.1** any property of Essex County ASA, other than cash at the bank, shall be vested in not more than five Custodians, who shall be the Officers of the Association. They shall deal with the property as directed by resolution of the Essex County ASA Management Committee and entry in the minutes shall be conclusive evidence of such a resolution;

the Custodian(s) shall be entitled to an indemnity out of the property of Essex County ASA for all expenses and other liabilities properly incurred by them in the discharge of their duties

9 **Officers**

9.1 The Executive Offices of ESSEX county ASA shall be the President , President Elect, The Chairman,

Essex County ASA may be wound up or dissolved upon the passing of a resolution by a 75 % majority of those attending a quorate Essex County ASA AGM/Special General Meeting, which has been duly called for the purpose. If upon the winding up or dissolution of Essex County ASA there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such sums shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Association for the furtherance of those objects) as nominated by the last Essex County ASA Management Committee.

## **7 Affiliation**

### **7.1 Allocation**

A club wishing to affiliate to the Region for allocation to Essex County ASA shall submit a copy of its rules to the Region with an application form and affiliation fees as set by the Region. Upon affiliation the Region shall provide to Essex County ASA details of the club's membership and details of the club's Secretary as the contact point for the club.

### **7.2 County fees**

Each club allocated by the Region to Essex County ASA shall pay to the A.S.A./ Region/County as required, a County fee as the case may be which shall be set by the County before 30<sup>th</sup> November in the preceding year.

### **7.3 Concessions**

The Essex County ASA Management Committee shall have the authority to remit the whole or part of the County affiliation fee payable by member clubs.

### **7.4 Resignation**

A club wishing to resign from the Region shall give notice in writing to that effect before 1<sup>st</sup> January or it shall be held liable for its Regional/County affiliation fee for the subsequent year. Resignation from the Region shall automatically terminate affiliation to Essex County ASA .

### **7.5 Suspension and its effect**

**7.5.1** Any club made the subject of a suspension imposed by the Region shall be automatically suspended by the Essex County ASA

**7.5.2** A member of a club which has not paid its liabilities to Essex County ASA and/or to the Region and/or to the A.S.A. by the appointed date shall not be allowed to compete during the period of suspension in any open competition in the name of that club.

**7.5.3** An association, body or league which has not paid its liabilities to the Essex County ASA and/or to the Region and/or to the A.S.A. by the appointed date shall not be allowed to run its own teaching or training sessions or run competitions during the period of suspension.

**7.5.4** Any insurance arranged by the A.S.A. or the Region will not provide cover for any person, club, association, body or organisation relative to any incident occurring during the period of suspension.

## **8 Government**

**8.1** There will be three levels of government of Essex County ASA

**8.1.1** The Annual General Meeting

**8.1.2** The Management Committee

**8.1.3** The Standing and other Committees

the Secretary and the Treasurer

## **10 Essex County ASA Annual General Meeting**

### **10.1 Composition**

**10.1.1** Only eligible persons under Section 8.2 , who must also be members of the ASA shall be eligible to attend the Essex County ASA Annual General Meeting, Subject to the foregoing, the Annual General Meeting shall be comprised of:

**10.1.1.1** the President

**10.1.1.2** the Chairman

**10.1.1.2** the Secretary

**10.1.1.2** the President Elect

**10.1.1.3** the Treasurer

**10.1.1.4** the Past Presidents,

**10.1.1.5** the Hon. Life Members of Essex County ASA .

**10.1.1.6** the members of the Management Committee;

**10.1.1.7** the Managers of the Disciplines

**10.1.1.8** the delegates of affiliated clubs elected in compliance with these Rules.

**10.1.2.** Twelve of those members entitled to attend and vote shall form a quorum at any meeting

### **10.2 Annual General Meeting**

**10.2.1** The Annual General Meeting of the Essex County ASA shall be held at least once in any calendar year.

**10.2.3** Not less than fourteen days notice of the meeting shall be given to all affiliated clubs and those eligible to attend the Essex County ASA Annual General Meeting.

**10.2.3** The agenda together with a report of the proceedings of Essex County ASA and any proposed rule changes, any other motions and, if available, the examined financial statement of the preceding year, shall be distributed with the notice convening the meeting.

**10.2.4** The meeting shall be held at such a venue and at such a time as the Management Committee shall determine, which shall be notified to clubs with the notice convening the meeting.

### **10.3 Special Meeting of Essex County ASA**

**10.3.1** The Management Committee may call a Special Meeting on its own initiative and shall call one within twenty one days of receiving a written request for such a meeting signed on behalf of at least six different clubs or other affiliated bodies. Each signatory to the request shall be a member of his club. No business shall be discussed at such a meeting other than that prescribed by the Management Committee or that stated in the request, as the case may be.

**10.3.2** Not less than fourteen days notice of a Special Meeting shall be given to all affiliated clubs, and the notice shall specify the object of the meeting. The meeting shall be held at such a venue and at such a time as the Management Committee shall determine, which shall be notified to clubs with the notice convening the meeting.

## **11. Representation at the Essex County ASA Annual General or Special Meeting**

### **11.1 Fee-paying clubs**

Each club affiliated to Essex County ASA shall be entitled to representation based on the total number of its members in the previous year according to the club's ASA. Annual Return of Club Membership. Each Club is encouraged to provide at least one delegate for the meeting as clause 11.1. The number of delegates to which each club is entitled shall be:

- Up to 50 members - one delegate;
- 51 to 200 members - two delegates;
- Over 201 members - three delegates;

### **11.2 Delegates**

A delegate shall be appointed by the club he represents. The club's Secretary, or other person authorised so to do, shall sign the delegate authorisation form, supplied for the purpose, as certification that the delegate is a *bona fide* member of the club and that he has been duly appointed a delegate of the club to the Annual General Meeting or Special Meeting..

## **12 The Essex County ASA**

### **12.1 The AGM shall have the responsibility to:**

- 12.1.1** oversee the work of the Management Committee and receive its reports and accounts;
- 12.1.2** abide by the standing orders for its conduct;
- 12.1.3** consider and decide any proposed additions, alterations or rescissions to these Rules;
- 12.1.4** keep accurate minutes of its meetings.

### **12.2 In particular, the Annual General Meeting shall**

- 12.2.1** at the Annual General Meeting appoint, from time to time an Independent Financial Examiner, as required, who shall not be members of the Management Committee;
- 12.2.2** at the Annual General Meeting elect the following, each of whom shall be a member of a club allocated to Essex County ASA
  - 12.2.2.1** the President, who shall be the retiring President Elect
  - 12.2.2.2** the President Elect;
  - 12.2.2.3** the Secretary and Treasurer
  - 12.2.2.4** the Representative to the Regional Management Board(s) ;
  - 12.2.2.5** the Managers of the Swimming, Synchronised Swimming, Masters Swimming, Diving, Water Polo, and Officials Committees, together the 'Standing Committees';
  - 12.2.2.6** Minute Secretary, Trophy Officer, Records Officer, Events Manager .
  - 12.2.2.7** the required number (9) of Essex County ASA Management Committee Members. Not more than two thirds can come from clubs affiliated to either ASA London or ASA East Regions;

## **13.**

### **13.1 The Essex County ASA Annual General Meeting may:**

- 13.1.1** discuss any matters which are relevant and pass resolutions and orders concerning them;

**13.1.2** appoint a special committee to consider and report upon any matter; the number of members of the committee and a quorum to be determined by the Annual General Meeting. The President, Secretary and Treasurer shall be *ex officio* members of any such committee unless the Annual General Meeting directs otherwise;

**14. The Essex County ASA Management Committee/**

**14.1** Composition

**14.1.1** The Management Committee shall comprise the following, each of whom shall be a member of the A.S.A. through membership of a club affiliated to the County

**14.1.1.1** the President;

**14.1.1.2** the President Elect

**14.1.1.3** the Chairperson

**14.1.1.4** the Treasurer

**14.1.1.5** the Secretary

**14.1.1.6** the Minute Secretary

**14.1.1.7** the Records Officer

**14.1.1.8** the Events Manager

**14.1.1.9** the Trophy Officer

**14.1.1.10** the Representative to the Regional Management Board

**14.1.1.11** the Managers of the Swimming, Synchronised Swimming, Masters Swimming, Diving, Water Polo, Disabilities, Open Water, and Officials,

**14.1.1.12** the County Swimming Coach

**14.1.1.13** six members, each of whom shall be elected annually by the Essex County ASA AGM from nominations received. Retiring members shall be eligible for reelection.

**14.1.1.13** Past Presidents.

A member shall take office from the end of the meeting at which his election has been effected or at which he has been co-opted to the Committee and shall remain in office until his successor takes office;

The Chairman is to be elected annually by the Management Committee and may be subject to a 3 year term

**14.2**

**14.2.1** The Management Committee shall have the authority to co-opt such other persons for any specific purpose who may speak but may not vote. In addition it will appoint suitable persons to the following County roles. Such persons will not necessarily be members of the Management Committee:

**14.2.1.1** County Welfare Officer

**14.2.1.2** County Volunteer Officer

**14.2.1.3** Membership Officer

**14.2.1.4** Web Manager

**14.2.1.5** Equity Officer

**14.2.2** Any member of the Management Committee who is absent from three consecutive Meetings between two consecutive Annual General Meetings, without having received leave of absence or giving any explanation accepted as valid by the Management Committee, may be deemed to have stepped down from their position and the Management Committee

**14.2.3** The Management Committee may fill any vacancy which may occur during a term of office. Such a replacement shall take office immediately and remain in office until the next Annual General Meeting of the Association when he is eligible to stand for re-election.

#### **14.3 Meetings**

The Management Committee shall meet as often as it deems necessary or desirable for the good governance of Essex County ASA. There shall be a minimum of 5 meetings in any calendar year. The Secretary shall give at least seven days notice of each meeting by means of an agenda.

#### **14.4 Quorum**

The quorum at any meeting of the County Management Committee shall consist be 6 members entitled to vote.

#### **14.5 Powers and responsibilities**

**14.5.1** The responsibilities of the Management Committee shall include but not be limited to:

**14.5.1.1** manage the sport of swimming within its boundaries subject to the strategic direction of the Region for those clubs affiliated to it.

**14.5.1.2** carry out any specific duty laid upon it by the AGM

**14.5.1.3** have day to day management of the affairs of Essex County ASA

**14.5.1.4** appoint any officers, managers, and members of the standing and other committees, not elected by the AGM;

**14.5.1.5** monitor and evaluate the work of the Standing and other Committees, and any other persons appointed to specific tasks within Essex County ASA, including the production of budgets, accurate minutes of their meetings and reports of their other activities;

**14.5.1.6** maintain appropriate channels of communication with, clubs and individuals.

**14.5.2** in particular, the Management Committee shall:

**14.5.2.1** if considered appropriate, set the annual affiliation fee in line with the budget;

**14.5.2.2.** determine who shall be the authorised signatories of the Essex County ASA's bank accounts;

**14.5.2.3** ensure that minutes of its meetings are produced and retained for a minimum of 6 years and then archived;

**14.3.2.4** at its first meeting after the Annual General Meeting, elect the chairperson from its members and appoint the members of the Standing Committees,

**14.3.2.5** determine any question arising as to the correct interpretation of any of these rules, or any other question not herein provided for;

**14.4** The Management Committee may:

**14.4.1** Enter into contracts on behalf of its members for purposes of meeting the objectives of the Association.

**14.4.2** Following a motion which has been passed by a majority of at least two thirds of those voting, discharge a Standing Committee and elect a new committee in its place

**14.5** The Management Committee shall have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.

#### **15 Standing Committees**

**15.1** Masters Swimming, Swimming, Diving, Synchronised Swimming, Swimming Officials, Emergency and Water Polo Committees

##### **15.1.1** Composition

Each committee may consist of up to five members and the *ex officio* members as detailed.

The Swimming Committee shall comprise of the following voting members – the Swimming Events Manager; The County Coach and three other members. Other people maybe co-opted on to the committee but will not have voting rights unless agreed by the Management Committee

#### **15.1.2 Duties**

The Management Committee may lay down (and from time to time amend) detailed terms of reference identifying the powers, duties and responsibilities of each committee

### **15.2 Provisions applicable to Standing and other Committees**

#### **15.2.1 Standing Orders**

Except where varied by any provision of this Rule 15, the applicable sections of the Standing Orders for the conduct of the Management Committee shall apply to each Standing Committee in all respects as if it were the Management Committee.

#### **15.2.2 *Ex officio* members**

**15.2.2.1** The Manager of each Standing Committee shall be a voting member of that Committee.

#### **15.2.3 Attendance at Standing Committees**

**15.2.3.1** The following may attend any meeting of any Standing Committee with the power to vote and shall be given notice of all such meetings:

**15.2.3.1.1** The President;

**15.2.3.1.2** The President Elect

**15.2.3.1.3** The Chairman

**15.2.3.1.4** The Secretary;

**15.2.3.1.5** The Treasurer;

#### **15.2.4 Quorum**

The quorum at any meeting of any committee shall be 1/3rd the number of voting members.

#### **15.2.5 Co-option**

Each committee shall have power to co-opt members for any special purpose, without the power to vote unless such co-option has been agreed by the Management Committee, in which case such appointees will be considered to be voting members and who must be members of the A.S.A..

#### **15.2.6 Chairman**

Each Standing Committee shall elect a Chairman from its own voting members.

#### **15.2.7 Minutes**

Each Standing Committee shall keep Minutes of Its meetings, including a list of those present, which shall be submitted to the Management Committee.

### **Standing Orders for the Conduct of Essex County ASA Affairs**

#### **1. Standing Orders for the conduct of the County Annual General Meeting**

##### **1.1 Chairman**

**1.1.1** The Chairman shall:

**1.1.1.1** have unlimited authority upon every question of order;

**1.1.2.3** Have the right to vote on any motion and in the event of a tie the proposal or motion shall be 'not carried'



## 1.2 Motions

**1.2.1** A proposal for consideration at the Annual General Meeting shall be submitted in writing so as to arrive at the nominated address no later than the nominated date :

**1.2.1.1** by the Management Committee or

**1.2.1.2** by a club, body, association or organisation allocated to Essex County ASA

Proposals received in accordance with this section, which shall be proposed and seconded shall be sent to the clubs, bodies, associations and organisations entitled to be represented at the Annual General or Special meeting not less than fourteen days before the Annual General Meeting or Special meeting

A motion of which due notice has not been given may not be discussed

**1.2.2** person eligible to attend the Annual General Meeting or a club, body, association or organisation affiliated to Essex County ASA may either by written question addressed to the Secretary and/or at the Annual General Meeting, question or have discussed any item in the published minutes of the last Annual General Meeting or any subsequent Special Meeting, the Annual Report, the Financial Statements

## 1.3 Procedures at Annual General or Special Meetings

**1.3.1** Every motion shall be proposed and seconded. Resolutions which emanate from the Management Committee shall be proposed by a member of that Management Committee while those which emanate from a standing or other committee shall be proposed by the manager of the committee.

**1.3.2** A proposal to change Essex County ASA Rules or Standing Orders shall be carried only if at least two-thirds of those voting are in favour. All other proposals, including amendments to proposals whether to change a Essex County ASA Rule or otherwise, shall require a simple majority of those members voting

**1.3.3** The County Annual General Meeting shall be open to the public and accordingly except as provided in these rules or with the permission of the Chairman, nobody except a member of the Annual General Meeting may take part in the business.

## 1.4 Voting

**1.4.1** The Secretary shall appoint two scrutineers, one of whom shall supervise the proper conduct of the scrutinising process. They shall receive from each delegate his delegate authorisation form signed in accordance with these rules. An authorisation form which has not been fully completed or which is of doubtful validity shall be referred to the Chairman for a decision on whether it is acceptable.

**1.4.2** Unless the Chairman directs otherwise, voting on all motions or amendments shall be by a show of delegate forms.

**1.4.3** Voting on elections shall be by secret ballot and any ballot paper containing more votes than the number required shall be void.

**1.4.4** Completed voting papers shall be deposited in a ballot box provided for the purpose not later than ten minutes after the advertised starting time of the meeting; the ballot box shall be closed at the expiry of such ten minutes and voting papers will not be received thereafter. The voting paper shall contain such of the nominations made as require to be voted upon. Proxy voting shall be permitted provided they are received by the Secretary in advance of the meeting.

**1.4.5** The result of each ballot shall be announced by the Chairman during the meeting.

**1.5** Changes to Essex County ASA Rules

**1.5.1** Any proposal to change a Essex County ASA Rule shall only be considered at the Annual General Meeting or at a Special General Meeting called for that (and possibly other) purposes.

**1.5.2** Rule changes approved by the Annual General Meeting shall become effective immediately after the close of the meeting and the revised rules will be available within 14 days. Rules .

## **1.6 Nominations, applications and appointments**

**1.6.1** Nominations for the President Elect, the Secretary, Treasurer, the Managers of the Standing Committees, County Representative on Region Management Board, and such other nominations as are required shall reach the Secretary or his authorised substitute no later than the date. Each of these nominees shall be proposed and seconded. The nomination shall be in writing and the nominee shall signify thereon his willingness to stand for election.

## **Standing Orders for the conduct of the Management Committee**

**2.1** The Management Committee shall be governed by the following rules.

**2.1.1** The Chairman shall have unlimited authority upon every question of order at each meeting of the Committee and, for the purpose of any meeting, shall be the sole interpreter of the rules governing the Committee.

**2.1.2** The minutes of the previous meeting as circulated shall be considered as the first substantive item on the agenda after the apologies for absence have been recorded.

**2.1.3** The minutes of standing committees or other committees and reports of officers or other individuals shall not be considered unless they have been distributed with the agenda, unless the Chairman and the members of the Committee agree.

**2.1.4** Every motion shall be proposed and seconded.

**2.1.5** All proposals, including amendments to proposals shall require a simple majority of those members voting unless otherwise specified in these rules.

**2.1.6** The Chairman shall have a right to vote on any motion and in the event of a tie the proposal or motion shall be deemed 'Not Carried'