

# **Constitution for the ASA East Region**

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## **1. Name**

- 1.1 The name of the Region shall be the ASA East Region, hereafter called the Region, and this shall be included in all correspondence and documentation. This does not preclude the use of another name for trading purposes.

## **2. Composition**

- 2.1 The Region shall comprise the clubs, associations, organisations and bodies (the "clubs") affiliated to the Region in accordance with the criteria set by the ASA, and the members of those clubs.
- 2.2 The Region comprises the Sub-Regions (Counties) of Bedfordshire, Cambridgeshire, Hertfordshire, Norfolk, Suffolk and Essex excluding the Greater London Boroughs of Barking and Dagenham, Havering, Newham, Redbridge and Waltham Forest;
- 2.3 In these rules the word club shall mean any body, association or organisation affiliated to the Region.

## **3. Objects**

- 3.1 The aims of the Region shall be, but not limited to, those listed below:
  - 3.1.1 To promote Regional competition in the various swimming disciplines.

## **4. Responsibilities of the Region**

- 4.1 The responsibilities of the Region shall be, but not limited to, those listed below:
  - 4.1.1 To produce, maintain and implement such plans based on strategic criteria set by the ASA and in such form as the ASA may from time to time require;
  - 4.1.2 To administer the procedures for clubs, as defined in ASA Law 5, to affiliate to the Region and to the Sub-Region which form part of the Region, including any necessary fee collection.
  - 4.1.3 To administer the procedures for associations, bodies and organisations to affiliate to the Region, including any necessary fee collection.  
(Note: Affiliation to a Sub-Region will not be mandatory for associations, bodies or organisations)
  - 4.1.4 To administer such procedures as the ASA shall decide from time to time to enable individual club members to be members of the ASA.
  - 4.1.5 Administer such procedures as the ASA and the Region shall decide from time to time to establish and maintain Sub-Regions forming part of the governance, administration and delivery of the sport within the Region.

## **5. Responsibilities of Sub-Regions**

- 5.1. The responsibilities of the Sub-Regions which must include, but not be limited to, the following:

### **5.1.1. General**

#### **5.1.1.1. Each Sub-Region shall:**

- 5.1.1.1.1. be responsible for managing the sport of swimming within its boundaries subject to the strategic direction of the Region;
- 5.1.1.1.2. observe the laws, judicial and technical rules of the Association and ensure that they are observed within its jurisdiction;
- 5.1.1.1.3. follow the resolutions and rulings of the ASA Committee and/or ASA Council and/or the Regional Council and/or the Regional Management Board and ensure that they are followed within its jurisdiction
- 5.1.1.1.4. be accountable to the Region for the proper discharge of its functions.

## 5.1.2. Administration and Finance

### 5.1.2.1. Each Sub-Region shall:

5.1.2.1.1. determine the uses to which its funds are allocated within the strategic criteria set by the Region;

5.1.2.1.2. set up and implement a Business Plan including a budget indicating the source of the required funding and how it will be spent, based on the strategic criteria set by the Region;

5.1.2.1.3. set up and implement a Development Plan based on the strategic criteria set by the Region;

5.1.2.1.4. have the authority to set a Sub-Regional element of the affiliation and membership fees due from each of the clubs affiliated to it;

## 5.1.3. Accountability

### 5.1.3.1. Each Sub-Region shall

5.1.3.1.1. from time to time submit its Business and Development Plans to the Regional Management Board or its nominated agent(s) for approval;

5.1.3.1.2. keep accounts showing its income and expenditure against the budget set in its Business Plan, and a balance sheet;

5.1.3.1.3. report annually to the Regional Management Board, in such a form as it may from time to time require, on its:

5.1.3.1.3.1. activities and any issues arising there from;

5.1.3.1.3.2. financial statements;

5.1.3.1.3.3. performance against its Development Plan.

## 6. Affiliation and Resignation

- 6.1 A club applying to the Region for affiliation must submit its application together with a copy of its constitution together with details of the number of members, active and honorary and a copy of their accounts or proposed financial plan or budget to the Region's Membership Officer, who in deciding whether to grant affiliation to the Region must consider the application against the national criteria approved by the ASA Committee.
- 6.2 A grant of affiliation to the Region for a club, as defined in ASA Law 5, must include compulsory affiliation to a County Association or Sub-Region operating within the Region. A fee for this may be included as part of the Regional affiliation fee.
- 6.3 Associations, bodies and organisations whose activities are not confined to one County shall not be required to affiliate to a County.
- 6.4 If an application for affiliation is refused there must be a right of appeal to the ASA Committee whose decision must be final and binding on all parties.
- 6.5 A club wishing to resign from the Region must give notice in writing to that effect before January 1st to the Region's Membership Officer or it may be held liable for its affiliation fee for the current year.

## 7. Fees

- 7.1 An affiliated club must pay to the Region or to the ASA, an annual fee made up of all or part of the following components:
- 7.1.1 ASA membership fees set by the ASA for each individual club member;
- 7.1.2 Regional affiliation fee to be set by the Regional Management Board before November 30<sup>th</sup>.
- 7.1.3 County affiliation fee which must be set by the County Associations before November 30<sup>th</sup>
- 7.2 The Managing Board shall have the power to remit the whole or part of such fees on application. Any such concessions shall be for one year only but further applications may be made.

- 7.3 A club not having made its return of club membership and paid its liabilities to the Region, the ASA and its County by 31<sup>st</sup> of March must be suspended from affiliation from April 1<sup>st</sup> until such time as those liabilities are discharged. Any club not having paid its liabilities by 31<sup>st</sup> of April will be deemed to have resigned.
- 7.4 Where the Regional affiliation fee is set on a per capita basis, members who pay no membership fee to their club must be included in the total membership for whom a fee must be paid to the Region.

## 8. Government

### 8.1 The Council:

- 8.1.1 Each club affiliated to the Region shall be entitled to representation to Council based on the number of club members declared in the return of members for the previous year. The number of delegates, each of whom must be a member of the club he represents, shall be:
- |                    |             |
|--------------------|-------------|
| Up to 100 Members  | 1 delegate  |
| 101 to 300 Members | 2 delegates |
| 301 and above      | 3 delegates |
- 8.1.1.1 Only persons who are members of the ASA shall be eligible to be members of the Council, except that a delegate who represents an Associated Organisation, an Associate Organisation or an Affiliated Body may be a member of the Council provided that he has been appointed by the organisation he represents under its own rules.
- 8.1.2 Sub-Regional Bodies shall be entitled to 2 delegates who must be members of clubs affiliated to the Association.

### 8.2 The Management Board:

- 8.2.1 Membership shall consist of 6 delegates nominated one by each of the Sub-Regional Bodies and up to 6 persons elected by the Regional Council. It shall also include a voting chairman who will be appointed by the Regional Management Board members from nominations received from the Region's clubs and a Finance Manager appointed from nominations from the clubs. The Chairman shall hold office for four years and may not be re-appointed for more than two consecutive terms of Office. The Finance Manager will hold office for three years and may be re-elected and will be a voting member of the Management Board. These appointments will be made at the first meeting of the Management Board following the Council meeting. The Chairman and Finance Manager may be removed from office at any time provided that three quarters of the Regional Management Board are in favour. Only members of the ASA shall be eligible to be voting members of the Management Board.
- A representative to ASA Committee will be elected from nominations received from clubs, who will be a voting member of the Management Board.
- 8.2.2 The Chairman shall be the line manager for the Regional Director.
- 8.2.3 The Management Board elected members shall have a term of office of three years with one third of them, as nearly as possible, retiring each year. They may be re-elected.
- 8.2.4 Any vacancy that occurs may be filled by a majority decision of the remaining members of the Regional Management Board for the remainder of the term, subject to the agreement of Council at its next meeting.
- 8.2.5 Sub-Regional Bodies delegates will be appointed for three years but may be reappointed if re-nominated by their Sub-Regional Body. They may also be substituted at any time.
- NOTE: For the first period two elected members will be re-elected after one year, a further two after two years and the remainder after three years, selection to be decided by lot.

### **8.3 Other posts**

- 8.3.1 The following shall be appointed at the annual council meeting.
- 8.3.2 One or more independent financial examiners who are not members of the Managing Board.
- 8.3.3 A President and President elect whose duties will be purely ceremonial. The President may attend meetings of the Management Board but will not have a vote.
- 8.3.4 A Membership Officer
- 8.3.5 A Licensing Officer
- 8.3.6 A Public Relations Officer
- 8.3.7 Manager of the Swimming Committee
- 8.3.8 Manager of the Synchronised Swimming Committee
- 8.3.9 Manager of the Diving Committee
- 8.3.10 Manager of the Water Polo Committee
- 8.3.11 Manager of the Open Water Swimming Committee
- 8.3.12 Delegates to ASA Council in accordance with ASA Laws.

### **9. Officers**

- 9.1 The Officers of the Region shall be the Chairman of the Regional Management Board, the Regional Director and the Financial Manager.

### **10. Finance**

#### **10.1 Money**

- 10.1.1 The Region's funds shall be held by bankers or fund holders who may be proposed by the ASA or selected by the Finance Manager and approved by the Management Board.
- 10.1.2 The end of the Region's financial year shall be the same as that of the ASA.

#### **10.2 Indemnity**

- 10.2.1 Every member of the Regional Management Board, employee, servant and agent of the Region shall be indemnified by the Region and it shall be the duty of the Region 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.

#### **10.3 Expenses**

- 10.3.1 Members of the Regional Management Board, any other duly appointed Regional Committee or Panel or any person duly appointed by the Region to act with its authority must be paid their expenses necessarily incurred through that membership or appointment by the Region at the prevailing ASA rates.

#### **10.4 Property**

- 10.4.1 The Region 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.
- 10.4.2 Any property of the Region, other than cash at the bank, must be vested in not more than four Custodians. They must deal with the property as directed by resolution of the Management Board and entry in the minutes shall be conclusive evidence of such a resolution;
- 10.4.3 The Custodian(s) must be elected at a General Meeting of the Council and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting;
- 10.4.4 The Custodian(s) shall be entitled to an indemnity out of the property of the Region for all expenses and other liabilities properly incurred by them in the discharge of their duties.

## **10.5 Dissolution**

- 10.5.1** The Region shall only be wound up at a general meeting called for the purpose at which there is a majority of two thirds of those present and voting
- 10.5.2** If upon the winding up or dissolution of the Region there remains after the satisfaction of all its debts and liabilities any property whatsoever this shall be applied to the furtherance of the aims of the Region.
- 10.5.3** If the Region has benefited from mutual trading the same must be distributed among the affiliated clubs in such proportions as they shall mutually agree.
- 10.5.4** If the Region has not benefited from mutual trading the same must be transferred to any successor body, organisation or association or in default of such a body to the Amateur Swimming Association.

## **11. Powers and Responsibilities of the Council**

### **11.1 Powers**

- 11.1.1 The Regional Council shall oversee the work of the Regional Management Board
- 11.1.2 The Regional Council shall receive and accept reports and accounts from the Regional Management Board.
- 11.1.3 The Regional Council may appoint a special committee to consider and report on any matter. The Council must determine the number of members and decide the terms of reference.
- 11.1.4 The Regional Council may discuss any relevant matters and pass resolutions on those which appear on the agenda.
- 11.1.5 The Regional Council may elect and/or appoint persons to such posts as the Region may from time to time require to carry out its business or to delegate any or all of these to the Regional Management Board. These posts may include, but not be limited to, a President, President Elect, Members of the Regional Management Board, Financial Examiners, a Legal Adviser, an ASA Committee Representative, delegates to ASA Council, Secretaries of standing and other committees etc., custodians of the Region's property, individuals to specified offices and Life Members.
- 11.1.6 The Regional Council may expel a club, for inappropriate behaviour, at a General meeting, by a two thirds majority of those present and voting provided the club has been furnished with due notice of the proposals.

### **11.2 Responsibilities**

- 11.2.1 The Regional Council may make changes to the Regional Rules, providing they comply with the mandatory elements of those rules set out by the ASA, at an Annual General Meeting or a Special General Meeting called for that purpose, by a two thirds majority of those present and voting.
- 11.2.2 The Regional Council shall abide by the standing orders set out in these rules.
- 11.2.3 The Regional Council shall keep full and accurate minutes of its meetings.
- 11.2.4 The Regional Council shall hold its Annual Meeting in September each year and shall give notice of the date, and venue to affiliated clubs and members of Council no less than 56 days prior to the meeting.
- 11.2.5 The Regional Council shall convene a Special General meeting within 28 days of a request from the Regional Management Board or from duly accredited officers of at least 10 different affiliated clubs giving notice of the date, venue and agenda to affiliated clubs and members of the Council at least 21 days prior to the meeting.

## **12. Standing Orders for Council**

### **12.1 Chairman**

- 12.1.1 The Chairman at all meetings of the Council must be the Chairman of the Regional Management Board if he is present. In his absence the meeting must elect a chairman. The chairman must be given:
- a. unlimited authority upon every question of order and must be, for the purpose of such meeting, the sole interpreter of the rules governing the Council;
  - b. the right to vote on every motion. In the event of an equality of votes, he must have the casting vote.

### **12.2 Motions**

- 12.2.1 A proposal for consideration by the Regional Council at its Annual Meeting, which does not embody a proposal to change a Regional Rule, may be submitted by:
- a. the Regional Management Board; or
  - b. a club, body, association or organisation affiliated to the Region or a member of Council in which case it must be received by the Administration Officer not later than 28 days immediately preceding the Annual Council Meeting;
- 12.2.2 Proposals and an agenda, in accordance with this section, must be sent to the clubs, bodies, associations and organisations entitled to be represented at Council not less than 14 days before the Annual Council Meeting.
- 12.2.3 A motion of which due notice has not been given may not be discussed or voted on unless sanctioned by the Chairman and two-thirds of the members voting and provided that it does not involve a change to Regional Rules.

### **12.3 Annual Report and Minutes**

- 12.3.1 The Annual Report to the ASA from the Region must be presented at the Annual Council Meeting which will be held at least one month before the Annual ASA Council Meeting.
- 12.3.2 A member of the Council or a club, body, association or organisation affiliated to the Region that wishes to question or have discussed any item in the published minutes of the last Annual Council Meeting or any subsequent Special Meeting, the Annual Report, the Financial Statements or any minute of the Regional Management Board or sub-committee, must indicate his intention by giving notice to the Administration Officer no later than 14 days prior to the Annual Council Meeting.
- 12.3.3 Questions on the minutes of the Regional Management Board or any committees appointed by it or by the Council must normally refer only to those for the last Regional year as defined in these Rules. The Chairman may, at his discretion, allow discussion on matters in the minutes of meetings held after the end of the Regional year provided that:
- a. he is satisfied that the question is of sufficient importance and/or relevance to the meeting; and
  - b. the minutes have been approved by the Regional Management Board; and
  - c. a specific question seeking further clarification or information is asked; or
  - d. a proposal has been made under these rules relating to those minutes.
- 12.3.4 Approval of the report other than those items where due notice has been given of a desire to amend, add or reject, must be proposed en bloc by the Chairman and put to the vote without debate.
- 12.3.5 The Regional Director may send to a member of Council a written answer to a question posed in accordance with Rule 12.3.2, in which case the member may, at his discretion, withdraw the question and the item in the report may be dealt with as if the question had not been put. The Chairman may, at his discretion, or on request, disclose the contents of the written answer for the information of the members of Council.

## **12.4 Procedures at Council Meetings**

- 12.4.1 Every motion must be proposed and seconded. Resolutions which emanate from the Regional Management Board must be proposed by a member of that Management Board while those which emanate from a sub-committee must be proposed by the secretary of the committee. If the committee secretary is not a member of Council the proposal must be made formally from the Chair and immediately afterwards the committee secretary, or his substitute, must be allowed to speak in support of the resolution.
- 12.4.2 Any amendment must be disposed of before another amendment is considered. The Chairman may accept, without notice, verbal amendments which do not affect substantially the nature of the proposal under discussion.
- 12.4.3 Other than to ask for or to give information or to raise a point of order, no member of the Council may speak more than once in the debate on any proposal. The proposer of the resolution must have the right to reply to points raised in the debate but he may not, in his reply, introduce any new matter. The mover of an amendment must not have the right of reply. When the proposer has completed his reply, no further speaker must be heard.
- 12.4.4 A proposal to change the Regional Rules must be carried only if at least two-thirds of those voting are in favour.
- 12.4.5 All other proposals, including amendments to proposals whether to change a Regional Rule or otherwise, will require a simple majority of those members voting.
- 12.4.6 Unless the Chairman directs otherwise, voting on all motions or amendments must be by a show of delegate cards. Voting on elections must be by secret ballot. Proxy voting will not be permitted.
- 12.4.7 The Council meeting must be open to the public but, except as provided in Regional Rules, or with the permission of the Chairman, nobody except a member of Council may take part in the business. The Council may, at any time, decide to exclude the public.

## **12.5 Changes to Regional Rules**

- 12.5.1 Any proposal to change a Regional Rule may only be considered at the Annual Council Meeting or at a Special Council Meeting called for that purpose.
  - 12.5.1.1 The Council must consider and decide only the principle and intention of the proposal. The Management Board must draft the wording of the changes to the Rules to implement the principles and intentions approved by Council.
- 12.5.2 A proposal to change a Regional Rule must only be considered at the Annual Council Meeting if it has been distributed with the Annual Report, except as provided in Rule 12.5.3 and has been:
  - a. made by the Regional Management Board at a meeting one month before the Annual Council Meeting or Special Council Meeting and appears in the minutes of that meeting; or
  - b. made by a committee appointed by the Council or the Regional Management Board and appears in the minutes of that committee which have been approved by the Regional Management Board six weeks before the annual Council Meeting or Special Council Meeting or
  - c. made by a club, body, association or organisation affiliated to the Region and has reached the Administration Officer by one month before the annual Council Meeting or Special Council Meeting or
  - d. made as a matter of urgency, approved by the Regional Management Board, sent to the clubs, bodies, associations or organisations affiliated to the Region at least seven days before the meeting and approved as a suitable matter for consideration by Council by at least two-thirds of the delegates voting.

- 12.5.3 A proposal to change a Regional Rule may only be considered at a Special Council Meeting if it has been:
  - a. included in the resolution or request for the meeting;
  - b. referred to the Regional Management Board, unless emanating from it. The Regional Management Board must indicate its support or opposition and may propose amendments which must be included on the agenda of the Council Meeting.
- 12.5.4 Every proposal to change a Regional Rule and/or amendment to it, must be proposed and seconded separately and must be open for discussion by any delegate with or without prior indication of intent.
- 12.5.5 An amendment to any proposal to change a Regional Rule may be proposed by any member of Council, supported by another member as a seconder, and must reach the Administration Officer 14 days prior to an Annual Council Meeting or 21 days prior to a Special Council Meeting, as the case may be.
- 12.5.6 A schedule of all such amendments must be sent to the clubs, bodies, associations and organisations entitled to be represented at Council at least seven days before the Council Meeting at which they are to be considered.
- 12.5.7 Regional Rule changes approved by the Regional Council must become effective on a date agreed at the Council Meeting. If any addition, alteration or rescission of an ASA Law causes a Regional Rule to conflict with it, the Management Board must immediately cause the Regional Rules to conform with it.
- 12.5.8 Re-numbering of Regional Rules and any consequential alterations must be at the discretion of the Director of the Region or his nominated representative in consultation with the Managing Board.

### **13. Powers and responsibilities of the Regional Management Board**

#### **13.1 Responsibilities**

- 13.1.1 appoint a Chairman from time to time (see section on Government);
- 13.1.2 appoint one of its members as the person responsible for the oversight of the financial matters of the Region.
- 13.1.3 set the annual affiliation fee in line with the budget;
- 13.1.4 ensure that full and accurate minutes of its meetings are kept;
- 13.1.5 be accountable to the Regional Council and report to it at such times and such a form as it may require;
- 13.1.6 appoint any officers, and members of the standing and other committees, not elected by the Council;
- 13.1.7 determine the strategies of the Region within the overall policies and plans agreed by the Council;
- 13.1.8 carry out any specific duty laid upon it by the Council;
- 13.1.9 have day to day management of the affairs of the region including the oversight of the production of the Region's Plans for the approval of Council, and their implementation thereafter.

#### **13.2 Powers of the Regional Management Board:**

- 13.2.1 To determine who must be the authorised signatories of the Region's financial accounts.
- 13.2.2 To appoint and/or remove, or delegate the appointment of, paid or unpaid persons as staff or post holders.
- 13.2.3 To monitor and evaluate the work of the staff and/or post holders.
- 13.2.4 have general superintendence of the work of the Sub-Regions;

- 13.2.4 To have general superintendence of the work of the Standing and other Committees and any other persons appointed to specific tasks within the Region. (including the production of full and accurate minutes of their meetings and/or other activities);
- 13.2.5 To contract for services and products other than those covered by staff employed directly or indirectly by the ASA
- 13.2.6 To appoint a special committee to consider and report on any matter and to specify its membership
- 13.2.7 To have the power to discharge, by a two thirds majority of those voting, for any breach of and under the provisions of the ASA's Code of Conduct for Volunteers, any unremunerated volunteer person from any elected or appointed office or position, with the exception of the President, the President Elect and the Chairman, and replace them.

#### **14. Standing Orders for the Regional Management Board**

##### 14.1 Chairman

- 14.1.1 The Chairman at all meetings must be the Chairman of the Regional Management Board if he is present, able and willing to act. In his absence, inability or unwillingness to act the meeting must elect a chairman.
- 14.1.2 The Chairman shall have unlimited authority upon every question of order and must be, for the purpose of such meeting, the sole interpreter of the rules governing the Board.
- 14.1.3 The Chairman shall have the right to vote on every motion. In the event of an equality of votes, he must have the casting vote.

##### 14.2 Procedures at Regional Management Board Meetings

- 14.2.1 The minutes of the previous meeting shall be considered as the first substantive item on the agenda.
- 14.2.2 The minutes of technical and other committees, reports of officers or other individuals should be circulated with the agenda wherever possible. Documents submitted at the meeting may be discussed if it is in the interest of the Region to do so.
- 14.2.3 Every motion must be proposed and seconded.
- 14.2.4 Any amendment must be disposed of before another amendment is considered. The Chairman may accept, without notice, verbal amendments which do not affect substantially the nature of a proposal under discussion.
- 14.2.5 All proposals, including amendments to proposals must require a simple majority of those members voting unless otherwise specified in these rules.
- 14.2.6 Unless the Chairman directs otherwise, voting on all motions or amendments must be by a show of hands. Proxy voting will not be permitted.
- 14.2.7 The Board meeting may be open to the public, except as provided in these Rules, or with the permission of the Chairman, nobody except a member of the Board may take part in the business. The Board may, at any time, decide to exclude the public.

#### **15. Relationships with County Associations and Sub-Regional Bodies**

- 15.1 The Region shall devolve such responsibilities to the County Associations or Sub-Regions within its borders as shall be decided by the Council and specify the responsibility and accountability of those associations.
- 15.2 Collection and transfer of affiliation fees to Counties funds shall be decided by Council with due consideration of recommendations made by the ASA.