

HAMPSHIRE COUNTY ASA

(Affiliated to Swim England South East Region)



CONSTITUTION

(July 2020)

1. Preamble

1.1. In these rules:

- 1.1.1. the words “Swim England” or the “A.S.A.” shall mean The Amateur Swimming Association (Swim England) Ltd;
- 1.1.2. the words “Region” shall mean the Swim England South East Region;
- 1.1.3. the word or words “County” or “County Association” shall mean Hampshire County Amateur Swimming Association (a sub-region of Swim England South East Region);
- 1.1.4. the words “County Management Team” or “Management Team” shall mean Hampshire County Amateur Swimming Association Management Team;
- 1.1.5. the word “Club” shall include all affiliated bodies, organisations and associations and leagues, unless the context indicates to the contrary;
- 1.1.6. the words implying the masculine gender shall include the feminine;
- 1.1.7. the words of the plural number shall include the singular and words of the singular number shall include the plural;
- 1.1.8. the term “swimmer” shall include speed swimmer, open water swimmer, artistic swimmer, diver, and water polo player unless the context indicates to the contrary;
- 1.1.9. any deviation from any provision of these rules shall not invalidate any procedure or decision unless that deviation raises a material doubt that the procedure or decision has been so affected by it as to prejudice the good management of the County.

2. Name

- 2.1. The name of the County shall be “Hampshire County Amateur Swimming Association” and this formal name shall appear on all official correspondence, although the County Management Team may approve a different “trading” name.
- 2.2. The County Association shall be based on the geographic county of Hampshire, the Isle of Wight, and the Crown Dependencies of the Channel Islands.

3. Composition

- 3.1. The County Association shall consist of the clubs, associations, organisations, leagues, and bodies affiliated to the Region and allocated to the County by the Region.

4. Aims

4.1. The aims of the County Association shall be to:

- 4.1.1. Promote and manage the development of swimming and swimming related activities and to promote the County's aquatic disciplines championships and competitions;
- 4.1.2. Carry out the aims and objects of the Region as required, within its jurisdiction;
- 4.1.3. Obey and enforce the laws, regulations, rules, resolutions and rulings of Swim England and the Region;
- 4.1.4. Produce, develop, and implement policies to carry out other activities relevant to the County;
- 4.1.5. Raise public awareness of aquatic sports and stimulate public opinion in favour of providing suitable facilities and accommodation.

5. Objectives

5.1. In furtherance of the aims of the County the following points shall be observed: -

- 5.1.1. The County 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 as set out in the Swim England Equal Opportunities policy;
- 5.1.2. All competing members shall be eligible competitors as defined in Swim England regulations, laws, and rules;
- 5.1.3. All persons, clubs, associations, organisations and leagues allocated to the County shall consent to be bound by the Swim England laws relating to Child Safeguarding and those parts of the Swim England Judicial Laws, Regulations, processes and procedures necessary for their implementation and shall, when engaged in activities under the jurisdiction of the County Association, be subject to the constraints and privileges of Swim England.

5.2. The County Association shall be affiliated to Region and shall adopt and conform to the rules of the Region and to such other bodies as the County Association may determine.

5.3. The business and affairs of the County Association shall at all times be conducted in accordance with the Laws, Regulations, Procedures and Technical rules of Swim England and in particular to promote the aquatic disciplines of swimming, artistic swimming, disabilities swimming, open water swimming, diving, water polo through the implementation of the County Development Plan.

5.4. By virtue of the affiliation of the County Association to Region, the County Association and all members of the County acknowledge that they are subject to the laws, regulations, rules, and constitutions of:

- 5.4.1. Region and;
- 5.4.2. Swim England (to include Code of Ethics) and;
- 5.4.3. British Swimming (to include, Doping Control Rules and Protocols and Disciplinary Code) and;
- 5.4.4. FINA, the world governing body for aquatic sports, in all its disciplines and rules (together "the Governing Body rules") and;
- 5.4.5. WPS, the world governing body for disability swimming and rules.

5.5. If there is 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.

5.6. Responsibilities of County Associations

The County Association shall:

- 5.6.1. be responsible for managing the aquatic sports listed in 5.3 above, within its boundaries subject to the strategic direction of the Region;
- 5.6.2. observe the laws, judicial and technical rules of Swim England and ensure that they are observed, within its jurisdiction;
- 5.6.3. follow the resolutions and rulings of the Swim England Board and/or the Regional Council and/or the Regional Management Board and ensure that they are followed within its jurisdiction;
- 5.6.4. be accountable to the Region for the proper discharge of its functions.

5.7. Administration and Finance

The County Association shall:

- 5.7.1 determine the uses to which its funds are allocated within the strategic criteria set by the Region;
- 5.7.2 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;
- 5.7.3 set up and implement a Development Plan based on the strategic criteria set by the Region;
- 5.7.4 have the authority to set a County Association element of the affiliation and membership fees due from each of the clubs affiliated to it;

5.8. Accountability

The County Association shall:

- 5.8.1 from time to time submit its Business and Development Plans to the Regional Management Board or its nominated agent(s) for information;
- 5.8.2 keep accounts showing its income and expenditure against the budget set in its Business Plan, and a balance sheet;
- 5.8.3 report to the Regional Management Board, in such a form as it may from time to time be requested, on its:
 - 5.8.3.1 activities and any issues arising therefrom;
 - 5.8.3.2 financial statements;
 - 5.8.3.3 performance against its Development Plan.

5.9. The County Association may enter into Partnership agreements with appropriate bodies, organisations, and external agencies.

6. Finance, property, accounting, and dissolution

6.1. Finance

- 6.1.1. Any decision to borrow money, the limits on such borrowing and those entitled to borrow on behalf of the County shall be decided by the County Association Council following a recommendation from the Management Team.
- 6.1.2. Any changes in the County Association banking arrangements shall be decided by the Management Team.

6.1.3. The County Association's financial year shall end on 31st December, to which date all reports and accounts shall be completed.

6.2. Club Affiliation Fees

6.2.1. The Management Team shall determine the amount (if any) of the annual affiliation fee payable by clubs to the County and any membership fees for the next operating year. If applicable, the annual affiliation fee for each club shall be due on its affiliation to the Region and hence on being allocated to the County Association and thereafter on 1st January of each year.

6.2.2. If a club affiliation fee is to be charged by the County and collected by Swim England. or the Region, the Management Team shall notify Swim England and the Region, of the affiliation fee to the County Association by no later than the date to be set by Swim England.

6.2.3. If applicable the Management Team, shall make appropriate arrangements to receive from Swim England the specified County Affiliation fee for each club affiliated to the County Association.

6.3. Concessions

6.3.1. The Management Team shall have the authority to remit the whole or part of the County affiliation fee payable by member clubs (if applicable).

6.4. County Association Funds

6.4.1. The income and property of the County Association shall be applied only in the furtherance of the aims and objectives of the County and no part thereof shall be paid by way of bonus, dividend or profit to any member of the County Association or to an external agency.

6.5. Club Suspension

6.5.1. Any club made the subject of a suspension imposed by Swim England or Region shall automatically be suspended by the County Association.

6.6. Indemnification

6.6.1. Every member of the Management Team, trustees, employees, servant or agent of the County shall be indemnified by the County, and it shall be the duty of the County Association to pay all costs, losses and expenses which any such persons 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.

6.7. Expenses

6.7.1. Any member of any duly appointed or elected Management Team, or employee, servant or agent of the County Association or any person duly appointed by the County Association to act with its authority shall be paid their expenses necessarily incurred through that membership or appointment by the County Association.

6.8. Property

6.8.1. The County Association may purchase or by 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;

6.8.2. any property of the County Association, other than cash at the bank, shall be vested in not more than four Trustees. They shall deal with the property as directed by resolution of the Management Team and entry in the minutes shall be conclusive evidence of such a resolution;

- 6.8.3. The Trustees shall be appointed at a General Meeting of the County Association Council;
- 6.8.4. The Trustees shall be entitled to an indemnity out of the property of County Association for all expenses and other liabilities properly incurred by them in the discharge of their duties.

6.9. Trustees

- 6.9.1. A trustee's duties and responsibilities, are to guide the County Association and its Management team by:
 - 6.9.1.1. sharing skills, experience, and knowledge with the County Association Management team.
 - 6.9.1.2. ensuring the County Association, its officers and committees operate legally and in accordance with the latest published County Association Constitution, plus all rules and regulations laid down by; The ASA (Swim England) Ltd and the South East Region; and the Laws of England.
 - 6.9.1.3. ensuring the use of funds and assets is done wisely and with integrity.
 - 6.9.1.4. making sure the County Association takes care of any investments or borrowing of money.
 - 6.9.1.5. ultimately, making sure the County Association delivers on its objectives.
- 6.9.2. In the unlikely event there is a management problem, undertake the temporary running of the County Association, until a new Management Team is elected/appointed.
- 6.9.3. In the cases in 6.10, oversee the dissolution of the County Association.

6.10. Winding up/Dissolution

- 6.10.1. The County Association may be wound up or dissolved upon a resolution of four fifths of the County Association Council members at a duly called Special Council Meeting.
- 6.10.2. If upon the winding up or dissolution of the County Association, there remains after the satisfaction of all its debts and liabilities; any property whatsoever; and if the County Association has benefited from mutual trading; the same shall be distributed among the affiliated clubs in such proportions as the clubs may mutually agree.
- 6.10.3. If the County Association has not benefited from mutual trading the same shall be transferred to any successor body, organisation, or association, or in default of such a body, the Region or Swim England.

7. Affiliation

- 7.1. The County Association shall have as its membership: -
 - 7.1.1. Clubs that have been allocated to the County Association by the Region;
 - 7.1.2. Associated Organisations affiliated to the Region, within the County composition;
 - 7.1.3. Local Associations and Leagues within the County composition;
 - 7.1.4. Clubs, bodies, associations, or organisations granted temporary affiliation within the County composition;
 - 7.1.5. Individuals granted temporary membership of the County Association.

Governance

- 7.2. There will be three levels of governance of the County Association:
- 7.2.1. The County Association Council;
 - 7.2.2. The County Management Team;
 - 7.2.3. The elected and other appointed Committees, Officers, Managers and Coordinators.
- 7.3. A person who is not a member under its own rules of a club, body, association or league affiliated to the County Association shall not be permitted to be nominated, elected or appointed as a delegate, committee member, officer, co-ordinator, adviser or to any other position which carries the right to vote at any level of governance of the County Association.

8. Disciplinary Action

- 8.1. In accordance with Swim England Judicial Regulations the County Association may initiate disciplinary action in relation to any of its allocated clubs, associations, organisations and bodies (and any members thereof) in respect of a breach of its own rules provided that the County Association comply with the relevant Swim England Judicial Regulations for handling Internal Club Disputes, as the same may be revised from time to time.
- 8.2. No sanction may be imposed unless the panel hearing the complaint shall; by a two-thirds majority; vote in favour of the sanction imposed upon the individual or body concerned.
- 8.3. The Management Team (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude an individual or body from any event or activity under the jurisdiction of the County Association when in its opinion such action is in the interests of the County Association or affiliates. Where such action is taken the complaint will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

9. Officers

- 9.1. The Executive Officers of the County Association shall be the Chairman, the Secretary, and the Treasurer.

10. The County Association Council

10.1. Composition

- 10.1.1. Only persons who are members of Swim England shall be eligible to be members of the County Association Council, subject to the foregoing, the Council shall be comprised of:
- 10.1.1.1. The President;
 - 10.1.1.2. The President Elect;
 - 10.1.1.3. The Past Presidents;
 - 10.1.1.4. The Hon. Life Members of the County Association;
 - 10.1.1.5. The members of the County Management Team;
 - 10.1.1.6. The Managers/Secretaries of the Disciplines;
 - 10.1.1.7. The County Welfare Officer;
 - 10.1.1.8. The delegates of affiliated clubs elected in compliance with these rules.
- 10.1.2. The Chairman or a Vice Chairman of the Independent Disciplinary and Dispute Resolution Panel or Independent Disciplinary and Dispute Resolution Appeals Panel

who is a member of a club allocated to the County may attend any General Meeting and may speak at the invitation of the Chairman of the Meeting, but **not** vote.

- 10.1.3. Fifteen of those members entitled to attend and vote shall form a quorum at any Council Meeting.

10.2. Annual Council Meeting

- 10.2.1. The Annual Council Meeting of the County Association Council shall be held in March or April.
- 10.2.2. The meeting may be held at, such a venue, at such a time and date as the Management Team shall determine.
- 10.2.3. The Management Team shall have the power to arrange the Annual Council Meeting via an online conference/meeting service, should it be determined by them that this is in the interest of the membership of the County Association.
- 10.2.4. The details; including the method of holding the Annual Council meeting, and any appropriate details shall to be notified; to all clubs, bodies, organisations, associations, or leagues allocated to the County Association; immediately the decision is agreed and not later than **28** days prior to actual date.
- 10.2.5. Nomination forms for the election of all Officers and members of the Management Team shall be returned to the Secretary, not later than **18** days prior to the Annual Council meeting. The nomination forms shall contain the signatures of the nominee, the proposer, and the seconder.
- 10.2.6. Not less than **14** days prior to the meeting, the Notice convening the meeting, together with the Agenda, an Annual Report of the County Association activities, a list of the nominations received and ballot papers, the examined financial statement of the preceding year, motions (14.2) and Rule Changes (14.5.2), with any supporting documentation shall be distributed or available on the County website.
- 10.2.7. The Secretary, or nominated deputy, shall take the minutes of the meeting.
- 10.2.8. The purpose of the Annual Council Meeting is to transact the following business: -
 - 10.2.8.1. To receive and comment on the Annual Report of the activities of the County Association during the previous year as presented by the Secretary;
 - 10.2.8.2. The Annual Report shall include the reports of the discipline secretaries and of any elected or other appointed committees responsible for the activities of the County Association during the previous year;
 - 10.2.8.3. To receive and consider, the accounts of the Association for the previous year, the report of the accounts by the Independent Financial Examiner(s) and the Treasurer's Report as to the financial position of the Association;
 - 10.2.8.4. To elect the Executive Officers of the County Management Team whose positions are vacant due to retirement from office during the previous year or in their rotation of three years tenure. Officers as members shall be eligible for re-election;
 - 10.2.8.5. To approve Honorary Life Members, as recommended by the Management Team;
 - 10.2.8.6. To approve the appoints of the Trustees, as recommended by the Management Team;
 - 10.2.8.7. To agree the appoint of the Independent Financial Examiners and other County Association Officers, as required;
 - 10.2.8.8. To decide on changes to the Constitutional rules (14.5.2) resolutions;
 - 10.2.8.9. Decide on any other motions (14.2) or resolutions that may be duly submitted in accordance with the rules;

10.2.8.10. To agree the appoint of the President Elect, on the nomination of the Past Presidents, who will take up the position of President at the following year's Council meeting.

10.3. Special Meeting of the County Association Council.

- 10.3.1. The Management Team may call a Special Meeting, on its own initiative and shall call one within **21** days of receiving a written request for a Special Meeting, signed on behalf of at least 10 different clubs or other bodies, organisations, associations or leagues allocated to the County Association.
Each signatory to such a request shall be an officer of their club and sign as such.
- 10.3.2. Not less than **14** days' notice of a Special Meeting shall be given; to all clubs or other bodies, organisations, associations, or leagues allocated to the County; and the notice shall specify the object of the meeting.
The method/place, date, and time for such a meeting shall be at the discretion of the Management Team.
- 10.3.3. No business shall be discussed at such a meeting other than that prescribed by the Management Team on the single item, as stated in the request.

11. Representation to the County Association Council

11.1. Each club affiliated to the County Association shall be entitled to representation to the Council based on the total number of its members in the previous year according to the club's Swim England Annual Return of Club Membership.

The number of delegates to which each club is entitled shall be:

- 11.1.1. up to 50 members - one delegate;
- 11.1.2. 51 to 200 members - two delegates;
- 11.1.3. Over 201 members - three delegates;
- 11.1.4. Each delegate shall be a bona fide member of the club he represents.
- 11.1.5. Any other body, association, organisation, or league affiliated to the Region, and allocated to the County Association, shall be entitled to representation at the Council by one delegate.

11.2. Delegates

- 11.2.1. A delegate shall be appointed by the club, body, organisation, association, or league he represents. The Secretary of the body, organisation, association or league; or other officer 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, body, organisation, association or league and that he has been duly appointed a delegate of the club to the Council Meeting.
- 11.2.2. If Management Team decide that the meeting is to be held via an online conference/meeting service, the Secretary of the club, body, organisation, association or league; or other officer authorised so to do; shall send the contact email details of their delegate(s) to the County Secretary, at least **7** days prior to the actual meeting.
These details will be used to verify access to the online conference and certification that the delegate is a bona fide member of the club body, organisation, association or league and has been duly appointed as a delegate of the club to the Council Meeting.
- 11.2.3. No Chairman or Vice Chairman of a Swim England Independent Disciplinary and Dispute Resolution Panel or Swim England Independent Disciplinary and Dispute Resolution Appeals Panel may be appointed as a delegate at any Council Meeting.
- 11.2.4. A delegate shall only be permitted **one** vote irrespective of the number of clubs, bodies, associations, organisations or Leagues he may represent.

- 11.2.5. Proxy voting shall **not** be permitted at any meeting of the Council.
- 11.2.6. A member of the Council who is **unable** to attend the meeting, in person, will be entitled to a, postal or email “ballot vote”, provided this is done in accordance with the procedure laid down in Annex C of this document.
- 11.2.7. Voting, requiring a “ballot paper”, when the meeting is held via an online conference/meeting service, shall be undertaken in accordance with the procedure laid down in Annex C of this document.

12. The County Association Council

12.1. The County Association Council shall have the responsibility to:

- 12.1.1. Deal with all matters of governance according to the rules of the County Association;
- 12.1.2. Oversee the work of the County Management Team and receive its reports and accounts;
- 12.1.3. Abide by the Standing orders for its conduct;
- 12.1.4. Consider and decide any proposed additions, alterations, or rescissions to these rules;
- 12.1.5. Keep full and accurate minutes of its meetings.
- 12.1.6. The Council shall:
 - 12.1.6.1. At the Annual General Meeting appoint, one or more Auditors or Independent Financial Examiners, as required, who shall not be members of the Management Team, or members of the family of a member of the Management Team;
 - 12.1.6.2. At the Annual Council Meeting elect the Officers of the Management Team, depending on the term and vacancy of each position, the following, each of whom shall be a member of a club allocated to the County Association:
 - 12.1.6.2.1. The Chairman;
 - 12.1.6.2.2. The Secretary;
 - 12.1.6.2.3. The Treasurer;
 - 12.1.6.3. At the Annual Council Meeting confirm the appointment, for one year, of the following, each of whom shall be a member of a club allocated to the County Association:
 - 12.1.6.3.1. The President Elect;
 - 12.1.6.3.2. Three independent members to the Management Team, either by ballot or from the members attending the Council meeting;
 - 12.1.6.3.3. Representatives to the Regional Council (if any nominated);
 - 12.1.6.3.4. Representatives to other organisations (if any nominated).

12.2. The County Association Council may:

- 12.2.1. Discuss any matters which are relevant and pass resolutions and orders concerning them;
- 12.2.2. Appoint a special committee to consider and report upon any matter; the number of members of this committee and a quorum to be determined by the County Association Council. The Chairman, Secretary and Treasurer shall be ex officio members of any such committee unless the Council directs otherwise;
- 12.2.3. On the recommendation of the Management Team, confirm as a Life Member, an individual whose services to the County Association justify such recognition.

13. Standing Orders for the conduct of the County Association Council

13.1. Chairman

- 13.1.1. The Management Team Chairman at all meetings of the Council shall preside if he is present. If he is unable to act, in his absence the meeting shall elect a chairman from its members present; for a specific meeting only.
- 13.1.2. The Chairman shall:
 - 13.1.2.1. Decide upon questions of order;
 - 13.1.2.2. Be, for the purpose of the Council meeting, the sole interpreter of the rules governing the Council;
 - 13.1.2.3. Have the right to vote on every motion. In the event of an equality of votes, he shall have an additional or casting vote.

13.2. Motions

- 13.2.1. A proposal for consideration at the Annual Council Meeting which does not embody a proposal to change an Association rule may be submitted:
 - 13.2.1.1. by the Management Team; or
 - 13.2.1.2. by a member of the Council; or
 - 13.2.1.3. by a club, body, association, league, or organisation allocated to the Association.

All such proposals must be received by the Secretary not later than 21 days prior to the Annual Council Meeting.

Proposals received in accordance with this section shall be sent to the clubs, bodies, associations, and organisations entitled to be represented at the Council not less than **14** days before the Annual Council Meeting.

The Chairman has absolute discretion to allow a motion for which due notice has not been given to be discussed if he considers it to be a matter of urgency.

- 13.2.2. Nominations for election to the position of Life Member shall be made the Annual Council Meeting by the Management Team to be received by the Secretary, at any time but not later than **21** days prior to the meeting.
- 13.2.3. A member of the Council or a club, body, association or organisation affiliated to the County Association, may either by written question addressed to the Secretary and/or at the Annual Council Meeting, 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 Management Team, Elected or Appointed Committee.
- 13.2.4. The Management Team may send to a member of the Council, a written answer to a question posed to it in accordance with this rule, 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 the Council.

13.3. Procedures at Meetings

- 13.3.1. All business for an Annual Council Meeting or for a Special Council Meeting shall be published in the agenda and no other motion shall be discussed therein except: -
 - 13.3.1.1. To record the name of the Chairman of the meeting, if other than the Chairman;
 - 13.3.1.2. To record the name of the Secretary of the meeting, if other than the Secretary;
 - 13.3.1.3. For adjournment;
 - 13.3.1.4. For leave to withdraw a motion;
 - 13.3.1.5. For a vote of thanks;
 - 13.3.1.6. For permission to withdraw from the meeting;
- 13.3.2. Every motion shall be proposed and seconded.
- 13.3.3. Resolutions which emanate from the Management Team shall be proposed by a member of that Management Team, while those which emanate from an elected or other committee shall be proposed by the secretary of the committee. If the committee secretary is not a member of the Council the proposal shall be made formally from the Chair and immediately afterwards the committee secretary, or his substitute, shall be allowed to speak in support of the resolution.
- 13.3.4. Any amendment shall 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.
- 13.3.5. Other than to ask for or to give information or to raise a point of order, no member of the County Association Council may speak more than once in the debate on any proposal. The proposer of the resolution shall 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 shall not have the right of reply. When the proposer has completed his reply, no further speaker shall be heard.
- 13.3.6. A proposal to change the County Association's rules 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 County rule or otherwise, shall require a simple majority of those members voting.
- 13.3.7. The County Association Council meeting shall not 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 County Association Council may take part in the business.

13.4. Voting

- 13.4.1. Each member present and entitled to vote, shall have one vote, except for the Chairman, or acting Chairman for that meeting, who shall have, in the equality of votes an additional or casting vote. A simple majority shall pass any resolution, except for Constitutional rules (14.3.6).
- 13.4.2. For a non-electronic vote; the Secretary shall appoint two Scrutinisers, 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. On being satisfied that the authorisation form has been fully completed they shall issue to the delegate a numbered delegate card or stamp his agenda with a distinguishing mark or voting card(s) if required, and shall retain the delegate authorisation form. The delegate shall acknowledge receipt of validated attendance by signing his name in a book supplied for the purpose.

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 for “validation”. Delegate status will either be rejected or accepted, following the Chairman’s validity decision.

- 13.4.3. Voting held via an online conference/meeting service shall be via the electronic options on the service; to be explained to all delegates, prior to the meeting. Ballot papers MUST have been returned to the Secretary, via secure email, prior to the meeting.
Additional postal votes collected under 12.2.6 shall be notified directly to the Chairman and added to the numbers collected via the system.
- 13.4.4. For a non-electronic vote, unless the Chairman directs otherwise, voting on all motions or amendments shall be by a show of delegate card/stamped agenda/voting card.
- 13.4.5. For online conference/meeting service unless the Chairman directs otherwise voting on all motions or amendments shall be by system facilities.
- 13.4.6. Voting on elections shall be by secret ballot as laid down in Annex C of the Constitution.
- 13.4.7. For a non-electronic vote, the Chairman shall appoint two tellers from persons present at the meeting to count the votes. The result of each ballot shall be announced by the Chairman during the meeting.
- 13.4.8. For online conference/meeting service the Chairman shall accept the numbers provided by the system, plus any additions from postal votes.
- 13.4.9. The result of each ballot shall be announced by the Chairman, at the appropriate point, during the meeting.
- 13.4.10. Any discrepancy or irregularity found after the conclusion of the meeting shall be dealt with by the Chairman of the County Association and its Management Team which may disqualify votes with the validity of which it is not satisfied. The revised result and the reasons for the disqualification of any vote shall be published immediately and distributed to the County Association club Secretary’s.

13.5. Changes to County Association Constitutional Rules

- 13.5.1. Any proposal to change a Constitutional rule of the County shall only be considered at the Annual Council Meeting; or at a Special Council Meeting called for that purpose; and the Council shall consider and decide only the principle and intention of the proposal.
The Management Team (or other appointed persons) shall draft the wording of the changes to the rules to implement the principles and intentions approved by the County Association Council.
- 13.5.2. A proposal to change a Constitutional rule of the County shall only be considered at a meeting of the County Association Council if it has been distributed with the Agenda, except as provided in this rule, and has been:
 - 13.5.2.1. made by the Management Team or;
 - 13.5.2.2. made by a committee appointed by the County Association Council or the Management Team and appears in the minutes of that committee which have been approved by the Management Team or;
 - 13.5.2.3. made by a club, body, association, league, or organisation allocated to the County Association and has reached the Management Team at any time but not later than **21** days before the meeting or;

- 13.5.2.4. made as a matter of urgency, approved by the Management Team, sent to the clubs, bodies, associations or organisations allocated to the County at least **14** days before the meeting and approved as a suitable matter for consideration by County Association Council by at least two-thirds of the delegates voting.
- 13.5.3. A proposal to change a Constitutional rule of the County shall only be considered at a Special Council Meeting if it has been:
 - 13.5.3.1. included in the resolution or request for the meeting;
 - 13.5.3.2. referred to the Management Team, unless emanating from it;
 - 13.5.3.3. the Management Team shall indicate its support or opposition and may propose amendments which shall be included in the agenda of the Special Council Meeting.
- 13.5.4. Every proposal to change a Constitutional rule of the County and/or amendment to it shall be proposed and seconded separately and shall be open for discussion by any delegate with or without prior indication of intent.
- 13.5.5. An amendment to any proposal to change a Constitutional Rule of the County may be proposed by any member of the County Association Council, supported by another member as a seconder, and shall reach the Secretary not later than **21** days prior to a Special Council Meeting.
- 13.5.6. A schedule of all such amendments shall be sent to the clubs, bodies, associations, leagues, and organisations entitled to be represented at the County Association Council at least **14** days before the Council Meeting at which they are to be considered.
- 13.5.7. County Association rule changes, approved by the County Association Council, shall become effective; as soon as ratification is agreed by the Regional Board or its appointed approver.
The date will be notified immediately to the Secretary of the club, organisation, association or league affiliated to the County Association.
- 13.5.8. If any addition, alteration or rescission of a Swim England or a Regional rule causes a County rule to conflict with it, the Chairman of the County Association and the Management Team shall cause the County rules to conform with it.
- 13.5.9. Re-numbering of the rules shall be automatically affected.

14. The County Management Team

14.1. Composition

- 14.1.1. The Management Team shall comprise the following, each of whom shall be a member of Swim England through membership of a club affiliated to the Region. Tenure of the position shall be for three years unless otherwise stated: -
 - 14.1.1.1. the Chairman, elected at the Annual Council Meeting;
 - 14.1.1.2. the Treasurer, elected at the Annual Council;
 - 14.1.1.3. the Secretary, elected at the Annual Council;
 - 14.1.1.4. three members, elected at the Annual Council, for a period of one year.
 - 14.1.1.5. the officers and secretaries, as laid down in Annex A of this Constitution, appointed by the elected Management Team officers;
- 14.1.2. A member shall take office from the end of the meeting at which his election or appointment has been effective or at which he has been co-opted to the Management Team and shall remain in office until his successor takes office;

14.1.3. If the President or President Elect are not otherwise members of the Management Team, they may nevertheless be entitled to attend meetings of the Management Team and may speak but may not vote.

14.2. Membership

14.2.1. All members of the Management Team shall be not less than 18 years of age.

14.2.2. The Management Team members; of Chairman, Secretary, Treasurer and three Independent members; shall be proposed, seconded and elected by ballot at the Annual Council Meeting and shall remain in office until their successors are elected at the next appropriate Annual Council meeting.

14.2.3. Retiring members of the Management Team shall be eligible for re-election.

14.3. Appointment & Co-option

14.3.1. The 'elected officers' of the Management Team shall appoint the other members as listed in Annex A.

14.3.2. The Welfare Officer shall have the right to attend all Management Team meetings, but without the power to vote, to advise the Management Team on any matters relating to Welfare and Safeguarding.

14.3.3. Management Team has the authority to co-opt other persons for any specific purpose who may speak but may **not** vote.

14.4. Absence

14.4.1. Any appointed member of the Management Team 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 Chairman of the Management Team, may be deemed to have vacated his seat.

14.5. Vacancies

14.5.1. The Management Team 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 County Association Council.

14.6. Meetings

14.6.1. The Management Team shall meet as often as it deems necessary or desirable for the good governance of the Association but not less than four times per year save where the Management Team itself shall, by a simple majority, resolve not to meet.

14.6.2. The Chairman and the Secretary shall have discretion to call further meetings of the Management Team if they consider it to be in the interests of the County Association.

14.6.3. If Chairman of the Management Team, or any other Chair for appointed committees/working groups, may decide to hold meetings via an online conference/meeting service.

14.6.4. The Secretary shall give all members of the Management Team at least **7 days'** notice of each meeting by means of an agenda.

14.6.5. The Chairman; or in his absence a member of the Management Team; shall act as Chairman of the meeting.

14.6.6. Decisions of the Management Team shall be made by a simple majority of the votes cast. Each member present, except for the Chairman; or the acting Chairman for that meeting; shall have one vote. The Chairman of the meeting shall have a deliberative and a casting vote.

14.6.7. The Assistant Secretary, or in their absence, the Secretary or a member of the Management Team shall take the minutes of the meeting.

14.7. Quorum

14.7.1. The quorum at any meeting of the Management Team shall consist of half the number of members entitled to vote (Annex A1/A2), which shall include at least one Executive officer.

14.7.2. If a quorum is not present within thirty minutes of the published starting time, a meeting shall stand adjourned. The Secretary shall notify the date of the reconvened meeting within a maximum period of one month.

14.7.3. If a quorum is not present at the adjourned meeting then those Management Team members attending may act for the purpose of calling a Special Meeting of the County Association Council, to which the provisions as to the minimum notice shall not apply.

14.8. Powers and responsibilities

14.8.1. The responsibilities of the Management Team shall include, but not be limited to:

14.8.1.1. determining the strategies of the County Association within the overall policies and plans agreed by the County Association Council and published by Swim England and the Region;

14.8.1.2. liaising with the Region on the consideration of the affiliation of clubs to the County Association through the Region;

14.8.1.3. managing the aquatic disciplines within its boundaries subject to the strategic direction of the Region;

14.8.1.4. carry out any specific duty laid upon it by the County Association Council;

14.8.1.5. appoint and/or remove paid persons or volunteers as staff (if any);

14.8.1.6. have day to day management of the affairs of the County Association;

14.8.1.7. appoint officers, managers/secretaries, and members elected, or members not elected, by the County Association Council to committees;

14.8.1.8. monitor and evaluate the work of the elected, other Committees, and any other persons appointed to specific tasks, including the production of budgets, full and accurate minutes of their meetings and reports of their other activities;

14.8.1.9. maintain appropriate channels of communication with the Swim England, the Region, clubs, and individuals.

14.8.2. In particular, the Management Team shall: -

14.8.2.1. set the annual affiliation fee (if there is to be one) and the sections championship entry fees, in line with the budget;

14.8.2.2. determine who shall be the authorised signatories of the financial accounts;

14.8.2.3. ensure that full and accurate minutes of its meetings and accounts are produced and retained for a minimum of 6 years;

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

14.8.2.5. report to the Regional Board at such times and in such a form as it may require.

- 14.8.2.6. appoint County Association Representatives, who shall be members of a club affiliated to the County Association to:
 - 14.8.2.6.1. the Region Council Meetings;
 - 14.8.2.6.2. External Partnerships meetings, as required.
- 14.8.2.7. Have the power to authorise the payment of expenses or grants for services to the County Association received from any: -
 - 14.8.2.7.1. Officer, Committee member or official of the County Association;
 - 14.8.2.7.2. Other person or persons as decided by the Management Team or the County Association Council;
 - 14.8.2.7.3. External agents as part of a partnership agreement.
- 14.8.2.8. Draw up and implement with immediate effect a change of the Constitutional rules of the County Association if they conflict with any addition or alteration to or deletion from either Swim England or Region rules.
- 14.8.2.9. Determine the terms of reference of any sub-committee or working group.
- 14.8.2.10. Be accountable to the County Association Council and report to it, at such times and in such a form, as it may require.

14.9. The County Management Team may:

- 14.9.1. fill any vacancy occurring on the Committee.
- 14.9.2. appoint additional officers to whom may be delegated specific powers duties and responsibilities.
- 14.9.3. contract for services and products other than those covered by staff employed directly or indirectly by Swim England or the Region;
- 14.9.4. appoint a special committee to consider and report on any matter, the number of and appointment of the members of the committee and a quorum to be determined by the Management Team. If the Chairman shall be a member of such a special committee, he shall not be entitled by virtue of that office to be chairman of meetings of such committee;
- 14.9.5. discharge, by a two thirds majority of those voting, for any breach of and under the provisions of Swim England'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 replace him;
- 14.9.6. discharge at its discretion an Elected Committee and appoint a new committee in its place.

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

ANNEX A TO THE CONSTITUTION

THE MANAGEMENT TEAM COMPOSITION AND APPOINTMENTS

- A.1 The following members of the Management Team shall be elected at the Annual Council Meeting.
- a) Chairman
 - b) Secretary
 - c) Treasurer
 - d) Three additional members
- A.2 The County Management Team will appoint the following:
- a) Assistant/Minutes Secretary
 - b) Swimming Secretary
 - c) Artistic Swimming Secretary
 - d) Diving Secretary
 - e) Water Polo Secretary
 - f) Disabilities Section Secretary
 - g) Master Swimming Secretary
 - h) Swimming Officials Development Officer
 - i) Welfare Officer (non-voting)
- A.3 The County Management Team may appoint, and invite to meetings, the following:
- a) Records Officer;
 - b) Swimming Officials Appointments Officer;
 - c) Trophies Organiser;
 - d) Equal Opportunities Officer
 - e) Volunteer Co-ordinators, for Mainland Hampshire, Isle of Wight & Channel Islands
- A.4 The Trustees of the County Association, will have the right to attend any meetings arranged by the County Association Management Team. Trustee's will have the right to speak but shall have no vote; unless they are already fulfilling another role on the Management Team, then all rights stand as a member of the County Management Team.
- A.5 County Management Team will arrange appropriate seminars or symposiums; not provided by the Region; on a regular basis, for the benefit of all the County Association membership, to promote good practice, disseminate relevant information, receive feedback, and offer opportunities for presentations on subjects to benefit the Association members.

ANNEX B TO THE CONSTITUTION (Procedure)

SELECTION OF THE PRESIDENT

- B.1 Nominations for President will be accepted from clubs and other members of the Council, the nominee is to be drawn from the membership of the Association.
- B.2 Nomination forms will be available to members of the Council, via the County Secretary, by 1st January.
- B.3 Nominations must be made on the correct form, duly proposed and seconded, and returned to the County Secretary by 28th February or **21** days prior to the Annual Council Meeting, whichever is the later date.
- B.4 Proposers and Seconders may only submit one nominee.
It is strongly recommended that a statement accompany the nomination form completed by the nominee and/or supporters.
- B.5 All Past Presidents will receive the names of the nominees and a copy of each election statement; together with a ballot paper, should there be more than three nominees, when these documents will be sent with their Annual Council Meeting papers.
- B.6 The Past Presidents will be invited to attend a meeting immediately prior to the Annual Council Meeting, chaired by the current President in a non-voting capacity.
- B.7 If applicable, Ballot forms shall be handed to the current President, who will act as teller and declare to the meeting the three nominees receiving the highest number of votes.
- B.8 Following discussion about the three nominees declared by the President, or fewer nominees if no vote was required, the Past Presidents will agree the nomination to the Annual Council Meeting.
- B.9 The Senior Past President, who was present at the meeting, will inform the Association Annual Council Meeting of the nomination for President-Elect, who will take up the position of President at the next Annual Council Meeting.

ANNEX C TO THE CONSTITUTION (Procedure & Processes)

C1 - NOMINATION FORMS

1. Nominations for Chairman, Secretary and Treasurer and Independent members will be accepted from clubs and other members of the Council, the nominee is to be drawn from the membership of the Association.
2. Nomination forms will be available to members of the Council, from the County Secretary; or online; at least **28** days prior to the Annual Council Meeting.
3. Nominations must be made on the correct form, duly proposed and seconded, and returned to the Secretary **18** days before the Annual Council meeting.

The nominee, proposer and seconder must sign the nomination form. Proposers and seconders, who must be members of the Association, may only submit one nominee for each position.

C2 - BALLOT FORMS ISSUING

1. If there is only one nominee for any of the Officers positions, then ballot papers will not be issued.
2. If there is more than one nominee, for any of the Officers positions, then representation and delegate's eligibility, with ballot papers, will be issued by the Secretary **14** days, prior to Council meeting, as per 11.2.6.
3. If there are less than four nominees for the Independent Management Team members, then ballot papers will not be issued.
4. If there is more than three nominees, for Independent Management Team members, then delegate's eligibility will be checked and ballot papers issued by the Secretary **14** days, prior to Council meeting, as per 11.2.6.

C3 - BALLOT PAPER RETURNS AND CHECKS

1. A ballot paper, sent by post, shall be sealed in an envelope, which shall be clearly marked 'VOTE' and indicate the appointment for which it is applicable.
2. A postal entry, must have an envelope addressed to the County Secretary, containing only one set of ballot papers, one per appointment, together with the person's attendance authorisation form as a member of the Council, duly signed by the club secretary, and must be received by the County Secretary at least **3** days prior to the meeting.
3. Alternatively, the ballot paper(s), together with the attendance authorisation form, may be sent by email to the County Secretary and must be received at least **3** days prior to the meeting.
4. Votes received by electronic means, then the County Secretary shall place these votes in an envelope, clearly marked 'VOTE' and indicate the appointment to which it is applicable, and mark with Secretary's stamp/initials.
One envelope per appointment.

If any Club or organisation submits more electronic votes, than it is entitled to under rule 12.1, all such votes will be declared null and void; reported to the Chairman and subsequently destroyed.

ANNEX C TO THE CONSTITUTION (Procedure & Processes)

5. ALL valid ballot papers; each one marked as required above; will be placed into the ballot box(s), unopened, following verification by the County Secretary of the person's entitlement.
6. Spoilt or unverified ballot papers will be recorded as such, reported to the Chairman, but not counted in any vote.
7. Any ballot papers received after the closing date will be recorded as "late receipt" and details recorded and reported to the Chairman but will not be counted in any vote.

C4 - BALLOT RESULTS AND ANNOUNCEMENTS

1. Two stewards will be appointed by the Management Team; before the final closing date; and will undertake the counting of ALL ballot papers returned, by category.
2. The appointed stewards shall:
 - a. record the number of correctly validated votes for every balloted role and individual;
 - b. record the number of spoilt/unverified ballot papers by ballot role;
 - c. record the number of null/void ballot papers by ballot role;
 - d. record the number of late receipt/rejected ballot papers by ballot role;
3. The appointed stewards shall report the results of ALL ballots, to the Chairman, prior to the start of the Council meeting.
4. The Chairman shall make the formal announcement (14.4.9) of the results; at the appropriate point in the agenda; which will include those nominees standing unopposed for roles.
5. If not all the positions for Independent members of the Management Team have been filled by ballot or unopposed, the Chairman can accept proposals from those delegates attending the Annual Council Meeting, and appropriate votes taken.

Should there still be vacancies, then the Council Meeting shall authorise the Management Team to seek and appoint suitable individuals, who are members of the Association, to take up a position as for Independent members of the Management Team, as soon as possible

ANNEX D TO THE CONSTITUTION

D TECHNICAL COMMITTEES

D.1 All Executive Officers are ex officio officers to all Committees.

D.2 Technical Committees, led by the Discipline Secretary are:

- Swimming (including Open Water),
- Diving,
- Artistic Swimming,
- Masters,
- Disabilities,
- Water Polo,
- Swimming Technical Officials.

D.3 Composition & Responsibilities.

The Discipline Secretary will form his committee from the officers and seconded specialists to ensure the responsibilities can be undertaken and delivered.

Each Committee shall:

- a. Conduct all county championships and competitions.
- b. Set standards for championships and competitions.
- c. Maintain records and appoint officials for championships and competitions.
- d. Ensure the provision of training, and as necessary examination support, for all officials and non-technical volunteers.
- e. Furnish written reports to the Management Team.
- f. Prepare budgets for the following financial year and submit them to the Management Team, prior to the end of the current financial year.
- g. Manage approved budgets, on behalf of the Management Team and report all income and expenditure to the Treasurer.
- h. Develop plans and programmes for inclusion in the Association Strategic Plan.
- i. Contribute as required to the County information, with emphasis on championship and competition conditions and agree these with Management Team, prior to the publication (webpages or other media).
- j. Select County teams, appoint team managers and coaches and arrange transport.
- k. Co-opt, as necessary, additional members.

E. COUNTY BADGES

E.1 Association Badges shall be awarded at the discretion of the Management Team to Swimmers (Speed, Masters, Disability & Open Water), Divers, Water Polo players and Artistic Swimmers on their first representative appearance in any Inter County event.

E.2 If no such representative opportunities occur, Association Badges may be awarded, at the discretion of the Management Team, on a specific nomination of the Discipline Secretary.