

DLGC CONSTITUTION

RULES of Dover Life Guard Club as at : 24th November 2014

1. Name

- 1.1 The name of the Club shall be Dover Life Guard Club incorporating Dover Swimming Club founded 1886 and Dover Life Guard Corps, founded 1935. (Registered Charity number 270111).
- 1.2 Headquarters of the Club shall be at Dover. It shall meet there and at other places as the Committee shall from time to time decide.

2. Objects

- 2.1 The objects of the Club shall be the teaching, development and practice of swimming, Life Saving, open water swimming, water polo and to stimulate Masters competition in all disciplines of the sport for its members. In the furtherance of these objects:
 - 2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds.
 - 2.1.2 The Club shall implement the ASA Equal Opportunities policy
- 2.2 The Club shall be affiliated to ASA South East Region, and shall adopt and conform to the rules of this Association, and to such other bodies as the Club may determine from time to time.
- 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association ("ASA Laws") and in particular:
 - 2.3.1 all competing members shall be eligible competitors as defined in ASA Laws; and
 - 2.3.2 the Club shall in accordance with ASA Laws adopt the ASA Child Protection Procedures; and shall recognise that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.
 - 2.3.3 members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.
- 2.4 By virtue of the affiliation of the Club to ASA South East Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:
 - 2.4.1 ASA South East Region including Kent County ASA
 - 2.4.2 the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and

- 2.4.3 British Swimming (in particular the ASFGB Doping Control Rules and Protocols and ASFGB Disciplinary Code); and
 - 2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together “the Governing Body Rules”)
- 2.5 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

Membership

- 3.1 The total membership of the Club shall not normally be limited. If however the Executive Committee considers that there is a good reason to impose any limit from time to time then the Executive Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.

All persons who regularly assist in any way with the club’s activities may become members of the club and hence of the ASA and the relevant ASA membership fee shall be paid. Assisting with the club’s activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, committee members, helpers, Honorary members, life members, officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of the ASA’s educational certificates.

As agreed by the ASA, those only helping on an occasional basis need not be members.

Paid instructors, teachers and coaches who are not members of the club must be members of a body which accepts that its members are bound by the ASA’s Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Rules.

- 3.2 Any person who wishes to become a member of the Club must submit a signed application to the Secretary (and in the case of a junior swimmer the application must be signed by the swimmer’s parent or guardian). Election to membership shall be determined by the Membership Officer authorised by the Executive Committee but other person(s) authorised by the Executive Committee may make recommendation as to the applicants’ acceptability. The Membership Officer shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a review panel appointed by the Executive Committee. Review Panel comprised of not less than three members (who may or may not be members of the committee). This panel shall where ever practicable include one independent nominated by the ASA South East Region. The person refused membership shall be entitled to make personal representation to the Review Panel. The procedures for the review shall be at the discretion of the review Panel whose decision shall be final and binding.
- 3.3 The Club shall not refuse an application for membership on discriminatory grounds,

whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation.

4 Subscription and Other Fees

- 4.1 The annual member's subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Executive Committee and the Executive Committee shall in so doing make special provision for different classes of membership as the Annual General Meeting shall determine.
- 4.2 The annual subscription and entrance fee shall be due on joining the Club and thereafter on the 1st day of January each year. The clubs financial year will end on the 31st of August and begin on the 1st day of September.
- 4.3 Any member whose subscription is unpaid by the date falling 15 days after the due date for payment may be suspended by the Executive Committee from some or all Club activities from a date to be determined by the Executive Committee and until such payment is made.
- 4.4 The Executive Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

5 Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of his resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than 30 days in arrears shall be deemed to have resigned.

6 Expulsion and other Disciplinary action

- 6.1 The Executive Committee shall have power to expel a member when, in its opinion, he is causing disharmony within the Club. It would not be in the interests of the Club for him to remain a member. The Club, in exercising this power, shall comply with the provisions of Rules 6.2 and 6.3 below.
- 6.2 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines") as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook. (A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department.)
- 6.3 A member may not be expelled or (subject to Rule 6.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority

vote in favour of the expulsion of (or other penalty imposed upon) the member.

- 6.4 The Officers of the Club (or any person to whom the Executive Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the complaint will thereafter be dealt with in accordance with the Guidelines.

7 Executive Committee

- 7.1 The Executive Committee shall consist of a Chairman, Secretary, Treasurers, and Eight elected members all of whom must be members of the club.

Executive Officers: Chairmen, General Secretary & Treasurers.

Eight Members of the Committee:

A vice chairman shall be elected from the members of the Executive Committee at the first meeting after the AGM.

- 7.2 The Executive Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting. Any vacancy occurring by resignation or otherwise may be filled by the Executive Committee. Retiring members of the Executive Committee shall be eligible for re-election. (See also 8.1)
- 7.3 Executive Committee meetings shall be held not less than once a month, the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Executive Committee members (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Executive Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Executive Committee not less than two days oral notice of a meeting. Decisions of the Executive Committee shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Secretary, or in his absence a member of the Executive Committee, shall take minutes.
- 7.4 In the event that a quorum is not present within thirty minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman. If a quorum is not present at the adjourned meeting then those Executive Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.
- 7.5 In addition to the members so elected the Executive Committee may co-opt up to 3 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Executive Committee and shall not be counted in establishing whether a quorum is present.
- 7.6 The Executive Committee may from time to time appoint from among their number such

sub-committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees) and may delegate to them such of the powers and duties of the Executive Committee as the Executive Committee may determine. All sub-committees shall periodically report their proceedings to the Executive Committee and shall conduct their business in accordance with the directions of the Executive Committee.

- 7.7 The Executive Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Executive Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Executive Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting. The Executive Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution (in consultation with the trustees in the first instance and the ASA).
- 7.8 The members of the Executive Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.
- 7.9 The Executive Committee shall maintain an Accident Book in which all accidents to club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the ASA Office. The Club shall make an annual return to the ASA in the prescribed form.

8 Officers and Honorary Members

- 8.1 The Executive Officers and Executive Committee of the Club shall be proposed, seconded and elected (by ballot) at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Executive Committee. Retiring officers shall be eligible for re-election.
- 8.2 The Annual General Meeting of the Club shall elect a President, selected by the Past Presidents and agreed by the Executive Committee. Vice-Presidents may also be selected by the Executive Committee prior to the Annual General Meeting. They may be nominated by any senior member, but such nomination shall be subject to approval by the Executive Committee. They shall be elected for one year only but may be eligible for re-election in subsequent years. A President or Vice-President need not be a member of the association and on election shall, *ex officio*, be an honorary member of the Club and must be included in the Club's Annual Return of Members to the ASA.
- 8.3 The Executive Committee may elect any person as an honorary member of the Club for such period as it thinks fit. They shall be entitled to all the privileges of membership, except that they shall not be entitled to vote at meetings and serve as officers or on the Executive Committee unless any such person shall have retained in addition his ordinary membership of the Club. Such honorary members must be included in the Club's annual return as to membership.

9 Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in November. The date for the Annual General Meeting shall be fixed by the Executive Committee.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
- 9.2.1 to receive the Chairman's report of the activities of the Club during the previous year;
 - 9.2.2 to receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;
 - 9.2.3 to remove and elect the independent examiner (who must not be a member of the Executive Committee or a member of the family of a member of the Executive Committee) or confirm that he remain in office;
 - 9.2.4 to elect the Executive Officers and other members of the Executive Committee including 1 trustee;
 - 9.2.5 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.
- 9.3 Nominations for election of members to any office or for membership of the Executive Committee shall be made in writing by the proposer and seconder to the Secretary not later than 10th September. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 10th September.
- 9.4 The club shall produce a set of By-Laws. These By-laws are the responsibility of the Trustees .These By-laws can be changed by the Executive Committee as considered appropriate subject to a resolution proposed at a committee meeting and duly minuted. Members shall be informed of any changes.

10 Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Executive Committee. A Special General Meeting shall be called by the Secretary within 28 days of receipt by him of a requisition in writing signed by not less than 7 members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.

11 Procedure at the Annual and Special General Meetings

- 11.1 The Secretary shall personally be responsible for the handing out or sending to each member at his last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting and in the case of the Annual General Meeting a list of

the nominees for the Executive Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.

- 11.2 The quorum for the Annual and Special General Meetings shall be 20 members entitled to attend and vote at the Meeting, or if greater such numbers as represents one tenth in number of such members.
- 11.3 The Chairman, or in his absence a member selected by the Executive Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote. Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors).
- 11.4 The Secretary, or in his absence a member of the Executive Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

12 Alteration of the Rules and other Resolutions

- 12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. No amendment(s) to the rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the County Association/ASA South East Region.
- 12.2 Any member shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him not later than 10th September in the case of the Annual General Meeting or, in the case of a Special General Meeting, 18 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

13 By-Laws

- 13.1 The Committee in consultation with the trustees shall have power to make, repeal and amend such By-laws as they may from time to time consider necessary for the well being of the Club which By-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.
- 13.2 The By-Laws of the club shall be available to all members of the club.

14 Finance

- 14.1 All moneys payable to the Club shall be received by the Treasurers and deposited in a bank account in the name of the Club. No sum shall be drawn from that account except by cheque signed by two signatories. The signatories shall be the Chairman, General Secretary and Treasurers and two additional officers of the Executive Committee as agreed by the Executive Committee. Any moneys not required for immediate use may be invested as the Executive Committee in its discretion think fit.
- 14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, (save as set out in Rule 17.3.).
- 14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club. All accounts and receipts must be produced prior to payment.
- 14.4 The financial transactions of the Club shall be recorded by the Treasurers in such manner as the Executive Committee thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on 1st September and ending on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Executive Committee shall retain for a minimum period of six years all financial records relating to the club and copies of Minutes of all meetings.

15 Borrowing

- 15.1 The Executive Committee may borrow money on behalf of the Club for the purposes of the Club from time to time [up to such limits on borrowing as may be laid down from time to time by the General Meeting] for the general upkeep of the Club or with the (prior) approval of a General Meeting for any other expenditure, additions or improvements.
- 15.2 When so borrowing the Executive Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.
- 15.3 The Executive Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.
- 15.4 The above 3 paragraphs shall be in consultation with the Trustees.

16 Property

- 16.1 The property of the Club, other than cash at the bank, shall be vested in not more than three Trustees. They shall deal with the property as directed by resolution of the Executive Committee and entry in the minute book shall be conclusive evidence of such a resolution.

- 16.2 The Trustees shall be elected at a General Meeting of the Club and shall hold office for 3 years or until resignation whichever is earliest.
- 16.3 The Trustees shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17 Dissolution

- 17.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be with the agreement of the trustees and carried by a majority of at least three-quarters of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.
- 17.2 The dissolution shall take effect from the date specified in the resolution and the Trustees shall be responsible for the winding-up of the assets and liabilities of the Club.
- 17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects) nominated by the Trustees.

18 Acknowledgement

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

19 TRUSTEES

- 19.1 There shall be three Trustees appointed to serve for three years by the Annual General Meeting with one Trustee post being re-appointed each year in rotation.
- 19.2 They shall be responsible for the following:
- 19.2.1 for the charitable status of the Club
 - 19.2.2 for the observance of the rules of this constitution together with any other similar items concerned with the Clubs affairs.
- 19.3 The Trustees shall have the right to refer back to the Executive Committee any decision of the Executive Committee which in their opinion is contrary to ASA Laws, these Rules, the Clubs Charitable Status or the true traditions and philosophy of the Club.
- 19.4 The Trustees are answerable to the wishes of the Members of the Club except where these wishes conflict with the Laws of the ASA or the Laws of the Land.
- 19.5 Trustees shall have no additional voting rights other than those of a senior member of the Club.
- 19.6 The Trustees shall be invited to attend all meetings of the Executive Committee but shall have no voting rights unless they are also elected Executive Committee Members.
- 19.7 In the event of the Executive Committee being dissolved the Trustees shall have full

powers of Government of the Club until such time as a Special General Meeting may be called by them. In the event of the dissolution of the Club they shall manage the events in accordance with Rule 16 of this constitution.

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

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