

**Constitution
Of
The Great Western Youth
& Brunel Brass Bands**

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1 NAME

The Bands shall be incorporated as one group and encompass both the Great Western Youth and the Brunel Brass Bands.

2 BAND OBJECTIVES

- 2.1** To promote the education, enjoyment and achievement of musical excellence amongst young people, through the playing of brass and percussion instruments broadly in the style of a traditional brass band.
- 2.2** To offer these services to young people living in Swindon and the surrounding towns and villages.

3 BAND POWERS

The Great Western Youth & Brunel Brass Bands will seek to:

- 3.1** Entertain and promote music to a wide variety of audiences and by doing so create strong links with the local community.
- 3.2** Provide a stream of young brass and percussion players into the brass band movement.
- 3.3** Assist and support such charitable institutions or purposes as the committee may from time to time determine.
- 3.4** Treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, disability, financial circumstances or political persuasion.
- 3.5** Treat the safety of children as of paramount importance and operate under the Child Protection Policy and Code of Practice as outlined by Brass Bands England.

4 MANAGEMENT AND BANDS COMMITTEE COMPOSITION

4.1 Committee

The affairs of the Bands shall be managed by the Bands Committee. The Bands Committee can co-opt additional members or appoint sub-committees to assist with the management of the Bands, and to advise and recommend on particular matters. A Committee member does not need to be a member of the Bands.

4.2 Committee Posts

The Bands Committee shall be composed of:

- Chairman, Treasurer, Minutes Secretary and Fundraising/Welfare Officer as a minimum, with any other inclusions as deemed necessary by the Committee but with no obligation as required by the Constitution.

4.3 Appointment of Committee

The appointment of the Bands Committee members shall be by the following methods:

- a) Band Officers shall be elected at the Annual General Meeting (AGM). Current Band Officers must seek re-election every year, subject to not holding the same post for more than 4 years. In the event that no other nominations are received for a Band Officer post at the end of the 4 year period, then the Officer currently holding that post will be able to seek a further term subject to the normal voting procedures.
- b) The Bands Committee shall appoint the Musical Director.

4.4 Responsibilities of Officers

All Band Officers shall have full voting rights at Bands Committee meetings and full attendance at meetings by all Band Officers is expected.

4.5 Committee Meetings

It is usual for the Bands Committee to meet monthly (with a maximum of 10 meetings per year).

4.6 Quorum

A minimum of two-thirds of the Band Officers in post shall be present in order to establish a quorum at a Bands Committee meeting.

4.7 Voting

When the numbers voting for and against a resolution are equal, the Chairman shall be entitled to a second and casting vote.

4.8 Election of Officers Following a Resignation

In the event of a Band Officer resigning their post during the year, the Bands Committee may approach and appoint, under the usual voting mechanism, a replacement Officer to act until the next AGM.

5 THE ANNUAL GENERAL MEETING (AGM)

5.1 Schedule

The AGM shall usually be held between 1st November and 31st December of each year.

5.2 Notification

Thirty days prior to the AGM the Band Secretary shall:

- a) Give notice of the AGM on the notice board and through other forms of written and electronic communication, including the Band website.
- b) Provide nomination forms for Bands Committee Officers. The nomination forms must be returned to the Band Secretary or the Chairman, fifteen days prior to the AGM.

5.3 Nomination of Officers

If there is only one nomination for an Officer's post, that nominee shall be subject to the normal voting procedure. If there are less than three nominations for an Officer's post, further nominations will be accepted at the AGM. In the event that more than three nominations are received, then the first three nominations received shall be voted on.

The roles of Chairman, Secretary and Treasurer shall be filled by nomination and voting into those specific roles. For the remainder of the roles, individuals may be voted onto the Committee in a general capacity. Specific roles as outlined in section 4.3 of this constitution should then be agreed and allocated at the first committee meeting. The Chairman shall hold the right to rule on any issues of contention regarding the allocation of roles.

5.4 Voting

Voting shall be made on ballot papers issued at the AGM (or if agreed with the meeting, by a show of hands). When voting on ballot papers for Bands Committee Officers, each person present may vote for as many candidates as desired, each mark against a candidate will count as one vote. In the event of a tie, a further ballot paper will be issued with just the tied candidates and a further vote will be taken. In the event of a further tie, then the Chairman's vote will be casting.

5.5 Entitlement to Vote

All members present over the age of fourteen years are entitled to vote. A parent present may vote on behalf of a Band member who is under 14. It is not necessary for the under age member to be present.

5.6 Voting Mechanism

Voting on resolutions at the Annual General Meeting (AGM) and any Exceptional General Meeting (EGM) shall be passed by simple majority. In the event of an equality of votes the Chairman shall have an additional casting vote.

6 MEMBERSHIP AND VOLUNTARY CONTRIBUTIONS

6.1 Membership

The Band Membership shall consist of both playing and non-playing members.

6.2 Voluntary Contributions

Voluntary contributions are collected on a termly or monthly basis, at a rate determined by the AGM.

6.3 Hardship

The Committee shall have the power to waive part or all of the contributions in cases of extreme hardship.

6.4 Membership Application

Application for membership shall be made through the completion of an appropriate application form, received by the Committee for consideration. For potential Members under the age of 18 such an application for membership shall be signed by the parent or guardian of the child. The Committee shall consult the Musical Director and membership will be granted provided both agree to membership. In the event of a failure to achieve such agreement the matter may be referred to the Chairperson for final agreement.

6.5 Committee Requested Termination of Membership

The Bands Committee shall be empowered to terminate summarily any membership by written notification of any of the following circumstances:

- i) Failure to pay the annual contribution, or instalment thereof, within two months after it becomes due. The membership shall only be reinstated after re-application for membership and upon payment of all arrears.
- ii) If a member is guilty of any misconduct which in the opinion of the Committee is detrimental to the Bands. This rule may only be applied with the assenting vote of not less than two-thirds of the total membership of the Bands Committee.

Any person whose membership is so terminated shall have the right to appear, with their parent if under the age of 18, before the Bands Committee to discuss the circumstances, and appeal should he/she so wish. The decision of the Bands Committee shall be final.

6.6 Member Requested Termination of Membership

Any member wishing to terminate their membership should inform the Committee and/or Musical Director, following which he/she will be expected to make all necessary arrangements for the return of any Bands equipment, uniform and dress and any other property belonging to the Bands.

6.7 Data Protection

The organisation holds personal data about Band members, parents (or other responsible adults), tutors, helpers and fundraisers. This is for the purpose of communication of information, to help ensure the health and safety of Band members and to manage the Band and its assets. This information will be held for the period of time that that person is associated with the Band. Information such as name and date of birth may be passed to other organisations in the brass Band community where necessary to validate entitlement to attend events - with this exception we will not give, rent or sell your e-mail, address or personal information to anyone.

7 FINANCE AND ACCOUNTS

7.1 Financial Year

The financial year shall be from the 1st September to the 31st August.

7.2 Audit Process

The audited accounts of the Bands shall be prepared annually for each financial year and submitted to the AGM for approval.

Where the role of the Chairperson and Treasurer are the same, having been agreed so at the AGM, the remaining Committee members will carry out a process of due diligence on the annual accounts to ensure that any conflict of interest between the two roles is satisfied. Should further additional Independent Financial audit be required, this can be requested by any Committee member via the Chairperson.

7.3 Bankers

The Band's banker shall be determined by the Committee.

7.4 Account Names

All accounts shall be held in the name of the charity.

7.5 Accounting Procedures

The accounts shall comply with the accounting requirements of the Charities Act 1993, relevant to the income/expenditure level of their charity, with regard to:

- the keeping of accounting records of the charity;
- the preparation of annual statements of account for the charity;
- the auditing, or independent examination, of the statements of account of the charity;
- the preparation of an annual report and the sending of it together with the statements of account to the Charity Commission; and
- the preparation of an annual return and its transmission to the Charity Commission.

8 TRUSTEES AND DISSOLUTION

8.1 Trustees

The Trustees shall be agreed by the Committee with a maximum of three members including the Chairperson and all property, equipment, furniture, music and assets shall be invested in them.

8.2 Liability

The trustees shall have liability in respect of debts incurred in the Band's name, and they shall be empowered to realise the Band's assets to clear debts if necessary.

8.3 Dissolution

If the charity trustees decide that it is necessary or advisable to dissolve the charity, they shall call a meeting of all members of the charity of which not less than 21 days' notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by a two-thirds majority of those present and voting, the charity trustees shall have power to realise any assets held by or on behalf of the charity. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution or institutions having objects similar to the object of this charity as the members of the charity may determine, or, if that cannot be done, shall be applied for some other charitable purpose.

9 ADDITIONS AND AMENDMENTS

Subject to the following provisions of this clause the constitution/rules may be amended by a resolution passed by not less than two-thirds of the members present and voting at a general meeting (EGM or AGM). The notice of the general meeting must include details of the resolution setting out the terms of the amendment proposed and must bear the signature of the proposer and seconder.

Provided that no amendment shall be made to clause 2, clause 7 or this clause until written approval of the Charity Commission has been obtained and provided further that no amendment shall be made which would cause the charity to cease to be a charity at law.

10 SUGGESTIONS AND COMPLAINTS

Any member who has a suggestion or complaint to make shall put it in writing or verbally advise to the Chairperson for discussion at the next Bands Committee meeting.

11 DISCIPLINE

11.1 Misbehaviour

Misbehaviour of members shall be reported to the Musical Director who will be responsible for Bands discipline. The Musical Director may refer such matters to the Bands Committee.

11.2 Disciplinary Committee

The Bands Committee may choose to appoint a Disciplinary Committee who will investigate and report findings with recommendations to the Bands Committee.

11.3 Disciplinary Committee Members

The Disciplinary Committee shall consist of three elected members of the Bands Committee.

11.4 Representation at Disciplinary Committee

A parent or guardian may accompany any member under the age of 18 years brought before the Disciplinary Committee. Members under the age of 14 must be accompanied by a parent or guardian.

11.5 Expulsion

The Bands Committee shall have the power to expel a member when, in its opinion, it would not be in the interest of the Bands for them to remain a member.

11.6 Exclusion and Suspension

The Officers of the Bands (or any person to whom the committee shall delegate this power) may temporarily suspend or exclude a member from particular rehearsals and wider Band activities, when in their opinion such action is in the interest of the Bands. Where such action is taken the complaint will thereafter be dealt with in accordance with the guidelines 11.1 to 11.4.

12 INCOME AND PROPERTY

12.1 Income and Property

The income and property of the Bands shall be applied solely towards the promotion of the objectives of the Bands and no part thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise however by way of profit to the members of the Bands. Provided that this clause shall not prevent the payment of reasonable and proper expenses and remuneration to any member, officer or servant of the Bands.

12.2 Fundraising

The Officers and Members of the Bands shall raise and receive money for the purpose of the Bands.

12.3 Receipt of Equipment - Parental Consent

Any young person not eighteen years of age having any property issued to them which belongs to the Bands shall first obtain consent of their parents and the parent shall sign to acknowledge receipt of the equipment.

12.4 Receipt of Equipment - Responsibilities

Any musical instrument or any other equipment belonging to the Bands which is issued to a member must be signed for by the member (or in the event the member is under eighteen years of age by their parent) in the property book. The book shall be kept by the Committee who shall be responsible for the distribution and identification of all equipment owned by the Bands. Each member shall be responsible for keeping all equipment entrusted to him/her clean and serviceable. Any damage shall be reported immediately to the Committee who may authorise any repairs in line with financial limits agreed by the overall Bands Committee.

12.5 Uniforms

When uniforms are issued, they must be kept clean and in good condition. Any losses must be reported to the Bands Committee. Uniforms shall be worn at all engagements unless otherwise stipulated by the Musical Director beforehand.

12.6 Ownership of Property

Any property of the Bands loaned to a member shall remain the property of the Bands and shall be returned immediately to the Bands on cessation of membership, or at any time if so demanded by the Bands Committee.

12.7 Use of Property

Use of Bands property for activity other than Bands commitments must have the approval of the Bands Committee.

12.8 Responsibility of Trustees

Except with the prior written approval of the Charity Commissioners, no trustee may:

- receive any benefit in money or in kind from the charity; or
- have a financial interest in the supply of goods or services to the charity; or
- acquire or hold any interest in property of the charity (except in order to hold it as a trustee of the charity).

In addition to any other powers it has, the committee may exercise any of the following powers in order to further the objects (but not for any other purpose):

- 1) to raise funds. In exercising this power, the trustees must not undertake any substantial permanent trading activity and must comply with any relevant statutory regulations;
- 2) to buy, take on lease or in exchange, hire or otherwise acquire, property, and to maintain and equip it for use;
- 3) to sell, lease, or otherwise dispose of, all or any part of the property belonging to the charity. In exercising this power the trustees must comply as appropriate with sections 36 and 37 of the Charities Act 1993;
- 4) to borrow money and to charge the whole or any part of the property belonging to the charity, as security for repayment of the money borrowed. The trustees must comply with sections 38 and 39 of the Charities Act 1993 if they wish to mortgage land owned by the charity.

13 EXTRAORDINARY GENERAL MEETING

13.1 EGM Process

An Extraordinary General Meeting (EGM) may be called at any time by the Committee. An EGM shall also be called by the Band Secretary within 28 days of receipt by him of a requisition in writing signed by not less than one tenth in number of members entitled to vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.