



Constitution

Of

The Great Western Youth Band

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1 NAME

The Band shall be called the Great Western Youth Band.

2 BANDS OBJECTS

- 2.1** To promote the education, enjoyment and achievement of musical excellence amongst young people up to and including the age of 21, 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 BANDS POWERS

Great Western Youth Band 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 the British Federation of Brass Bands.

4 MANAGEMENT AND BAND COMMITTEE COMPOSITION

4.1 Committee

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

4.2 Committee Posts

The Band Committee shall be composed of:

- a) The Band Officers: Chairman, Treasurer, Secretary, Membership Officer, Fundraising Officer, Property and Premises Officer, Communications Officer, Engagements Officer, Welfare Officer, Parents Representative.
- b) The Musical Director
- c) The President
- d) Player Representatives (2)

4.3 Appointment of Committee

The appointment of the Band 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 Band committee shall appoint the Musical Director. Such a decision shall be made following a period of consultation with the players of all Youth Bands.
- c) The Band committee shall appoint the President.
- d) The Player Representatives shall be appointed as stated in clause 4.8

4.4 Responsibilities of Officers

All Band Officers shall have full voting rights at Band Committee meetings and full attendance at meetings by all Band Officers is expected. The President and/or Chairman shall approach Band Committee members absenting themselves from two consecutive meetings without prior apology with regard to their intentions. Based on the outcome of the discussions the Band Committee may vote on removing the Committee member, and if required appoint a replacement Officer for the period up to the next AGM.

4.5 Committee Meetings

It is usual for the Band Committee to meet monthly (with a maximum of 10 meetings per year). There will also be a number of Sub Committees, formed from Band Committee members and co-opted members, who will meet as and when required. Only elected Band Officers have full voting rights, plus any Young Peoples Representative who is 18 or over and thus eligible to vote. Others who attend the Committee meeting (e.g. appointed and co-opted members) do not.

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 Band 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 Young Peoples Representatives

Two Nominated Young Peoples Representatives will also attend all Band Committee meetings, in a non voting capacity unless they are over the age of 18. A Young Peoples Sub Committee shall be formed and meet monthly, subject to a maximum of 10 meetings per annum. This sub committee will elect the two Nominated Young Peoples Representatives. The Young Peoples sub committee will consist of a minimum of 8 members of the Youth Bands and exists to ensure the ideas and views of young members are collected and passed to the Band committee for consideration and action. The Band Secretary shall arrange a nomination process for the Young Peoples Sub Committee at which any member of the Youth Band present shall be able to vote. Members of the Young Peoples Sub-Committee must seek re-election every year. The Band Secretary shall ensure that all bands and age groups are represented on the Young Peoples Sub Committee.

4.9 Election of Officers Following a Resignation

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

4.10 Friends of Great Western Youth Brass Band

The parent's representative shall establish a network of "Friends of Great Western Youth Band". This will exist as a sub-committee of the main committee and will co-ordinate parental (and other third parties) involvement and activities including but not limited to fundraising (in conjunction with the fundraising officer), social activities, welfare (in conjunction with the welfare officer) and general help and assistance to run the Great Western Youth Band.

5 THE ANNUAL GENERAL MEETING (AGM)

5.1 Schedule

The AGM shall usually be held between 1st September and 31st October 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 Bands website.
- b) Provide nomination forms for Band 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 twelve nominations for an officer's post, further nominations will be accepted at the AGM. In the event that more than 12 nominations are received, then the first 12 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 Band 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. Any Tutor working regularly with the Great Western Youth Band will also be entitled to a vote.

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 SUBSCRIPTIONS

6.1 Membership

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

6.2 Subscription Rate

Subscriptions shall be at a rate determined by the AGM.

6.3 Collection of Subscriptions

Subscriptions will be collected either in one lump sum, on a school term by school term basis or monthly as determined by the AGM. The method and timing of subscription collection will be determined by the AGM.

6.4 Hardship

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

6.5 Membership Application

Application for membership shall be made through the completion of an appropriate application form, received by the Membership Officer 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 Membership Officer 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 committee for final agreement.

6.6 Committee Requested Termination of Membership

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

- i) Failure to pay the annual subscription, 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 Band. This rule may only be applied with the assenting vote of not less than two-thirds of the total membership of the Band 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 Band Committee to discuss the circumstances, and appeal should he/she so wish. The decision of the Band Committee shall be final.

6.7 Member Requested Termination of Membership

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

6.8 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 Band shall be prepared annually for each financial year and submitted to the AGM for approval.

7.3 Bankers

The Band bankers shall be determined by the Committee.

7.4 Issuing Cheques

Cheques shall be signed by two voting members of the Committee as specified and agreed by the Band Committee.

7.5 Independent Analysis

The Independent Financial Examiner will be elected at the AGM to examine the Band accounts.

7.6 Account Names

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

7.7 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 the current Band Committee Officers 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 to the Band Secretary or to the Nominated Young Peoples Representatives for discussion at the next Band Committee meeting.

11 DISCIPLINE

11.1 Misbehaviour

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

11.2 Disciplinary Committee

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

11.3 Disciplinary Committee Members

The Disciplinary Committee shall consist of three elected members of the Band 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 Band Committee shall have the power to expel a member when, in its opinion, it would not be in the interest of the Band for them to remain a member.

11.6 Exclusion and Suspension

The Officers of the Band (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 Band. 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 Band shall be applied solely towards the promotion of the objectives of the Band 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 Band. Provided that this clause shall not prevent the payment of reasonable and proper expenses and remuneration to any member, officer or servant of the Band.

12.2 Fundraising

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

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 Band 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 Band 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 Property and Premises Officer who shall be responsible for the distribution and identification of all equipment owned by the Band. Each member shall be responsible for keeping all equipment entrusted to him/her clean and serviceable. Any damage shall be reported immediately to the Property and Premises Officer who may authorise any repairs in line with financial limits agreed by the Band Committee.

12.5 Uniforms

When uniforms are issued, they must be kept clean and in good condition. Any losses must be reported to the Property and Premises Officer. Uniforms must be signed for in the book provided. Uniforms shall be worn at all engagements unless otherwise stipulated by the Musical Director beforehand.

12.6 Ownership of Property

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

12.7 Use of Property

Use of band property for other than Band commitments must have the approval of the Band 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.