

STANNARY BRASS BAND CONSTITUTION

Adopted on the 20th day of February 2002,
Amended 28/02/2011.

A Name.

The name of the band shall be STANNARY BRASS BAND herein after called “the Band”.

B Administration.

Subject to the matters set out below the Band and its property shall be administered and managed in accordance with this constitution by the members if the Executive Committee, to be known as “the Executive Committee”, constituted by clause H of this constitution.

C Objective.

The objective of the Band (“the objective”) shall be to maintain, improve, and advance the education of the public through the promotion and practice of brass band music, and any other charitable purposes as the executive committee in its absolute discretion from time to time determine.

D Powers.

In furtherance of the objective but not otherwise the Executive Committee may exercise the following powers:

(i) power to raise funds and to invite and receive contributions provided that in raising funds the Executive Committee shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law;

(ii) power to buy, take on lease or in exchange any property necessary for the achievement of the objective and to maintain and equip it for use;

(iii) power subject to any consent required by law to sell, lease or dispose of all or any part of the property of the Band;

(iv) power subject to any consent required by law to borrow money and charge all or any part of the property of the Band with repayment of the money so borrowed:

(v) power to employ such staff (who shall not be members of the Executive Committee) as are necessary for the proper pursuit of the objective and to make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependents;

(vi) power to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objective or of similar charitable purposes and to exchange information and advice with them;

(vii) power to establish or support any charitable trusts, associations or institutions formed for the objective;

(viii) power to appoint and constitute such advisory committees as the Executive Committee may think fit;

(ix) power to do all such other lawful things as are necessary for the achievement of the objective.

E Membership.

(1) Membership of the band shall be open to any person over the age of five years interested in furthering the objective and who has paid the annual subscription laid down from time to time by the Executive Committee.

(2) Every member shall have one vote. Where a member is a minor that member's vote may be cast by the member's legal guardian.

(2a) Where a vote is called for in order to establish the opinion of the members and does not result in any legally binding decision every member shall be able to cast their own vote regardless of age.

(3) Every member shall observe the responsibilities in Appendix B and C contained in the document BAND PROCEDURE.

(4) The Executive Committee may by a simple majority vote and for good reason terminate the membership of any individual; provided that the individual concerned shall have the right to be heard by the Executive Committee, accompanied by a friend or legal guardian, before a final decision is made.

F Subscriptions.

(1) An annual subscription is to be paid by each playing member, the rate of subscription being determined by the Executive Committee and presented at an A.G.M. A new rate shall take effect at the beginning of the financial year following that A.G.M.

(2) An annual subscription is to be paid by each non-playing member, the rate of subscription being determined by the Executive Committee and presented at an A.G.M. A new rate shall take effect at the beginning of the financial year following that A.G.M.

G Honorary Officers.

At the annual general meeting of the Band (“the A.G.M.”) the members shall elect from amongst themselves a Chairperson, a Vice-Chairperson, a Musical Director, an Assistant Musical Director, a Secretary, an Assistant Secretary, a Treasurer, an Assistant Treasurer, a Librarian, a Training Section Representative and a Child Protection Officer who shall hold office from the conclusion of that meeting. The duties and responsibilities of these officers are those set out in Appendix 1 attached to and forming part of this constitution. Voting rights shall be as set out in clause E (2) above.

H Executive Committee

(1) The Executive Committee shall consist of fourteen members being:

(a) the honorary officers specified in the preceding clause;
(b) not less than three and where the number of honorary officers elected is less than ten (due to more than one office being held by one person) not more than five members elected at the A.G.M. who shall hold office from the conclusion of that meeting;

(2) The Executive Committee may in addition appoint not more than five co-opted members but so that no-one may be appointed as a co-opted member if, as a result, more than one third of the members of the Executive Committee would be co-opted members. Each appointment of a co-opted member shall be made at a meeting of the Executive Committee and shall take effect from the end of that meeting unless the appointment is to fill a place which has not then been vacated in which case the appointment shall run from the date when the post becomes vacant.

(3) All members of the Executive Committee shall retire from office together at the end of the Annual General Meeting next after the date on which they came into office but they may be re-elected or re-appointed.

(4) The proceedings of the Executive Committee shall not be invalidated by any vacancy among their number or by any failure to appoint or any defect in the appointment or qualification of a member.

(5) Nobody shall be appointed as a member of the Executive Committee who is aged under 18 or who would if appointed be disqualified under the provisions of the following clause.

(6) No person shall be entitled to act as a member of the Executive Committee whether on a first or on any subsequent entry into office until after signing a declaration of acceptance and of willingness to act in the interests of the Band.

I Determination of Membership of Executive Committee.

A member of the Executive Committee shall cease to hold office if he or she:

(i) is disqualified from acting as a member of the Executive Committee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision)

(ii) becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;

(iii) is absent without the permission of the Executive Committee from all their meetings held within a period of six months and the Executive Committee resolve that his or her office be vacated or

(iv) notifies to the Executive Committee a wish to resign (but only if at least three members of the Executive Committee will remain in office when the notice of resignation is to take effect).

J Executive Committee Members not to be personally interested.

No member of the Executive Committee shall acquire any interest in property belonging to the Band (otherwise than as a trustee for the Band) or receive remuneration or be interested (otherwise than as a member of the Executive Committee) in any contract entered into by the Executive Committee.

K Meetings and proceedings of the Executive Committee.

(1) The Executive Committee shall hold at least six ordinary meetings each year. A special meeting may be called at any time by the Chairperson or by any two members of the Executive Committee upon not less than four days' notice being given to the other members of the Executive Committee of the matters to be discussed but if the matters include an appointment of a co-opted member then not less than 21 days' notice must be given.

(2) The Chairperson shall chair meetings of the Executive Committee. If the Chairperson is absent from any meeting, the Vice-Chairperson shall chair the meeting. If both Chairperson and Vice-Chairperson are absent the members of the Executive Committee present shall choose one of their number to chair the meeting before any other business is transacted.

(3) There shall be a quorum when at least two thirds of the number of members of the Executive Committee for the time being or seven members of the Executive Committee, whichever is the greater, are present at a meeting.

(4) Every matter shall be determined by a majority of votes of the Executive Committee present and voting on the question but in the case of equality of votes the Chairperson of the meeting shall have a second or casting vote.

(5) The Executive Committee shall keep minutes of the proceedings at meetings of the Executive Committee and any sub-committee.

(6) The Executive Committee may from time to time make and alter rules for the conduct of their business, the summoning and conduct of their meetings and the custody of documents. No rule may be made which is inconsistent with this constitution.

(7) The Executive Committee may appoint one or more sub-committees consisting of three or more members of the Band and chaired by a member of the Executive Committee for the purpose of making any inquiry or supervising or performing any function or duty which in the opinion of the

Executive Committee would be more conveniently undertaken or carried out by a sub-committee provided that all acts and proceedings shall be fully and promptly reported to the Executive Committee.

L Receipts and Expenditure

(1) The funds of the Band, including all donations, contributions and bequests, shall be paid into an account operated by the Executive Committee in the name of the Band at such bank as the Executive Committee shall from time to time decide. All cheques drawn on the account must be signed by at least two members of the Executive Committee.

(2) The funds belonging to the Band shall be applied only in furthering the objective.

M Property

The Executive Committee shall cause the title to:

(a) all land held by or in trust for the Band which is not vested in the Official Custodian for Charities:
and

(b) all investments held by or on behalf of the Band;

To be vested either in a corporation entitled to act as custodian trustee or in not less than three individuals appointed by them as holding trustees. Holding trustees may be removed by the Executive Committee at their pleasure and shall act in accordance with the lawful directions of the Executive Committee. Provided they act only in accordance with the lawful directions of the Executive Committee, the holding trustees shall not be liable for the acts and defaults of its members.

N Accounts

The Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to:

(i) the keeping of accounting records for the Band;

(ii) the preparation of annual statements of account for the Band;

(iii) the auditing or independent examination of the statements of account of the Band;

(iv) the transmission of the statements of account of the Band to the Commission.

O Annual Report

The Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of the Act) with regard to the preparation of an annual report and its transmission to the commission.

P Annual Return

The Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual return and its transmission to the commission.

Q Annual General Meeting

(1) There shall be an Annual General Meeting of the Band which shall be held in the month of February in each year or as soon as practicable thereafter.

(2) Every Annual General Meeting shall be called by the Executive Committee. The Secretary shall give at least 21 days' notice of the Annual General Meeting to all the members of the Band.

(3) The Chairperson of the Annual General Meeting shall be the Chairperson elected in accordance with clause G of this constitution at the previous year's Annual General Meeting. If he or she is not present, before any other business is transacted, the persons present shall appoint a Chairperson of the meeting.

(4) The Executive Committee shall present to each Annual General Meeting the reports and accounts of the Band for the preceding year.

(5) Nominations for election as Honorary Officers and/or members of the Executive Committee must be made by members of the Band in writing and must be in the hands of the Secretary of the Executive Committee at least 14 days before the Annual General Meeting. Should nominations exceed vacancies, election shall be by ballot. Nominees shall be requested to leave the room where there is more than one nomination for a vacancy.

(6) Any other matters to be included in the agenda of the meeting must be in the hands of the Secretary of the Executive Committee at least 7 days before the Annual General Meeting.

R Special General Meetings.

The Executive Committee may call a special general meeting of the Band at any time. If at least 10 members request such a meeting in writing stating the business to be considered the Secretary shall call such a meeting. At least 21 days' notice must be given. The notice must state the business to be discussed.

S Procedure at General Meetings

(1) The secretary or other persons specially appointed by the Executive Committee shall keep a full record of proceedings at every general meeting of the Band.

(2) There shall be a quorum when at least one third of the number of members of the Band for the time being or six members of the Band, whichever is the greater, are present at any general meeting. All the members of the Band shall be entitled to attend the meeting and to vote thereat in accordance to clause E (2) of this constitution.

(3) Every matter shall be determined by a majority of votes of the members present and voting on the question but in the case of equality of votes the Chairperson of the meeting shall have a second or casting vote.

T Notices

Any notice required to be served on any member of the Band shall be in writing and shall be served by the Secretary or the Executive Committee on any member either personally or by sending if through the post in a prepaid letter addressed to such a member at his or her last known address in the United Kingdom and any letter so sent shall be deemed to have been received with 10 days of posting.

U Alterations to the Constitution

(1) Subject to the following provisions of this clause the Constitution may be altered by a resolution passed by not less than two thirds of the members present and voting at a general meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the alteration proposed.

(2) No amendment may be made to clause A, clause C, clause J, clause V or this clause without prior consent in writing of the Commissioners.

(3) No amendment may be made which would have the effect of making the Band cease to be a charity at law.

(4) The Executive Committee should promptly send to the Commission a copy of any amendment made under this clause.

V Dissolution

If the Executive Committee decides that it is necessary or advisable to dissolve the Band it shall call a meeting of all members of the Band, 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-third majority of those present and voting the Executive Committee shall have power to realise any assets held by or on behalf of the Band. 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 objects of the Charity as the members of the Charity may determine or failing that shall be applied for some other charitable purpose. A copy of the statement of accounts, or account and statement, for the final accounting periods of the Charity must be sent to the Commission.

Appendix 1

POLICY STATEMENT—Officers, Committee Members and Committee

1. The officers and Committee Members shall be elected at the Annual General Meeting.

The following positions shall be filled:

CHAIRMAN and VICE CHAIRMAN
SECRETARY and ASSISTANT SECRETARY TREASURER and ASSISTANT TREASURER
LIBRARIAN
MUSICAL DIRECTOR and
ASSISTANT CONDUCTOR
TRAINING SECTION REPRESENTATIVE
CHILD PROTECTION OFFICER
THREE FLOOR MEMBERS.

2. Responsibilities of the Secretary shall include:

- (i) General administration of the Band, bookings and communications with the membership.
- (ii) Maintaining a minute book and other documents and papers of the Band
- (iii) Distributing minutes to all members of the Band.

3. Responsibilities of the Assistant Secretary shall include:

- (i) The allocation and control of uniforms, equipments and other property of the Band.
- (ii) Maintaining up to date list of band members,
- (iii) Ensuring Band insurance is valid,
- (iv) Requesting collecting licenses when required.

4. Responsibilities of the Treasurer shall include:

- (i) Maintaining a set of accounts and receiving all monies due to the Band
- (ii) Presenting to the AGM an audited set of accounts.

5. Responsibilities of the Librarian shall include:

- (i) The care and organisation of the Band's music and any other music for which the Band is responsible.

6. Responsibilities of the Musical Director shall include:

- (i) The organisation of practices, discipline, selection of music, allocation of instruments and personnel required for engagements.
- (ii) The MD shall also appoint a leader of the training section to promote the development of musical skills.

(iii) In the absence of the MD, the Assistant Conductor shall take delegated responsibilities as agreed by the MD.

7. Responsibilities of the Child Protection Officer include:

(i) Make themselves available to young people if they have concerns regarding any issue that may arise in the Band.

(ii) Liaise between the members and the Executive Committee in order to report on any relevant issues.

(iii) Shall act as custodian of all letters of consent forms received from parents.

8. Responsibilities of a selected Floor Member:

(i) To oversee the care of band instruments and other band equipment/property (excl. uniforms).