

Constitution of Northallerton Silver Band

Adopted on 13th day of September 2021

Registered Charity No. 504414

1. The name of the association is Northallerton Silver Band, hereafter referred to as “The Band”

2. 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 of the Committee constituted by clause 7 of this constitution.

3. Aims

The Band’s aims shall be to instruct, inform and entertain the public in particular by providing:

- a. facilities for instrumentalists to form a band which promotes and participates in musical activities such as concerts.
- b. entertainment for members of the general public which encourages their involvement in and appreciation of the performance of music.
- c. opportunities, materials and facilities to enable the training of instrumentalists.

4. Powers

In furtherance of The Band’s aims but not otherwise, the Committee may exercise the following powers:

- a. Power to raise funds and receive contributions provided that in raising funds the Committee shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law;
- b. Power to buy, take on lease or exchange any property necessary for the achievements of the aims and to maintain and equip The Band and its premises for use;
- c. Power subject to any consents required by law to sell, lease or dispose of all or any part of the property of The Band;

- d. Power subject to any consents required by law to borrow money and to charge all or any part of the property of The Band with repayment of the money so borrowed;
- e. Power to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the aims or of similar charitable purposes and to exchange information and advice with them;
- f. Power to establish or support any charitable trusts, associations or institutions formed for all or any of the aims;
- g. Power to appoint and constitute such advisory committees as the Committee may think fit;
- h. Power to do all such other lawful things that are necessary for the achievement of the aims.

5. Membership

- a. Membership of The Band shall be open to any person interested in furthering the aims of The Band and who pays the current subscription.
- b. Every member over the age of 16 years shall have one vote.
- c. The Committee may by unanimous vote and for good reason terminate the membership of any individual; the individual concerned shall have the right to be heard by the Committee, accompanied by a friend, before a final decision is made.

6. Officers of the Committee

At the annual general meeting of The Band, the members shall elect from amongst themselves a president, a chair, a secretary, a treasurer, an engagements' officer, an instruments and uniforms' officer, a librarian, a media officer and a safeguarding/welfare officer, who shall hold office from the conclusion of that meeting.

7. The Committee

- a. The Committee shall consist of the 9 officers.
- b. The Committee may in addition appoint co-opted members as required.
- c. All members of the Committee shall retire from office at the annual general meeting next after the date on which they came into office, but they may be re-elected or re-appointed.

- d. The proceedings of the 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.
- e. Nobody shall be appointed as a member of the Committee who is aged under 16 or who would if appointed be disqualified under the provisions of the following clause.
- f. No person shall be entitled to act as a member of the Committee whether on a first or any subsequent entry into office until after signing a declaration of acceptance and of a willingness to act in the best interests of The Band.

8. Determination of Membership of the Committee

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

- a. is disqualified from acting as a member of the Committee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision);
- b. becomes incapable by reason of illness or injury of managing and administering his or her own affairs;
- c. is absent without permission of the Committee from all their meetings held within a period of six months and the Committee resolve that his or her office be vacated; or
- d. notifies to the Committee a wish to resign (but only if at least three members of the Committee will remain in office when the notice of resignation is to take effect)

9. Committee Members not to be personally interested

No member of the 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 Committee) in any contract entered into by the Committee.

10. Meetings and proceedings of the Committee

- a. The Committee shall hold at least six ordinary meetings each year. A special meeting may be called at any time by the Chair or by any two members of the Committee upon not less than 4 days' notice being given to the other members of the Committee of the matters to be discussed.

- b. The Chair shall act as such at meetings of the Committee. If the Chair is absent from any meeting, the members of the Committee present shall choose one of their number to be Chair of the meeting before any other business is transacted.
- c. There shall be quorum when at least five members of the Committee are present at a meeting.
- d. Every matter shall be determined by a majority of votes of the members of the Committee present and voting on the question but in the case of equality of votes the Chair of the meeting shall have a second or casting vote.
- e. The Committee shall keep minutes of the proceedings at meetings of the Committee and any sub-committee.
- f. The 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.
- g. The Committee may form one or more sub-committees for the purpose of making any inquiry or supervising or performing any function or duty which in the opinion of the Committee would be more conveniently undertaken or carried out by a sub-committee; provided that all acts and proceedings of any sub-committee shall be fully and promptly reported to the Committee. Sub-committee membership will be made up from serving members of the Committee and co-opted members.

11. Receipts and Expenditure

- a. The funds of The Band including all donations, contributions and bequests, shall be paid into an account operated by the Committee in the name of The Band at such bank as the Committee shall from time to time decide. All cheques drawn on the account must be signed by at least two members of the Committee
- b. The funds belonging to The Band shall be applied only in furthering its aims.

12. Property

- a. Subject to the provisions of sub-clause (2) of this clause, the Committee shall cause the title to:
 - i. all land held by or in trust for The Band which is not vested in the Official Custodian for Charities and
 - ii. 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 Committee at their pleasure and shall act in accordance with the lawful directions of the Committee. Provided they act only in accordance with the lawful directions of the Committee, the holding trustees shall not be liable for the acts and defaults of its members
- b. If a corporation entitled to act as custodian trustee has not been appointed to hold the property of The Band, the Committee may permit any investments held by or in trust for The Band to be held in the name of a clearing bank, trust corporation or any stockbroking company which is a member of the International Stock Exchange (or any subsidiary of any such stockbroking company) as nominee for the Committee, and may pay such a nominee reasonable and proper remuneration for acting as such.

13. Accounts

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

- a. the keeping of accounting records for The Band;
- b. the preparation of annual statements of account for The Band;
- c. the auditing or independent examination of the statements of account of The Band; and
- d. the transmission of the statements of account of The Band to the Commission.

14. Annual Report

The 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.

15. Annual General Meeting

- a. There shall be an annual general meeting of The Band which shall be held in the month of April in each year or as soon as practicable thereafter.
- b. Every annual general meeting shall be called by the Committee. The Secretary shall give at least 21 days' notice of the annual general meeting to all members of The Band. All members of The Band shall be invited to attend and those 16 years or over entitled to vote at the meeting.
- c. The Chair of the retiring committee will chair the annual general meeting.
- d. The Committee shall present to each annual general meeting the report and accounts of The Band for the preceding year.
- e. Nominations for election to the Committee must be made by members of The Band in writing and must be in the hands of the Secretary of the Committee at least 14 days before the annual general meeting. Should nominations exceed vacancies, election shall be by ballot.

16. Special General Meetings

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

17. Procedure at General Meetings

- a. The Secretary or other person specially appointed by the Committee shall keep a full record of proceedings at every general meeting of The Band
- b. There shall be a quorum when at least ten members of The Band are present at any general meeting.

18. Notices

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

19. Alterations to the Constitution

- a. 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.
- b. No amendment may be made to clause 1, clause 3, clause 9, or this clause without the prior consent in writing of the Commissioners.
- c. No amendment may be made which would have the effect of making The Band cease to be a charity at law.
- d. The Committee should promptly send to the Commission a copy of any amendment made under this clause.

20. Health, Safety and Welfare

The Committee must ensure the health, safety and welfare of its members and guests so far as it is reasonably practical whilst carrying out The Band's aims described in clause 3. This includes the safeguarding of children under the age of 18 and vulnerable adults.

21. The Band handbook

The handbook details The Band's rules and policies and provides other useful information for members and guests. The handbook will be made available to all members and guests electronically and in hard form, and an up-to-date copy will be displayed on The Band's notice board.