

**YSTRADGYNLAIS PUBLIC BAND – CONSTITUTION**  
**REVISED 10<sup>th</sup> February, 2000**

**1. Name**

- 1a The Association will be known as the Ystradgynlais Public Band; hereinafter called the Band.
- 1b Any change of name will only be made at an Annual General Meeting or a Special General Meeting of which all members will be duly notified.

**2. Objects and Powers**

- 2a The objects of the Band shall be to educate the public in the art of Brass Band playing, to further the development of public appreciation and taste in the said art by the presentation of concerts and similar activities and, subject to the agreement of the Committee of Management, to assist other charitable institutions.
- 2b In furtherance of the said objects but not otherwise the Band may:
- (i) Purchase, take on lease or in exchange, hire or otherwise acquire any property and any rights and privileges necessary for the promotion of the said objects and construct, maintain and alter any buildings or erections necessary for the work of the Band.
  - (ii) Make regulations for any property that may be so acquired.
  - (iii) Subject to such consents as may be required by law, sell, let, mortgage, dispose of or turn to account all or any of the property or assets of the Band.
  - (iv) Raise funds and invite contributions from any person or persons whatsoever by way of subscriptions and otherwise provided that the Band shall not undertake permanent trading activities in raising funds for the said objects.
  - (v) Invest the moneys of the Band not immediately required for the said objects in or upon such investments, securities or property as may be thought fit, subject to such conditions (if any) as may for the time being be imposed or required by law.
  - (vi) Do such other lawful things as are necessary for the attainment of the said objects.

**3. Membership**

- 3a Full membership of the Band shall be open to all players in the Band (as listed on the Brass Band Register) who are interested in furthering the work of the Band and have paid the rate of weekly or annual subscription as laid down from time to time by the Committee.
- 3b Junior membership shall be open to all players within the youth band who have paid the rate of weekly or annual subscription as laid down from time to time by the Committee.
- 3c Life Members may be appointed at a General Meeting of the Band following recommendation by the Committee. Life members shall enjoy all the privileges of membership without paying contributions.
- 3d Affiliate membership shall be open to anyone interested in furthering the work of the Band who has paid the appropriate annual subscription as decided at the Annual General Meeting.
- 3e The Committee shall have the right:
- (i) Following receipt of a request via the Secretary, to approve or reject applications for membership.
  - (ii) For good and sufficient reason, to terminate the membership of any member provided that the individual member concerned shall have the right to be heard by the Committee before a final decision is made.
  - (iii) To accept or reject notification of resignation of a member from the Band.
- 3f All members on joining the Band shall be issued with the Constitution of the Band.

- 3g Only paid up full or affiliate members and life members shall be entitled to vote at any general meeting of the Band.

#### 4. Officers

- 4a At the Annual General Meeting, hereinafter mentioned, the Band shall elect the Officers comprising a Chairman, Vice-Chairman, Secretary, Treasurer, Librarian, Contest Secretary and Band Sergeant.
- 4b The Chairman and Officers shall hold office until the conclusion of the Annual General Meeting of the Band next after their election and shall be eligible for re-election.
- 4c The President and Vice-President(s) shall be appointed annually at the Annual General Meeting of the Band.
- 4d Any Officer who fails to attend three consecutive meetings without good and sufficient reason will be considered to have resigned from their post and may be replaced in accordance with rule 5c hereof.

#### 5. Committee

- 5a Subject as hereinafter mentioned, the policy and day to day management of the Band shall be directed by the Committee which shall meet not less than ten times per year and when complete shall comprise the Officers and not less than two or more than six members.
- 5b The members of the Committee shall be elected at the Annual General Meeting in accordance with rule 6 hereof.
- 5c Any casual vacancy in the Officers or Committee may be filled up by the Committee and any person co-opted to fill such a vacancy shall hold office until the conclusion of the next Annual General Meeting and shall be available for re-election at that meeting.
- 5d The proceedings of the Committee shall not be invalidated by any failure to elect or any defect in the election, co-option or qualification of any member.
- 5e The Committee may appoint such special or standing committees as may be deemed necessary by the Committee and shall determine their terms of reference, powers, duration and composition. All acts and proceedings of such special and standing committees shall be reported to the Committee fully and promptly.
- 5f The Committee shall be responsible for the appointment and dismissal of the Bandmaster and the Youth Section Conductor and shall determine their remuneration (if any) as may in their opinion be necessary.
- 5g The Committee shall be responsible for the discipline of all members and, if necessary, shall call a member to appear before the Committee to explain his/her actions.

#### 6. Meetings of the Band

- 6a The Annual General Meeting of the Band shall be held in February of each year and at such place as the Committee may determine. The Secretary shall give 21 days clear notice of the meeting in writing. At such Annual General Meetings, the business shall include the election of Officers; the election of eligible members to serve on the Committee; the consideration of an annual report of work done under the auspices of the Committee and of the accounts; and the transaction of such other matters as may from time to time be necessary.
- 6b The Chairman of the Committee may at any time at his/her discretion and the Secretary shall within 21 days of receiving a written request so to do, signed by not less than six eligible members, call a Special General Meeting of the Band.

## 7. Nominations of Officers and Committee Members

Nominations for Officers and Members of the Committee must be made by eligible members of the Band and must be in the hands of the Secretary before the start of the Annual General Meeting. Should nominations exceed vacancies, election shall be by ballot.

## 8. Rules of Procedure at all Meetings

- 8a Quorum. The quorum of the Band or of the Committee or any committee appointed under Rule 5e hereof shall be one third of the actual voting membership of the Band for the time being, the Committee or committee (as the case may be) or such other number as the Band in General Meeting shall determine.
- 8b Voting. Save as otherwise herein provided, all questions arising at any meeting shall be decided by a simple majority of those present and entitled to vote thereat. Arrangements for proxy voting may occasionally be made by the Committee, provided that no such arrangements shall be made to Rules 12 and 14 hereof. No person shall exercise more than one vote notwithstanding that he or she may have been appointed to represent two or more interests, but in the case of equality of votes, the Chairman shall have a second or casting vote.
- 8c Minutes. Minute books shall be kept by the Committee and all other committees, and the appropriate Secretary shall enter therein a record of all proceedings and resolutions.
- 8d Standing Orders and Rules. The Committee shall have the power to adopt and issue standing orders and/or rules for the Band. Such standing orders and rules shall come into operation provided that they shall be subject to review by the Band in General Meeting and shall not be inconsistent with the provisions of this Constitution.
- 8e Agendas. Meeting agendas shall be drawn up by the Chairman and Secretary; Committee Members and Band Members should make a request for an item to be included on the Agenda to the Secretary at least two days prior to a meeting. Any member shall be entitled to attend a Committee meeting to raise an item or ask a Committee Member to raise an item on the agenda.
- 8f Officers and Committee Members shall observe confidentiality – any breaches shall be deemed a serious offence resulting in expulsion.
- 8g Officers and Committee Members shall declare any interest social or business during discussions regarding Band business and may be invited to leave the meeting while the matter is discussed.

## 9. Finance

- 9a All moneys raised on behalf of the Band shall be applied to further the objects of the Band and for no other purpose provided that nothing shall prevent the payment in good faith of reasonable and proper remuneration to any Servant of the Band or the repayment to a member of the Committee or of any committee appointed under Rule 5e hereof of reasonable and proper out of pocket expenses.
- 9b The Treasurer shall maintain an accurate financial record at all times and shall be the financial adviser of the Band.
- 9c A statement of the accounts for the last financial year shall be submitted by the Committee, all affiliated groups, or other committees to the Annual General meeting as aforesaid.
- 9d A bank account shall be opened in the name of the Band with such bank as the Committee shall from time to time decide. The Committee shall authorise in writing the Treasurer and one other of the Chairman or the Secretary to sign cheques on behalf of the Band. All cheques must be signed by not less than two of the three authorised signatories.
- 9e Moneys held by affiliated groups or other committees shall be kept available to the Band at all times. At least once per year all affiliated groups or other committees shall donate to the



Band all moneys in excess of their predetermined float, such float being determined at the Annual General Meeting.

- 9f If at any time the Band in General Meeting shall pass a resolution to borrow money, the Committee shall be empowered subject to such conditions set down by law to borrow for the purposes of the Band such amount of money either at one time or from time to time and at such rate of interest and upon such security as shall be specified in the resolution, and the Trustees shall be at the direction of the Committee to make all such dispositions of Band property or parts of the Band property and enter into such agreements in relation to that property as the Committee may deem necessary for giving security for such loans and interests. All members of the Band whether voting on such a resolution or not shall be deemed to have assented to the resolution as if they had voted in favour of it.

#### 10. Musical Affairs

- 10a The Bandmaster will be responsible for the musical affairs of the Band:
- (i) The choice of music for a Contest or Concert.
  - (ii) The selection of players for a Contest or Concert.
  - (iii) The discipline and decorum of players whilst under his control.
  - (iv) The position of players within the Band. No player shall be brought into the Band or moved to another position without the agreement of the Committee and after consultation with the player(s) concerned.
- 10b Following a request for the Band's services at an engagement, the Committee shall decide whether the engagement be accepted or declined and at what fee.
- 10c The Band shall be members of the appropriate Brass Band Association and shall observe and maintain the rules of that Association.
- 10d Entry or withdrawal from any competition shall be decided by the Committee in consultation with the Bandmaster.
- 10e Members will be responsible for all Band equipment, including their instrument, music, uniform etc. Any misuse or damage shall be their responsibility, such damage to be made good at the expense of the member concerned.
- 10f All equipment shall be kept in good order, any defect in the equipment to be reported to the Committee as soon as possible.

#### 11. Trustees and Trust Property

- 11a The property of the Band shall be vested in four Holding Trustees who shall be appointed by the Committee and will be dealt with by them as the Committee may from time to time direct by resolution (of which an entry in the minute book shall prove conclusive evidence). Providing the Holding Trustees act only in accordance with the lawful directions of the Committee, they shall not be liable for the acts and defaults of its members. The Trustees shall hold office until death, resignation or removal from office by the Committee.
- 11b If it is necessary that a new Trustee or Trustees be appointed, the Committee shall nominate the person(s) to be appointed the new Trustee or Trustees. For the purpose of giving effect to such nomination, the Secretary shall appoint the new Trustees of the Band within the meaning of the Trustee Act 1925 Section 36 and shall appoint the person(s) nominated by the Committee.
- 11c The property of the Band shall mean all land, buildings, fixtures, fittings, instruments, sheet music, stands and equipment purchased or used by the Band or the Youth Section.

## 12. Dissolution

If at any General Meeting a resolution for the dissolution of the Band be passed by a majority of those present and entitled to vote, and if such a resolution shall be confirmed by a resolution passed by a majority of two-thirds of the Members present and entitled to vote at a Special General Meeting held **not less than one month** after that meeting, **at which not less than one half of the Members entitled to vote shall be present**, the Committee shall immediately or at such future date as specified in the resolution of the Band proceed to realise the property of the Band. If any property remains on dissolution of the Band after all proper debts and liabilities have been satisfied, this property **shall be transferred or given to some other charitable institution or institutions having objects similar to the objects of the Band, as determined by the Members at the time of dissolution, and in default, by such Judge of the High Court of Justice as may have or has acquired jurisdiction on this matter, and so far as effect cannot be given to this provision, then to some other charitable object.**

## 13. Notices

Any notice may be served by the Secretary on any member either personally or through the post in a prepaid letter addressed to such member at his/her last known address. Any letter so sent shall be deemed to have been received within ten days of posting.

## 14. Alterations to the Constitution

Alterations to this Constitution shall receive the assent of two-thirds of the members present and voting at an Annual or Special General Meeting. A resolution for the alteration of the Constitution must be received by the Secretary of the Band at least 21 days before the meeting at which the resolution is to be put forward. At least 14 days notice must be given by the Secretary to the Membership and must include notice of the alteration proposed. No alteration shall be made to Rule 2a (objects), Rule 12 (dissolution) or this Rule shall take effect until the approval of the Charity Commissioners or other authority having charitable jurisdiction shall have been obtained.