

# **BACKWORTH COLLIERY BAND CONSTITUTION**

**Adopted Version - Feb 2017**

## **1. NAME**

The name of the organisation shall be "BACKWORTH COLLIERY BAND" hereinafter referred to as the "Band".

## **2. OBJECTIVES**

The Band shall exist to fulfil the following objectives:

- 2.1. To foster and promote interest in the brass band movement.
- 2.2. To provide a medium for children and young people to express and develop their musical abilities.
- 2.3. To offer membership to anyone irrespective of age or ability with a view to improving standards individually and collectively.
- 2.4. To support the wider brass band movement and to aspire to compete in regional and national contests.
- 2.5. To provide entertainment for the public at large via the medium of concerts.
- 2.6. To provide personal fulfilment via musical expression for all members.
- 2.7. To engage in any other activities appropriate to and in support of objectives 2.1 to 2.6.

## **3. TRUSTEES**

The ownership of all property belonging to the Band shall be vested in three Trustees who shall be the Officers of the Committee for the time being, namely the Chairman, Secretary and Treasurer. No property of the Band shall be sold or otherwise disposed of without the consent of the Trustees and, where originally provided by the Coal Industry Social Welfare Organisation (CISWO), the written approval of the North East Area Coalfield Welfare Committee.

It shall be the responsibility of the Trustees to insure any property of the Band originally provided by CISWO to its full value against fire, loss or damage however so caused. Any monies received as a result of any claim against insurance must be applied to the repair or replacement of the item lost or damaged unless indicated to the contrary, in writing, by the North East Area Coalfield Welfare Committee.

No change in name or sponsorship arrangements shall be entered into without the express permission from the CISWO regional office.

#### 4. MEMBERSHIP

Membership of the band shall be open to any person upon application to the Committee, without discrimination, including regardless of age, gender or sexual orientation, physical or mental disability, ethnic origin or nationality, religion or other beliefs, except as a necessary consequence of the requirements of playing as a member of the band.

Members shall be recruited according to the Welfare and Safeguarding Policy, as determined and maintained by the Committee.

The Committee's decision regarding applications to join the Band is not final and potential members have the right to appeal to a full meeting of the Band; however if the decision is upheld the potential member will be refused membership.

All applicants, upon admission to the Band shall give an undertaking to observe the Constitution, in particular those rules governing "Members Conduct". This shall apply to all members of senior and youth bands. Failure to observe the rules, or other breaches in conduct, shall be handled according to the Disciplinary Policy.

If the membership of the Band fails to the point which renders it ineligible to compete in CISWO Mineworkers contests then any CISWO purchased instruments currently on loan to the Band, may be reclaimed by CISWO.

#### 5. MANAGEMENT

The management of the Band shall be vested in a Committee consisting of three Officers and three ordinary members.

The Officers shall be Chairman, Secretary and Treasurer. The Committee shall be elected annually at the Annual General Meeting of the Band and shall hold office for twelve months.

The Committee shall be empowered to co-opt any person to the Committee and to form such sub-committees as they deem necessary, and to fill any vacancy on the Committee by appointment; such appointed Committee member to hold office until the ensuing AGM.

The Committee shall appoint the Musical Director who will be responsible for selecting the position of each member in the band and their selection for musical activities.

#### 6. MEETINGS

General and Committee meetings shall be convened as required.

A Committee Meeting shall have a quorum of four Committee members including at least two Officers.

The Chairman shall not vote in General or Committee Meetings, other than to make a casting vote. Only paid-up members may vote in General Meetings.

Any seven fully paid-up members of the Band may convene a Special General Meeting of the Band by notifying the Secretary in writing, stating the subject for consideration. At that meeting only the stated subject shall be discussed.

The Annual General Meeting of the Band shall be held within two months of the close of the financial year. Four weeks' notice of the AGM shall be given to members. The objectives of the AGM are.

- To receive reports from the Officers and Musical Director.
- To approve the financial report.
- To elect the Committee for the ensuing year.
- To appoint the auditors or independent examiners.

## 7. FINANCE

The financial year shall be the twelve months ending on the last day of December.

The band's finances shall be managed according to a set of Financial Guidelines, to be determined and maintained by the Committee. The Financial Guidelines shall be available to all members on request.

All funds accrued by the Band shall be applied solely to the stated objectives of the Band and all legitimate and reasonable expenses associated with those objectives, as approved from time to time by the Committee.

Membership subscriptions shall be determined by the Committee from time to time as circumstances warrant.

## 8. MEMBERS' CONDUCT

All members of the Band shall conduct themselves in a reasonable manner when engaged in band business i.e. in rehearsal, at concerts, contests and other times when clearly representing the Band.

Whilst all members enjoy freedom of speech and action, any objectionable behaviour should be reported in the first instance to the secretary and the complaint investigated according to the Disciplinary Policy.

It is a duty of the Musical Director to note and report to the Committee the conduct of any band member that comes to the Musical Director's attention, which is not in keeping with the good standing and reputation of the Band.

Members shall note the following core responsibilities:

- Members shall ensure that their attire and deportment remain consistent with the good standing and reputation of the Band.

- Members shall be responsible for the upkeep of the instrument issued to them, which may be taken home for the purposes of practice. Responsibility shall include proper storage of their instrument in the band cupboard when not taken home.
- Members shall attend rehearsals routinely and regularly.
- Members shall practice so as to be competent in playing their band parts.
- Members shall observe wearing of the agreed band uniform when engaged in any public appearance.
- Members shall not lend the instrument issued to them for another band's use, without the prior consent of an Officer of the Band. Failure to obtain permission shall render the member concerned liable for any costs incurred in the instrument's repair or replacement.

Any member leaving the Band not through expulsion shall return all Band property to the Committee or its representative. Such property must be in good condition. Any cost incurred in restoring such property to good condition may be chargeable to the member.

## 9. DISCIPLINARY POLICY

The Band is committed to treating its members fairly and equally, and the Disciplinary Policy is, by way of being agreed policy, a demonstration of equal treatment and fairness.

The Disciplinary Policy is a method of improving performance of the Band and its players, maintaining the Band's good standing and reputation, and improving behaviour of its players; the Policy is not intended as a means to threaten, victimise, or harass a member or player.

The Committee shall take action under this Policy when a member is reported to the Committee regarding their conduct. The process is as follows:

1. The Committee shall investigate the complaint. This shall include - where feasible - discussion with the member involved and the individual (a member or otherwise) making the complaint.
2. Subject to the severity of the complaint, the Committee shall decide issue whether to issue a warning, suspend the member for a specified time, or expel the member from the Band.
3. A properly-convened Committee Meeting should be held before a member is suspended. If circumstances do not permit a meeting to be held, agreement to suspend must be obtained from a quorum of the Committee (i.e. four Committee members including at least two Officers). A properly-convened Committee Meeting must be held before a member is expelled. Suspension shall not be a prerequisite for expulsion.
4. The member shall be notified of the reasons for whichever action is taken by the Committee, including any actions required of the member and timeframe expected to carry out the actions.

5. If, following a warning, member conduct does not improve, then the Committee may suspend the member. The member will be notified of the reasons, duration of the suspension, and actions required of the member.
6. If, following suspension, member conduct does not improve, then the Committee may further suspend the member or expel the member. The member will be notified as before.
7. Following action taken by the Committee, the member has the right to appeal and state their case to a properly-convened Committee meeting e.g. giving reasons or extenuating circumstances that may have been unknown when the Policy was invoked.
8. If, on appeal, the Committee endorses an expulsion, the expelled member has the right of a further appeal, to a Band Meeting, where the members will vote on the expulsion.
9. Any member expelled shall immediately return all Band property to the Committee or its representative. Such property must be in good condition. Any cost incurred in restoring such property to good condition shall be chargeable to the expelled member.

Examples of conduct that would warrant a complaint being made to the Committee shall include:

- Disruptive behaviour in rehearsal or performance.
- Offensive behaviour e.g. towards the Musical Director or members, or members of the public when in Band uniform or on Band duty
- Conduct not in keeping with the good standing and reputation of the Band
- The posting of abusive, overly critical or derogatory statements on public websites that are detrimental to the good standing and reputation of the Band or its members
- Behaviour inconsistent with child protection good practice
- Poor attendance at rehearsal or failing to demonstrate sufficient musical ability, over a sustained period of time (e.g. 3 months)
- Poor upkeep or inappropriate use of Band property in their possession
- Failure to observe wearing of agreed band uniform to an acceptable standard
- Failure to pay subscriptions or other fees in a timely manner

## 10. DISSOLUTION

The Band shall not cease to exist whilst there are at least six members opposed to that course of action.

If, however, the Band should, for any reason, be dissolved any property originally provided by CISWO must only be sold or disposed of in a manner directed or approved by the Coalfield Welfare Committee the proceeds of such sale to be applied to the objectives of CISWO as set out in their memorandum of association and in a manner approved or directed by the North East Area Coalfield Welfare Committee. Any other assets belonging to

the Band, will be donated to an organisation with similar aims and objectives and with a similar charitable status to the Band.

## 11. INTERPRETATION AND AMENDMENT

In any dispute over interpretation of the Constitution the decision of a properly constituted Committee Meeting shall be final, subject only to the overriding approval of the North East Area Coalfield Welfare Committee (if appropriate).

These rules may from time to time be altered, amended, or rescinded by a simple majority at a Special General Meeting called for that purpose, of which not less than one month's notice in writing shall have been given stating the purpose of the meeting, Any modification to these rules shall be subject (where appropriate) to the written approval of the North East Area Coalfield Welfare Committee,

Every Member of the Band shall have access to a copy of the Constitution.

Signed ..... Chairman

..... Secretary

..... Treasurer

..... Committee Member

Adopted ..... Date