

THE CONSTITUTION OF DRIFFIELD AND EAST RIDING COMMUNITY BAND

FORMALLY KNOWN AS THE EAST RIDING YOUTH BRASS BAND (ERYBB)

SEPTEMBER 2024 CONSTITUTION

INCORPORATION INTO THE DRIFFIELD SILVER BAND (DSB) ORGANISATION

In 2024, following its limited membership and financial constraints, the East Riding Youth Brass Band (ERYBB) were at risk of their organisation becoming unviable for the future. At the 2024 DSB AGM, DSB voted unanimously in favour of adopting ERYBB as part of their organisation. This arose after years of both organisations being closely linked. Similarly, DSB had grown in membership to the point of being oversubscribed and required an additional band to allow more members to be part of their organisation. The incorporation was established for the organisations to support each other for mutual benefit. The following is the constitution that the incorporation will rely upon as part of the DSB organisation. In reference to its previous constitution, the ERYBB has not dissolved; it is engaging in a name change and integration into the umbrella organisation of Driffield Silver Band.

1. TITLE

The name of the band shall be the **DRIFFIELD AND EAST RIDING COMMUNITY BAND**, hereinafter referred to as the band.

2. AIMS

The band will provide high quality musical experiences for beginner brass and percussion players, with the continued promotion and encouragement of youth players being an integral part.

It will strive to develop a love of music making and to help to develop its playing members, not only as Musicians, but also as human beings.

3. STRUCTURE

The band will be one tier of the DSB organisation. The purpose of the band is to develop brass players who may be beginners or less experienced players to perform as part of an ensemble. The band may form into smaller groups eg. small group tuition/beginners' band/senior players etc. according to the needs of its members. The band can structure its rehearsals its players and rehearsals as it sees fit without interference from the DSB organisation.

4. MEMBERSHIP

Any accepted member of the DSB organisation can be a member of the band. The band will engage an open-door policy to new and beginning players. To be a member of the band, the person must be a member of the DSB organisation membership.

Members of the DSB organisation will have full voting rights for the Driffield and East Riding Community Band regardless of whether they play in the ensemble.

The DSB organisation will allow all suitable players to be members of the band with the express approval of the Driffield and East Riding Community Band Musical Director (n.b. suitability is dictated in the DSB members policy and in any case must be as the result of CRB checks for adults).

Where members are under the age of 18, their parent/carers will exercise the rights of membership in terms of this constitution herein.

The musical director may nominate tutors/section leaders at their discretion.

5. THE COMMITTEE

The committee will exist as a sub-committee of the DSB organisation umbrella. However, the committee formed will have the freedoms to make decisions, as it sees fit for the purpose of the running and administration of the band.

The committee will include the chairperson, vice chairperson, secretary, treasurer, up to 2 member(s) of the band, and the musical director (or nominee)/deputy musical director (if applicable). One member, or as an additional committee role, must be appointed as a liaison officer; their role is to liaise between DSB's committee and the Driffield and East Yorkshire Community Band committee.

Four committee members, one of whom must be a musical director/deputy musical director, make up the quorum. Decisions will be made by a majority vote. The chairperson is to only have a casting vote, where there is no majority.

Names for proposed officers are to be put forward at the Annual General Meeting (AGM) and elected at the same meeting. They shall hold office for one year and shall be eligible for re-election, which will be voted upon at the AGM.

The committee will:

- implement and oversee the constitution
- appoint and dismiss the musical director/deputy musical director
- ensure that the musical director/deputy shall have responsibility for the musical decisions within the band
- be responsible to the trustees and to the DSB committee for the administration of the band's ringfenced assets (Initially all assets of the ERYBB)
- ensure that the band balances its finances appropriately
- support the musical director/deputy musical director in matters of discipline
- observe the day to day running of the band
- be empowered to set up working groups (sub committees) for any purpose, with the granted permission of the DSB committee.
- Work closely with the DSB committee and organisation to develop mutual benefit for both organisations
- serve as a link with the wider community

The committee may appoint, at their discretion, a president who would undertake an advisory capacity and be a non-voting member of the Committee. The committee may also appoint patrons. Any such person(s) appointed by the committee will have no remit as part of the wider DSB organisation and their role is in specific regard to the Driffield and East Riding Community Band only.

6. MEETINGS OF THE BAND

a) Annual General Meeting

The AGM will fall as part of the DSB band's AGM cycle. As such, the Driffield and East Riding Community Band AGM will be part of the DSB AGM. All approved members of the DSB organisation will have a right to vote. In the case of members under the age of 18, their parent/carer will be permitted a vote on their behalf one vote for each child that is a member.

Members of the band, or their parents in the case of members under the age of 18, will be given notice of the AGM by DSB in-line with their own notice period.

The business of the AGM shall include:

- Approval of the calling notice
- Minutes of the previous AGM
- Reports of the chairperson, musical director, treasurer
- Presentation of accounts and auditing of accounts for the following year
- Resolutions previously submitted in writing
- Election of officers
- Any other business.

b) Extraordinary General Meeting

The Driffield and East Riding Community Band have the right to call their own Extraordinary General Meeting at any time. However, 14 days of notice in writing, with an indication of their reasons and proposals, must be given to the DSB committee.

The chairperson shall call an Extraordinary General Meeting at the request of any five members (or parents/carers when members are under 18) or committee members. Again, 14 days notice in writing together with a written indication of their reasons and proposals must be given to the membership of the band (or parents/carers, where members are under the age of 18).

c) Ordinary General Meetings

Ordinary general Meetings shall be held as determined by the committee with a minimum of six per annum.

7. BAND FINANCES

- I. The financial cycle shall be in line with DSB's financial year.
- II. All of the committee are responsible for the band's finances, but it is the treasurer's role to ensure that the finances are stable and sustainable to maintain a future for the band.
- III. All finances shall be held in a separate account as part of the Driffield Silver Band accounts. However, the account will be specifically ringfenced for use by the Driffield and East Riding Community Band only. All transactions from this account will be approved by two nominated members of the Driffield and East Riding Community Band committee. The Driffield Silver Band treasurer will unquestionably comply with all financial requests made to

this account. The Driffield Silver Band treasurer will never withdraw, or pay, any money from the account without the permissions of the two nominated members of the Driffield and East Riding Community Band committee.

- IV. Where existing ERYBB band assets are sold, the monies gained from this will be immediately transferred to the Driffield and East Riding Community Band account and fall under the rule of point III.
- V. The accounting of Driffield and East Riding Community Band is independent from DSB other than DSB ringfencing the money as part of their own accounts.
- VI. The committee may receive and apply for donations, grants in aid of financial guarantees and bequests on behalf of the band from whosoever is deemed fit by the committee.
- VII. The income and property of the band, wheresoever derived shall be applied solely towards promoting the aims of the band as set forth above and no portion thereof shall be paid or transferred either directly or indirectly to any member of the band except in payment of legitimate expenses incurred on behalf of the band.
- VIII. The committee may authorise the payment of honoraria and gifts to individuals in recognition of services rendered.
- IX. The committee may not pledge or dispose of any assets held on behalf of the band without the approval of the trustees.
- X. In the event of the winding up or the dissolution of the band, any remaining assets held on behalf of the band after all liabilities have been discharged shall not be paid or transferred to any members of the band but shall be held in trust for the next two years by trustees appointed by the committee. If not re-established within two years, the band's assets will be transferred at the trustees' discretion, but in accordance with the band's aims and without personal gain. Under no circumstances will any individual benefit personally from the distribution of assets.
- XI. The financial accounts shall be audited annually by auditors appointed at the AGM.
- XII. The band will be expected to fund its costs from its own finances, including rehearsal costs the maintenance and storage of its ring fenced assets. Such costs may include: instrument maintenance, instrument storage, rehearsal costs etc.. This money may be generated from concerts, fundraising, grants or the selling of assets. DSB are happy to support costs, to an extent, particularly in the first year of the incorporation. However, the ultimate aim is that the band is independently financially stable.
- XIII. Where there are joint costs between DSB and Driffield and East Riding Community Band (EG. the sharing of instruments, insurance costs etc) the costs will be shared equally, or a proposal made of % split made by either committee and the reasons for this proposal. In the event of disagreement, the matter will be voted upon by the entire membership as part of an EGM. Shared assets to be funded as per the policies of the wider organisation

8. TRUSTEES

- I. The Driffield and East Riding Community Band committee will maintain their current trustees. This committee will have the authority to appoint trustees, at any time up to a maximum of three. These appointments will be made by unanimous agreement of all serving committee members at the time of appointment. Notice will be given in advance of an appointment to the DSB committee 7 days before appointment.

- II. The trustees shall be empowered to act in accordance with Clause 7 sub section IX of the constitution dated August 2024 .
- III. The trustees may not be removed from office without the approval of two- third majority of all members present at an Annual General Meeting (called in accordance with *Clause 6 sub section a* of the constitution dated August 2024) or an Extraordinary General meeting (called in accordance with *Clause 6 sub section a* of the constitution dated August 2024).
- IV. In the event of a trustee ceasing to serve for any reason whatsoever, the committee will undertake to appoint a replacement trustee by unanimous decision at a committee meeting and the reference to majority decision in *Clause 5* of the constitution dated August 2024 will not apply for the purpose of appointing a trustee.
- V. In the event of the requisite number of trustees being unwilling to stand for office, then Clause 8 of the Constitution dated August 2024 may be amended to two thirds majority at an Annual General Meeting or Extraordinary General Meeting called within the terms of the constitution but voting members will not have the right to vary the terms of appointment trustees by unanimous vote of serving committee members.
- VI. The voting members at a meeting so called within the terms of the constitution may empower the committee in entirety to act as trustee or trustees if deemed appropriate for whatever reason and in acting so the committee will act in accordance with *Clause 7 subsection xi* of the constitution dated August 2024. In acting as trustee or trustees, the committee vote shall be by majority.
- VII. The trustees, however appointed, shall act on the majority decision of those trustees, with a casting vote only from the majority decision of serving members, or as a last resort, the majority decision of any members of the DSB organisation, or parents where members are under the age of 18. As with meetings and decisions, in this regard, 14 days written notice will be given to all known serving DSB members or their parents.
- VIII. The responsibility of giving notice in the interests of the band dissolving will fall firstly to any remaining trustees and secondly to the DSB committee.
- IX. Trustees shall no longer be eligible for office in the event of one or more of the following circumstances:
 - a) Mental incapacity which may prevent them from continuing office.
 - b) Physical incapacity which may prevent them from continuing office.
 - c) Conviction of a criminal offence with the exception of a motoring offence.
 - d) Personal bankruptcy. Conviction of any civil action proving embezzlement and the committee must be informed in writing of these circumstances.
 - e) Trustees may resign immediately by giving notice in writing to the committee- the committee will then inform the DSB committee in writing within 7 days.
- X. Trustee(s) will be held indemnified against personal liability whilst acting within the terms of their mandate and Driffeld and East Riding Community Band assets may be utilised towards payment of reasonable expenses incurred contesting any such action against trustee(s) providing always that it is found that they have acted in the best interests of the band and its members without negligence or criminal act. The trustees are empowered to so apply these assets on a majority decision of the trustees.
- XI. In the event of the death of a trustee, no liability attaches to their estate, executors or administrators.

XII. Trustees will be advised annually of their continuing role within one calendar month of the Annual General Meeting.

Trustees shall be named below:

1. _____

2. _____

3. _____

9. POLICIES

The following policies form part of the constitution of the band and should be read in conjunction with this constitution:

- DSB Code of Conduct
- DSB Safeguarding
- DSB Equal Opportunities
- DSB Vulnerable Young Adults
- DSB Health and Safety
- DSB Anti- Bullying

All policies will be reviewed annually and updated where appropriate.

10. AMENDMENTS TO THE CONSTITUTION

The constitution may be amended by a two- thirds majority an Annual General Meeting or

Extraordinary General Meeting called within the terms of the existing constitution. Members, or their parents will be informed of acceptance or rejection of amendments within 14 days.

Dated August 2024