

CHORLEY SILVER BAND

Constitution

1. Name of Charity

The name of the charity is the Chorley Silver Band (the “Charity”).

2. Administration

Subject to the matters set out below the Charity and its property shall be administered and managed in accordance with this constitution by the members of the Executive Committee (the “Committee”) as defined within this constitution.

3. Objects

The objectives of the Charity are to advance the education of the public in the art of music making and further the development of public appreciation of the said art, by the presentation of concerts, music festivals and similar activities and to encourage the musical education of young players by the provision of tuition and training facilities.

4. Powers

In furtherance of the objects but not otherwise the Committee may exercise the following powers:-

- 1) 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;
- 2) to buy, take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use;
- 3) subject to any consents required by law, to sell, lease or dispose of all or any part of the property of the Charity;
- 4) subject to any consents required by law, to borrow money and to charge all or any part of the property of the Charity” with repayment of the money borrowed;
- 5) to employ such staff (subject to the restrictions within Clause 19) as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for the payment of pensions and

Contacts

Chairperson – Andrea Hall: 07974342930
Subs/Donations – Diane Crook: 07854655010
Musical Director – Hector Simm: 07933744027



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superannuation for staff and their dependants;

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

7) to establish or support any charitable trusts, associations, or institutions formed for all or any of the objects;

8) to appoint and constitute such advisory committees as the Committee may think fit; and

9) to do all such other lawful things as are necessary for the achievements of the objects.

5. Membership

Membership of the Charity shall comprise of players, Committee members, musical director(s) and associate members. Where a Player is under the age of eighteen years, a parent or guardian of the Player shall automatically be an associate member.

Members and associate members will be eligible to attend and vote at Annual General Meetings (“AGM”) and special meetings as held in accordance with this constitution. No person shall be refused membership on the grounds of race, colour, religion or any other consideration other than availability of places. If applications exceed places a waiting list shall be kept and places offered on a “first come - first served” basis.

The affairs of the Charity shall be conducted in the best interests of the Charity and it’s members by a Committee consisting of the three officers, namely a Chairman, a Secretary, a Treasurer and at least three and not more than ten other members. Associate members will be eligible to stand for election to the Committee. The Committee shall be elected at the AGM. The Committee will have the power to co-opt up to a maximum of three people, to serve until the next AGM.

6. Subscriptions

The Charity will normally ask players for a regular subscription. The level of subscription to be set so that it is not discriminatory. The Committee will have the power not to request subscriptions in cases of need or similar considerations.

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7. Vacancy of Executive Post

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.

8. Willingness to be a Trustee

No person shall be entitled to act as a member of the Committee whether on a first or on any subsequent entry in to office until after signing in the minute book of the Committee a declaration of acceptance and of willingness to act in the trusts of the Charity.

9. Determination of the membership of the Committee

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

- 1) 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);
- 2) Becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;
- 3) Is absent without the 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; and/or
- 4) 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).

10. Termination of Membership

The Committee may unanimously and for good reason terminate the membership of any individual or member organisation; provided that the individual concerned or the appointed representative of the member organisation concerned (as the case may be) shall have the right to be heard by the Committee, accompanied by a friend, before a final decision is made.

11. Annual General Meeting

An AGM shall be held in the second quarter of each year to receive and report accounts/annual returns for the year ending 31st March and elect officials to serve until the next AGM. The date of the AGM shall be as soon after 31st March as practicable.

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Notice of motions to be raised at the AGM, other than matters of a minor nature being dealt with under “any other business”, must be submitted to a Committee Member at least seven days prior to the day of the meeting.

A copy of the accounts and annual returns shall be sent to the Charity Commissioners.

Nominations for election to the Executive Committee must be made by members of the Charity in writing and must be in the hands of the Secretary of the Executive Committee at least fourteen days before the AGM. Should nominations exceed vacancies, election shall be by ballot.

12. Special General Meetings

The Committee may call a Special General Meeting of the Charity at any time. If at least ten members request such a meeting in writing stating the business to be considered the Secretary shall call such a meeting. The notice must state the business to be discussed.

13. Procedure at General Meetings

- 1) The Secretary or other person specially appointed by the Committee shall keep a full record of proceedings at every general meeting of the Charity.
- 2) There shall be a quorum when at least one tenth of the number of members of the Charity for the time being or ten members of the Charity, whichever is the greater, are present at any General Meeting.

14. Notices

At least twenty-one days' notice of the AGM and any Special General Meeting will be notice will be given in the form of a letter or announcement convening the meeting, which shall be displayed prominently on the Charity's notice board.

Any notice required to be served on any member of the Charity shall be in writing and shall be served by the Secretary or the Executive Committee on any Member either personally or by sending it through the

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post in a prepaid 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 ten days of posting.

15. Committee Meetings

- 1) The Committee shall meet as and when they deem it necessary for the proper conduct of the Charity's business. The dates of any meeting should be circulated to all Committee members not less than one week before the meeting is due to be held
- 2) At least four such meetings will be held each year
- 3) A minimum of four Committee members are required to form a quorum
- 4) The Chairman shall normally chair the meeting, where he is not present, the members present shall choose one of their number to be Chairman of the meeting before any other business is transacted
- 5) 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 Chairman of the meeting shall have a second or casting vote.

16. Minutes

The Committee shall keep minutes, in files/books kept for the purpose, of the proceedings at meetings of the Committee and any sub-committee.

17. Rules

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.

18. Sub Committee

The Committee may appoint one or more sub committees consisting of members of the Committee and other members of the Charity 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 such sub committee shall be fully and promptly reported to the Committee.

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19. Committee Members not to be personally interested

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

20. Receipts and Expenditure

The funds of the Charity, including all donations, contributions and bequests, shall be paid into an account operated by the Committee in the name of the Charity 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. The funds belonging to the Charity shall be applied only in furthering the objects.

21. Property

Subject to the provisions of sub clause (b) of this clause, the Committee shall cause the title to:

(a) all land held by or in trust for the Charity which is not vested in the Official Custodian for charities and

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

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.

ii) If a corporation entitled to act as custodian trustee has not been appointed to hold the property of the Charity, the Committee may permit any investments held by or in trust for the Charity to be held in the name of a clearing bank, trust corporation or any stock broking company which is a member of the London Stock Exchange (or any subsidiary of any such company) as nominee for the Committee, and may pay such a nominee reasonable and proper remuneration.

22. Accounts

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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

- i) the keeping of accounting records for the Charity
- ii) the preparation of annual statements of account for the Charity
- iii) the independent examination of the statements of account for the Charity
- iv) the transmission of the statements of account of the Charity to the Charity Commission.

23. 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 report and its transmission to the Charity Commission.

24. Annual Return

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 Charity Commission.

25. Ownership of Equipment

All instruments, equipment, uniforms and music purchased by or for the band shall remain the property of the Charity and remain under the control of the Committee or a person nominated to undertake that purpose. A proper record shall be kept of all items loaned to band members. When an instrument or other equipment is loaned to a band member, the member may be asked to make a donation towards the cost of insurance and maintenance. The Committee will have the power not to request a donation in cases of need or similar considerations. If an instrument or other equipment is damaged as a result of this loan, the Committee reserves the right to make a charge to cover the cost of repairs or replacement.

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26. Alterations to the Constitution

i) Subject to the following provisions of this clause the Constitution may be altered by a resolution passed by not less than one third 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.

ii) No amendment may be made which would have the effect of making the Charity cease to be a charity.

Signed	Roland Maguire
Name	
Position	Secretary
Date	10 th November 2012

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