



RULES & CONSTITUTION

Updated 11/2019

RULES

- 1 That this Band shall be called, and be known as, The Oxted Band.
- 2 That on joining the Band each member shall be given a copy of these rules, acceptance of which is a condition of membership.
- 3 That the safeguarding of children and vulnerable adults is of the utmost importance to the Oxted Band. All members will abide by the Oxted Band Safeguarding Policy and all other policies in place at all times.
- 4 That all instruments (including cases, mouthpieces, lyres) and uniforms etc. must be signed for in the records of the Equipment Officer when loaned to a Member. Any changes to the items loaned must be properly recorded and signed for. Any damage to Band property shall be reported immediately to the Equipment Officer.
- 5 Any Member leaving the Band, for any reason, shall return all property belonging to the Band within 7 days in such condition as shall satisfy the Committee. No Member of the Band shall have any ownership in any of the Band's property.
- 6 That Committee Members, as provided for in the Constitution, be appointed by annual election to conduct all Band business; but should one or more persons leave the Committee during its term of office, their places may be filled by co-opting Members of the Band as the Committee see fit.
- 7 That an audited Statement of Accounts shall be published once a year, and a copy be provided to all Members, President and Vice-Presidents.
- 8 That the subscriptions of all Members shall be agreed at each Annual General Meeting, or at an Extraordinary Meeting called for the purpose.
- 9 That the Band meet once a week, unless otherwise advised for rehearsal on Tuesdays (*) at 8.00pm.
- 10 That the Committee shall investigate any Member for conduct harmful to the Band and shall take any necessary action.
- 11 That the Musical Director, or in his or her absence, their Deputy, shall have complete control at all rehearsals and performances.

*Note: These rules were agreed at the Annual General Meeting in November 1994. This issue supersedes all previous issues, which should be destroyed.

CONSTITUTION

1 TITLE

The Band shall be known as The Oxted Band.

2 OBJECTS

The objects of the Band shall be:

- A To provide educational and training facilities for brass instrumentalists
- B To provide facilities for brass instrumentalists to form a Band to promote and participate in musical activities including concerts and contests;
- C To provide cultural, educational and musical interest and entertainment for members of the general public and the Band and to encourage the appreciation of music and participation in the performance of music;
- D To do such other things as may be considered to further the aims, interests and objectives of the Band.

3 MEMBERSHIP

- A A candidate shall become eligible for membership when accepted by the Musical Director and the Committee.
- B On being accepted into membership each new member shall be enrolled forthwith in the Band Register, which is kept by the Secretary
- C Guest players shall be expected to apply for membership within 3 months of first attendance.

4 CONDITIONS OF MEMBERSHIP

- A Each member of the Band shall:
 - (a) Agree to submit to an entry audition, if so required by the Musical Director.
 - (b) Inform the Chairman or Secretary without delay if it is impossible to attend a particular engagement or contest, giving the reason for absence.

- (c) Be a registered player with the Band for the purpose of contesting unless he or she is registered with another Band, in which case he or she must declare this interest to the Secretary. (If required)
 - (d) Sign for and be responsible for any Band property at the time it is handed to him/her and do all in their power to keep and preserve the property in good order. If required make good any damage or loss caused to the property while in their care, unless in the opinion of the Committee such damage or loss was not caused by negligence or was due to fair wear and tear.
 - (e) Return all Band property within 7 days if and when he/she leaves, as no member shall have any ownership in any property belonging to the Band.
 - (f) A member may borrow items of music from the Band Library, for practice purposes, provided that the loan is registered with the Librarian. The member shall take all reasonable care of any borrowed item/s and shall indemnify the Band against all loss or damage.
- B Each member shall comply with the Constitution and Rules of the Band and shall not act in any way detrimental or prejudicial to the interests of the Band.
- C Each member of the Band shall pay promptly any subscription required by the Constitution and Rules or decided at an Annual General meeting. The Committee shall decide what action shall be taken against any member whose subscription falls into arrears.

5 TERMINATION OF MEMBERSHIP

- A The membership of any member who has failed to observe the Constitution and Rules of the Band may be terminated at a Committee meeting by the decision of a majority of the members present. Any decision to terminate membership shall be notified in writing to the member concerned by the Secretary within seven days of the meeting at which the decision was made. The person so notified shall cease forthwith to be a member of the Band.
- B A member who wishes to resign from the Band shall give the Secretary at least one month's notice.

6 MANAGEMENT OF THE BAND

The elected Committee shall be responsible for conducting the affairs of the Band and shall be empowered to take all necessary action.

7 OFFICERS

- A The following Officers shall be elected at the Annual General Meeting:
- President, Vice-Presidents, Chair, Secretary, Treasurer, Musical Director, Safeguarding Officer, Librarian, Equipment Officer, Contest Secretary, up to two Auditors and three Trustees
- B The Committee of the Band shall consist of the Chair, Secretary, Treasurer and not more than six ordinary members elected at the Annual General Meeting. The said Committee shall hold office for the one period between Annual General Meetings, but should one or more persons leave the Committee or Office during its term the place or places may be filled by co-opting Band members as the Committee see fit
- C Any **member** may nominate any person considered suitable for appointment to any of the positions referred to in sub-Clauses 7(a) and 7(b). Candidates must be proposed and seconded by members present at the Annual General Meeting, who must first obtain the consent of the Nominee to stand. Candidates shall be elected to office by a majority vote of the members present and voting at the meeting.
- D Any **Officer** may be removed from office by a resolution supported by a majority of the members present and voting at an Extraordinary General Meeting. Any proposal to remove an officer must be notified in writing to all members at least seven days before the date of the meeting at which the proposal is to be considered
- E The **President** and **Vice-Presidents** are nominated and elected at the Annual General Meeting. They shall hold office for one year and be eligible for re-election at the following AGM. The President and Vice-Presidents may be elected for life at the recommendation of the Committee at an AGM with the approval of a majority of Members.
- F The **Chair** shall be elected at the Annual General Meeting and shall hold office for a period of one year from the date of election unless re-elected to serve for a further year. When present at a meeting the Chair shall preside over the meeting.
- G The **Secretary** shall convene, attend and arrange for the recording of Minutes at all meetings and shall act on all occasions under the direction and guidance of the Committee. The Secretary will conduct all correspondence on behalf of the Committee other than that of a financial nature, which by mutual agreement may be handled directly by the Treasurer. The secretary shall be responsible for keeping a register of all members and other appropriate records (other than financial, equipment loan and player Registration records) necessary for the proper control and administration of the Band. In the unavoidable absence of the Secretary a Committee member shall be appointed by the Committee to carry out all the above duties, and certain roles may be fulfilled by other members at the agreement of the whole committee.
- H The **Treasurer** shall receive all monies payable to the Band and shall be responsible for making payment from Band funds of all sums payable to the Band's creditors. The Treasurer shall keep accounts recording the financial transactions of the Band. Immediately after the end of the Band's financial year the Treasurer shall produce without delay a statement of account for the past year for presentation at the Annual General Meeting. The said statement of account shall be audited by the auditor(s) who shall sign it when satisfied that it is accurate.
- I The **Musical Director** shall be, in conjunction with the committee, responsible for the musical standard and ability of the Band but shall have authority to place members within the Band according to ability and requirements. The M.D. shall have complete control of the Band at all rehearsals and performances.
- J The **Safeguarding Officer** shall be responsible for the safeguarding and welfare of the band, especially in the interest of children and vulnerable adults and ensure all policies are kept up to date and applicable.

- K The **Librarian** shall have control of all the music and shall be responsible for its purchase, maintenance, distribution and collection. The Librarian will keep and maintain an indexed record of all the Band's music. In the event of music loaned to a Band member or another Band shall ensure its safe return. The Librarian shall also be empowered to speak to a member of the Band if he or she considers that the member is not taking good care of the music.
- L The **Equipment Officer** (EO) shall keep records of items of band property loaned to members. Such items shall include but not be limited to instruments, accessories and uniforms, but shall exclude music for which the Librarian is responsible. The EO shall report any loss or damage caused to Band property to the Committee and confirm the return of property when a member leaves. The EO shall be responsible for the care and safe keeping of any internal trophies not awarded to members.
- M The **Contest Secretary** shall keep up to date records of Band members Registrations with National and Regional Registers as required. He or she shall process any Registration transfers into or from the Band.
- N Each **Auditor**, at the end of each financial year and before the Annual General Meeting, shall examine the statement of account produced by the treasurer for accuracy. When satisfied on this shall sign the statement of account before it is presented at the AGM.

8 FINANCE

- A The income of the Band shall be derived from Member's subscriptions, proceeds from fees for engagements, concerts, prizes from contests, donations from the Band's supporters and other sources.
- B The Committee shall decide where the Band's banking accounts are to be kept and shall authorise the opening of the accounts. The Committee shall also decide who, in addition to the Treasurer, shall be authorised to sign for withdrawals on the account.
- C The bank passbook/statement will be presented, together with the monthly account report, for audit purposes at the monthly committee meeting.
- D The Committee shall be empowered to reimburse any member with the amount of out-of-pocket expenses necessarily incurred by that member on the business of the Band. Any such expense claim must be submitted in writing to the Treasurer with supporting documentation, receipts etc. and any payment made to the member must be signed for by the member at the time it is received.
- E The accounting year of the Band shall end on December 31st.
- F The Committee shall decide on the investment or withdrawal of such funds as may in their opinion be necessary.

9 MEETINGS

- A The **Annual General Meeting** shall be held each year in the Month of January. Members and such other persons as the Secretary shall decide, shall be notified in writing at least fourteen days beforehand of the date on which the meeting is to be held.
An **Extraordinary General Meeting** may be convened at the request of the Committee or on the demand of not less than ten members of the Band; all such requests shall be made to the Secretary who shall thereupon convene the Meeting by giving not less than seven days notice in writing to all those considered by the Committee entitled to attend. A request for the holding of an Extraordinary Meeting demanded by members as stated above shall be submitted in writing to the Secretary and shall state the business to be discussed at the Meeting. Discussion at General Meetings shall be confined to the business stated on the Agenda sent to all members (and others) prior to the meeting.
- B **Committee Meetings.** The Committee shall decide the frequency of their Meetings subject to the proviso that Meetings shall be held not less frequently than once in every three months.
- C **Quorum.** The quorum necessary for the transaction of business at any General Meeting shall be not less than ten members and for a Committee Meeting the quorum shall be four, of whom one must be the Secretary or his/her nominated deputy.
- D **Resolutions.** Except where otherwise stated in this Constitution, a resolution at a General Meeting or a Meeting of the Committee shall be passed by a simple majority. Voting shall ordinarily be by a show of hands, the Chair having a casting vote. A secret ballot for any vote may be held if any one or more members request it. Where a secret ballot is made the tellers shall be a minimum of two in number chosen from any non-members present or from ordinary members if no non-members are present. At any General Meeting only members in good standing may vote. A member in good standing is one who has paid his/her subscriptions up to date at the time of the meeting unless he/she is exempted from subscription payment.

10 TROPHIES AND PRIZES.

The Chairman shall have custody of all external trophies and prizes such as cups and shields and shall make proper arrangements for their safe keeping. Any member awarded a trophy from within the Band shall keep it safe and secure whilst it is in their possession and shall return it in a clean undamaged condition at the end of their tenure. Otherwise the Equipment officer shall be responsible for the care and safe keeping of the band's internal trophies.

11 VISITING MUSICIANS.

The Chairman, Secretary, Musical Director (or other players who have been given the responsibility to do so) shall have power to invite musicians who are not members of the Band to play at engagements (other than contests) at such fee as may appear to the Secretary and Treasurer to be necessary and reasonable in the circumstances.

12 TRUSTEES

Three Trustees are appointed, at the AGM, for the purpose of holding or disposing of property or investments belonging to the Band in the event of the dissolution of the Band (but not to incur any personal liability in this respect).

- A Upon the happening of any one of the following events that is to say:-
 - (a) If the Band shall pass a resolution for winding up and disbanding and the Band shall cause notice of such resolution to be given to each of the Trustees.
 - (b) If the Band shall be unable to bear and discharge the Band's liabilities for two successive years.
 - (c) If the membership of the Band shall consist of fewer than four members.

Then the custody of the said property or investments shall immediately upon demand be given to the Trustees who shall keep the same in safe custody.

- B After a lapse of three years from the date of taking into such custody as aforesaid the Trustees shall dispose of the said property and investments and out of the proceeds shall (as far as such proceeds will permit) discharge any debts of the Band which may remain unpaid, discharge the cost (if any) of the storage of the property aforesaid and handover one half of the balance to the Southern Counties Amateur Band Association or their successors and the remainder to a charity or charities to be selected by the Trustees at their absolute discretion.
- C In the event of the happening of one or more of the contingencies set out in Clause (d) hereof a new Trustee or Trustees shall be appointed by the Committee.
- D A Trustee shall cease to hold office and another Trustee shall be appointed in his or her place upon the happening to the Trustee of any one of the following:
 - (a) His or her voluntary resignation, delivered to the Secretary of the Band in existence, or the other Trustees if the Band has ceased to exist.
 - (b) His or her permanent removal to a distance outside a radius of twenty five miles from the town of Oxted.
 - (c) His or her death.
- E The provision of Clause 12 hereof shall be presented at every Annual General Meeting of the Band.

13 ALTERATION TO THE CONSTITUTION.

With the exception of Clauses 12 and 13 and sub Clause 14(b) of this Constitution, the Constitution of the Band may be altered and amended and new Rules may be made by Resolution passed by a majority of not less than two thirds of the members voting thereon at a General Meeting. Notice of any proposal to alter the Constitution shall be given to the Secretary in writing not less than twenty eight days before the date of the meeting at which the proposal is to be discussed. The notice convening the meeting shall give full details of the proposed alteration and shall state the reason therefore.

14 DISSOLUTION

- A A resolution to dissolve the Band shall be considered at a General Meeting attended by not less than one half of the members entitled to be present and to vote. Subject to the above provision and to the provision of sub Clause (b) below a resolution to dissolve the Band shall be carried if supported by a majority of not less than two thirds of the members voting at the meeting.
- B The Band shall not be dissolved if, and for so long as, there are four members who are willing to attend rehearsals and are prepared to make every effort to rebuild the Band.
- C In the event of the Band being dissolved, the remaining members shall arrange for all property, monies and investments belonging to the Band to be handed over to the Trustees who shall discharge their responsibilities as stated in Clause 12.

15 REFORMING

If within the three years stated in sub Clause (b) of Clause 12 hereof the Band shall resolve to reform, notice shall be given to the Trustees of such a resolution. The Trustees shall examine the bona fides of the application and if satisfied shall

- A Shall hand to the Secretary all property, monies and investments in their possession or held in trust.
- B The rights and duties of the Trustees shall revert to the situation existing prior to the said dissolution.
- C Any expenses and liabilities incurred by the Trustees or by any one of them respectively in the execution of the trust hereof shall be paid by the Band.