



## Dunnottar Pipes and Drums

### Constitution, Rules and Standing Orders

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## Section 1 - History and Revisions

<u>Date</u>	<u>Revision and Salient Change</u>	<u>Reviewed By</u>
26/11/24	Rev 0 – Original issue	Iain McFadden

## Section 2 - Constitution

### 2.1 Name and Purpose and Definitions

Dunnottar Pipes and Drums (hereinafter referred to as “The Band”) shall consist of Members who play an instrument, regularly attend practices and pay fees, Honorary Members and Committee Members who may not be playing Members but support The Band and its administration.

The Band is a voluntary, charitable organisation whose purpose is to disseminate knowledge and enjoyment of piping and pipe bands to the wider community and to teach both piping and drumming.

The Band shall be a Scottish charity (SC041533), with the charitable purpose of teaching Scotland’s national instruments and instilling an interest in the heritage and culture of Scotland to children and adults wherever it performs. *(The expression “Charitable purpose” shall mean a charitable purpose under section 7 of the charities and trustees investment (Scotland) act 2005 which is also regarded as a charitable purpose in relation to the application of the taxes acts” “Charitable organisation”; ‘Charity’ shall mean a body on the Scottish charity register which is also regarded as a charity in relation to the application of the taxes acts).*

#### Definitions

The Band	Dunnottar Pipes and Drums
Band Member(s)	Playing member regardless of level or age who have been participating in the learning of The Band core instrument(s) for a period of three months or more. Also, Office Bearers who represent The Band but do not play an instrument or pay a fee.
General Member(s)	Individuals who support The Band and its administration but do not play an Instrument or pay fees.
Honorary Members	Individuals invited/voted by majority in an AGM to take a position of Life Membership in The Band. Such individuals may or may not contribute to the running and operation of The Band and do not pay fees.
Committee	Members who may be Band Members, General Members, Honorary Members elected or who volunteer to support the administration of The Band.
Office Bearers	Pipe Major, Lead Drummer, Convenor, Events Coordinator, Secretary & Treasurer.
Members	Collectively, Band Members, General Members, Honorary Members, Committee Members and Office Bearers
AGM	Annual General Meeting
EOM	Extra Ordinary Meeting

### 2.2 Committee and Office Bearers

The **Pipe Major** shall both guide and lead The Band and represent The Band at all times.

In support of the Pipe Major, The Band shall be managed by the Committee which will include the Office Bearers. The Office Bearers will ensure the Committee enact the policies of The Band and suggest any changes in regulations that may be required from time to time.

It is the role of the Committee and Office Bearers to always act in the best interest of The Band and all its Members and ensure The Band’s name and reputation are not brought in to disrepute.

### 2.2.1 Structure of the Committee

Between AGMs the administrative and fundraising affairs of The Band shall be conducted by the Committee, of whom the Office Bearers and Key Band Roles will be elected and/or re-elected each year at the AGM. The Committee shall serve until the next AGM. The Committee shall comprise a maximum of 12 members and a minimum of 6, at least three of whom must be Band Members. A quorum of 4 is required for a meeting to proceed.

### 2.2.2 Office Bearers and Key Band Roles

The Committee shall consist of:

The Office Bearers:

- Convenor
- Secretary
- Treasurer
- Events Coordinator
- Pipe Major (ex-officio)
- Lead Drummer (ex-officio)

Additional Band Roles:

- General Committee Members of which 2 must be Band Members.
- Honorary Members, as agreed at The Band AGM

In addition to the above the follow Key Band Roles are required to be fulfilled. Those fulfilling these roles need not necessarily be members of the Committee but may be required to participate from time to time.

Key Band Roles

- Safeguarding Officer
- Quartermaster
- Pipe Seargent
- Musical Director
- Fund Raising Coordinator
- (Note: more than one key role may be undertaken by one person)

As part of its ethos to learn and develop young adults, The Band will always strive to encourage young members to join the Committee or take up Key Roles within The Band.

The Pipe Major and Lead Drummer shall sit on the Committee as ex-officio Office Bearers.

Honorary Members may only be appointed and removed by the Committee by formal resolution at an AGM.

The Committee shall organise fundraising events, and actively pursue sponsorship opportunities, when appropriate, seeking the assistance of Band Members' parents and relatives.

Where a vacancy occurs in the Committee it shall, if thought necessary, be filled by an appointment by the Committee. Any person so appointed shall serve the unexpired term of the vacancy and shall be eligible for election at the following AGM.

Office Bearers may be elected more than twice in succession with the assent of a 2/3 majority of those represented and entitled to vote at the AGM.

### Pipe Major

The **Pipe Major** shall be the principal liaison between the Pipe Band and the Office of the Scottish Charity Regulator (OSCR) and the Central Registered Body in Scotland (CRBS), for Disclosure Scotland and any other regulatory or legislative bodies. All communications from these bodies shall be copied or transmitted to the Committee Office Bearers. The Pipe Major is responsible for ensuring that all trustees are aware of and have access to the relevant legislation regarding the specific responsibilities of trustees of a Scottish charity.

The Pipe Major shall be elected by a majority of The Band Members at an Annual General Meeting (AGM). The Pipe Major may be selected for candidature from out with The Band. All candidates for these posts may be vetted by the committee so that the committee may report to The Band their view of the candidate's credentials and suitability. At the appointment of a new Pipe Major, the contact details of the new incumbent must be notified to the Office of the Scottish Charity Register (OSCR). The committee will ensure that the Pipe Major is requested to agree to an appropriate safeguarding check prior to taking up post.

The tenure of the Pipe Major shall last for one year only whereby they will automatically relinquish their role immediately prior to the AGM and subsequently be available to be re-elected at the AGM by a majority vote. Should the Pipe Major choose to formally stand down from the role of Pipe Major in perpetuity, then the Pipe Major will give notice of such, 6 months in advance of the AGM or when mitigating circumstances arise on a timescale agreed with the Office Bearers. With the exception of the incumbent Pipe Major, all nominees for the role of Pipe Major are to close 3 months prior to the AGM in order for vetting of such potential candidates and to allow safeguarding checks to be completed.

The **Pipe Major's** responsibilities shall be:-

- (a) The right to choose the Lead Drummer;
- (b) The right to choose Pipe Sergeant(s) as necessary;
- (c) The right to choose Pipers and Drummers in conjunction with the Lead Drummer for contests and fix times for practices and performances in accordance with RSPBA rules and guidelines;
- (d) To uphold the required standard of dress and discipline of The Band Members;
- (e) The outgoing Pipe Major will provide an annual report at the AGM looking at the year past.

### **Lead Drummer**

The **Lead Drummer** responsibilities shall be:

- (a) The right to choose deputy lead drummer as necessary; and
- (b) The right to choose drummers;
- (c) Lead drum core and liaise with Pipe Major.

### **Convenor**

The **Convenor** shall ensure meetings are planned and conducted efficiently and timeously according to the constitution. They shall build and lead the team of Committee Members and ensure duties and decisions are carried out effectively.

### **Treasurer**

The **Treasurer's** responsibilities shall be:

- (a) To keep records of all financial transactions;

- (b) To advise The Office Bearers of the current financial status of The Band at least monthly, or with increased regularity if the Treasurer sees fit. All financial concerns of the Treasurer regarding The Band shall be brought to the attention of The Office Bearers immediately;
- (c) To make available, financial records as is reasonably expected to fulfil the obligations of The Band;
- (d) To submit an annual report, this shall detail all financial transactions of The Band up to the end of The Band's financial year. The report shall be audited by a qualified person prior to submission to OSCR;
- (e) To retain The Band's bank account documentation e.g., cheque book, monthly statements, etc.;
- (f) To collect each subscription fee be it monthly or annually from each qualifying Member; and
- (g) To have the right to delegate their duties to a Band Member or an appointee of The Band to enable them to fulfil their duties with the approval of The Office Bearers.

### Secretary

The **Secretary's** responsibilities shall be:

- (a) To conduct the correspondence of The Band;
- (b) To undertake the role of Data Protection Officer: maintaining a confidential record, a record of membership, names, addresses, contact emails and telephone/mobile numbers;
- (c) As decided by The Band, register players with the RSPBA with due consideration of the RSPBA rules and constitution;
- (d) To issue notice of all meetings to the relevant participants;
- (e) To administer all business of The Band under the direction of The Band and The Office Bearers;
- (f) To keep a roll of attendance at all business meetings, record and circulate minutes;
- (g) To have the right to delegate their duties to a member or an appointee of The Band to enable them to fulfil their duties with the approval of The Office Bearers;
- (h) All general / non confidential minutes and band correspondence shall be copied to The Office Bearers and Committee Members. The Secretary shall be responsible for retaining all master copies of documents pertaining to The Band.
- (i) To make available, all band documentation, to The Office Bearers upon request;
- (j) To keep the Constitution, rules, standing orders and policies, and provide copies for Members and meetings as required.

### Events Coordinator

The **Events Coordinator** shall be the first point of contact of anyone wishing to employ The Band for a function. They shall take full details of the function including but not limited to:

- (a) Setting and agreeing performance fee (in accordance with The Band guidelines);
- (b) Size/location of function;
- (c) Type of function (e.g. Dinner/dance/march etc.);
- (d) Room size and layout;
- (e) Requested length of time playing;
- (f) Requested number of players;
- (g) What or who the function is for;

- (h) Contact details of the person who will be able to welcome and look after band requirements;
- (i) Establish whether there is a room/location available to use for instruments storage/tuning;
- (j) Any other location specifics e.g. parking facilities;
- (k) Update and maintain The Band's electronic Diary system.

In addition to the Office Bearer roles detailed above the Committee or The Band shall also provide representation to cover the following:

### **Safeguarding Officer**

The **Safeguarding Officer** shall be the point of contact for any Band Member, parent, guardian or responsible adult, or member of the public who has a concern in relation to a Member of The Band or someone closely associated with The Band and their behaviour towards a child or vulnerable adult. The Safeguarding Officer shall also support the Pipe Major in ensuring that all individuals who should be PVG checked as per The Band's Safeguarding Policy, as checked and refresher checks are completed when they are due. The Safeguarding Officer shall treat all such matters with the strictest confidence and protect the identity of any Member at all times.

Furthermore, the Safeguarding Officer shall:

- Produce a 'Key Safeguarding Information' card that will be provided to all The Band Members and, where appropriate, their parent, guardian or responsible adult. This will be updated and recirculated on an annual basis.
- Provide an annual safeguarding training/briefing to all tutors and Committee members.
- Respond appropriately to any safeguarding concern that is raised with him/her.
- In consultation with the Data Protection Officer, ensure the safe processing and storage of all PVG and Safeguarding information.

### **Data Protection Officer**

The **Data Protection Officer** shall ensure that The Band remains compliant with the requirements of current GDPR legislation. In their role as Data Protection Officer, they shall remain independent from the governance of The Band.

### **Quartermaster**

The **Quartermaster** shall manage an inventory of The Band uniforms and equipment, and shall coordinate distribution and storage.

Such an inventory shall be maintained and made available for Committee Meetings to allow the Committee to support restocking requirements and overall budget control.

### **2.2.3 Meetings**

The Committee shall meet at least 8 times during the year to support general running duties of The Band. In addition, there will be an AGM and, if/when requested or deemed necessary, supplementary EOMs. All meetings of The Band shall be conducted in accordance with the Standing Orders contained in Section 4 of this document. AGMs and EOMs shall only be properly constituted if represented by a quorum of no less than two-thirds of the registered Band Members present at the meeting.

All minutes will be shared via The Band's electronic communication platform.

Voting at all Meetings shall be by a show of hands with the majority winning, unless

otherwise stated in this Constitution.

Voting at The Band's AGM shall be restricted to playing members of The Band who have been playing members for at least three calendar months, together with The Office Bearers. In the event that any of the Office Bearer posts are held by a band member, only one vote shall be counted from such individual. No holder of an honorary position within The Band shall be entitled to cast a vote at an AGM.

#### Committee Meetings

The Committee shall deal with the administration of The Band and fundraising.

#### AGM

The AGM will be held to provide a review of the previous year's performance including but not limited to: Music and Event details, Financial Details and The Band developments plus a look ahead to the forthcoming year.

Key decisions may be put to vote.

#### EOM

An EOM of The Band will be called either:

- (1) When the Committee deem it necessary; or
- (2) On a requisition being presented to the Secretary stating the matter to be discussed and signed by at least ten members of The Band. The date of the EOM will be fixed by the Committee but in any event will not be more than one calendar month after the receipt of the aforementioned requisition.

### **2.3 Updates and Amendments to the Constitution**

The Committee shall have no power to alter, delete, add to or amend in any way, nor introduce any new rule governing the Constitution of The Band. Changes to the Constitution which relate to the name, purpose, amalgamation with other bodies, the winding up or dissolution, or application to a court require notification and consent of the Office of the Scottish Charities Register approval prior to enactment of such amendments. All amendments to the constitution require due cognisance of the relevant legislation prior to enactment. Any such proposed changes must be in the correct form and two weeks' notice of the AGM or EOM called to consider such changes must be given.

Changes to the Constitution will only be valid if carried by a majority of not less than two thirds of those represented and entitled to vote at the AGM.

### **2.4 Finances of the Pipe Band**

The financial year of The Band will be 31 October each year. The AGM will be held in the month of the November following, the Agenda to be fixed by the Committee and circulated to members prior to the meeting.

Correct books and accounts will be kept showing the financial affairs and transactions of The Band and an extract thereof shall be submitted to the AGM in the form of a balance sheet. Books and accounts shall be offered for external scrutiny by an independent examiner with the requisite skills under [Charity Accounting](#) of the requirements of the Charities (Scotland) Regulations as decided by the Trustees and signed by the same prior



to presentation to OSCR.

All monies received by the Treasurer shall be lodged in the name of The Band in a bank or building society account fixed by the Committee, and all cheques and withdrawal forms shall be signed by two out of the Treasurer, Secretary and Pipe Major.

Expenditure other than on The Band running requirements (e.g. reeds, hemp, wax, skins) shall be sanctioned by agreement of the Pipe Major and Treasurer and recorded at a minuted meeting of the Committee.

Where members receive payment for playing at a private function, a fee, as agreed with the Pipe Major, Pipe Sergeant or Committee, will be paid to The Band and the remainder will be paid to the individual member. The Treasurer will be informed of the commercial transaction agreed.

Any property of The Band shall be vested in the Treasurer, Secretary and Pipe Major for the time-being as trustees for The Band. Those officials will have full power to execute all deeds and agreements in connection with the affairs of The Band, or any property belonging to The Band, and deemed to be in The Band's best interests except that the sale of any heritable property shall first require the approval of the AGM or EOM called for that purpose. None of The Band's assets may be distributed or otherwise applied (On being wound up or at any other time) except to further its charitable purposes. The Treasurer, Secretary and Pipe Major are all trustees of the Charity and as such have to be aware of and abide by the Charities and Trustees Investment (Scotland) Act 2005 and any amendments or new legislation covering the operation of charities in Scotland. They will be required to complete the "Declaration by trustees" issued by the Office of the Scottish Charity Regulator and any other legislative or requested documentation as agreed by The Band to ensure the correct operation of the charitable status of The Band.

The Band shall have power to borrow or secure the payment of, or raise money, in such a manner and on such terms as may seem expedient by loan, bond, mortgage or otherwise and charged or not charged upon the whole or any part of the property of The Band both present and future, and to pay interest on the monies borrowed under deduction of or free from income tax.

In the event of The Band being disbanded all its property will become the responsibility of the Committee. The property will then be offered for sale to any Pipe Band which may be in existence on such terms and conditions as may be agreed. Failing such disposal, the property may then be offered for sale to the individual members of The Band and that again on such terms and conditions as may be agreed. If any property or funds remain after satisfaction of all The Band's debts and liabilities, such property or assets shall not be paid to or distributed among the members of The Band; such property or assets shall be transferred to other charitable Pipe Bands or charities (whether incorporated or unincorporated) whose objectives are similar (wholly or in part) to the objectives of The Band.

## **2.5 Membership**

The annual membership subscription shall be proposed by the Committee and formalised by a vote at the AGM. The Committee shall have the discretion to waive payment of the subscription by any Band Member, in such cases a record and formal minuted document will be placed between The Band and the Band Member.

Subscriptions for new Band Members will commence after an initial probation period of 3 months which will serve to ensure The Band is suited to the individual Band Member and the individual Band Member is suited to The Band.

The Committee shall keep an up-to-date register of all Band Members and General Members of The Band. The Committee will maintain and apply The Band policies on the recruitment of ex-offenders, protecting children and vulnerable people, and the secure handling, use, storage and retention of disclosure information, which will be available if requested. Any legislative amendments shall be included as required.

No playing member shall be appointed to The Band unless recommended to the Committee by the Pipe Major.

## **Section 3 - Rules and Regulations Governing the Conduct of the Members of The Band**

### **3.1 Conduct**

The general conduct of the playing members of The Band shall be the responsibility of the Pipe Major and shall be governed by the Rules contained in the Code of Conduct, such documentation will be amended from time as deemed necessary and always made readily available to all Band Members.

The Pipe Major shall have full responsibility over playing members of The Band whether at practice, in competition at any level, when fulfilling engagements and whenever The Band meets as an entity for whatever purpose. However, with prior agreement with the Pipe Major the Pipe Sergeant may take control of proceedings on the day.

The Band shall meet for practice at the discretion of the Pipe Major. Anyone selected or appointed by the Pipe Major for teaching will be asked to agree to an appropriate Disclosure or PVG check. PVG checks will be requested prior to taking up post.

### **3.2 Protection of Vulnerable Groups (PVG)**

The Band will abide by the Codes of Practice issued in Scotland for the correct handling, holding and destruction of PVG information provided by Disclosure Scotland under Part V of the Police Act 1997 for the purposes of assessing applicants' suitability for positions of trust. The Band will also abide by the Data Protection Act 1998 and any other relevant legislation as enacted or as enacted in the future. Policies pertaining to the following will be managed and updated by The Band as deemed necessary or in accordance with changing regulations and requirements.

### **3.3 Events**

The Pipe Major or their nominated delegate on the day, shall lead the event and shall be the focal point for any official duty or liaison with external and or Event Organisers.

### **3.4 Policies maintained by The Band**

The Band has in place the following policies, all of which are reviewed on an annual basis, or as required by best practice or legislation. This list is not exhaustive and may be subject to change by agreement with The Band Committee.

- Code of Conduct, Mutual Respect and Good Practice
- Mutual Respect Policy (anti-bullying, equality, diversity and inclusion)
- Safeguarding Policy
- Policy on the Secure Handling, Use, Storage and Retention of PVG Information
- Rehabilitation of Offenders
- Data Protection

## **Section 4 - Standing Orders Governing the Conduct of Meetings, Elections and the Distribution of Responsibilities**

### **4.1 Conducting of meetings**

Except those dates set for the required Committee meetings in each year, at least seven days' notice of the Committee Meetings will be given. Band Member and General Members shall be notified via The Band's electronic diary. This notification shall be accompanied by a copy of the Agenda of the meeting and/or any proposed motions.

The Convenor shall chair all meetings. Should the Convenor be unavailable, a Committee Member may stand in. On all questions of competence, relevance or order, the Convenor's decision shall be final. The Convenor shall have a deliberate vote and in the event of an equality of votes on any matter they shall have a casting vote to maintain the status quo.

The Band Members are entitled to meet as "The Band" and discuss as they see fit any matters relating directly to their appearance, turnout, standard and any engagements that it may be proposed that The Band be asked to consider.

Meetings shall all be minuted by the Secretary (or if unavailable any other member of the Committee). All meetings shall have a "Sederunt" taken - a record of all who attended and in what capacity, which should form part of the minutes of meeting. Unless specifically agreed otherwise, Committee Meetings, AGM's, EOM's or any other meeting will not be filmed / video recorded. In the event any video recordings are made, this will be stipulated at the commencement of the meeting.

Minutes shall be published and distributed to all Members and Office Bearers within two weeks of the meeting via The Band's electronic communication platform.

Due deference shall be accorded to anyone who is speaking at a meeting, with no interruptions or unnecessary distractions.

### **4.2 Order of speaking to formal resolutions, motions or proposals**

These shall be as follows:

- The mover of the resolution shall speak for.
- A speaker against the resolution shall speak against.
- A summation of the speech for.
- A summation of the speech against.
- Then the vote shall be taken.

Motions/resolutions/proposals shall require a proposer and seconder to be minuted. The proposer and seconder may waive the right to speak to a motion in favour of someone else.

The Convenor is responsible to ensure that speakers are given approximately equal time. To include more speakers in any formal resolution/motion/proposals standing orders should be suspended and the meeting agree to a format prior to speeches, usually on the recommendation of the Convenor.

The person selected to speak in less formal debates shall be he/she who catches the attention of the Convenor first, usually by the raising of a hand.

### **4.3 Order at a meeting**

Anyone selected to speak at an AGM, shall first stand and introduce themselves and their relationship to The Band prior to speaking to the matter under debate.

Emergency resolutions/motions may be taken at an AGM only if the subject matter has direct relevance to a happening or incident which has occurred within the week immediately preceding the meeting.

The Convenor shall ensure that speakers are reminded of the subject under discussion when necessary to ensure relevance.

Standing orders may be suspended at any time during a meeting only if a minimum of two thirds of those eligible to vote who are present vote in favour of suspension.

The format shall be:

- (1) Proposer of move to suspend standing orders speaks in favour.
- (2) Speech against
- (3) Vote by show of hands.

Any suspension of standing orders shall only be for the duration of the debate during which they were suspended. The Convenor shall remind the meeting that standing orders are back in force as necessary.

#### **4.4 Elections**

All candidates for all Committee Office Bearing posts must be proposed and seconded by:

- a Band Member and/or,
- a Committee Office Bearer post holder.

Candidates may be asked to stand and introduce themselves and explain why they are accepting the nomination.

Only Band Members and Office Bearers may vote in elections. Any Band Member under the age of twelve may ask their parent/guardian/responsible adult to vote by proxy; it is up to the individual parent/guardian/responsible adult whether the proxy is required or not. Any eligible voter unable to vote in person may, if they so wish, lodge their proxy vote with the Convenor not later than two days prior to the meeting. A simple majority shall ensure election.

An Office Bearer may be removed from office by a majority of the eligible voters present at an AGM.

This constitution as amended was adopted at the AGM held at Portlethen Academy 26th November 2024.

Signed:

Pipe Major  
Iain McFadden

Date 26 November 2024

Signed:

Convenor  
Alex Robertson

Date 26 November 2024

## Dunnottar Pipes and Drums - Constitution, Rules and Standing Orders