**West Yorkshire County Scout Council**

**Constitution**

**County Scout Council**i. The County Scout Council is the electoral body which supports Scouting in the County. It is the body to which the County Trustee Board is accountable.

ii. Membership of the County Scout Council is open to:

**Ex officio Members**

* County President;
* County Vice-Presidents;
* Regional Commissioner;
* County Chair;
* County Vice Chair;
* County Commissioner;
* Deputy County Commissioner;
* County Secretary;
* County Treasurer;
* County Training Manager;
* Assistant County Commissioners;
* County Youth Commissioners;
* Deputy County Youth Commissioners
* County Scouters;
* County Advisors;
* County Administrators;
* County Scout Active Support Manager;
* Local Training Managers;
* District Commissioners;
* Deputy District Commissioners;
* District Chairman;
* District Secretaries;
* District Treasurers;
* District Scout Active Support Manager;
* Assistant District Commissioners;
* District Explorer Scout Commissioners;
* District Network Commissioners;
* District Youth Commissioners;
* Group Scout Leaders;
* A representative of the County Troop Leadership Forum, selected from amongst the membership of the Forum;
* A representative of the County Explorer Scout Forum, selected from amongst the membership of the Forum;
* A representative of the Scout Network, selected from amongst the membership of the District Scout Networks in the County
* Any person acting in the capacity of a role above as recorded on the Membership Management System

**Nominated Members**

* the number of persons to be elected annually by the County Scout Council from each of the following categories is decided by the County Scout Council:
	+ persons recommended by the County Commissioner in consultation with the County Chairman.
	+ County Scout Active Support Members nominated by the County Scout Active Support Units.
	+ A Scouter nominated by each District Scout Council.
	+ A Youth Scouter nominated by each District Scout Council.
	+ Explorer Scout Members nominated by District Explorer Scout Meetings.
	+ District Scout Network Members nominated by the District Scout Network

**Co-opted Members**

* the County Scout Council may co-opt members annually. Such co-opted members may include representatives of organisations with whom it is desired to maintain co-operation e.g. Girlguiding UK, religious bodies, other youth organisations and Local Education Authorities.
* Members are nominated by the County Commissioner.
* the number of members co-opted must not exceed the total of Ex officio and Nominated Members.

**Invited Members**

* Growth and Communities Manager North of England

iii. Membership of the County Scout Council ceases upon:

* the resignation of the member;
* the dissolution of the Council:
* the termination of membership by Headquarters following a recommendation by the County Trustee Board.

iv. The County Scout Council must hold an Annual General Meeting within six months of the financial year end to:

a) Undertake governance oversight by

* adopting (or re-adopting) the constitution of the Scout Council (see POR rule 5.3)
* confirming (or re-confirming) the dates of charity’s financial year
* agreeing the number of members that may be elected to the Trustee Board
* agreeing the quorum for each of:

o meetings of the Scout Council
o meetings of the Trustee Board
o meetings of any sub-Committees

(see POR rules 5.5.2.7, 5.5.2.8, 5.5.2.9

b) Review the previous year

* receive and consider the Trustees’ Annual Report and the annual statement of accounts prepared by the Trustee Board.

The accounts must have completed their examination by an appropriate auditor, independent examiner, or scrutineer.

The Trustees’ Annual Report and Accounts presented to the Scout Council must include the formal report prepared by the auditor, independent examiner, or scrutineer.

c) Make appointments

* approve the County Commissioner’s nomination of the Chair of the Trustee Board
* approve the County Commissioner’s nomination of members of the Trustee Board
* elect a Secretary to the Trustee Board, or agree the Trustee Board’s nomination of a Trustee Board Administrator.
* elect a Treasurer to the Trustee Board
* elect Trustees to the Trustee Board
* approve the appointment (or re-appointment) of any Presidents or Vice Presidents
* appoint (or re-appoint) an auditor, independent examiner or scrutineer as required

The Annual General Meeting of a County Scout Council must also:

1. elect representatives of the County Scout Council following POR Rule 6.5 to be nominated members of the Council of The Scout Association.
2. elect representatives of the County Scout Council as per POR Rule 6.5 to be nominated members (18-24) on the Council of The Scout Association

**The County Trustee Board**

i. The County Trustee Board acts in the charity’s best interests, acting with reasonable care and skill and takes steps to be confident that

1. The Charity is:
	* well managed
	* carrying out its purposes for the public benefit
	* complying with the charity’s governing document and the law
	* managing the charity’s resources effectively
2. the charity is operating compliant with POR, including effective management of the Key Policies listed in chapter 2 - The Equal Opportunities Policy, Privacy and Data Protection Policy, Religious Policy, Safeguarding Policy, Safety Policy, Vetting Policy, Youth Member Anti-bullying Policy.
3. young people are meaningfully involved in decision making at all levels
4. there are sufficient resources (funds, people, property and equipment) available to meet the planned work of the County including delivery of the high quality programme and resource requirements of the training programme (Rule 4.9.6)
5. The Scouts has a positive image in the local community

ii. The County Trustee Board consists of:
 **Ex officio members**

* County Chair;
* County Vice Chair;
* County Commissioner;
* County Youth Commissioner;
* County Secretary;
* County Treasurer.

**Nominated members**

* persons nominated by the County Commissioner in consultation with the County Chairman,
* the nominations must be approved at the County Annual General Meeting,
* persons nominated need not be members of the County Scout Council and their number must not exceed that of the elected members.

**Elected members**

* 3 members of the County Scout Council elected at the County Annual General Meeting,
* Members will be elected on a one year term, +
* Any variation to the number must be the subject of a resolution by the County Scout Council.

+ this will be rolled out from 2023 AGM with any new elected trustees serving a one year term, existing elected trustees will serve out their elected term after which each subsequent election will be for a one year term.

**Co-opted members**

* persons co-opted annually by the County Trustee Board,
* the number of co-opted members must not exceed the number of members who may be elected.

**Right of Attendance**

* the Regional Commissioner has the right of attendance at meetings of the County Trustee Board

**Invited to attend**

* the County Deputy Youth Commissioner(s)\*
* the County’s Nominated Member(s) on the Council of The Scout Association\*,
* the County’s Nominated Youth Representative on the Council of The Scout Association\*,
* Regional Service Team Manager in England.
* Other specialists whose skills are considered necessary by the Trustee Board.

\* if not already a member of the Trustee Board

It is the policy of West Yorkshire County Scout Council that both the Trustee Board and any sub committees should have a minimum of one Young Person included in the membership. However, this is dependent upon an appropriate Young Person being willing to serve on the Trustee Board or sub committees.

iii. The County Trustee Board may establish any sub-Committees that it deems necessary. Sub-Committees consist of members nominated by the Committee and will include a minimum of 2 members of the Trustees. Chairman of sub committees and trustee members will be appointed by the County Trustee Board annually.

iv. The County Commissioner and the County Chairman will be ex officio members of any sub-Committee of the County Trustee Board.

v. Any fund raising committee acting on behalf of the County Trustee Board must include at least two trustees, in addition to the ex officio members. No County Scouter should serve on such a fund raising sub-Committee.

vi. West Yorkshire County Scout Council is an educational charity. Elected, Nominated, Co-opted and ex-officio members of the County Trustee Board are the charity trustees of the Scout County.

vii. Only persons aged 18 and over may be full voting members of the County Trustee Board because of their status as charity trustees.

viii. Certain people are disqualified from being charity trustees by virtue of the Charities Acts.

ix. Charity trustees are responsible for complying with all the legislation applicable to charities. All members of the County Trustee Board have a duty to declare their fitness and properness to act as trustees of West Yorkshire County Scout Council.

x. West Yorkshire County Scout Council is registered as a charity in England and Wales (registration number 524829) and will make an annual return to the Charity Commission.

xi. The Trustee Board members must themselves collectively:

1. develop and maintain a risk register, including putting in place appropriate mitigations
2. ensure that the charity’s finances are properly managed, including development and maintenance of appropriate budgets to support the work of the charity
3. maintain and manage:
	* a reserves policy for the charity (including a plan for use of reserves outside the ‘minimum’)
	* an investment policy for the charity
	* a public benefit statement for the charity
4. ensure that people, property and equipment are appropriately insured, and that any property and equipment owned or used by the charity is properly protected and maintained
5. promote and support the development of Scouting in the local area.
6. ensure the appointment and management and operation of any sub-committees, including appointing a Chair to lead the sub-committee
7. ensure that effective administration is in place to support the work of the Trustee Board
8. appoint any Administrators, Advisers and co-opted members of the Trustee Board
9. ensure transparency of operation, including:
	* prepare and approve the Annual Accounts and arrange their sign-off of by an auditor, independent examiner or scrutineer as appropriate and as appointed by the Scout Council at their Annual General Meeting
	* prepare and approve the Trustees’ Annual Report (which must include the Annual Accounts)
	* present the approved Trustees’ Annual Report and Annual Accounts to the Scout Council at the Annual General Meeting (AGM)
	* following the AGM, ensure that a copy of the Trustee Annual Report and Accounts is filed with the appropriate charity regulator (if the regulator’s rules require it).
10. take responsibility for adherence to Data Protection Legislation recognising that, dependent on circumstances, it will at different times act as a Data Controller and as a Data Processor
11. individually and collectively maintain confidentiality regarding appropriate Trustee Board business
12. where staff are employed:
	* act as a responsible employer in accordance with Scouting’s values and relevant legislation
	* ensure that effective line management is in place for each employed staff member and that these are clearly established and communicated
	* ensure that appropriate specific personnel insurance is in place

**Conduct of Meetings – West Yorkshire County Scout Council and County Trustee Board**

i. In meetings of the County Scout Council only the members specified may vote. In meetings of the County Trustee Board only the trustee members may vote.

ii. Decisions are made by a majority of votes of those present at the meeting. In the event of an equal number of votes being cast on either side in any issue the Chairman does not have a casting vote and the matter is taken not to have been carried.

iii. The County Scout Council must make a resolution defining a quorum for meetings of the Council and the County Trustee Board and its sub-Committees. The County Trustee Board will hold a Quorum of 4 Trustees including the County Treasurer or a member of the Finance Committee

Approved by the County Trustee Board – August 2023