

**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 15 JUNE 2010**

**SUBJECT: FINDHORN BAY LOCAL NATURE RESERVE MANAGEMENT COMMITTEE: PROPOSED NEW CONSTITUTION 2010**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR REPORT**

- 1.1 To seek approval of a new and updated Constitution, set out in **APPENDIX 1**, for the Findhorn Bay Local Nature Reserve Management Committee.
- 1.2 This report is submitted to Committee in terms of the Council's Administrative Scheme relating to Environmental Protection.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee approve the new Constitution, set out in APPENDIX 1, for adoption by the Findhorn Bay Local Nature Reserve Management Committee.**

**3. BACKGROUND**

- 3.1 Since its designation by Moray Council in September 1998, management of the Findhorn Bay Local Nature Reserve has been entrusted to a community based Management Committee comprising locally based business interests and various elements of the community together with interested bodies such as SNH, BASC (British Association for Shooting and Conservation) and RSPB.
- 3.2 Moray Council is represented by the Chair (a Member for Ward 8, Forres), the Support Services Officer Environmental Protection Section and a member of the Council's Ranger Service if required.
- 3.3 The present Constitution has been in place since the above date but, with changes in the committee structure, access legislation and environmental designations the feeling of the Management Committee was that an updated Constitution was necessary.

**4. SUMMARY OF IMPLICATIONS**

- (a) **Single Outcome Agreement/Service Improvement Plan**

**The existence of the Findhorn Bay Local Nature Reserve is in accordance with SOA National Outcome 11 in respect of active community/partnership working.**

**(b) Policy and Legal**

**The Council's Legal Section has been involved in the production of the new Constitution.**

**(c) Resources (Financial, Risks, Staffing and Property)**

**The objectives of the new Constitution can be achieved with existing resources.**

**(d) Consultations**

**Kathryn Macpherson, Senior Solicitor was consulted and is in agreement with the contents of this report.**

**5. CONCLUSION**

**5.1 The updated Constitution reflects the up to date functions of the Findhorn Bay Local Nature Reserve Management Committee.**

Author of Report: Garry Morrison, Support Services Officer

Background Papers: None

Ref: GLM/MAS782154

**Proposed Constitution – 2010****THE FINDHORN BAY LOCAL NATURE RESERVE MANAGEMENT COMMITTEE****1.0 CONSTITUTION****1.1 Title**

The Committee shall be called the “Findhorn Bay Local Nature Reserve Management Committee”, hereinafter referred to as “the Committee”.

**1.2 Location**

For administrative purposes the Committee shall be located in the Moray Council, Environmental Protection Section of the Environmental Services Department, High Street, Elgin IV30 1BX, hereinafter referred to as “the Council”.

**1.3 Objectives**

- (1) The Council is responsible for the overall management of Findhorn Bay Local Nature Reserve (FBLNR) in accordance with the National Parks and Access to the Countryside Act 1949 (as amended). Responsibility is delegated to the Committee and includes all the area within the boundary of the designated nature reserve area.
- (2) To empower the Committee and such bodies or individuals with a legitimate interest in FBLNR to recommend to the Moray Council bye-laws consistent with the duties of the Committee.
- (3) To develop and maintain a strategy for the environmental interpretation of the FBLNR’s natural, economic and social heritage, and to make provision for educational opportunities within the Reserve.
- (4) To prepare and approve with the Council a management plan and thereafter to monitor and revise the plan when deemed necessary.
- (5) To manage the FBLNR with reference to both the said Management Plan and also the Moray Coast Biodiversity Plan.
- (6) To be non-party-political, non-sectarian and favour equal opportunities.

**1.4 Membership**

The Committee shall be chaired by a Moray Council Councillor who will have a casting vote.

Other members of the Committee shall comprise:

- (1) A Vice-Chairman drawn from the two representatives nominated by the Findhorn & Kinloss Community Council. The vote will be a casting vote in the absence of the Chairman.
- (2) Officers of The Moray Council as appropriate.
- (3) Reserve users' organisations:
  - Findhorn & Kinloss Community Council - two reps (voting).
  - Findhorn village representatives (nominated by F&K CC) - two reps (voting).
  - Findhorn Fairway Committee (representing sailors and the public using Findhorn Bay, responsible for allocation of mooring sites, annual review of mooring charges, collecting fees on behalf of the Crown Estate, navigation buoys and marks, visitors' moorings, water sports) - two reps (voting).
  - Wildfowlers (BASC & FNDWA) - two reps (voting).
  - Conservation - one rep (voting).
  - Findhorn Angling Club - one rep (voting).
  - Findhorn Foundation - one rep (voting).
  - Findhorn Heritage Centre - one rep – (voting).
  - Landowners - one rep (voting).
  - Royal Findhorn Yacht Club - one rep (voting).
  - Royal Society for Protection of Birds - one rep (voting).
  - Scottish Natural Heritage - one rep (non-voting).
  - Highlands & Islands Enterprise - one rep (non-voting).
  - RAF Kinloss (voting).
- (4) The Committee shall be empowered to invite a representative of the local business community to be an ad hoc member of the Committee and such representative shall be committed to vote.
- (5) Co-option:
 

The Committee shall be empowered to permit other legitimate organisations to be represented on the Committee and to co-opt such individuals as they consider may usefully contribute to their deliberations. Such co-opted individuals shall not be permitted to vote.

## **1.5 Office Bearers**

Chairman and Vice-Chairman (see below).

The Committee shall elect from their membership an Honorary Secretary and Honorary Treasurer who shall serve for one year. These appointments shall be made at the meeting immediately following the AGM in the Spring. Retiring office bearers shall be eligible for re-election.

## **1.6 Administration**

The secretary's duties will include preparing a minute of each meeting.

The minutes will be submitted to the next Committee meeting for approval. The Council shall bear the expenses of administering the Committee.

The treasurer's duties will include the following:-

- (a) Receive an account for all money raised or donated and pay all bills. Money received will be banked as soon as possible and the treasurer may hold petty cash as laid down by the Committee from time to time.
- (b) Issue receipts for all money received and record in a ledger details of all receipts and payments, supported by a file containing invoices and receipts. The ledger will be kept in such a form as to show the true financial position at any time.
- (c) Reconcile the accounts with the bank statements, keep the Committee informed of the bank balance and to submit account books to the Chairman as required.
- (d) Prepare a statement of receipts and payments and a balance sheet by 31 March. This will be submitted to a suitably qualified person and connected with FBLNR for auditing in April. The audited accounts will be presented to the Committee at the next meeting following the completion of the audit.
- (e) The treasurer shall be a signatory of the bank account together with the Chairman, Vice-Chairman and Honorary Secretary. Two signatures will always be required.

## **1.7 Meetings**

The Committee will meet not less than four times a year. A quorum shall comprise a minimum of six Committee members with voting rights, one of whom must be an office bearer. Notice of each meeting shall be announced in the press and given to members and co-opted members not less than 14 days before the meeting and 5 days in advance in emergencies. The definition of an emergency will be agreed by the Chairman or in his absence by the Vice-Chairman in consultation with The Moray Council.

In normal circumstances the following meeting dates shall be stated in the minute of each meeting.

The notice of a meeting sent out to Committee members shall include the previous minute and an agenda. The council's Director of Environmental Services shall be advised of the meeting at the same time as the Committee members.

Minutes of meetings shall be publicly available.

