

APPENDIX 1 – CURRENT CONSTITUTION (approved EDIS 23rd October 2012)

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” and referred to in the Constitution 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.

1.3 Objectives

- (1) The Moray 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 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 Moray Council a Management Plan and thereafter to monitor and revise the plan when deemed necessary.
- (5) To manage the FBLNR with references to both the Management Plan and 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 Member of the Committee who will have a casting vote. Each year at the Annual General Meeting (AGM) a Chairman shall be nominated by a Committee Member and the nomination shall be seconded by at least one other Committee Member. If there is more than one nominee for Chairman, the nominee receiving the most votes from the Committee Members shall be the Chairman. The Chairman may hold the post for up to five successive years providing that each year he or she is duly nominated.

Other members of the Committee shall comprise

- (1) A Vice-Chairman elected at the AGM by the Committee from the two representatives nominated by the Findhorn and Kinloss Community Council. The Vice-Chairman's will be a casting vote in the absence of the Chairman.
- (2) A Moray Council Councillor.
- (3) Officers of The Moray Council as appropriate.
- (4) Reserve users' organisations:
 - Findhorn and Kinloss Community Council – two representatives (voting).
 - Findhorn Village representatives (nominated by Findhorn and Kinloss Community Council) – two representatives (voting).
 - Findhorn Fairway Committee (representing sailors and the public using Findhorn Bay – two representatives (voting).
 - Wildfowlers (BASC & FNDWA) – two representatives (voting).
 - Conservation – one representative (voting).
 - Findhorn Angling Club – one representative (voting).
 - Findhorn Foundation – one representative (voting).
 - Findhorn Heritage Centre – one representative (voting).
 - Landowners – one representative (voting).
 - Royal Findhorn Yacht Club – one representative (voting).
 - Royal Society for the Protection of Birds – one representative (voting).
 - Scottish National Heritage – one representative (non-voting).
 - Highlands and Islands Enterprise – one representative (non-voting).
 - The Occupier of the former RAF Kinloss Base – one representative (voting)
 - Dyke Community Council – one representative (voting).
- (5) 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 permitted to vote.
- (6) 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 with the approval of the Committee be permitted to vote.

1.5 Office Bearers

In addition to the Chairman and Vice-Chairman the Committee shall elect from their membership a Secretary and Treasurer who shall serve for one year. These appointments shall be made in the meeting immediately following on from the AGM in the Summer. Retiring office bearers shall be eligible for re-election subject to the provisions of 1.4.

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 Moray Council shall bear the expenses of administering the Committee.

The Treasurer's duties will include the following:

(a) Receive and 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 detail 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 as at 31 March. This will be submitted to a suitably qualified person and unconnected with the FBLNR for auditing in April of each year. 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 The Moray Council Committee member. Two signatories 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 on local community notice boards and given to members and co-opted members not less than fourteen days before the meeting and five 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 Moray Council Corporate Director (Environmental Services) shall be advised of the meeting at the same time as the Committee members. Minutes of the meetings shall be publicly available.

In the absence of the Chairman and Voce-Chairman, the Committee shall nominate a Chairman from their own number, who will have a casting vote. Meetings will be open to the public. At the commencement of meetings there shall be a half hour public session when members of the public may raise any relevant matters with the Committee.

The Committee reserve the right to hold restricted sessions to discuss private issues.

Notice of the AGM shall be announced in the local press.

1.8 Amendments to the Constitution

Amendments to the FBLNR Constitution may be approved by the Committee at a regular meeting subject to the agreement of The Moray Council. Where an amendment is being proposed it is to be submitted to the Chairman or Secretary in writing. Due notice must be given in the agenda for the next meeting and must show the exact wording of the proposed amendment.

1.9 Declaration

Declaring that this Constitution of the Findhorn Bay Nature Reserve Management Committee has been considered and agreed by the Findhorn Bay Local Nature Reserve Management Committee at its regular meeting on 19th June, 2012 and thereafter approved by The Moray Council at its meeting of the Economic Development and Infrastructure Services Committee on 23rd October, 2012.