

**ANGUS COUNCIL****RECREATION & CULTURAL SERVICES COMMITTEE - 22 January 1998****AMENDMENT TO THE CONSTITUTION OF THE MONTROSE  
BASIN LOCAL NATURE RESERVE MANAGEMENT  
COMMITTEE****REPORT BY THE DIRECTOR OF RECREATION SERVICES****ABSTRACT**

The proposed amended Constitution of the Montrose Basin Local Nature Reserve Management Committee allows for two representatives of the Farming Interest within the Local Nature Reserve to have voting rights on the Management Committee.

**1 RECOMMENDATION**

It is recommended that the Committee agree to the proposed amendments to the Constitution of the Montrose Basin Local Nature Reserve Management Committee and to allow the Farming Interest within the LNR to have two voting members.

**2 BACKGROUND**

The current Constitution of the Montrose Basin LNR Management Committee allows for all interested parties, apart from the Farming Interest, to be represented and to have voting rights.

The Management Committee feel that the Farming Interest within Montrose Basin LNR should be represented and have voting rights as many of the activities on the LNR impact on the Farming Interest.

**3 PROPOSAL**

The proposals contained within the amended Constitution (see Appendix 1) allow for two members of the Farming Interest to be represented on the Management Committee and that each should have voting rights.

**4 FINANCIAL IMPLICATIONS**

There are no additional financial implications to the Council.

## 5 CONSULTATION

Consultation has taken place with the Chief Executive, Director of Finance, Director of Law and Administration and the Montrose Basin Local Nature Reserve Management Committee.

J R ZIMNY  
DIRECTOR OF RECREATION SERVICES

No background papers, as defined by section 50D of the Local Government (Scotland Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

# THE CONSTITUTION OF THE MONTROSE BASIN LOCAL NATURE RESERVE MANAGEMENT COMMITTEE

## 1) NAME

The name of the Organisation shall be “Montrose Basin Local Nature Reserve Management Committee” (hereinafter referred to as the “Management Committee”).

## 2) REMIT

To manage the various lands comprising the Montrose Basin Local Nature Reserve (LNR) and therein:

- a) To preserve and enhance, and provide under suitable conditions and control, opportunities for the study of the present and future flora, fauna and geographical and physiographical features of special interest;
- b) To afford the public, subject to appropriate conditions and control, sporting and recreational activities not prejudicial to the purpose of the LNR; all in accordance with the Management Policy agreed with the owners of the said lands.

## 3) MEMBERSHIP

### Voting

#### **Representing Scottish Wildlife Trust (SWT)**

- 1 The Chairman of the Angus and Dundee Branch, SWT, or his nominee
- 2 The Director of SWT, or his nominee
- 3,4,5 Three members of SWT, nominated by the Angus and Dundee Branch, SWT.

#### **Representing Angus Council**

- 6,7 Two elected members, or their alternatives, appointed by Angus Council

#### **Representing British Association of Shooting and Conservation (BASC)**

- 8 The Director, Scotland, BASC, or his nominee

#### **Representing Montrose and District Wildfowlers' Association (MDWA)**

- 9 One member of MDWA, nominated by the MDWA Committee

#### **Representing National Trust for Scotland**

- 10 The Senior Factor for the National Trust for Scotland or his nominee

#### **Representing the Farming Interest**

- 11,12 Two Farmers' Representatives, within the LNR, nominated by the Farmers or their alternatives.

### Non Voting

13. The Chief Executive of Angus Council or his nominee
14. Area Manager for Tayside and Clackmannanshire for Scottish Natural Heritage, or his nominee.
15. Montrose Basin Ranger/Naturalist (SWT Employee).

### 4) OFFICE BEARERS

The following Office Bearers shall be elected at the Annual General Meeting:-

CHAIRMAN who shall have a casting vote and who should not normally continue in office for more than four consecutive years.

SECRETARY

TREASURER.

No person shall hold more than two of the above posts at any one time.

### 5) MEETINGS

- a. An **Annual General Meeting** shall be held in April each year to conduct the following business:

Election of Office Bearers

Presentation of Treasurer's Annual Report

Appointment of Auditor

Appointments of members of the Wildfowling and Scientific Sub-Committees

Setting dates for the Annual General Meeting and Ordinary Meetings of the Coming Year.

- b. **Ordinary Meetings** shall be held throughout the year, at a frequency to be determined by the Management Committee at the Annual General Meeting, to ensure that the duties of the Management Committee are carried out efficiently. Dates for Ordinary Meetings may be subsequently changed subject to the agreement of Members.
- c. **Special Meetings** may be held at any time with the agreement of Members and subject to due Notice. Special Meetings shall cover specific or urgent matters, which could not otherwise be handled in the schedule of Ordinary Meetings. They may also involve the invitation of outside parties with an interest in the subject for discussion.
- d. **Special General Meetings** shall be held when changes in the Constitution are to be considered. No less than 21 days notice of Special General Meetings shall be given to Members, and such notice shall include the terms of the proposals to be discussed.
- e. Meetings shall be open to the Public, but the Management Committee may agree to declare any item on the Agenda to be "EXEMPT FROM PUBLIC AND PRESS" on the grounds of Confidentiality.

- f. The public shall be advised of the time and date of Meetings in such manner as the Management Committee considers to be appropriate.
- g. Voting at meetings of the Management Committee and Sub-Committees thereof, shall be on the basis of one vote per voting member present. The Chairman shall have a casting vote as well as a deliberative vote. Voting shall be by a show of hands and the question decided by a simple majority.
- h. Quorum - Any five members of the Committee shall constitute a Quorum.
- i. In the absence of the elected Chairman, a Chairman for the Meeting shall be elected by those Committee members present.

**6) WINDING UP/DISSOLUTION**

If the members decide to dissolve the Management Committee, this shall require to be agreed at a Special General Meeting.



## **SUB COMMITTEES**

### **Wildfowling Sub-Committee**

#### **1) REMIT**

To oversee on behalf of the Management Committee, all Wildfowling activities within the LNR and to ensure that these activities are compatible with the purpose of the LNR.

To advise Angus Council on the appropriate Rules and Regulations whereby Wildfowling within the LNR should be controlled.

To put in place an effective wardening regime to ensure that:

- a) Wildfowlers adhere to the Rules and Regulations laid down from time to time by Angus Council or by statute.
- b) Offences and misconduct on the part of the Wildfowlers are duly reported to Angus Council and that the Police are contacted either directly by a Warden or indirectly through Angus Council according to the severity and circumstances of any such offence or misconduct.

To promote good practice among Wildfowlers within the LNR in accordance with BASC Guidelines.

#### **2) MEMBERSHIP**

##### **Voting**

- 1 The Director, BASC, Scotland, or his nominee. The holder of this post, or his nominee, shall be ex officio Chairman of the Wildfowling Sub Committee.
- 2 The member of the Montrose and District Wildfowlers' Association nominated to the Management Committee
- 3,4 Two of the SWT members nominated to the Management Committee.
- 5 One of the Elected members of Angus Council appointed to the Management Committee.
- 6 One of the Farmers' representatives nominated for the Management Committee.

##### **Non-Voting**

- 7 The Director of Recreation Services, Angus Council, or his nominee
- 8 The Scottish Natural Heritage member nominated to the Management Committee.

9 The Montrose Basin Ranger/Naturalist

**NB The Countryside Ranger (Montrose Basin) may attend at the invitation of the Chairman.**

**3) MEETINGS**

The Sub-Committee shall meet at least twice a year. A meeting shall be held in August to discuss the Wildfowling permit applications for the coming season. A further meeting shall be held in March/April to discuss the past season and recommend to the Management Committee any changes to the system which it considers desirable. Emergency meetings may be called at the discretion of the Chairman.

Notwithstanding the need to report to the Management Committee on the outcome of Meetings, where there is unanimity among all members of the Sub-Committee on any issue, action may be taken without prior reference to the Management Committee.

**4) DISCIPLINARY MATTERS**

As part of its remit, the Sub-Committee shall make recommendations to Angus Council as to what disciplinary measures, if any, should be taken against Wildfowling who have been reported by the Ranger or Wildfowling Wardens for breach of Permit Regulations, Byelaws, Statute or established Code of Conduct. Whereas such recommendations shall normally be subject to the prior approval of the Management Committee, in the interest of speedy and effective action, the Chairman is authorised to act on his own initiatives in conjunction with the Ranger and Angus Council Officers with notice to the Chairman of the Management Committee where feasible. Reports on action taken shall be submitted to the Management Committee and the Sub-Committee respectively at their next scheduled meetings.

**5) MINUTES**

Minutes of Meetings shall be taken by the Secretary of the Sub-Committee and made available for distribution before the next meeting of the Management Committee.



## Scientific Sub-Committee

### 1) REMIT

To stimulate, encourage and monitor surveys, studies and investigations of the fauna and flora and the estuarine environment within the Local Nature Reserve in furtherance of the Remit of the Management Committee.

### 2) MEMBERSHIP

- A Chairman to be elected from among the members of the Management Committee at the Annual General Meeting
- The Ranger/Naturalist
- The Nominee to the Management Committee of the Director of SWT.
- The Nominee to the Management Committee of the Chief Executive of Angus Council
- The Nominee to the Management Committee of the Area Manager for Tayside and Clackmannanshire for Scottish Natural Heritage.

The Sub Committee may co-opt additional members from within or without the Management Committee to assist in any specific project.

### 3) MEETINGS

The sub committee shall meet as and when necessary to fulfil its Remit.

### 4) DUTIES

The Sub Committee shall advise Angus Council on the merits of applications for Permits to carry out Scientific Research projects within the LNR. Such projects shall include ringing or netting of birds. The Sub Committee shall need to be satisfied that permit applicants have the qualifications and experience to carry out the proposed surveys, studies or other activities and shall ensure that satisfactory reports are provided at appropriate stages and on completion of the activities for which the permit has been granted.

The Sub Committee shall be available to give advice and assistance to the Educational Officer at the Wildlife Centre as mutually agreed.

The Sub Committee shall report on current activities and future plans and developments to Ordinary Meetings of the Management Committee.

