



**Regulation & Compliance
Sub-Committee Meeting**

To be held at:

**EIFCA Offices, 6 North Lynn Business Village
Bergen Way, King's Lynn, PE30 2JG**

**26 September 2012
12.15 hours**

Meeting: **Regulatory and Compliance Sub-Committee**

Date: 26 September 2012

Time: 12.15 hours

Venue: Eastern IFCA Office
6 North Lynn Business Village
Bergen Way
King's Lynn
Norfolk
PE30 2JG



"Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry."

Joint Discussion – 12.15 hours

- 1 Review of Standing Orders: Advice of Lincolnshire, Norfolk and Suffolk Monitoring Officers on a draft Constitution for the Eastern IFCA
Joint discussion with the Finance & Personnel Sub-Committee to make recommendations to the Authority meeting on 31 October 2012.

To be followed by lunch break

Main Agenda –14.00 hours

- 2 Welcome by Chair
- 3 Apologies for absence
- 4 Declaration of members' interests

Action Items

- 5 Review of Standing Orders: advice of Lincolnshire, Norfolk and Suffolk Monitoring Officers on a draft Constitution for the Eastern IFCA
For decision following joint discussion with Finance & Personnel Sub-Committee
- 6 Direction of travel and structure for next steps for Byelaw Review
Report of the Head of Marine Protection
- 7 Policy development for a shore launched vessel zone
Report of the Acting Chief Executive
- 8 Any other urgent business
To consider any other items which the Chair is of the opinion are matters of urgency by reason of special circumstances which must be specified

Eden Hannam
Acting Chief Executive Officer
Date: 13 September 2012

Review of Standing Orders and Advice of Lincolnshire, Norfolk and Suffolk Monitoring Officers on a draft Constitution for the Eastern IFCA

Members are asked to make recommendations for decision at the meeting of the Eastern Inshore Fisheries and Conservation Authority on 31 October 2012.

Issue Statement: At its meeting on 25 July 2012, the Authority received a paper setting out a draft Constitution for the Eastern IFCA, including revised standing orders. Members were advised at the meeting that the Monitoring Officer for Lincolnshire County Council had offered to commission legal advice on the standing orders and proposed Constitution approach, on behalf of the Monitoring Officers of all three county councils. The Authority accepted this offer and decided to refer discussion of the legal advice and the draft Constitution to the Finance & Personnel and Regulatory & Compliance Sub-Committees who were also asked to make recommendations for consideration at the Authority meeting on 31 October 2012.

The report to the July meeting of the Authority is attached as Appendix 1. It sets out a detailed explanation of the proposed draft Constitution and, in particular, the revised standing orders. The advice commissioned by the Monitoring Officer is attached as Appendix 2.

Background: On 25 April 2012, the Authority agreed to carry out a full review of its standing orders. The standing orders had been adopted at the 1st Transition Meeting in October 2010 and were largely those of the Eastern Sea Fisheries Joint Committee with some amendments. Since then, it had become clear that the complex legal basis for the governance of the Eastern IFCA required a different approach. Therefore; it was proposed that the Authority should consider adopting a Constitution which would contain all of its corporate governance policies including up-to-date and comprehensive standing orders; a schedule of delegations showing which powers of the Eastern IFCA had been delegated to officers, sub-committees or individual members; the Non-elected Members' Code of conduct; and other policies such as the Financial Regulations and the Fraud and Corruption policy.

This approach would enable the Authority to locate its main governance documents in one place, making it easier to refer to them and keep them updated. It would also make them more accessible to stakeholders and members of the public, contributing to a greater awareness and understanding of the corporate governance framework within which the Authority operates.

At its meeting on 25 July 2012, the Authority considered the draft Constitution, together with the offer of the Lincolnshire County Council Monitoring Officer to commission legal advice on the draft standing orders and the proposed Constitution approach on behalf of all three county councils of which the Eastern IFCA is a joint committee (the other two councils being Suffolk County Council

and Norfolk County Council). This advice was offered at no cost to the Eastern IFCA.

While the county councils have no legal power to make standing orders for the Authority, their Monitoring Officers do have a legal role in ensuring that the Eastern IFCA operates within the law. This role arises from the Authority's status as a joint committee of the three county councils. Therefore, the support of the Monitoring Officers would provide a helpful external validation of the Authority's constitutional status enabling it be confident that its approach to corporate governance is sound.

The Authority decided to accept the Lincolnshire County Council Monitoring Officer's offer and agreed to refer further discussion of the draft Constitution to the Finance & Personnel and Regulatory & Compliance Sub-Committees who were also asked to consider the legal advice when it was received and to make recommendations to the next Authority meeting on 31 October 2012.

Comment and recommendations:

Comment

The Monitoring Officer commissioned the Assistant Director – Legal Services Lincolnshire to provide the advice. She was given copies of the report to the Authority's July meeting (entitled 'Review of the Authority's Standing Orders') and the Non-elected Members' Code of Conduct which was adopted by the Authority in June 2012. The Assistant Director's note to the Monitoring Officer setting out her advice is in Appendix 2 to this report. Her main points are summarised as follows:

- The majority of the provisions in the standing orders are prescribed by the law which covers the Eastern IFCA and the additional provisions seem entirely sensible.
- The Eastern IFCA is not bound by the Localism Act but its council members are subject to their council's code of conduct under that Act. Similarly, officer representatives of appointing organisations are bound by their employee codes. However, it seems sensible for the Eastern IFCA to set out an expectation of member behaviour and there are sensible provisions in the Constitution allowing member organisations to act if appointee behaviour falls short.

The Assistant Director also draws attention to new Access to Information provisions which came into effect on 10 September 2012 for councils operating executive arrangements under the Local Government Act 2000. These are contained in the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Although these provisions do not apply to IFCA's, the Assistant Director points out that, for councillor members, they will become the standard for determining public access to information about local authority decisions. She suggests that the Eastern IFCA might wish to consider adopting in the future the forward notice provisions for 'key decisions' and the recording and publication of officer 'executive' decisions. The forward notice provisions require the publication of prescribed information about a 'key decision' (including an exempt - 'below the line' – decision) at least 28 days before the decision is to be made (with provisions for urgent decisions), and 'key decisions' are defined as those which involve significant expenditure or savings, or which have a significant effect on communities in two or more council wards or divisions. Any 'key decisions' made by officers or individual members under delegated powers must also be recorded in a prescribed form similar to the

minute of a committee 'key decision' and must be published on the council's website.

Recommendations

In line with the Authority's July decision, members are asked to consider the proposals for revised standing orders and a Constitution for the Eastern IFCA as set out in the report at Appendix 1, as well as the Assistant Director's advice contained in Appendix 2. In particular, members are asked to consider the following issues:

- Is the deadline in the standing orders for circulating agendas and reports for ordinary sub-committee meetings – at least 5 clear working days before the date of the meeting - appropriate? In considering this issue, members should note that for meetings of the full Authority this deadline is statutory. 5 clear working days is generally considered to be the minimum notice period required to give both members and interested individuals sufficient time to read meeting papers and make any additional enquiries they consider necessary before the meeting.
- Should the Constitution be available for public access on the Eastern IFCA's website?
- Should the Authority review the restriction on eligibility for the offices of Chair and Vice-Chair at its meeting in January 2013?
- Should officers be asked to carry out a review of delegations of function and make initial recommendations to the Authority meeting on 31 October 2012? This will give the Eastern IFCA's new Chief Executive Officer the opportunity to consider the need for further delegations to improve the management and decision-making efficiency of the organisation.
- Should the Authority consider whether to adopt procedures relating to the forward planning and recording of 'key decisions'?

Consultation: As indicated above, there has been consultation with the Lincolnshire County Council Monitoring Officer. He has circulated the advice in Appendix 2 to the Monitoring Officers for Norfolk and Suffolk County Councils at, at the time of writing had received no dissenting comments. The Clerk will update members at the meeting.

Financial implications: There are no additional financial or resource requirements arising from the adoption of the draft Constitution.

Regulatory implications: There are no regulatory implications in terms of the Eastern IFCA's regulatory powers under the Marine and Coastal Access Act 2009.

Publicity: Members are asked to consider whether the Constitution should be published on the Authority's website.

Resolutions:

1. **To recommend that, at its meeting on 31 October 2012, the Authority should:**
 - a) **accept the advice commissioned by the Lincolnshire County Council Monitoring Officer as set out in Appendix 2;**
 - b) **adopt the Constitution set out in Appendix 1 (*subject to any amendments agreed by the Finance & Personnel and Regulation & Compliance Sub-Committees*);**

- c) **agree that the Constitution should be published on the Eastern IFCA's website;**
 - d) **review the current restriction on members' eligibility for the offices of Chair and Vice-Chair of the Authority at its meeting in January 2013;**
 - e) **ask officers to review the applicability of the new Access to Information provisions to the Eastern IFCA's decision-making and make recommendations to a future Authority meeting.**
- 2. To ask officers to begin a review of delegations of function and make initial recommendations to the Authority meeting on 31 October 2012.**

Background documents

1. 6th Eastern IFCA 25 July 2012: Agenda item 11 - Review of the Authority's Standing Orders
2. Eastern IFCA Standing Orders
3. Marine and Coastal Access Act 2009
4. Eastern Inshore Fisheries and Conservation Order 2010

Mary Clancy
Contracted Clerk to the Eastern IFCA
18 September 2012

APPENDIX 1

6th Eastern IFCA

Agenda Item: 11

25 July 2012

Review of the Authority's Standing Orders

1. At its meeting on 25 April 2012, the Authority agreed to carry out a full review of its standing orders at the 6th Eastern IFCA meeting on 25 July 2012.

Background to the review

2. The Authority's current standing orders were adopted at the 1st Transition meeting on 11 October 2010 and are based on those of the Eastern Sea Fisheries Joint Committee with amendments to reflect some of the requirements in the Eastern Inshore Fisheries and Conservation Order 2010.
3. While the standing orders were suitable for the more limited remit of the Joint Committee, it has become increasingly clear that a different approach is required to reflect the complex legal basis of the Eastern IFCA. Officers are therefore proposing that the Authority adopts a constitution which will include comprehensive standing orders; a schedule of delegations indicating which powers of the Eastern IFCA have been delegated to officers, sub-committees or individual members; the Members' Code of conduct; and the Authority's key governance policies such as the financial regulations and the fraud and corruption policy.
4. This approach would locate all the Authority's IFCA's key governance documents in the one place making it easier to ensure that they are kept up-to-date as the organisation develops and as changes in the law, policy guidance or good practice occur. It would also increase the transparency of the Authority by making it easier for stakeholders and members of the public to understand the legal, policy and administrative framework within which the Authority operates. To this end, officers propose that the Constitution, if adopted is posted on the website.

The draft Constitution

5. The proposed draft Constitution for the Eastern IFCA is attached as Appendix A. Chapters 1 and 4 are new documents and are included in Appendix A. The other proposed chapters are existing Authority documents that have been agreed by the Authority in the past and, therefore, have not been repeated in Appendix A.

Chapter 1: Standing orders

6. The first part of the proposed Constitution is the standing orders for the Authority. In order to distinguish between elements that are statutory requirements and those that are the choice of the Authority, the statutory requirements are indicated in footnotes. The purpose of the footnotes is also to make it easier for officers and members to find the legal sources that govern the Authority's administrative arrangements, taking into account that the Eastern IFCA does not employ a legal officer.
7. Section 1 of the standing orders sets out the requirements for membership of the Eastern IFCA, including the composition of the Authority and the circumstances in which membership of the Authority can come to an end. Most of this section consists of statutory requirements.

8. Section 2 sets out the Eastern IFCA's requirement that members attend at least 50% of the total number of meetings they are eligible to attend in a year, and its stipulation that no substitutes for members of the Authority will be allowed.
9. The sanction available to the Authority where members fail to attend the required number of meetings is to request the appointing authority to reconsider the appointment.
10. Sections 3 and 4 contain provisions for the appointment of the Chair and Vice-Chair of the Eastern IFCA. The Authority has decided that the Chair and Vice-Chair should be council members and has appointed council members to these offices until April 2013. As this is no longer a legal requirement, some members have indicated that this decision should be reconsidered at an appropriate time in the future. Officers are recommending that the decision should be reviewed at the Authority's meeting in January 2013.
11. This section also includes a role description for Chair of the Authority, as well as the circumstances in which the term of office of a Chair or Vice-Chair can come to an end, most of which are statutory.
12. Section 5 deals with meetings of the full Authority and contains provisions that are in the current standing orders as well as statutory provisions. Section 6 contains the legal quorum for full Authority meetings.
13. Section 7 sets out the timescales for producing agendas and reports for meetings of the full Authority and sub-committees, as well as provisions for dealing with exempt or confidential ('below the line') items, and for making agendas and papers available to the public.
14. Arrangements for meetings of the full Authority must comply with the statutory timescales in this section, (which are mainly contained in the Local Government Act 1972 as amended by more recent legislation, including the Local Government [Access to Information] Act 1985 and subsequent amendments). The timescales are intended to give members of the public sufficient time to read agendas and papers for local government meetings, and to lobby their councillors or representatives in advance of the meeting if they wish to do so, as well as arranging to attend in person. However, the Marine and Coastal Access Act has not applied these statutory requirements to sub-committees of IFCA's, only to full Authority meetings. Similarly, the legal constraint on late agenda items, also set out in Section 7, only applies to full Authority meetings.
15. The Authority's current standing orders are unclear as to whether it intended to apply the same timescales to sub-committees as to the full Authority. This section has been drafted on the basis that the same standards are applied. However, the Authority could apply different timescales for sub-committee meetings – for example, a three clear working day deadline for circulation of sub-committee agendas and papers rather than the statutory five days. If so, members may wish to consider whether this, arguably less transparent, approach is appropriate for sub-committees that have delegated decision-making powers and so are, in effect, acting as if they were the full Authority.
16. Again, Section 8 deals with the statutory requirements which apply to the full Authority for the management of minutes and records of decisions. The current standing orders apply these to sub-committees also.
17. Paragraphs 9.1-9.27 of Section 9 sets out some procedural rules for conducting meetings which largely codify the Authority's current practice and reflect the informal, consensual but rigorous approach of the Eastern

IFCA to decision-making. The rules are described in some detail to enable members (particularly those who have not been council members), and officers who are new to local government meetings, to understand the Eastern IFCA's procedures and conventions more easily. Section 9 also contains more formal rules of debate which could be useful in dealing with matters where consensus is more difficult and more formality is required. However, the Authority may not see a need for more formal rules and may wish to leave them out of the standing orders.

18. Section 10 repeats the Authority's current restriction on recording meetings, and sections 11 and 12 largely codify the Authority's current practices in relation to sub-committees and informal working groups.
19. Section 13 deals with the participation of people who are not Eastern IFCA members in the Authority's meetings. In particular, it recognises the right of the Chair of a meeting to invite public participation if this is considered appropriate. It also clarifies the current right of members of the public to raise an issue at a meeting by writing to the CEO in advance. Officers propose that such requests should be submitted at least two days before the meeting and, where the CEO and the Chair of the meeting decide not to put the matter forward, the person concerned will get a prompt written response to the issue they have raised. Again this is intended to codify current practice.
20. Section 14 clarifies procedure for holding an extraordinary meeting, based on the statutory requirements for extraordinary meetings of the full Authority. Extraordinary meetings are called at shorter notice than ordinary meetings for urgent purposes only.
21. Finally, Section 15 sets out the main legal exemption criteria which enable an item for a meeting to be treated as 'below the line'. The current standing orders apply the statutory provisions for excluding the public from a full Authority meeting (of which the criteria are a part), to sub-committee meetings because sub-committee meetings are also held in public. Decisions on exemptions are also subject to the requirements of the Freedom of Information Act 2000.

Chapter 2: Members' Code of Conduct

22. The new Code of Conduct was recently adopted by the Finance & Personnel Sub-Committee on behalf of the Authority.

Chapter 3: Marine Management Organisation appointees: Terms and conditions of appointment

23. The MMO's terms and conditions of appointment for appointees are currently available on its website. It is proposed to include them in the Eastern IFCA's Constitution for ease of reference, particularly for new members who are not MMO appointees and for officers. The MMO document has not been attached to this report but can be seen at the following link: [MMO terms of reference](#)

Chapter 4: Scheme of Delegations

24. Article 17 of the Eastern Inshore Fisheries and Conservation Authority Order 2010 permits the Authority to delegate any of its functions to a member, employee or sub-committee of the Authority. The purpose of a scheme of delegations is to set out, and maintain up-to-date, a record of the functions that a body has delegated to ensure, in particular, that decision-makers are clear about the authority for their actions.
25. The draft scheme of delegations is Appendix 2 to this report. It is incomplete as it only sets out the functions that the full Authority has

delegated to sub-committees, the Chief Executive and the Chair and Vice-Chair on an ongoing basis, by way of specific resolution at meetings.

26. Currently, few functions are delegated to individual members and, in delegating functions to sub-committees, the Authority did not specify that the sub-committees had the power to delegate further to individual members or officers. To ensure that all necessary delegations are in place taking into account the changes taking place in the organisation, officers propose that a report is presented to the next full Authority meeting on 25 October 2012 reviewing all current delegations and making recommendations for the future. The review should include those delegations that have been made for specific, one-off, purposes to see whether they indicate a need for a more extensive, ongoing delegation of functions to ensure the Authority's efficiency.

Chapters 5 and 6: Financial Regulations and the Fraud and Corruption Policy

27. It is usual for the constitutions of complex organisations to include governance policies related to financial management and the prevention of organisational crime. The Authority may consider it appropriate to include in the Constitution other regulatory and management policies

Recommendations

28. Members are asked to consider the following options:
- a) Does the Authority agree to adopt a 'constitution' approach as described in the report, instead of its current 'stand-alone' standing orders?
 - b) Does the Authority wish to adopt the Constitution in Appendix A to the report?
 - c) If the Authority wishes to adopt the appended Constitution, does it wish to:
 - i) Reduce the timescales in the standing orders for producing sub-committee agendas and reports from 5 clear working days to 3 clear working days, or
 - ii) keep them at 5 clear working days in line with the full Authority?
 - iii) Include in the standing orders formal rules of debate for use if required?
 - iv) Include additional governance policies in the Constitution?
 - v) Make the Constitution available on the Eastern IFCA's website?
 - d) Does the Authority agree to review the restriction on eligibility for the offices of Chair and Vice-Chair at its meeting in January 2013?
 - e) Does the Authority agree to request officers to carry out a full review of current delegations of function and whether further delegations are needed to ensure the efficiency of the organisation?

Background Documents

1. Eastern IFCA Standing Orders
2. Marine and Coastal Access Act 2009
3. Eastern Inshore Fisheries and Conservation Order 2010

Mary Clancy
Contracted Clerk to the Eastern IFCA
17 July 2012

**EASTERN INSHORE FISHERIES AND CONSERVATION
AUTHORITY
CONSTITUTION**

The Eastern Inshore Fisheries and Conservation Authority (the Eastern IFCA) was established under Chapter 1 of Part 6 of the Marine and Coastal Access Act 2009 and the Eastern Inshore Fisheries and Conservation Order 2010. It is a stand-alone joint committee of Lincolnshire, Norfolk and Suffolk County Councils.

The Eastern IFCA has defined its purpose and vision as follows:

"Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry."

In this Constitution, the Eastern IFCA sets out how it will operate, how its decisions will be made and the procedures that it will follow in order to ensure efficient, transparent and accountable decision-making in line with its purpose and vision, its policies and legal requirements. The Constitution will be reviewed annually at the Eastern IFCA's April meeting.

Contents

- 1. Standing Orders**
- 2. Members' Code of conduct**
- 3. Marine Management Organisation appointees : Terms and conditions of appointment**
- 4. Scheme of Delegations**
- 5. Financial Regulations**
- 6. Fraud and Corruption Policy**
- 7. *Any other governance policies***

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY CONSTITUTION

CHAPTER 1: STANDING ORDERS

The Standing Orders for the Eastern IFCA include provisions required under the Marine and Coastal Access Act 2009, the Eastern Inshore Fisheries and Conservation Order 2010 and the Local Government Act 1972 as well as provisions adopted by the Authority. The footnotes indicate the statutory provisions.

1. Membership of the Eastern Inshore Fisheries and Conservation Authority

- 1.1 The Authority is made up of 21 members as follows¹:
- Seven county councillors appointed by Lincolnshire County Council (two members), Norfolk County Council (three members) and Suffolk County Council (two members);
 - 12 'general' members appointed by the Marine Management Organisation (MMO) who are:
 - a) *'persons acquainted with the needs and opinions of the fishing community of the district, and*
 - b) *persons with knowledge of, or expertise in, marine environmental matters.*²
 - Two 'additional' members appointed by Natural England and the Environment Agency.³
- 1.2 One 'general' member must be an employee of the MMO.⁴
- 1.3 A person is not eligible for appointment or re-appointment as a member of the Eastern IFCA if they have been convicted of a criminal offence and the conviction is not spent for the purposes of the Rehabilitation of Offenders Act 1974(1).⁵
- 1.4 The proceedings of the Eastern IFCA will not be invalidated if a vacancy occurs or if there is a defect in the election or qualifications of any member.⁶

Terms of appointment

- 1.5 The terms of appointment of each member are determined by their appointing organisation.⁷ The terms of appointment for members appointed by the MMO are in Section 3 of this Constitution.
- 1.6 The maximum period of appointment for each member is ten years from 1 October 2010 or the date from which the member is appointed, if later.

Resignation of a member

- 1.7 A member may resign from the Eastern IFCA by giving written notice to the Authority and to their appointing body.⁸

¹ Article 5(1) Eastern Inshore Fisheries and Conservation Authority Order 2010

² Section 151(2) Marine and Coastal Access Act 2009

³ Article 5(4) Eastern Inshore Fisheries and Conservation Authority Order 2010

⁴ Article 5(2)(b) Eastern Inshore Fisheries and Conservation Authority Order 2010

⁵ Article 12 Eastern IFCA Order 2010

⁶ Paragraph 43 Schedule 12 Local Government Act 1972

⁷ Article 6(2) Eastern IFCA Order 2010

Suspension of a member

- 1.8 If criminal proceedings are started against a member, the Eastern IFCA or the appointing body may suspend the member's appointment. If the member's appointment is suspended, they will also be suspended from acting as an office-holder on behalf of the Authority.
- 1.9 The suspension will end if the member is acquitted of the offence or the proceedings are discontinued or withdrawn.
- 1.10 If a council member's membership of their county council is suspended by that county council, their membership of the Eastern IFCA will also be suspended, as will be their ability to act as an office-holder for the Authority. This includes the offices of Chair and Vice-Chair of the Authority.⁹
- 1.11 If the council member's suspension ends, it will be up to the relevant county council to decide whether to re-appoint the member to the Eastern IFCA.

Termination of membership

- 1.12 A member's appointment to the Eastern IFCA ends if:
 - a) the member is convicted of an offence under fisheries legislation, nature conservation legislation or marine licensing legislation;
 - b) the member receives a fine under fisheries legislation, nature conservation legislation or marine licensing legislation;
 - c) the member ceases to be a member of the county council that appointed them to the Authority.¹⁰
- 1.14 The Authority may terminate a member's appointment if the member is convicted of any other criminal offence other than those in paragraph 1.12.¹¹
- 1.15 A member's appointment also ends when they reach the end of their term of appointment.

2. Members' attendance at meetings

- 2.1 In each year, a member must attend no less than 50% of the total number of meetings of the full Authority and of sub-committees to which they have been appointed. A year is defined as the period from 1 April to 31 March.
- 2.2 If a member fails to attend the required number of meetings, the Chair of the Authority may ask the appointing organisation to reconsider the appointment of the member.
- 2.3 No substitutes are allowed for members of the Authority.

3. Appointment of the Chair of the Eastern IFCA

- 3.1 At the April meeting of the Authority, members will elect a Chair who will serve for the year beginning with the meeting at which they are elected and ending with the April meeting the following year.¹²
- 3.2 The Chair must be a council member from one of the three county councils.

⁸ Article 9(1) Eastern IFCA Order 2010

⁹ Article 10 Eastern IFCA Order 2010

¹⁰ Article 11(1) Eastern IFCA Order 2010

¹¹ Article 11(2) Eastern IFCA Order 2010

¹² Article 7 Eastern IFCA Order 2010

- 3.3 A member is not eligible to stand as Chair if they have previously been removed from this office¹³ or from the office of Vice-Chair¹⁴.
- 3.4 The Chair may stand for re-election for a second year but will not be eligible for election to the post of Chair again for a period of two years following the end of their term of office (whether this is one or two years).
- 3.5 Nominations for the post of Chair will be made orally to the Clerk of the Eastern IFCA at the April meeting and the election will be by vote of the members present.
- 3.6 If there is an equal number of votes for the members nominated, the Clerk will decide the election by lot.

Role of the Chair of the Eastern IFCA

- 3.7 The role of the Chair of the Eastern IFCA is to:
- ensure that the Authority is able to carry out the business at its meetings efficiently, in line with the its plans and policies, legal duties, Constitution and standing orders, and
 - enable members to participate fully in discussions and decisions so that the Authority can benefit from their experience and expertise, and their knowledge of the interests of the Eastern IFCA's communities and stakeholders.
- 3.8 In fulfilling this role, the Chair will work closely with, and take advice from the Authority's CEO and professional officers and its Clerk.
- 3.9 The Chair will also attend such meetings and functions as are necessary in order to represent the interests of the Eastern IFCA on the advice of the CEO and, as appropriate, the Clerk.

Resignation of the Chair of the Eastern IFCA

- 3.10 The Chair of the Eastern IFCA may resign the office by giving notice in writing to the Authority.¹⁵
- 3.11 Following the resignation of the Chair, the Authority must appoint another eligible member to the office until the next April meeting of the Authority.¹⁶

Removal from the office of the Chair of the Eastern IFCA

- 3.12 The Authority may remove a member from the office of chair if it considers that the member is failing, or has failed, to discharge the duties of chair in accordance with legal requirements and its standing orders. The member concerned is not eligible to be re-appointed as Chair¹⁷ or appointed as Vice-Chair.¹⁸
- 3.13 Following the removal of the Chair, the Authority must appoint another eligible member to the office until the next April meeting of the Authority.¹⁹

¹³ Article 8(6) Eastern IFCA Order 2010

¹⁴ Article 14(5) Eastern IFCA Order 2010

¹⁵ Article 9(2) Eastern IFCA Order 2010

¹⁶ Article 9(3),(4) and (5) Eastern IFCA Order 2010

¹⁷ Article 8(1),(2) and (6) Eastern IFCA Order 2010

¹⁸ Article 14(5) Eastern IFCA Order 2010

¹⁹ Article 8(5) Eastern IFCA Order 2010

Termination of appointment of the Chair of the Eastern IFCA

- 3.14 Where the appointment of a member who is also the Chair of the Eastern IFCA is terminated or comes to an end, the Authority must appoint another eligible member to the office of Chair.²⁰ A member who has previously been removed from the office of Chair or Vice-chair cannot be appointed as Chair.²¹
- 3.15 The member appointed as Chair holds the office until the next April meeting of the Eastern IFCA.²²

4. Appointment of the Vice-Chair of the Eastern IFCA

- 4.1 At the April meeting of the Authority, members will elect a Vice-Chair for the year beginning with the meeting at which they elected and ending with the April meeting the following year. The Vice-Chair will chair meetings of the Authority in the absence of the Chair.²³
- 4.2 The Vice-Chair must be a council member from one of the three county councils.
- 4.3 A council member cannot be appointed or re-appointed as Vice-Chair if they have been previously removed from this office or from the office of Chair.²⁴
- 4.4 The Vice-Chair may be appointed for a further year.
- 4.5 The Vice-Chair is eligible for appointment to the office of Chair on serving either one or two terms as Vice-Chair.

Resignation, removal from office or termination of the appointment of the Vice-Chair of the Eastern IFCA

- 4.6 Paragraphs 3.10-3.15 of these standing orders apply to the Vice-Chair as to the Chair.²⁵

5. Meetings of the full Authority

- 5.1 Meetings of the full Authority will take place quarterly in January, April, July and October each year.
- 5.2 The date and time of meetings for the following year will be agreed at the October meeting.
- 5.3 Meetings will be held at locations which are convenient for members which provide access for the members of the public who might wish to attend.
- 5.4 If the Chair is absent from a meeting of the full Authority, the Vice-Chair will take the role. If both the Chair and Vice-Chair are absent, members will elect a member to chair the meeting.²⁶ The Clerk will take the chair to conduct the election. The member so elected must be a council member. Election will be by way of seconded nomination and vote.

²⁰ Article 11(3) Eastern IFCA Order 2010

²¹ Articles 8(6) and 14(5) Eastern IFCA Order 2010

²² Article 7(4) Eastern IFCA Order 2010

²³ Article 14(1) Eastern IFCA Order 2010

²⁴ Article 14(4) and (5) Eastern IFCA Order 2010

²⁵ Article 14(3) Eastern IFCA Order 2010

²⁶ Article 14(2) Eastern IFCA Order 2010

- 5.5 The full Authority may delegate any of the Eastern IFCA's functions to a sub-committee, member or employee of the Authority if it considers it expedient to do so.²⁷

6. Quorum for a meeting of the full Authority

- 6.1 The quorum for a meeting of the full Authority is six, including at least one council member and one member appointed by the MMO (a 'general' member).²⁸

7. Access to agendas and papers for ordinary meetings of the full Authority and its sub-committees

- 7.1 The Clerk will give up to 10, but not less than five, clear days' notice of any meeting by emailing details of the meeting to all relevant members. The CEO will ensure that the notice of meeting is posted on the Authority's website and at its office when it is sent to members.²⁹
- 7.2 The Clerk will email copies of the agenda and papers for a meeting to members at least five clear days before the date of the meeting. The CEO will ensure that copies of the agenda and papers are posted to the Authority's website and are made available for inspection at the Authority's office when they are emailed to members.³⁰
- 7.3 Five clear days has been defined in case law as excluding the day of the meeting and the date on which the member receives the agenda or paper, and weekends and public holidays.

Late agenda items

- 7.4 An item of business for a meeting may not be added to an agenda less than five clear working days before the date of a meeting or tabled at the meeting, unless the Chair of the meeting decides that there are special circumstances which make the late item a matter of urgency and require it to be considered at the meeting. The special circumstances must be recorded in the minutes for the meeting.³¹
- 7.5 Special circumstances justifying the addition of a late item to an agenda will generally occur where significant information or circumstances arise within the five clear working day period which could not reasonably have been known or anticipated before the agenda for the meeting was agreed and published.
- 7.6 If the Chair agrees to add an item to an agenda, the revised agenda and the relevant paper will be circulated to members, and then posted to the Authority's website and made available for public inspection at the Authority's office.³²
- 7.7 The Clerk may withhold a paper from public inspection if the paper contains exempt or confidential information. Every copy of an exempt or confidential paper will be marked "not for publication"³³ and the exemption category will be indicated on the paper.³⁴ The exemption categories are set out in paragraph 15.1 of these standing orders.

²⁷ Article 17 Eastern IFCA Order 2010

²⁸ Article 13(1) Eastern IFCA Order 2010

²⁹ Section 100A(6)(a) Local Government Act 1972

³⁰ Section 100B(3) Local Government Act 1972

³¹ Section 100B(4) Local Government Act 1972

³² Section 100B(3)(b) Local Government Act 1972

³³ Section 100B(5) Local Government Act 1972

³⁴ Schedule 12A Local Government Act 1972

Background documents

- 7.8 The author of a paper relating to an item on the agenda for a meeting will set out, at the end of the paper, a list of background documents which contain facts or matters on which the report, or an important part of it, was based and which the author has relied on in preparing the report. The list of background papers should exclude published works and must exclude documents which disclose exempt or confidential information.³⁵
- 7.9 The Clerk will ensure that a copy of each document included in the list of background documents is kept and made available for public inspection for four years after the date of any meeting or decision.

Form in which agendas and papers will be made available

- 7.10 Agendas and papers for meetings will be circulated to members in electronic form by email. A member may request a hard copy of any document.
- 7.11 Agendas and papers that have not been withheld from public inspection will be available to the members of the public in electronic form on the Authority's website. Such documents will also be available in hard copy form at the relevant meeting.³⁶

8. Access to minutes and records of decisions

- 8.1 The minutes of the proceedings of each meeting will be kept by the Clerk in a loose leaf folder maintained for that purpose, the pages of which will be consecutively numbered.³⁷
- 8.2 The minutes will be presented for members to confirm as an accurate record at the next suitable³⁸ meeting of the relevant body and the Chair of the meeting will sign the minutes and initial each page.³⁹
- 8.3 The minutes will not be open to discussion but members may propose corrections or additions where they identify inaccuracies or omissions.
- 8.4 The minutes will include a list of members present at the meeting.⁴⁰
- 8.5 Members can request a copy of the unconfirmed minutes of a meeting for their personal information but unconfirmed minutes will not normally be published until after they have been agreed by the relevant meeting.
- 8.6 The Clerk will keep and make available for public inspection for six years after a meeting of the Authority or a sub-committee:
- the minutes of the meeting, except for any part of the minutes that includes exempt or confidential information, and
 - a disclosable summary of any proceedings during a part of the meeting that was not open to the public, if the published minutes do not provide a reasonably fair and coherent record of those proceedings.⁴¹

³⁵ Section 100D Local Government Act 1972

³⁶ Section 100B(6) Local Government Act 1972

³⁷ Paragraph 41(2) Schedule 12, Local Government Act 1972

³⁸ Paragraph 41(4) Schedule 12, Local Government Act 1972

³⁹ Paragraph 41(2) Schedule 12, Local Government Act 1972

⁴⁰ Paragraph 40 Schedule 12, Local Government Act 1972

⁴¹ Section 100C Local Government Act 1972

9. Rules of procedure for ordinary meetings of the full Authority or Sub-Committees

Order of business

- 9.1 The business to be conducted will be dealt with in the order set out in the agenda, unless the Chair decides to vary the order.
- 9.2 The format for the agenda will normally be as follows:
- Item 1: Welcome by the Chair
 - Item 2: Apologies for absence
 - Item 3: Declarations of interest
 - Item 4: Minutes of the last meeting
 - Item 5: Matters Arising
- Items for decision
- Items for information
- Last Item: Any other urgent business
- 9.3 At the April meeting of the full Authority, the first item on the agenda will be the election of the Chair of the Authority. For this item, the Clerk will take the chair to conduct the election.
- 9.4 The fourth item on the agenda for the April full Authority meeting will be the election of the Vice-Chair. This will come before the items for decision.
- 9.5 If the Chair and Vice-Chair are absent from a full Authority meeting, the election of a Chair for the duration of the meeting will become the first item on the agenda. For this item, the Clerk will take the chair to conduct the election.
- 9.6 If it is necessary for the full Authority to appoint a member to a sub-committee, this will be the sixth item on the agenda and will come before the items for decision.
- 9.7 Urgent business items will only be taken at any meeting if the Chair is satisfied that the item is urgent and could not reasonably have been included in the published agenda for the meeting.
- 9.8 At the end of any meeting, the Chair may invite members to remain for informal discussion of matters put forward by officers or members but these discussions will not form part of the business of the meeting and no formal decisions will be taken.

Exclusion of the public and the media from a meeting

- 9.9 The media and the public will be excluded from meetings whenever it is likely that exempt or confidential information will be disclosed.⁴²
- 9.10 The decision to exclude the media and the public must be made by a resolution of the meeting which must state the reasons for the exclusion.⁴³ The reasons must be recorded in the minutes of the meeting.

Motions

- 9.11 A member may put forward a motion for debate at any meeting. The motion may propose the resolution contained in a paper for an item on the agenda, or a resolution formulated at the meeting if the paper contains options or no specific proposals, or it may propose an amendment to a resolution.

⁴² Section 110A(2) and (3) Local Government Act 1972

⁴³ Section 110A(4) and (5) Local Government Act 1972

- 9.12 All motions must be seconded by another member present.
- 9.13 A motion may be put forward orally unless the Chair requires it to be put in writing. In this case, the written motion must be signed by the proposer and given to the Clerk as soon as it has been seconded.
- 9.14 Where the motion is an amendment to an original resolution, it must be considered and voted on before the resolution is put to the meeting. If the amendment is carried by a majority vote, the amended resolution becomes the substantive resolution to be considered by the meeting. Further amendments to the substantive resolution may be moved.
- 9.15 If an amendment is not carried, further amendments to the original resolution may be moved.
- 9.16 Members may put forward procedural motions during the course of a debate. These are as follows:
- to refer the matter to officers or to the full Authority or to a sub-committee, as relevant, for further consideration
 - to withdraw a motion
 - to postpone consideration of the matter
 - to move to a vote
 - to adjourn a meeting
 - to suspend Standing Orders

Rules of debate

- 9.17 The CEO will decide in advance of a meeting who should present an item on the agenda. This will normally be the report author, but may be a relevant senior manager or Eastern IFCA member where appropriate.
- 9.18 Following the presentation of the report, the Chair will open the item to general debate. In order to encourage participation by all members and support the consensual approach of the Eastern IFCA, debates will normally follow the procedure set out in paragraphs 9.19-9.27 below. (Where the Chair determines that a more formal process of debate is required, the procedure in paragraphs 9.28-9.34 below will be followed.)
- 9.19 Members will indicate their wish to speak by raising their hand. The Chair will aim to take speakers in the order in which they indicate.
- 9.20 At the Chair's discretion, members may speak more than once on an item.
- 9.21 In the course of debate, members may ask officers for clarification or information. At the Chair's discretion, officers may enter the debate to contribute information or explanations.
- 9.22 The Chair will determine when the debate should be closed.
- 9.23 Where the item requires a decision, and a resolution has been proposed in the paper, the Chair will put the resolution to the meeting and will ask for a mover and a seconder. If no amendments to the resolution are proposed, the Chair will put the resolution to the vote.
- 9.24 If a member indicates that they wish to amend the resolution, the Chair will request a seconder. The Chair will then invite the mover of the amendment to speak, before opening a general debate on the amendment.
- 9.25 When the debate has been closed, the Chair will put the amended resolution to the vote.

- 9.26 If the amendment is carried, it becomes the substantive resolution before the meeting. If no more amendments are proposed, the Chair will normally put the substantive resolution to the vote. If the Chair considers that further information or debate is required to enable members to take an informed decision on the substantive resolution, they may invite further general debate before putting it to the vote.
- 9.27 If a resolution, whether amended or not, is put to the vote and is not carried, the Chair will either invite members to put forward a new resolution for consideration, or will defer the decision to a future meeting. In deciding the most appropriate course of action, the Chair will take the advice of the CEO (or, in the absence of the CEO, the most senior officer present at the meeting), and the Clerk.

Rules of formal debate

- 9.28 Should the Chair decide that a more formal structure for debate is necessary, the following procedure will be used.
- 9.29 Where the meeting is debating an original or substantive resolution (not an amendment) proposed by a member, speakers will be taken in the following order:
- The proposer of the resolution
 - The seconder of the resolution
 - Members in the order in which they indicate
 - The proposer of the resolution, exercising the right to reply
- 9.30 Where the meeting is considering an amendment to a resolution, speakers will be taken in the following order:
- The proposer of the amendment
 - The seconder of the amendment
 - Members in the order in which they indicate
- 9.31 The seconder can reserve their right to speak until later in the debate.
- 9.32 The proposer of an amendment will not have the right to reply. If the amendment is carried, they will be able to speak again to propose the substantive resolution.
- 9.33 Except for the proposer of an original or substantive resolution, members will only be entitled to speak once unless they are raising a point of information or a point of order. A point of information must offer relevant factual information or clarification only, and not include argument or opinion; a point of order must identify how the Authority's standing orders have been breached. The Chair will determine whether the point of information or order is admissible.
- 9.34 When the proposer has exercised the right to reply, the Chair will put the resolution to the vote.

Reconsidering resolutions agreed by the full Authority or a sub-committee

- 9.35 No resolution agreed by the full Authority or a sub-committee will normally be reconsidered within 6 months of the date the decision was made.
- 9.36 Where the CEO considers it necessary to reconsider a decision within this period, the agenda item will state the reason for considering the matter again and the changes proposed to the agreed resolution.

Voting

- 9.37 All members of the Eastern IFCA or of a sub-committee who are present at a meeting of the Authority or of the relevant sub-committee will be entitled to vote, unless they have declared an interest under the Members' Code of Conduct which prohibits them from voting, or the vote is on the setting of the Authority's annual budget.⁴⁴
- 9.38 Only council members of the Authority can vote on the setting of the annual budget.
- 9.39 Voting at all meetings will be by a show of hands unless the Chair or a member requests a recorded vote. In this case, the Clerk will ask each member present to declare their vote and this will be recorded in the minutes of the meeting.
- 9.40 A resolution or amendment will be deemed to be carried if it receives a simple majority of the votes of those present. Where an equal number of votes are cast for and against a resolution, the Chair of the meeting will have a second or casting vote.⁴⁵

Suspension of rules of procedure

- 9.41 The rules of procedure set out in paragraphs 9.1-9.40 may be suspended by a vote of the majority of members of present at a meeting, with the exception of paragraphs 9.1-9.10 and 9.35-9.40.

10. Audio-visual recording devices

- 10.1 The use of audio/visual recording devices by any person at a meeting of the full Authority or a sub-committee is not allowed unless the majority of members present agree to authorise their use.

11. Sub-Committees of the Eastern IFCA

- 11.1 The Authority may establish sub-committees with responsibility for considering or determining functions of the Eastern IFCA.⁴⁶
- 11.2 A sub-committee's power to make decisions on behalf of the Eastern IFCA, or to make recommendations to the full Authority for determination, will be stated in the resolution establishing the sub-committee and will be included by the Clerk in the Eastern IFCA's Schedule of Delegations (Section 4 of the Eastern IFCA's Constitution).
- 11.3 With the agreement of the Chair of a sub-committee, the CEO can refer back to the full Authority for decision a matter which has been delegated to a sub-committee, where it is in the interests of the Eastern IFCA that the matter is determined by the full Authority.⁴⁷
- 11.4 A sub-committee may refer to the full Authority a matter which has been delegated to it where this is in interests of the Eastern IFCA and a majority of sub-committee members agree.⁴⁸
- 11.5 Sub-committees will follow the Rules of Procedure for ordinary meetings set out paragraphs 9.1-9.40 (excluding 9.3-9.6).
- 11.6 The lead officer for the sub-committee will make a written report to the next meeting of the full Authority following the sub-committee's meeting,

⁴⁴ Note that section 180(4) of the Marine and Coastal Access Act allows council members to veto the Authority's proposed budget

⁴⁵ Paragraph 39(1) and (2) Schedule 12 Local Government Act 1972

⁴⁶ Article 17(1) Eastern IFCA Order 2010

⁴⁷ Article 17(3) Eastern IFCA Order 2010

⁴⁸ Article 17(3) Eastern IFCA Order 2010

summarising the discussion and decisions or recommendations of the sub-committee.

- 11.7 Meetings of sub-committees will be held at locations which are convenient for members and which also provide access for the members of the public who might wish to attend.

Quorum

- 11.8 The quorum for a sub-committee will be one third of the total membership.

Membership

- 11.9 Only members of the Eastern IFCA are eligible to be members of a sub-committee.⁴⁹ Any member is eligible to be appointed to any sub-committee.
- 11.10 Each sub-committee will consist of at least nine members of the Authority, including the Chair and Vice-Chair as ex-officio members.
- 11.11 There is no limit to the term that a member can serve on a sub-committee.
- 11.12 Where a vacancy occurs as a result of a member leaving a sub-committee, a replacement member will be appointed by the full Authority at the next meeting following the vacancy.

Chair and Vice-Chair

- 11.13 Any member of a sub-committee is eligible to stand as Chair or Vice-Chair.
- 11.14 Where the office of Chair or Vice-Chair becomes vacant, members of the sub-committee will elect a Chair or Vice-Chair at the next meeting following the vacancy. The clerk will take the meeting to conduct the election of a Chair.
- 11.15 Nominations for the post of Chair or Vice-Chair will be made orally to the Clerk at the meeting and the election will be by majority vote of the members present.
- 11.16 If there is an equal number of votes for the members nominated, the Clerk will decide the election by lot.
- 11.17 In the absence of both the Chair and Vice-Chair of a sub-committee, the Chair or Vice-Chair of the Authority shall act as Chair for the duration of the meeting.
- 11.18 Should the Chairs and Vice-Chairs of the sub-committee and the Authority not be present, members of the sub-committee will elect one of their number as Chair for the duration of the meeting.

The role of the Chair of a sub-committee

- 11.19 The role of the Chair of a sub-committee of the Eastern IFCA is to:
- ensure that the sub-committee carries out its business efficiently and lawfully within the remit it has been given by the Authority and in line with the Authority's plans and policies, legal duties, Constitution and standing orders, and
 - enable members to participate fully in discussions and decisions so that the sub-committee can benefit from their experience and expertise, and their knowledge of the interests of the Eastern IFCA's communities and stakeholders.

⁴⁹ Article 17(2) Eastern IFCA Order 2010

- 11.20 In fulfilling this role, the Chair will work closely with, and take advice from the Authority's CEO and professional officers and its Clerk.
- 11.21 The Chair will also represent the Eastern IFCA at meetings and functions if requested to do so by the Chair of the Authority and the CEO.

Substitutes

- 11.22 Any member of the Authority can act as a substitute for a member of a Sub-Committee.
- 11.23 A member who wishes to be substituted at a meeting will, before the date of the meeting, notify the Clerk of the name of the substitute.

12. Appointment of working groups

- 12.1 The Authority or any of its sub-committees may set up informal working groups to examine matters that are within the remit of the Authority or sub-committee. The resolution setting up the working group will define its terms or reference.
- 12.2 Any member or officer of the authority may be a member of a working group.
- 12.3 The working group will report back to the meeting that set it up.

13. Participation in meetings by members of the public and representatives of partner organisations

Members of the public

- 13.1 All meetings of the full Authority and its sub-committees will be open to members of the public, except where a resolution to exclude the press and public has been agreed by the full Authority or the sub-committee.⁵⁰
- 13.2 Members of the public may not make comments or ask questions at the meeting, unless invited to do so by the Chair of the meeting.
- 13.3 Members of the public may submit written questions or comments for consideration at a meeting. The question or comment should concern with an item on the agenda for the meeting.
- 13.4 The question or comment must reach the CEO at least two days before the date of the meeting. The CEO and the Chair of the Authority will decide whether it is appropriate to put the matter to the meeting.
- 13.5 If it is decided not to put the matter to the meeting, the CEO will ensure that a prompt written response is sent to the member of the public concerned.
- 13.6 Members of the public can also ask individual members to raise issues at a meeting as long as the issue concerns an item on the agenda for the meeting.

Representatives of the MMO, Natural England, the Environment Agency and other partner agencies

- 13.7 The members appointed by the Environment Agency and Natural England, and the member appointed as an MMO employee may invite a colleague or colleagues to present information with the prior consent of the CEO.
- 13.8 The CEO, in consultation with the Chair of the meeting, may allow representatives of other partner agencies to present information.

⁵⁰ Section 100A Local Government Act 1972

14. Extraordinary Meetings

- 14.1 After consulting the CEO, the relevant Chair or any three members may summon an extraordinary meeting of the full Authority or a sub-committee, for a reason relating to the functions of the Eastern IFCA that they consider urgent, by giving notice to the Clerk.
- 14.2 The Clerk will call a meeting of the full Authority or sub-committee within three clear working days of receiving such a notice.
- 14.3 The agenda for an extraordinary meeting will be as follows:
- Item 1: Welcome by the Chair
 - Item 2: Apologies for absence
 - Item 3: Declarations of interest
 - Item 4: The purpose for which an extraordinary meeting has been summoned
 - Item 5: Any other urgent business
- 14.4 No other items, including minutes of the last meeting, will be taken at an extraordinary meeting.⁵¹
- 14.5 The rules of procedure set out in paragraphs 9.9-9.40 will apply to extraordinary meetings.

15. Exempt information under Schedule 12A of the Local Government Act 1972

- 15.1 The exemption categories referred to in paragraph 1.49 are as follows⁵²:
- Information relating to any individual
 - Information which is likely to reveal the identity of an individual
 - Information relating to the financial or business affairs of any particular person (including the authority holding the information)
 - Information relating to any consultations or negotiations or contemplated negotiations in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority
 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
 - Information which reveals that the authority proposes –
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or;
 - (ii) to make an order or direction under any enactment
 - Information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime

⁵¹ Paragraph 41(4) Schedule 12, Local Government Act 1972

⁵² The exemption categories must be interpreted in the light of the Freedom of Information Act 2000 and the advice of the Information Commissioner

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

CONSTITUTION

CHAPTER 2: SCHEME OF DELEGATIONS

Finance & Personnel Sub-Committee *(agreed by the Authority on 1 April 2011)*

Terms of reference

- To provide an opportunity for detailed discussion and consideration of operational and financial matters including the approval of accounts
- To oversee the development and implementation of a staff development and training strategy
- To consider legislation, policies and procedures that have implications for personnel employed by the authority
- To consider matters relating to the recruitment, remuneration and retention of personnel
- Individuals are drawn from this sub-committee to sit on interview panels

Scope of delegation

Decision making powers in all matters within the terms of reference except for the setting of the levy – this remains the responsibility of the full Authority

Marine Protected Areas Sub-Committee *(agreed by the Authority on 1 April 2011)*

Terms of reference

- To consider matters related to the management and administration of all marine protected areas in the district

Scope of delegation

- Decision making powers related to the management and administration of the WFO 1992
- Recommendations to the full Authority for determination of all other matters within the terms of reference

Planning & Communication Sub-Committee *(agreed by the Authority on 1 April 2011)*

Terms of reference

- To oversee the development and implementation of the Authority's vision and strategic planning to deliver the Defra high level objectives
- Preparation of the Authority's annual plan and annual report
- To oversee the development and implementation of a strategic stakeholder engagement and communication strategy
- To oversee the Authority's vessels' operations and their replacement

Scope of delegation

- Recommendations to the full Authority for determination of all matters within the terms of reference
-

Regulatory & Compliance Sub-Committee *(agreed by the Authority on 1 April 2011)*

Terms of reference

- To review the applicability of all Sea Fisheries Committee legacy byelaws
- To oversee the development and implementation of new regulations including byelaws
- To review standing orders relating to enforcement activities
- To oversee the development and implementation of a risk-based enforcement strategy

Scope of delegation

Recommendations to the Authority for determination

Chair of the Eastern IFCA *(agreed by the Authority on 11 October 2011 and included in standing orders of the time)*

- Authority to sign orders for the payment of money which the Authority may from time to time issue to the respective County Councils, jointly with the CEO

Vice-Chair of Eastern IFCA *(agreed by the Authority on 11 October 2011 and included in standing orders of the time)*

- In the absence of the Chair, authority to sign orders for the payment of money which the Authority may from time to time issue to the respective County Councils, jointly with the CEO

Chief Executive Officer

- Decision-making responsibility for all matters related to the recruitment, retention, management and remuneration of the Authority's staff that have not been delegated to the Finance & Personnel Sub-Committee or reserved to the full Authority *(derived from job description)*
- To be the Eastern IFCA's designated Financial Officer under Section 151 of the Local Government Act *(derived from job description)*
- Decision-making responsibility for all matters related to the Authority's financial management that have not been delegated to the Finance & Personnel Sub-Committee or reserved to the full Authority *(derived from job description)*
- Authority to instigate and take legal proceedings for offences under any legislation which empowers the Authority to take legal proceedings in accordance with Section 101(1) & (10) of the Local Government Act 1972, after consultation with the Chair and Vice-Chair of the Authority *(agreed by the Authority on 11 October 2011 and included in standing orders of the time)*.
- Authority to make an Emergency Byelaw as described within Section 157 of the Marine and Coastal Access Act 2009 after consultation with the Chair and Vice Chair of the Authority and notification of the Chair and Vice Chair of the Regulatory and Compliance Sub-Committee. On making the Emergency Byelaw, the CEO must call an extraordinary meeting of the full Authority *(agreed by the Authority on 27 July 2011)*.
- Authority to sign orders for the payment of money which the Joint Committee from time to time may issue to the respective County Councils,

jointly with Chair, or in the Chair's absence, the Vice-Chair (*agreed by the Authority on 11 October 2011 and included in standing orders of the time*).

APPENDIX 2

LEGAL SERVICES LINCOLNSHIRE

Together we are stronger

County Offices
Newland
Lincoln LN1 1YS
Tel: (01522) 782242
Fax: (01522) 552138
MDX 701680 – Lincoln 5

Note to David O'Connor – Monitoring Officer LCC – re EIFCA proposed Standing Orders and Code of Conduct.

I have read through the proposed Standing Orders and supporting paper provided by Mary Clancy. The majority of what is provided is as prescribed by the law which covers this body and the additional provisions seem entirely sensible.

As regards the proposed Code of Conduct, it needs to be borne in mind that the EIFCA is not in law independently formally bound by the new arrangements under the Localism Act. Its Councillor members are bound under their respective Council codes (though of course under the new arrangements these can all be different) and any complaint against them would fall to be dealt with under their respective Code and formally adopted arrangements for handling complaints. Likewise the officer representatives will fall under the discipline of their own organisations. That said, it seems sensible for the EIFCA to set out an agreed uniform expectation of behaviour and there are sensible provisions in the constitution allowing member organisations to act should they deem it appropriate if behaviour falls short of that.

I have drawn Mary's attention to the new Access to Information provisions coming into effect for Executives on 10th September 2012 – again these do not strictly apply to the EIFCA, only to LA executives but they will soon become the template against which the Councillor members are used to operating within their own Councils and may be something the EIFCA wish to look at adopting in the future, particularly as regards the forward notice provisions for 'key decisions' and the recording and publication of officer 'executive' decisions.

Please don't hesitate to come back to me if I can be of any further help.

Eleanor Hoggart
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E-Mail: Eleanor.hoggart@lincolnshire.gov.uk
Direct Dial: (01522) 552542

Vision

Inshore Fisheries and Conservation Authorities will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.

Regulatory & Compliance Sub-Committee

26 September 2012

Agenda Item 6

Bylaw Review

Proposal: That members note and agree the outline approach for the forthcoming review of the Eastern IFCA bylaws.

Problem/Issue Statement: The Eastern IFCA is required to undertake a review of its bylaws by 2015 in accordance with High Level Objectives set by DEFRA

Background: When the Eastern IFCA came into being it inherited a number of bylaws from the former North Eastern Sea Fisheries Committee as well as those from the former Eastern Sea Fisheries Joint Committee. The result is one set of bylaws that pertain to the northern part of the district (between Haile and Fort and a line drawn due east from the control tower at the RAF bombing range at Donna Nook, Lincolnshire) and another set of bylaws that pertain to the remainder of the district. As a consequence of this and the fact that bylaws have tended to develop in a piecemeal manner over a number of years the Eastern IFCA has a suite of bylaws that do not follow any particular structure, that are not consistent in their style and content and which contain a number of inconsistencies.

High Level Objectives from DEFRA require all IFCAs to review their bylaws by 2015. Recent clarification has established that by April 2015 each IFCA should have:

- Reviewed its suite of bylaws (and other management measures if appropriate)
- Extinguished redundant or duplicate bylaws
- Have a plan in place for updates, be making and drafting new bylaws but not necessarily have all proposed new bylaws in place

A national MMO/DEFRA/IFCAs and Natural England Bylaws Workshop has been established to support the review in order to share good practice and to ensure that common standards are adopted around the country.

Comment and recommendations: It is proposed that work on the review of bylaws commences during the autumn of 2012. The intended methodology will be to produce a matrix to map and categorise all bylaws, to identify duplication and gaps and to prioritise the order in which bylaws will be addressed. Appropriate research and consultation will then be applied to the development of each bylaw, which will include considering national guidance/good practice and consistency with neighbouring IFCAs. The overall objective will be to implement a suite of bylaws that are set out in a logical and structured manner and which, as far as possible, follow a consistent content and style that is easily understood.

Outline Plan

- Develop a matrix to map and categorise all current Eastern IFCA byelaws by - November 2012
- Identify duplication and gaps and to draw up a prioritised list for action - December 2013
- Develop a detailed project plan with timescales to meet the April 2015 deadline - January 2013

Recommendations

Members are asked to:

- 1) Note the requirement to review all byelaws by April 2015**
- 2) Agree the outline approach for the review of the Eastern IFCA bylaws**
- 3) Agree the outline timetable for the initial stages of the review**

Background documents

None

Julian Gregory
Head of Marine Protection
14 September 2012

Regulatory and Compliance Sub-Committee

26 September 2012

Agenda Item 7

Policy Development for a shore launched vessel zone

Proposal: To agree the policy development of a shore launched vessel zone for North Norfolk

Problem/Issue Statement: Fishermen on the North Norfolk coast are experiencing increased amounts of visiting vessels displaced from elsewhere. They would like to seek to resolve this.

Background: The North Norfolk coast is a traditional fishing community, famously characterised by small beach launched vessels. The Eastern Sea Fisheries Joint Committee recognised the importance of fishing in the local community and instituted bye-laws to reduce damage to the grounds and to gear by bottom trawling and dredging. This zone traditionally ran from the (visible) towers of Blakney Church to Mundesley church, and out to three miles.

Comment and recommendations: Following recent quarterly community meetings, fishermen on the North Norfolk coast raised their concerns about changes in their district. Recent changes brought about either by wind farms, or restrictions elsewhere have seen an increase of displaced effort fishing off this inshore coastal area. This has meant that the increase of effort has the potential to quickly deplete stocks. Local fishermen are worried about the potential damage to stocks, and the damage to the wider community, including tourist appeal if the small boats are unable to continue. The Eastern IFCA has concerns about the unregulated efforts on fishing grounds, and the reduction below 'maximum sustainable yield' for crab, lobster and whelk pots.

Following this meeting, Authority staff considered a variety of options before settling on the possibility of using the existing no dredge/trawl zone as a model for a 'beach launched vessel zone'. This would enable the authority to consider the full extent of its responsibilities – environmental, economic and social.

Authority staff presented this area back to the North Norfolk fishermen and discussed potential consultation questions. Fishermen suggested the zone could be extended to Waxham. A copy of the discussion paper presented to the Fishermen is attached as Appendix 1. The Fishing Association from North Norfolk has responded to this, and their response is attached as Appendix 2.

The next step for the project is to engage with the wider community, including fishing ports at Wells, Blakney and Brancaster. It is hoped that a 'gentleman's agreement' can be reached with these groups.

Consultation: This issue is yet to be consulted widely across the community. This is identified as an important step for the project's development

Financial implications: This project currently requires some staff time. Should a 'gentleman's agreement' fail to be reached, a larger amount of resource may need to be identified with this project. It is possible that parts of this could tie in with the Bye-law review.

Regulatory implications: Should a 'gentleman's agreement' fail to be reached, there is potential for a Bye-law. This would need to be examined more fully later.

Publicity: Publicity will be required and will be included in any consultation plan.

Resolutions:

Members are asked to:

1. **Note that there is increased fishing effort on the North Norfolk coast, some of it effort displaced from elsewhere.**
2. **Note that fishermen have come to the Authority with their concerns, and officers have discussed solutions with them.**
3. **Agree that Authority Officers should begin a wider consultation, including possible solutions such as a beach launched zone, with fishing communities in the wider areas.**
4. **Request officers report back to the Authority meeting in January 2013 with progress, and if there is need for regulatory change.**

Background documents

None

Eden Hannam
Acting Chief Executive
18 September 2012

Shore Launched Boat Zone

Problem Statement:

Shore launched boats are an important cultural element of the North Norfolk Coastline as well as providing direct employment to local fishermen. They additionally provide locally sourced seafood, much of which is a draw to the local tourist industry.

To remain, small beach/shore launched vessels need to operate at a financially viable level, otherwise simply become cultural oddities and museum curios.

Currently wind-farm construction has displaced other potting fleets from their normal ground. These larger offshore fleets have in some cases moved inshore, competing with the smaller shore based boats, and working a larger volume of pots. While it is possible that they could return to these grounds, there is no known timeline for this to happen.

Suggested Solution:

A current dredge exclusion zone exists off the coast of north Norfolk from a line drawn north of Blakeney Church and east of Mundesley Church and out to nautical three miles (Bye-Law 15 Towed Gear Restrictions for Bivalve Molluscs). The reasoning for this original exclusion zone was to reduce the incidents of gear conflict between bivalve (mussel) dredging and those potting. This zone could be the basis for a shore launched zone, with one possibility being raised is extending this zone to the Church at Waxham. Maps of both the current no dredge zone and the proposed extension are found on the reverse.

Next Steps:

In the short term, the Eastern IFCA would need to gauge both the need and the support for such a change.

The next step would be to engage with the larger off-shore vessels over their use of this area. Hampton Principals guide us to see a non-regulatory agreement first. Hopefully a 'gentleman's agreement' between the two groups can resolve this problem.

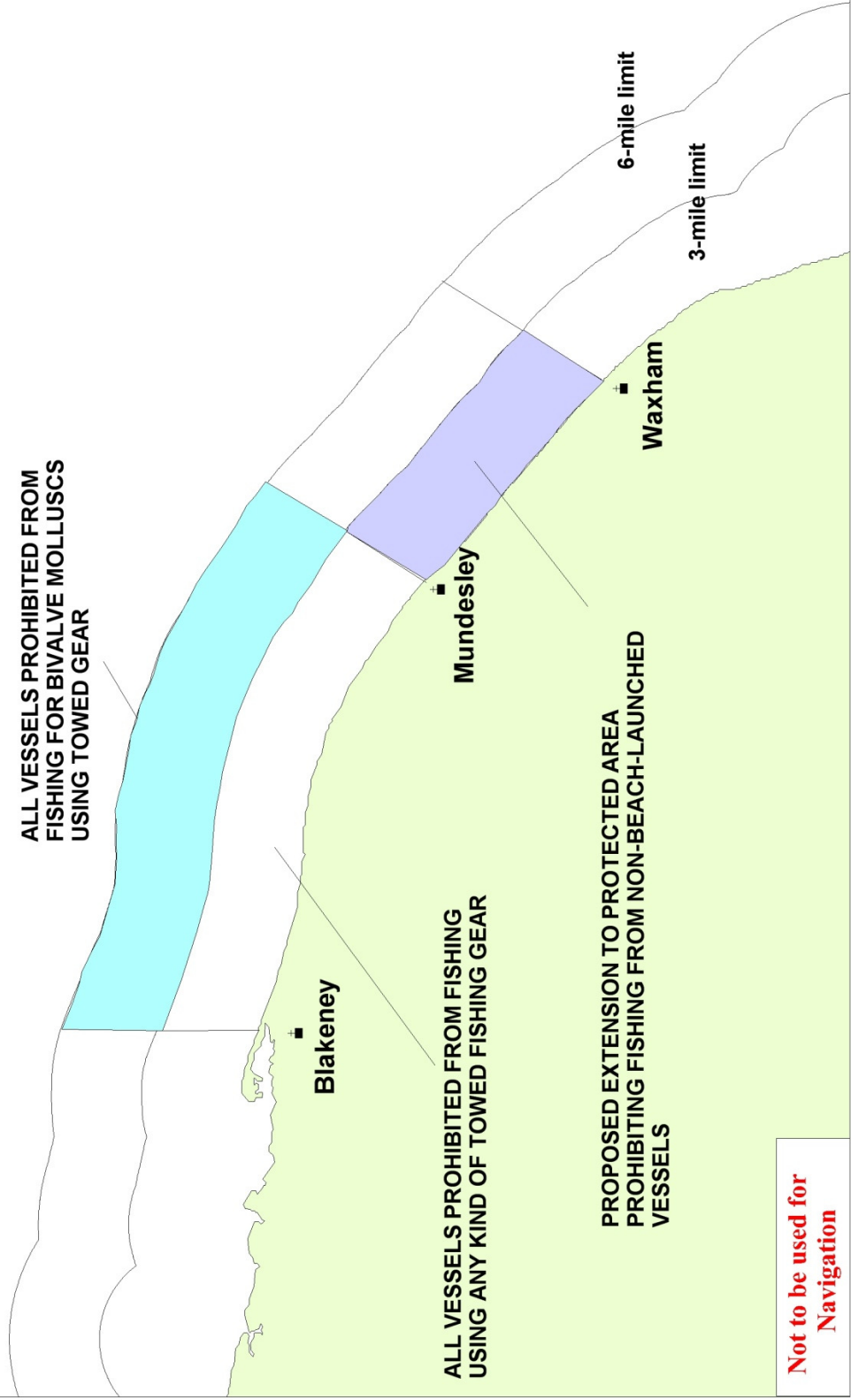
Should this problem fail to be resolved to everyone's satisfaction, the next steps are to consider regulatory change. At the moment there are two options for this:

- At the Point of Bye-law review
- Initiate a new 'standalone' bye-law.

The Eastern IFCA would seek to avoid a regulatory solution. If one is needed, the easiest route may be through the Bye-law review process.

Any Bye-law will only happen once all other options are exhausted.

Chart showing area of Norfolk Coast protected by Byelaws 12 & 15 and proposed extension to area for protection from non-beach-launched vessels



**Not to be used for
Navigation**

NORTH NORFOLK FISHERMEN'S SOCIETY

To: Eden Hannan
Chief Executive Officer IFCA
North Lynn Business Village,
Bergen Way,
Kings Lynn PE30 2JG

Aug 31st 2012

Dear Eden,

At a recent NNFS meeting members discussed the map you handed out at the last IFCA 'drop-in' session. This showed coastal areas of North Norfolk protected by byelaws 12 and 15.

Fishermen are in full agreement that there should be an extension to the protected area to include the area Mundesley to Waxham 0-3 miles off, in which it is proposed that fishing from non-beach launched boats will be prohibited (ie. the blue area as shown on the map).

In addition, NNFS members have requested that fishing from non- beached launched vessels in the area Mundesley to Blakeney 0-3 miles off, should also be prohibited.

Fishermen point out that fishing along their area of coast from small beach-launched boats is a 'cottage industry'. They are limited to where they can go on each trip and as such need to protect their inshore fishing grounds from incursions and exploitation from large offshore vessels.

We look forward to hearing from you,

Yours sincerely

Fran Weatherhead
pp William Gaff (Acting Chairman NNFS)

Secretary/Treasurer:

Ms Fran Weatherhead

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Norfolk
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