



**Finance & Personnel
Sub-Committee Meeting**

To be held at:

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

**27th June 2012
1400 hours**

Revised agenda – additional item 15

Meeting: **Finance and Personnel Sub-Committee**
Date: 27 June 2012
Time: 14.00 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."

Agenda

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

Action Items

- 4 Minutes of the Finance and Personnel Sub-Committee meeting on 15 March 2012
- 5 Matters Arising
- 6 Election of Vice-Chair of the Sub-Committee
- 7 To receive and approve the Statement of Accounts for the year ended 31 March 2012 and to authorise transfers to and from the Authority's Reserve Funds, prior to submission to the full Authority at the Statutory Meeting to be held on the 25 July 2012
- 8 To receive a report on the Internal Audit for 2011/2012 carried out by Norfolk Audit Services
- 9 To consider a policy on Time Off In Lieu (TOIL) for Eastern IFCA staff
- 10 To consider a policy on expenses for Eastern IFCA staff
- 11 To consider a policy on consultation with Eastern IFCA staff
- 12 To adopt a new Code of Conduct for Members and agree relevant amendments to the Authority's Standing Orders

Information Items

- 13 Terms and conditions review - update
- 14 Outcome of recruitment process for a new Chief Executive Officer – *oral report from the Head of Human Resources*
- 15 Referral from the 5th Eastern IFCA meeting on 25 April 2012: Funding of Eastern IFCA vessels and their operating costs – *oral report from the Acting Chief Executive Officer*
- 16 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: 18 June 2012

Finance & Personnel Sub-Committee

"EIFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economical benefits to ensure healthy seas, sustainable fisheries and a viable industry".



A meeting of the Finance & Personnel Sub-Committee took place at the Eastern Inshore Fisheries and Conservation Authority office on Thursday 15 March 2012 at 10.30 hours

Members Present:

Cllr Tony Goldson	Suffolk County Council	Sub-Committee Chairman
Cllr B Hannah	Norfolk County Council	
Cllr K Sale	Suffolk County Council	
Cllr H Thompson	Norfolk County Council	
Cllr T Turner	Lincolnshire County Council	
Mr S Worrall	Marine Management Organisation	Appointee

EIFCA Officers Present:

D Vaughan	Chief Executive Officer (CEO)
C Hurley	Head of Finance
N Freer	Head of Human Resources (HR)

Clerk:

Mary Clancy

Apologies for Absence:

Apologies for absence were received from Councillor S Williams (Lincolnshire County Council) and Mr P Barham (Marine Management Organisation Appointee)

Declarations of Interest

There were no declarations of interest

Chairman's Announcements

The Chairman welcomed Nicola Freer, Head of HR, and Mary Clancy, the Authority's contracted Clerk to their first meeting of the Finance and Personnel Sub-Committee.

F&P12/12 Minutes of the Finance and Personnel Sub-Committee meeting held on 26 January 2012

Members agreed to accept the minutes as a true record of proceedings.

F&P12/13 Report recommending that remuneration of officers following the establishment of new contractual terms and conditions is backdated to 1 April 2012 in line with the Authority's agreed budget for 2012-2013

The CEO advised that negotiations had taken place with staff and Unison as part of the employment terms and conditions review but had not been completed before the appointment of the new Head of HR. The Head of HR wished to have some time to reflect on the proposals and on their rationale as a foundation for the future staff structure of the Authority, before concluding the negotiations. As a result, it was possible that these negotiations would not be completed before the end of the financial year

2011/12. Therefore, Members were asked to agree that any beneficial remuneration for officers resulting from the completed review should be backdated to 1 April 2012. The budget agreed by the Authority for 2012-13 included provision for the likely outcomes of the review.

It was Resolved to approve the recommendation in the report to backdate to 1 April 2012 any beneficial remuneration for officers resulting from the employment terms and conditions review.

**Proposed: Councillor Thompson
Seconded: Mr Worrall
All Agreed**

F&P12/14 It was resolved that, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items 7, 8, 9 and 10 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act.

The Sub-Committee was satisfied that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**Proposed: Councillor Turner
Seconded: Councillor Thompson
All Agreed**

At this point, members of the public and officers in the public area were asked to leave the room

F&P12/15 Report recommending a change of contract for Executive Officers (removal of entitlement to Time Off In Lieu – TOIL)

Following the CEO's presentation of the report, the CEO and the Head of Finance were also asked to leave the room.

Members considered the report and the advice of the Head of HR.

It was Resolved to approve the recommendation in the report to extinguish the Executive Officers' customary right to accrue TOIL from 1 April 2012.

It was further Resolved to make a payment to each Executive Officer, equivalent to the number of hours of accumulated TOIL set out in the report at the relevant contractual hourly rate for the post, in recognition of the exceptional circumstances affecting their workloads in 2011-12.

**Proposed: Councillor Goldson
Seconded: Councillor Hannah
All agreed**

The CEO and Head of Finance were invited to return to the meeting at this point.

F&P12/16 Report concerning the recruitment of a Chief Executive Officer for the Authority

Members considered the report and the advice of the CEO that he had resigned his post and would be leaving the Authority on 13 May 2012.

It was Resolved to begin the process of recruiting a replacement CEO as soon as possible.

It was further Resolved that the Deputy CEO should be asked to fill the role of Acting CEO for the period that the post would be vacant, and that an appropriate allowance for the additional duties involved in this role should be paid.

**Proposed: Councillor Goldson
Seconded: Councillor Sale
All agreed**

F&P12/17 Update on the employment by the Authority of the Chief Executive Officer of the Association of Inshore Fisheries and Conservation Authorities

The CEO gave an oral report to bring Members up to date on issues concerning the Authority's employment of the CEO of the Association of Inshore Fisheries and Conservation Authorities.

Members agreed to note the report.

F&P12/18 Report on the employment of the Project Manager of the Wash Estuary Strategy Group by the Authority

Members considered the report and agreed to note it.

F&P12/19 Any Other Business

The following items were brought to the meeting by the Chairman on the grounds that the Finance & Personnel Sub-Committee was not scheduled to meet again before the process for recruiting a new CEO would begin or before the current CEO left his post.

The CEO and the Head of Finance were asked to leave the room for the discussion of the first item.

The Chairman asked Members to consider whether to pay an honorarium to the CEO in recognition of his performance during his time in post, taking into account that as well as meeting all his targets, he was leaving the EIFCA in a very good position as the leading IFCA in the country.

Members took advice from the Head of HR and noted that an honorarium could be funded from the underspend in the budget for 2011-12.

It was Resolved that an honorarium equivalent to 10% of the CEO's current salary should be paid.

**Proposed: Councillor Thompson
Seconded: Mr Worrall
All agreed**

The CEO and Head of Finance were invited to return to the room for the following item.

The Chairman invited Members to review the current job description for the post of CEO to enable the Head of HR to take forward the recruitment of the new CEO as quickly as possible. Members made a number of comments and agreed that the Head of HR and the CEO should redraft the job description taking into account the comments made.

There being no other business the meeting closed at 12.35 hours

FINANCE AND PERSONNEL SUB-COMMITTEE MEETING

Agenda Item: 7

27th June 2012

Statement of Accounts for Eastern Inshore Fisheries & Conservation Authority for the year ended 31st March 2012

A copy of the Authority's Statement of Accounts for the year-ended 31st March 2012 is attached.

Members are asked to:

1. Formally approve the Statement of Accounts prior to submission to the full authority Meeting on July 25th 2012.
2. Formally approve and sign the Annual Return to the Audit Commission which contains an extract of the Statement of Accounts at the meeting.
3. Authorise in accordance with the Authority's Financial Regulations 3.5 the creation of an additional 'earmarked' reserve, the Operational Reserve, and to authorise transfers of funds to and from 'ear-marked' reserves as outlined in the foreword (page2).

Christine Hurley
Head of Finance

19th June 2012

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

Eastern Inshore Fisheries & Conservation Authority Statement of Accounts for the year ended 31st March 2012 (attached)

EASTERN INSHORE FISHERIES & CONSERVATION AUTHORITY

Statement of Accounts for the year ended 31st March 2012

Foreword

The Accounts and Audit (England) Regulations 2011 have classified Eastern Inshore Fisheries and Conservation Authority as a 'smaller relevant body.'

The accounting statements are centred on the Audit Commission Small Bodies Annual Return, which has to be completed and certified on the day the accounts are approved, in this case June 27th 2012. A copy of the return will be tabled at the meeting.

The accounting statements on which the return is based are:

1. The Income and Expenditure Account for the year ended 31st March 2012
2. The Balance sheet for the year ended 31st March 2012
3. A Statement of Movement on Reserves.
This details the funds held in the Authority's 'ear-marked' reserves and monies held on behalf of organisations whose funds are managed by but do not belong to the Authority ie. the Wash Fishery Order Fund, the Wash & North Norfolk Coast European Marine Site Project Manager Fund and the Wash Estuary Strategy Group Fund.
4. A schedule of Fixed Assets held at 31st March 2012.
Fixed assets are valued at cost and no adjustments are made for depreciation. For reporting purposes the 'book' value of fixed assets will usually stay constant until disposed of.
5. Notes to the above.

2010/2011 Out-turn

The Actual Expenditure less Miscellaneous Income for the year ended March 31st 2012 was £1,086,078.

The table below shows a comparison of Actual results with 2011/2012 Budget analysed under the main budget headings.

	2011/2012 Budget £	2011/2012 Actual £
Salaries	770,930	690,055
General Expenditure	193,445	148,248
<u>Vessels</u>		
Moorings & Harbour Dues	16,037	15,273
Three Counties	59,325	57,049
ESF Protector III	119,340	97,990
Pisces III	1,630	3,302
Vessel hire	0	16,500
Vehicles	20,013	18,740
New Burden Funding	394,145	70,436
TOTAL EXPENDITURE	1,574,865	1,117,593
INCOME	-4,000	-31,515
EXPENDITURE <i>LESS</i> INCOME	1,570,865	1,086,078

At 31st March 2012 there was an underspend of £484,787, this was due to:

- a) The underspend of New Burden Funding
- b) Savings due to EIFCA not operating at full capacity
- c) The inclusion of income from shellfish sampling, CEFAS Sea Angling Surveys and the use of ESF Protector III by the MMO in Miscellaneous Income. This would not have been allowed for Sea Fishery Committees under the old legislation.

Transfers to and from Reserves

1. It is proposed that the surplus of £484,787 be transferred to a new 'ear-marked' reserve – the Operational Reserve. This will allow the unspent funds in 2011/2012 to be utilised in future years when additional funding may be required.
2. It is proposed that the funds held in the IFCA Contingency Fund reserve at 1st April 2012 amounting to £795, be transferred to General Expenditure.

See also the Statement of Movement on Reserves (page 5).

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Income and Expenditure Account for the Year Ended 31st March 2012

2010-2011			2011-2012		
£	£	<u>INCOME</u>	£	£	£
1,279,660		Levies	1,176,720		
0		New Burden Funding	394,145		
7,267		Miscellaneous Income	31,515		
	1,286,927	Sub-total		1,602,380	
30,000		Research Fund	60,000		
		Vessel Contingency Fund	1,203		
		Vessel Replacement Fund	2,031		
15,938		Wash Fishery Order Fund	9,100		
41,505		Wash & North Norfolk Coast Project Manager Fund	39,685		
35,122	122,565	Wash Estuary Strategy Group Fund	28,776	140,795	
	1,409,492	TOTAL INCOME			1,743,175
		<u>EXPENDITURE</u>			
736,587		Salaries & Wages	690,055		
164,915		General Expenditure	149,043		
0		New Burden Expenditure	70,436		
15,119		Moorings and Harbour Dues	15,273		
2,575		Pisces III Operating Costs	3,302		
44,958		Three Counties Operating Costs	57,049		
474,340		Three Counties Loan Costs	0		
121,860		ESF Protector III Operating Costs	97,990		
0		Vessel Hire	16,500		
16,248		Vehicle Operating Costs	18,740		
38,860		Vessel Replacement Fund	0		
	1,615,462	Sub-Total		1,118,388	
33,510		Research Fund	41,782		
3,818		Wash Fishery Order Fund	745		
38,499		Wash & North Norfolk Coast Project Manager Fund	43,111		
5,531	81,358	Wash Estuary Strategy Group Fund	58,367	144,005	
	1,696,820	TOTAL EXPENDITURE			1,262,393
	-287,328	INCOME Less EXPENDITURE			480,782
		<u>Appropriations (Transfers (to) & from Reserves)</u>			
	9,205	IFCA Contingency Fund Reserve		795	
		Vessel Contingency Fund Reserve		-1,203	
	398,055	Vessel Replacement Fund		-2,031	
	-26,242	Vehicle Renewals Fund		0	
	-26,241	Legal and Enforcement Fund Reserve		0	
	-26,242	ICT Fund Reserve		0	
	3,510	Research Fund Reserve		-18,218	
	-12,120	Wash Fishery Order Fund Reserve		-8,355	
	-3,006	Wash & North Norfolk Coast Project Manager Fund		3,426	
	-29,591	Wash Estuary Strategy Group Fund		29,591	
	0	Operational Reserve		-484,787	
	287,328	TOTAL MOVEMENT ON RESERVES			-480,782
	0				0

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Consolidated Balance Sheet

31st March 2012

31st March 2011

31st March 2012

£		£
	CURRENT ASSETS	
84,434	Debtors	49,750
0	Treasury Deposit	350,000
514,583	Suffolk County Council Deposit	559,601
855,393	Cash at Bank	441,977
22	Cash in Hand	38
	CURRENT LIABILITIES	
-554,150	Creditors	-20,302
<u>900,282</u>	NET ASSETS	<u>1,381,064</u>
	EAR-MARKED RESERVES	
71,703	Research Fund	89,921
206,164	Vessel Contingency Fund	207,367
350,203	Vessel Replacement Fund	352,234
36,242	Vehicle Renewals Fund	36,242
795	IFCA Contingency Fund	0
41,547	Legal & Enforcement Fund	41,547
26,242	ICT Fund	26,242
100,569	Wash Fishery Order Fund	108,924
37,226	European Marine Site Project Manager Fund	33,800
29,591	Wash Estuary Strategy Group Fund	0
0	Operational Reserve	484,787
<u>900,282</u>		<u>1,381,064</u>

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Statement of Movement on Reserves

	Balance at 01.04.11	Income to 31.03.12	Expenditure to 31.03.12	Transfers to /(from)	Balance at 31.03.12
Research Fund	71,703	60,000	-41,782		89,921
Vessel Contingency Fund	206,164	1,203			207,367
Vessel Replacement Fund	350,203	2,031			352,234
Vehicle Renewals Fund	36,242				36,242
IFCA Contingency Fund	795			-795	0
Legal & Enforcement Fund	41,547				41,547
ICT Fund	26,242				26,242
Operational Reserve Fund	0			484,787	484,787
TOTAL "Ear-marked Reserves"	732,896	63,234	-41,782	483,992	1,238,340
Wash Fishery Order Fund	100,569	9,100	-745		108,924
European Marine Site Project Manager Fund	37,226	39,685	-43,111		33,800
Wash Estuary Strategy Group Fund	29,591	28,776	-58,367		0
TOTAL	900,282	140,795	-144,005	483,992	1,381,064

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Schedule of Fixed Assets held at 31.03.2012

ASSET		Date of Acquisition	Value at Cost
VESSELS			£
Pisces III		31.03.1999	23,216
ESF Protector III		23.02.1994	1,686,144
Three Counties		31.07.2002	914,560
TOTAL for VESSELS			2,623,920
VEHICLES			
Nissan Navara	AU05UCC	31.05.2005	15,500
Renault Clio	AO56PWV	02.01.2007	8,860
Peugeot 207SW	AK57EKF	01.10.2007	11,135
Peugeot 207SW	AK57EKG	01.10.2007	11,135
Ford Tourneo	FG08HEJ	01.06.2008	13,267
Peugeot 308SW	AM58SRO	31.12.2008	13,500
Peugeot 207SW	AD59NNO	17.12.2009	11,990
Peugeot 207SW	AD59NNP	17.12.2009	11,990
TOTAL for VEHICLES			97,377
TOTAL ASSETS at Cost			2,721,297

Notes to the Statement of Accounts for the Year Ended March 31st 2012

1 LEVIES - Breakdown of Levies:

<u>2010/2011</u>		<u>2011/2012</u>	
£		£	
511,864	Norfolk County Council	453,037	
383,898	Suffolk County Council	340,072	
383,898	Lincolnshire County Council	383,611	
0	New Burden Funding	394,145	
<u>1,279,660</u>	TOTAL	<u>1,570,865</u>	

Related Party Transactions

The Levy income is derived from the Constituent County Councils of which three members from Norfolk County Council, two members from Suffolk County Council and two members from Lincolnshire County Council serve on the Authority. The remaining members of the Authority consist of representatives of the Environment Agency, Marine Management Organisation, and Natural England and eleven DEFRA Appointees.

2 MISCELLANEOUS INCOME - Breakdown of Miscellaneous Income:

<u>2011/2011</u>		<u>2011/2012</u>	
£		£	
2,962	Bank Interest	6,277	
2,415	Recovery of Legal Costs	285	
0	Sale of Equipment	1,105	
	Provision of Services	0	
1,890	Net Gain	0	
0	Shellfish Sampling	4,770	
	CEFAS Sea Angling Surveys	6,078	
	MMO Hire of ESF Protector III	13,000	
<u>7,267</u>	TOTAL	<u>31,515</u>	

3 SALARIES & WAGES

Employees whose remuneration exceeded £50,000 during the year ended 31st March 2011

£	
50,000-60,000	1 Post

4 GENERAL EXPENDITURE - Breakdown of General Expenditure:

<u>2010/2011</u>		<u>2011/2012</u>	
£		£	
62,543	Rent, Rates & Service Charges	63,014	
63,727	Establishment Expenditure	41,706	
2,076	Fishery Officers Travel	1,796	
24,207	Fishery Officers Subsistence	20,225	
1,100	Members Expenses	4,523	
11,262	Fisheries Management	17,779	
<u>164,915</u>	TOTAL	<u>149,043</u>	

5 NEW BURDEN FUNDING

<u>2010/2011</u>		<u>2011/2012</u>
£		£
0	Salaries (New Posts)	10,423
0	Redundancies	16,250
0	HR Consultancy	18,339
0	Publicity & Vesting Day Expenses	4,360
0	Recruitment	11,324
0	New Equipment	7,012
0	Training	2,728
<u>0</u>	TOTAL	<u>70,436</u>

6 DEBTORS - Breakdown of Debtors

<u>2010/2011</u>		<u>2011/2012</u>
£		£
52,378	HM Revenue & Customs	16,943
<u>32,056</u>	Sundry Debtors	<u>32,807</u>
<u>84,434</u>	TOTAL	<u>49,750</u>

7 CREDITORS - Breakdown of Creditors

<u>2010/2011</u>		<u>2010/2011</u>
£		£
42,813	Sundry Creditors & Accruals	20,302
<u>511,337</u>	Levies Paid in Advance	<u>20,302</u>
<u>554,150</u>		<u>20,302</u>

FINANCE AND PERSONNEL SUB-COMMITTEE MEETING

Agenda Item: 8

27th June 2012

Report on the Internal Audit for 2011/2012

The 2011/2012 Internal Audit was carried out by Norfolk Audit Services. The Audit letter which provides an outline of the work undertaken and which constitutes the audit certificate is attached.

The overall audit opinion, based on evidence from the work carried out is that the Internal Controls for the Authority are 'Acceptable'.

It is proposed that Norfolk Audit Services are appointed as Internal Auditors for the next financial year 2012/2013. As a 'light touch' audit is to be carried out by external audit it is probably even more important that a 'robust' internal audit is maintained.

Norfolk Audit Services have indicated that as the Authority has been asked to reduce its base levy by 25%, they will in turn reduce their fees by 25%. The fee for 2012/2013 Internal Audit will be £1,500 + VAT.

Members are asked to receive the report and approve the appointment of Norfolk Audit Services to carry out the Internal Audit for Eastern IFCA for 2012/2013

Christine Hurley
Head of Finance

19th June 2012

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

1) 2011/2012 Internal Audit report (attached)

Norfolk Audit Services
4th Floor
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2DW

Please ask for: Adrian Thompson
Direct Dialling Number: 01603 222784
Email: adrian.thompson@norfolk.gov.uk

Mr Eden Hannam
Acting Chief Executive Officer
Eastern Inshore Fisheries and Conservation Authority
6 North Lynn Business Village
Bergen Way
Kings Lynn
Norfolk
PE30 2JG

8 June 2012

Dear Mr Hannam,

Internal Audit 2011 -12

The Eastern Sea Fisheries Joint Committee was dissolved on 31 March 2011. The Eastern Inshore Fisheries and Conservation Authority (EIFCA) was created under section 149 of Marine and Coastal Access Act 2009. The district covers more than one local authority area and the authority for the district is constituted under section 150 as a joint committee. The Authority is a “smaller relevant body” under the terms of the Accounts and Audit (England) Regulations 2011 and as such is required to complete an “Annual Return”.

The Authority appointed Norfolk Audit Services to undertake the internal audit work for the financial year ended 31 March 2012 and to provide the audit report for the year as required in the Annual Return.

We have now completed that work and this letter and its appendix provides an outline of the work we have completed.

The work we undertook built on the work of previous years internal audit coverage. Attached as Appendix A are the areas which we examined, the extent of our coverage and our opinion with respect to each of these areas.

The responsibility for internal control, completeness and accuracy of records and statements, rests with the Authority and yourself.

The responsibility for internal control includes:

- Governance arrangements,
- the ongoing maintenance of internal control,

- risk management,
- prevention and detection of fraud and corruption,
- protection of assets and
- establishment and maintenance of policies and procedures.

The audit work was based on sampling transactions to test the operation of controls. It cannot guarantee the elimination of fraud or error. Our opinion is based on the risks identified to the Authority, which exists within the controls that we examined at the time of the audit.

The work has concentrated on assessing the adequacy and effectiveness of financial control by measuring the systems in operation against control objectives. This has included limited detailed checking of records as appropriate. The level of risk resulting from any control weakness has been reviewed and recommendations have been made to reduce the risk to an acceptable level where appropriate.

The audit process seeks to reduce risk to an acceptable level based on the efficient, economic and effective application of financial controls. Changes to controls suggested in audit recommendations are intended to achieve these benefits. This process does not wholly eliminate risk. It is the responsibility of the Authority to safeguard the assets of the service and hence to take reasonable steps to the prevention and detection of fraud and other irregularities.

Our overall audit opinion is based on two grades which are explained in the table below:

Opinion	Assessment of internal control	Action required from the recipient - as agreed with the auditors
Acceptable	Few or no weaknesses, mostly insignificant	Remedial action required within six months
Key issues that need to be addressed	A number of weaknesses, mostly significant or one or more major weaknesses	Remedial action required immediately or within six months

Our opinion, based on the evidence we have seen as part of this audit, is that internal control for the Authority is “Acceptable”.

The three issues highlighted below were identified during the audit and these have been discussed with the Head of Finance and appropriate actions have been agreed.

- some of the debts were not recovered in a timely manner,
- occasional incomplete authorisation of payments to suppliers and
- formal adoption of the Health and Safety policy annually by members is recommended.

The audit of accounts for the year ended 31 March 2011 was undertaken by the external auditors. An unqualified opinion was given in relation to the information in the Annual Return.

The completed audit report in the Annual Return has also been completed and returned to you separately. I am pleased to report that our conclusions were that in all significant respects all the control objectives were being met to a standard adequate to meet the needs of the body.

I would suggest that a copy of this letter is provided to your external auditors with the Annual Return.

We have noted that the three constituent County Councils have agreed to pass on DEFRA's new burden money to the Authority with the proviso that a 25% reduction in the base levy of the Authority is achieved within a four year period. This planned reduction brings potential risks including risk to the internal controls that the Authority will need to manage. This risk does appear on the Authority's risks register published in its annual plan 2011-12.

I would like to thank all concerned for their assistance during this audit, and in particular the Head of Finance, the Chief Executive Officer and his deputy.

Yours sincerely

Adrian Thompson
Chief Internal Auditor
Norfolk Audit Services

Eastern Inshore Fisheries and Conservation Authority
Internal Audit 2011-12

Programme	Extent of Coverage / Comments	Opinion
Financial Systems		
Payroll	<p>For each month (April to December) a sample of two employees checked to pay scales and gross pay agreed to payslips.</p> <p>Existence of employee confirmed by appointment letter/pay award.</p> <p>Payment of net pay agreed to BACS listing and agreed to bank statement</p> <p>PAYE/NI deductions checked to Inland Revenue "White Book" and agreed to bank statement.</p>	Acceptable
Debtors	<p>A sample of 10 invoices totalling £63,800 and raised between April 2011 and January 2012 were reviewed:</p> <p>Income received was banked promptly. However, four of the invoices totalling £40,400 were paid late. The Financial Regulations include that the collection of all sums due shall be the responsibility of the Head of Finance who takes all measures necessary to ensure that all income due is collected. There has been no bad debts.</p> <p>November 2011 bank statement was reviewed and no discrepancies were found.</p> <p><u>Recommendation</u></p> <p>The Head of Finance should consider a formal scheme for collection of debts, including amongst other things charging of interest on late payments.</p> <p><u>Agreed Action Plan</u></p>	Acceptable

	Appropriate formal scheme for collection of debts including charging of interest on late payments will be developed and implemented.	
Creditors	<p>A sample of 12 invoices totalling £12,342 and covering period from April to December 2011 were reviewed:</p> <p>Check of invoice to bank statement confirmed prompt payments.</p> <p>"Request for authorisation of expenditure" form was not fully completed for two transactions in excess of £50 and further authorisation was not obtained from either the Finance Officer, the Chief Executive Officer or his deputy for five transactions in excess of £500.</p> <p><u>Recommendation</u></p> <p>The Chief Executive Officer should ensure all payments are authorised in accordance with the Financial Regulations in place within the organisation.</p> <p><u>Agreed Action Plan</u></p> <p>All payments will be authorised in accordance with the Financial Regulations in future.</p>	Acceptable
Bank Reconciliation	Bank reconciliation checked as at 31 January 2012, no discrepancies were found.	Acceptable
Asset Management	Vessels are most significant assets, followed by Vehicles. Workboat display discs were seen during the audit with respect to the four largest vessels and DVLA forms seen in respect of all vehicles.	Acceptable
Insurance arrangements	Evidence of insurance with respect to the vessels, motor vehicles, Public Liability, Employer's Liability, Professional Indemnity, Directors and other insurances were seen.	Acceptable
Governance Arrangements		

Annual Governance Statement	The Annual Governance Statement for 2010-11 was included within the Annual Return which was presented to and approved by the Finance and Personnel Sub-Committee on 30 June 2011.	Acceptable
Financial Regulations	Approved and adopted by members at the statutory meeting of Eastern IFCA on 1 April 2011. A review is due in April 2013.	Acceptable
Standing Orders	Eastern IFCA Standing Orders were adopted by the Joint Committee members on 11 October 2010.	Acceptable
Anti Fraud and Corruption Strategy	Approved and adopted at the Statutory Meeting of the Committee on 1 April 2011.	Acceptable
System of Internal Audit	Internal Audit work for 2011-12 focussed on the financial systems and annual governance in place. A report with respect to the audit work will be presented to members of Eastern IFCA in June 2012.	Acceptable
Risk Management Arrangements	A risk register is included within the Annual Plan which for 2011-12 was approved by the Finance and Personnel Sub-Committee in February 2011.	Acceptable
Health and Safety Arrangements	<p>The Health and Safety Policies in place under ESFJC were adopted in the statutory meeting of Eastern IFCA members on 1 April 2011 until the ongoing review is complete and replacement policies are developed and formally adopted.</p> <p>Recommendation</p> <p>The formal adoption of Health and Safety replacement policy should be undertaken as a matter of priority and members should formally review the policy on an annual basis.</p> <p>Agreed Action Plan</p> <p>The review of the Health and Safety policy should be completed and formal adoption of the policy approved by members as a matter of urgency and thereafter there will be annual review and adoption of this policy.</p>	Acceptable

27 June 2012

To receive and approve a proposal concerning the formulation of a policy for Time Off In Lieu (TOIL) for Eastern IFCA staff

Background

In April 2011 the Authority agreed to the review of the staff structure and terms and conditions of employment. The new structure was approved by the Authority in July 2011 and was given details of the terms and conditions of employment proposal in November 2011 by email. One of the proposals was to keep TOIL as a contractual right but the arrangements for it to be removed from the terms and conditions and managed through an appropriate policy.

Options:

1. To draft a policy that will set out a clear process and parameters for TOIL
2. To leave as is and remove from the overall terms and conditions review

Preferred option:

Option1 – To draft a suitable policy that sets out a clear process and parameters for TOIL. The current clause in the contract with regard to TOIL is ambiguous and centred around our Fishery Officers whose working week is subject to enforcement requirements and sea patrols. It does not give clarity to other Officers of the Authority. This is currently open to interpretation and abuse. A separate policy would give clarity to all Officers, minimise risk and provide clear guidance for our Line Managers to ensure appropriate and fair practise throughout the organisation. A TOIL policy has been drafted with the support from Senior Officers and can be seen in appendix 1

The Authority is asked to receive the proposal and to either agree the policy in appendix 2 or provide alternative recommendation to the Head of HR & Acting CEO.

Nichola Freer
Head of HR

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of background papers:

1. Draft TOIL policy – Appendix 1 enclosed
2. F&PSC meeting dated 20 April 2011 - Agenda item 11
3. F&PSC meeting dated 27 July 2011 – Agenda item 17
4. Emailed correspondence from Claire Woods, HR Officer to committee members dated 30 November 2011



Employee Time off in Lieu Policy

Scope:

This document sets out the Authority's policy with regard to time off in lieu (TOIL).

The Authority recognises that from time to time an Officer may be required to work either over or under their contracted hours in a particular week. This policy gives clarity with regard to the criteria used to acknowledge what can be included as TOIL and the parameters within which this time can be reclaimed / made up, as it recognises that staffing levels must at all times remain in line with the demands of the business.

1. The definition of time off in lieu (TOIL)

The Authority considers time off in lieu to be time worked in addition to your normal working hours due to an appropriate short term business need.

Example A: An Officer on board has worked an extra 2 hours in addition to their normal working hours on Wednesday due to bad weather conditions preventing the boat to land at the moorings on time.

Example B: A Research Officer is asked by their Line Manager to work an extra hour on Thursday to complete a report that needs to be submitted by 9am the following morning.

Occasionally TOIL may be used to make up hours not worked.

Example A: An Officer on board has been unable to complete their duties aboard a vessel due to weather conditions preventing a planned survey at sea and their Line Manager has agreed that there are no further tasks that can be performed by the Officer on that day.

Example B: An administration Officer has received a call from the school that their child is poorly and needs to be taken home. Their Line Manager agrees that the unworked hours may be made up under TOIL.

2. Officers entitled to take TOIL

All Officers whose working year of 2080 hours (40 hours per week) and who are required to work these hours during any hour over any seven days of the week are entitled to TOIL.

All other Officers have no automatic right to TOIL.

3. Conditions for Officers on a working year of 2080 hours taking TOIL

The following arrangements will apply to TOIL:

- Your Line Manager should approve any TOIL before it is taken or accrued
- The all-embracing salary will be used to calculate pay during periods of TOIL
- No period of TOIL taken by itself should exceed 3 days in any one week
- Periods of TOIL taken in conjunction with annual leave should not exceed 3 days
- An annual leave form should accompany all requests for leave due to TOIL which should be approved by your Line Manager to ensure that sufficient staffing levels are maintained
- TOIL should be taken / made up within 3 months of accruing / owing it unless extraordinary circumstances prevent this. Your Line Manager would need to authorise such cases
- Annual leave is separate to TOIL and may not be used to trade against any balance of unworked hours

4. Guidelines for TOIL for all other Officers

- There is no automatic right to TOIL. Any need to work hours over or under what a person is contracted for should be agreed by the appropriate Line Manager before the hours are worked / taken
- TOIL will not be granted for any hours worked which have not been due to a legitimate business need and approved by the appropriate Line Manager
- TOIL should be taken / made up within 3 months of accruing / owing it unless extraordinary circumstances prevent this. Your Line Manager would need to authorise such cases

5. Leaving the Authority

- Any TOIL owing to the Authority upon leaving will be deducted from an Officer's final pay
- Arrangements should be made with the appropriate Line Manager to take all accrued TOIL before leaving the Authority

27 June 2012

To receive and approve a proposal concerning the formulation of a policy on expenses for Eastern IFCA staff

Background

In April 2011 the Authority agreed to the review of the staff structure and terms and conditions of employment. The new structure was approved by the Authority in July 2011 and was given details of the terms and conditions of employment proposal in November 2011 by email. One of the proposals was to remove the expenses and subsistence as a contractual right and replace with a standard clause whereby the Authority will recompense all reasonable expenses occurred in accordance with its expense policy.

Options:

1. To draft a policy that will set out a clear process for claiming reasonable expenses
2. To leave as is and remove from the overall terms and conditions review

Preferred option:

Option1 – To draft a suitable policy that sets out a clear process for claiming reasonable expenses. The current clause in the contract with regard to expenses is not explicit enough for our developing organisation and is open to misinterpretation and abuse. A separate policy would give clarity to all Officers and minimise such risk. It would also allow for future amendments to be made to the policy without unnecessary disruption to the contract of employment. An expenses policy has been drafted with the support from Senior Officers and can be seen in appendix 2.

The Authority is asked to receive the proposal and to either agree the policy in appendix 2 or provide alternative recommendation to the Head of HR & Acting CEO.

Nichola Freer
Head of HR

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of background papers:

1. Draft expenses policy – Appendix 2 enclosed
2. F&PSC meeting dated 20 April 2011 - Agenda item 11
3. F&PSC meeting dated 27 July 2011 – Agenda item 17
4. Emailed correspondence from Claire Woods, HR Officer to committee members dated 30 November 2011



Employee Expense Claim Procedure

May 2012

General

All expenses must be authorised by your Line Manager and claimed by fully completing the Authority's expense form which must be signed by your Line Manager before submitting.

All expenses claimed by anyone other than those captive at sea must be accompanied by a valid, dated receipt. Payment will not normally be made if a receipt is absent except in extraordinary circumstances.

All rates specified for breakfast and evening meal fall within the scope of tax free allowances as agreed with HMRC dispensation. Expenses for these meals will only be reimbursed up to the specified rates regardless of actual spend.

The overnight allowance is set by the Joint Council for Local Government Services.

Your fixed centre is defined as follows:

- For all Area IFCO's – Permanent home address
- For all other employees – Authority's office at Kings Lynn, vessel or permanent mooring

All other reasonable ad hoc expenses not specified below will be considered for reimbursement only if your Line Manager has authorised it **prior** to the expense being incurred.

Payment of authorised expenses will be through BACS.

The falsification of expense claims will be treated as an act of gross misconduct and under the Authority's disciplinary procedure, may lead to an Officer being summarily dismissed.

Vehicle usage

- For Area Officers a company vehicle is provided for **business use** only
- Pool vehicles are provided at the Authority's Office in Kings Lynn and should be used at all times for any business travel requirements by all other Officers
- The collection or delivery of Officers to or from their home address is not permitted

Officers will be responsible for payment of any parking or speeding fines.

Meals

- Breakfast can be claimed when you are required to leave your fixed centre before 7.30am. Current HMRC dispensation allowance is £5.88
- Evening meal can be claimed when you are required to be absent from your fixed centre after 8.30pm. Current HMRC dispensation allowance is £10.03.

Breakfast and evening meal costs will only be reimbursed up to the HMRC agreed amounts and only when an employee has worked for a continuous period covering hours either before 7.30am or after 8.30pm. In these circumstances we expect breakfasts to be taken before 11.30am and evening meals taken after 8.30pm.

For example:

Officer A's shift commenced at 2.00pm and finished at 10.00pm. They would be entitled to have the cost of their meal reimbursed up to £10.03

Officer B's shift commenced at 2.00pm and finished at 10.00pm, however due to the nature of their duties this day did not work between 5.00pm and 8.00pm. They would not be entitled to claim for an evening meal.

In addition to the above, lunch cost up to the current HMRC dispensation allowance of £8.09 will only be reimbursed by the Authority where an Officer has been held in captive employment at sea away from their fixed place of work and where each day of claiming for a lunch has started with the Officer held captive at sea. The vessel is required to be returned to and disembarked at the permanent mooring after 2.30pm on the final day of the period whereby the Officer has been held captive at sea.

For example:

Officer A boarded the vessel at 8.00am on Monday and was held in captive employment at sea until the vessel returned to the permanent mooring at 1pm on Thursday. Officer A would be entitled to claim for lunch for the Tuesday & Wednesday only, as they were not held at sea until Monday evening and they returned to the permanent mooring before 2.30pm.

Lunch costs will not be reimbursed under any other circumstances.

Reimbursement of reasonable evening meal expenses over £10.03 will be considered for Officers who are required to attend residential training courses or a business conference by **prior** approval by your Line Manager. A ceiling of £20 per person will be applied in all cases. No expenses will be reimbursed for alcoholic drinks.

Overnight allowance – vessels only

For Officers who are considered as being held in captive employment at sea away from their fixed place of work.

Overnight allowance will be paid to Officers who have been required to sleep on board either vessel at sea. The current Joint Council for Local Government Services rate for overnight allowance is £32.94. This allowance will be administered through payroll one month in arrears, so will not need to be included on an expense claim form.

Telephone calls

For any Officer not in possession of an Authority mobile phone and who cannot make a business call from the Authority's office in Kings Lynn or either vessel, then your Line Manager will supply you with a prefix to use when using a private phone for such business calls only. If for any reason the issued prefix is not compatible with your phone line provider, then any business call will be reimbursed upon production of an itemised phone bill.

Accommodation and train ticket booking

All accommodation and train ticket bookings should be made through the Authority's Admin & Procurement Officer. You should ensure that any requests for train tickets are made with as much prior notice as possible to ensure tickets can be posted and received before date of travel.

Expenses will not normally be paid to any Officer if accommodation or tickets are booked by other means.

27 June 2012

To receive and approve a proposal concerning the formulation of a policy for consultation with Eastern IFCA staff

Background

Up until the last 18 months the staff within Eastern IFCA had not seen much, if any significant change to their working environment or own terms and conditions of employment. Therefore any communication / consultation with them was done on a more informal basis. Throughout this year and beyond, there is significant change that the Senior Officers are required to deliver through all of the staff in order that we can embed the new staff structure and deliver DERFA's objectives. Therefore it is deemed necessary to put in place a policy to enable clarity and structure to be given to all future employee communications.

Options:

1. To draft a policy that will give clarity to what consultation is at Eastern IFCA
2. To continue as is with no formal guidance in place

Preferred option:

Option1 – To draft a suitable policy that will give clarity to what consultation is at Eastern IFCA. To have formal guidance for Line Managers and some clarity for all Officers will help to facilitate the number of significant changes that lay ahead for the organisation.

The Authority is asked to receive the proposal and to either agree the policy in appendix 2 or provide alternative recommendation to the Head of HR & Acting CEO.

Nichola Freer
Head of HR

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of background papers:

1. Draft consultation policy – Appendix 3 enclosed



Inshore Fisheries and
Conservation Authority

CONSULTATION POLICY

Introduction

Eastern Inshore Fisheries & Conservation Authority recognises the importance of consulting with our key stakeholders, our success as an organisation depends on our commitment to professional, timely and structured consultations.

This guide has been developed to make sure that EIFCA has an Authority-wide consultation framework in place.

In addition we have developed a set of principles for communication, which should be applied when planning consultations.

Our Policy

What is consultation?

Consultation is a 2-way dialogue that allows stakeholders a realistic and timely opportunity to influence decisions being taken by the Authority. Consultation will take place where stakeholders:

- Have a legal entitlement to be consulted
- Can reasonably expect to be consulted because proposals and policies under consideration by the Authority would have significant impact on them
- Will be expected to implement or contribute to proposals and policies

As a result, policies will be developed which will make a significant impact on the Authority.

Why consult?

Consultation is at the heart of good decision making and strengthens the relationship between the Authority and our stakeholders. EIFCA is committed to improving consultation with stakeholders as part of its transparent and open way of working. EIFCA values the diversity of its stakeholders and will use a range of consultation methods, to ensure that we meet the needs and aspirations of stakeholders, by giving them an opportunity to inform and be informed about the services that EIFCA delivers.

Different types of consultation

Consultation can take a number of forms. It may be a one-off exercise or extend over a period of time. The table below outlines the different types of consultation available:

TYPE	When to use it	Explanation
1 - Informing	Where a decision has been taken and consultation is not required	Telling stakeholders what EIFCA is planning
2 - Researching	Where information is needed to help to make a decision	Gathering information on opinions, attitudes and priorities to inform decision-making
3 - Consulting	Where views will be taken into consideration when making a decision	Obtaining views on proposals or initiatives and taking into account when decisions are made. This might be: a) Discretionary b) By agreement or

		compulsory
4 – Involving	Where we are asking for ideas and encouraging involvement in making a decision	Seeking out new ideas and suggestions and encouraging staff /stakeholders to participate in the decision-making process
5 – Partnership	Where we make or are making a decision with others	Initiating joint working and decision-making with staff and other stakeholders

Communication and consultation

EIFCA is committed to effective communication on all key matters with our staff and stakeholders. To ensure that all consultation is consistent it is imperative that our communication principles are at the heart of our consultation process.

The principles are that:

- Our communications will be clear, simple and consistent
- Be open, honest and factual
- We will communicate internally before communicating externally
- We will maximise face-to-face communications
- We will manage expectations
- We will use a credible approach
- We will avoid information overload
- We will share good news
- We will encourage bottom-up communications
- We will reinforce messages by using different communication channels
- Our communications will be timely and relevant
- We will listen and act on feedback
- We will ensure that consultations are properly planned and appropriately budgeted.

Consultation Standards

By introducing a standard process for consultation we will:

- Provide a consistent approach and structure to consultation
- Have documents to capture information in a structured way
- Have a process which allows quality control, evaluation and monitoring of our process
- Measure the effectiveness of consultation on our decisions
- Have a system which we can adapt/improve based on qualitative and quantitative feedback
- Demonstrate we are listening to all groups

27 April 2012

To consider a new Code of Conduct for Members and relevant amendments to the Authority's Standing Orders

Introduction

1. At its meeting on 25 April 2012, the Authority received a report on the impact of the Localism Act 2011 on the members' code of conduct. It was agreed to ask officers to draft a new code of conduct for members, taking into account the codes adopted by Lincolnshire, Norfolk and Suffolk County Councils and the requirements of the Localism Act, and circulate it for consultation with members of the Authority.
2. It was also agreed that this Sub-Committee should have delegated authority to adopt a new code at its scheduled meeting on 27 June 2012 following consideration of the draft code and the outcome of the consultation exercise. This would ensure that the Authority met the expected legal deadline for the adoption of a compliant code of conduct which was 1 July 2012.
3. Subsequently, a meeting of the Planning & Communications Sub-Committee was arranged for the morning of 27 June. As the Planning & Communications Sub-Committee was considered by officers to be the most appropriate forum in which to discuss matters concerning the governance of the Authority, it was decided to ask it to consider the draft code and the associated amendments to the Authority's standing orders, and to make recommendations to this Sub-Committee.
4. The Clerk will report the Planning & Communications Sub-Committee's recommendations to this Sub-Committee.

Legal background to the draft code of conduct

5. The Localism Act 2011 introduced new standards provisions for local authority members replacing the statutory code of conduct and the associated regulatory regime in the Local Government Act 2000. Instead, the Localism Act requires local authorities to adopt a local code of conduct consistent with the Nolan Committee's Principals of Public Life in order to promote and maintain high standards of conduct by members and co-opted members. The local code of conduct must also contain the statutory disclosable pecuniary interests defined in regulations published on 6 June 2012. Authorities were also required to make provision for registering and declaring interests, determining sensitive interests and dispensations, and for dealing with complaints about members' conduct as specified in the Localism Act. The Act also required authorities to publish their register of members' interests on their website and introduced criminal offences relating to failure to disclose the statutory disclosable pecuniary interests. New codes of conduct must be in place by 1 July 2012.

Application to the Eastern IFCA

6. When the disclosable pecuniary interests regulations were published at the beginning of June, it became clear that some of the specified interests, while appropriate for elected members, were more extensive than seemed relevant for general and additional members. Also, the prohibition against participation in decision-making if a member had a disclosable pecuniary interest relating to employment, profession or trade, and the limited grounds for dispensation seemed to run counter to the provisions in the Marine and Coastal Access Act (MACAA) for the appointment of some general and additional members.
7. Therefore, the Clerk sought the advice of the Monitoring Officers for the three county councils. Monitoring Officers are the statutory legal officers for their councils and, under the MACAA, have a duty to report to IFCA's on the lawfulness of an IFCA's

decisions and actions, should these be called into question. The Monitoring Officers for Norfolk and Suffolk County Councils advised that, while the Eastern IFCA is a joint committee of the three county councils, the general and additional members are outside the scope of the standards provisions in the Localism Act because they do not fall within the definition of a co-opted member of a joint committee in S.27(4)(b) of the Act. The Monitoring Officer for Lincolnshire County Council did not dissent from this position.

8. As a result, a code of conduct for general and additional members of the Eastern IFCA has been drafted in line with this advice. Council members are not within scope of this code as, under the Localism Act, they are bound by their county council's code of conduct. Given the provisions in the Act, the county councils' codes are expected to be sufficient to cover councillors' roles as members of the Eastern IFCA.

Draft Code of Conduct for General and Additional Members

9. The draft code of conduct is attached as Appendix 1 to this report.
10. Key elements of the county councils' codes have been incorporated into the draft in order to achieve, as far as possible, a common standard of conduct for all Eastern IFCA members, and recognising that the Localism Act provisions constitute the minimum standards expected of people appointed to local government bodies.
11. In particular, the draft code includes:
 - the introduction from the Local Government Association's (LGA's) model code of conduct for local authorities, amended to reflect the priorities of the Eastern IFCA
 - the Nolan Committee's seven Principles of Public Life, and
 - the LGA's guidance on the conduct required to be consistent with the Principles, again amended to meet the Eastern IFCA's needs.

All three county councils' codes include the Principles and the other statutory requirements in the Localism Act and the regulations; Norfolk's code also includes the LGA guidance; Suffolk has mainly retained the former statutory code, amended to include the new legal requirements.

Registering and declaring interests

12. The proposed draft code for the Eastern IFCA seeks to define the interests most likely to create conflicts for general and additional members. These are considered to be:
 - a) any employment or trade related to local fishing and/or marine environmental interests for which the member receives payment and/or profits;
 - b) any ongoing contracts for goods or services, works to be executed, or land/property between the Eastern IFCA and the member, or an organisation with which the member is involved;
 - c) any ongoing contracts for goods or services, works to be executed, or land/property between the Eastern IFCA and the member's spouse, civil partner or cohabitee, or an organisation with this person is involved, if the member is aware of these interests.
13. The requirement to register these interests is intended to reassure the public that the member is open about them and will not put them ahead of those of the Eastern IFCA and of the prudent use of public money. The inclusion of the interests of a member's partner reflects the likelihood that a member will benefit from these interests; as a result, the same standard of openness is required for these interests also.
14. As indicated above, these interests are less extensive than those that councillors are required to register, reflecting the narrower remit and responsibilities of IFCA members.

15. The draft code proposes that members register their interests, initially within 28 days of the adoption of the code by the Eastern IFCA, and subsequently within 28 days of appointment or reappointment to the Authority. This is the same deadline as in the county councils' codes of conduct. A form for completion by members and guidance notes on declaring interests will be available.
16. It is proposed that, at meetings, members declare not only their registered interests but any other interests that are relevant to matters being considered at the meeting. This recognises that, while the registered interests are the ones most likely to result in conflicts, they are not the only interests that members will have that could be affected by the Authority's business. In deciding whether to declare an unregistered interest, members should consider the likely public perception if they fail to declare the interest; for example, would a member of the public who was aware of the circumstances consider this to be improper.

Voting and participating at meetings

17. The draft code proposes that members will not be permitted to vote on matters that affect their income or expenditure, that of their spouse or partner, or that of an organisation they are involved with. They will be entitled to take part in discussion of such matters but must limit their contributions to the area of expertise for which they were appointed to the Authority. This is in line with the Marine Management Organisation's terms and conditions of appointment of general members which state that an appointee may speak but not vote on matters that would directly or indirectly affect their interests or those of a business or other body that they represent or have an interest in. It is also in line with the Eastern IFCA's current practice.
18. The Chair of the relevant meeting will decide any questions about eligibility to vote and the appropriateness of contributions, taking officers' advice as necessary.
19. Members are asked to note a minor change to the last paragraph of section 8 of the draft code in Appendix 1. This concerns the ability of the Chair of a meeting to advise a member with an interest on their right to vote. The version sent for consultation appeared to limit this ability to interests that have been registered under Section 7 of the draft code. The amended version in Appendix 1 extends this ability to all interests declared at a meeting.
20. S.17 of the Eastern Inshore Fisheries and Conservation Order 2010 permits the delegation of any of the Authority's functions to a member of the Authority. Therefore, it is possible for a member to have sole authority to decide a matter in which they have an interest. The draft code proposes that, in such circumstances, the member should notify the CEO of the interest and not take any further part in the matter.

Register of Members' Interests

21. It is envisaged that the Eastern IFCA's Register of Members' Interests will contain the declarations made by all members, including council members. Council members' declarations will be obtained from the website of the relevant county council as the Localism Act requires councils to publish their members' and co-opted members' declarations on their website.
22. As the Register will contain information that the Authority would be obliged to disclose under the Freedom of Information Act, it is proposed to make it available for public inspection at the Authority's office. Officers consider this to be a minimum requirement in order to avoid unnecessary costs arising from requests for disclosure under the Act. Should the Authority wish it, the Register can also be published on the Eastern IFCA website.
23. The draft code also contains provisions for sensitive interests – where disclosure of an interest would put a member or someone connected with them at risk of intimidation or violence. It is proposed that the Clerk to the Eastern IFCA will decide whether an interest is sensitive taking into account the evidence provided by the member, and that the member will have a further right of appeal to an appeals and complaints board (see paragraphs 27-29 below).

24. Where an interest is deemed to be sensitive, the details will be recorded by the Clerk but will not be included in the publicly available Register. Similarly, where it is relevant to a matter being considered at a meeting, the member will only have to declare that a sensitive interest exists.

Gifts and hospitality

25. The draft code proposes a threshold of £25 for declarations of gifts and hospitality related to a member's role. This is the threshold established in the Local Government Act 2000 as the level at which it could be perceived that a member's judgement might have been influenced or their impartiality compromised. As with registration of interests, this requirement is intended to reassure the public that the member is being open about their actions. A declaration form will be available and declaration will be kept in a Register of Gifts and Hospitality maintained by the Clerk.
26. As is proposed for the Register of Members' Interests, the gifts and hospitality register would be disclosable should a request be made under the Freedom of Information Act. Officers therefore recommend that the register should be available for public inspection if requested.

Amendments to Standing Orders

Appeals and complaints board

27. It is proposed that the Authority establishes an appeals and complaints board to consider appeals against the Clerk's decision on a sensitive interest and also to deal with complaints that a member has breached the code of conduct. Officers suggest that the board is made up of the Eastern IFCA Chair and Vice-Chair, one general and one additional member. Procedures for the operation of the board would be included in the review of the Authority's standing orders to be considered at the 6th Eastern IFCA meeting on 25 July 2012.
28. This proposal is broadly in line with the Marine Management Organisation's (MMO's) expectations. The MMO has made the Chair of an IFCA responsible for complaints against MMO appointees. On its website, the MMO states that complaints should be directed to the Chair (or to the MMO representative if the complaint is about the Chair). If the Chair concludes that the member has broken their terms of appointment (which include complying with the IFCA's code of conduct), the IFCA should refer the matter to the MMO who will investigate and terminate the appointment as necessary. The proposed appeals and complaints board is intended to provide support for the Chair in discharging this responsibility.
29. It is envisaged that complaints against the MMO, Natural England and Environment Agency representatives would be referred to their employing bodies to be dealt with under their employment procedures.
30. The Localism Act includes provisions for dealing with complaints against councillors that councils are required to adopt. Therefore, it is proposed that complaints against council members of the Eastern IFCA should be referred to their county council.

Consultation with members

31. All members were sent a copy of the draft code and asked to send their comments to the Clerk by Tuesday 26 June 2012. The Clerk will collate the results and report them orally to the Sub-Committee.

Recommendations

32. **Members are asked to consider the recommendations of the Planning & Communications Sub-Committee and the results of the consultation exercise.**
33. **Subject to this consideration and the Sub-Committee's own discussions, members are asked to decide whether to:**
 - a) **adopt the draft Code of Conduct for General and Additional Members as set out in Appendix 1, including the proposal for an appeals and complaints board, with effect from 1 July 2012;**

- b) authorise the Clerk to amend the Authority's standing orders to take into account the adoption of the new code of conduct;**
- c) recommend that the Eastern IFCA should publish its Register of Members' Interests on the website;**
- d) recommend that the Eastern IFCA should make its Register of Gifts and Hospitality available for public inspection;**
- e) recommend that the Eastern IFCA should publish its Register of Gifts and Hospitality on the website.**

Mary Clancy
Contracted Clerk to the Eastern IFCA
19 June 2012

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
List of Background Papers

Lincolnshire County Council: [New standards arrangements](#)
Norfolk County Council: [Code of conduct report](#)
Suffolk County Council: [Future of Standards Regime](#)
Marine Management Organisation: [terms and conditions](#)
Marine Management Organisation website: [complaints](#)
[Localism Act 2011](#): Chapter 7
[Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#)
[Marine and Coastal Access Act 2009](#): S.151 and Sch.14

**Draft Code of Conduct for General and Additional Members of the Eastern
Inshore Fisheries and Conservation Authority**

1. Introduction

As a member of the Eastern Inshore Fisheries and Conservation Authority (IFCA), I have a responsibility to work constructively with staff, partner organisations and the wider community to manage the marine environment and inshore fisheries of the Eastern IFCA district in a sustainable and balanced way, taking full account of all the economic, social and environmental needs of the district.

When acting as a Member of the Eastern IFCA, I am committed to behaving in a manner that is consistent with the Nolan Committee's Principles of Public Life in order to maintain public confidence in the Eastern IFCA and to ensure the best use of its resources in the public interest.

2. Principles of Public Life

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

3. My conduct as a Member

As a Member of the Eastern Inshore Fisheries and Conservation Authority, I will ensure that my conduct is in line with the Principles of Public Life by:

- Supporting the Authority's vision to 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, and helping the Authority to achieve this vision.
- Dealing with representations or enquiries from our communities fairly, appropriately and impartially, and reporting these interactions to the Chief Executive so that appropriate management action can be taken.

- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing the interests of the Eastern IFCA or the good governance of the Authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this Authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by our communities.
- Contributing to making the Authority's decision-making processes as open and transparent as possible to enable our communities both to understand the reasoning behind decisions and to be well-informed when holding me and other members to account, but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and the Authority's staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Respecting the managerial and operational responsibilities of the Authority's staff and only interacting with them in relation to the management of the Authority through the Chief Executive or their Deputy.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.
- Not acting in a way that could be perceived as counter to the stated aims or decisions of the Authority.

4. Registering interests

I agree to disclose the following interests to be included in the Eastern IFCA Register of Members' Interests:

- Any employment or trade related to local fishing and/or marine environmental interests for which I receive payment and/or profits.
- Any contracts for goods or services, works to be executed, or land/property between the Eastern IFCA and:
 - me personally,
 - any organisation with which I am involved.

I do not need to disclose this interest if the contract has been fully discharged.

- Any contracts that I am aware of, for goods or services, works to be executed, or land/property between the Eastern IFCA and:
 - my spouse, civil partner, or a person I live with as husband or wife or civil partner,
 - any organisation with which one of the people listed above is involved.

I do not need to disclose this interest if the contract has been fully discharged.

I am aware that the Register of Members' Interests will be available for public inspection at the Eastern IFCA's office.

5. Sensitive interests

If I reasonably believe that disclosing an interest (as defined in Section 4) could put me, or a person connected with me at risk of intimidation or violence, I will ask the Clerk to decide whether this is a sensitive interest and will provide him/her with all relevant evidence.

If I disagree with the Clerk's decision, I have the right to appeal to an appeals and complaints board made up of two council members (normally the Chair and Vice-Chair of the Authority), one general and one additional member of the Eastern IFCA. I agree to abide by the appeals and complaints board's decision.

A record of sensitive interests will be kept by the Clerk but only the existence of a sensitive interest will be included in the Register of Members' Interests.

6. Timescale for registering interests

I will notify the Clerk in writing of my interests as described in Section 4 within 28 days of the adoption of this Code of Conduct by the Eastern IFCA or of my appointment/re-appointment to the Authority (whichever is later).

If my registered interests change, or I become aware of a new interest within one of the categories in Section 4, I will notify the Clerk in writing within 28 days of the date on which I become aware of the change or the new interest.

7. Declaring interests at meetings

I agree to declare my registered interests at any meeting I attend where a relevant matter is being considered. If it has been agreed that the interest is sensitive, I will only have to declare that a sensitive interest exists.

I may have other interests in a matter being considered at a meeting I attend, that I do not have to include in the Register. These interests will arise if the matter affects me, or someone connected with me, more than it affects the general population. I agree to declare these interests as they arise.

In deciding whether I should declare an interest of this type, I will consider whether a reasonable person who knew about the interest would perceive me as acting inappropriately if I did not declare it.

8. Voting at meetings

I will not take part in the vote at a meeting on a matter that directly or indirectly affects:

- any income received, or expenditure, by me personally or by one of the people described in Section 4;
- any income received, or expenditure, by an organisation described in Section 4.

I agree to accept the advice of the Chair on whether I can vote at a meeting on a matter in which I have declared an interest. ~~under Section 7.~~¹

9. Participating in discussion at meetings

In taking part in the discussion of a matter in which I have an interest, I will ensure that my contributions relate only to the specialist knowledge or experience for which I was appointed to the Eastern IFCA, and do not improperly seek to favour my own interests or those of anyone connected with me.

10. Delegated authority to make decisions alone

If I have delegated authority to make decisions or carry out actions on behalf of the Authority, I will ensure that I do not do anything in connection with a matter in which I have an interest, apart from notifying the Chief Executive Officer at the earliest opportunity to ensure that the matter can be dealt with effectively in another way.

¹ See paragraph 19 of the report

11. Gifts and hospitality

If I receive any gift or hospitality over the value of £25 related to my role as a member of the Authority, I will notify the Clerk in writing giving details of the gift or hospitality and the date I received, for inclusion in the Eastern IFCA's Register of Gifts and Hospitality.

SIGNED:

DATE:

Code of Conduct for Council Members of the Eastern Inshore Fisheries and Conservation Authority

1. Council members of the Eastern IFCA are required to comply with the Code of Members' Conduct of their appointing County Council.
2. The Clerk will refer any complaints about the conduct of Council Members to the Monitoring Officer of the relevant County Council.

27 June 2012

To receive a report giving an update to the progress of the terms and conditions review

During her short term in post the new Head of HR has reviewed the original terms and conditions change proposals set out to the committee in an email to them from the previous HR contractor – Claire Woods on 30 November 2011.

In light of the amount of significant change faced by the Authority during this year, it was concluded that the proposal to move all staff onto a 37 hour working week, was not a viable one at this stage and that it should be removed from the current proposal with a view for it to be reconsidered next year. The reasons behind this were:

- There is no robust rationale to support the original proposal. Current performance / productivity has not been measured so cannot be sure if our current structure has the capacity to support
- There is no obvious immediate benefit to the Authority to proceed with this change during this year

The proposal to remove entitlement to TOIL from Executive Officers and increase their annual leave entitlement to compensate has also been removed. This is because the current TOIL clause in the contract of employment does not give an automatic right to TOIL to these officers. However due to the ambiguity of the clause, it has been open to interpretation and a build-up of inappropriate custom and practice. This custom and practise has since been extinguished since 1st April 2012.

All other proposals are being progressed currently and we are due to enter into final consultation with staff shortly. It is anticipated that these discussions will be completed by the end of July 2012 with a view to the changes becoming effective at the end of October 2012, with the exception of the salary review.

With regard to the salary review, on reviewing the original proposal, it was evident that no robust rationale could be found to support the proposed changes. Any review of salaries against the new structure needs to be done with a clear business case and absolute transparency. Therefore following work has been scheduled to ensure any decisions regarding salaries are robust:

- Revisit all job descriptions and update each to ensure it is relevant, up to date and in a consistent format
- To complete a job sizing / evaluation exercise against the updated job descriptions
- To re-submit a proposal for revised salaries / salary scale

The Head of HR and Acting CEO would like to have this work completed by the end of this year, however at present a definite timeframe cannot be committed to due to other significant contractual changes currently in consultation and that the Authority only have part time HR support. We would see that a proposal will need to be submitted at the next meeting with options on how to address this.

The Authority is asked to receive the report.

Nichola Freer

Head of HR

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of background papers:

1. Emailed correspondence from Claire Woods, HR Officer to committee members dated 30 November 2011