

**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 6<sup>th</sup> Eastern IFCA meeting on 25 July 2012.

**Background to the review**

2. The Authority's current standing orders were adopted at the 1<sup>st</sup> 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 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 follows<sup>1</sup>:
- 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.*<sup>2</sup>
  - Two 'additional' members appointed by Natural England and the Environment Agency.<sup>3</sup>
- 1.2 One 'general' member must be an employee of the MMO.<sup>4</sup>
- 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).<sup>5</sup>
- 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.<sup>6</sup>

#### Terms of appointment

- 1.5 The terms of appointment of each member are determined by their appointing organisation.<sup>7</sup> 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.<sup>8</sup>

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<sup>1</sup> Article 5(1) Eastern Inshore Fisheries and Conservation Authority Order 2010

<sup>2</sup> Section 151(2) Marine and Coastal Access Act 2009

<sup>3</sup> Article 5(4) Eastern Inshore Fisheries and Conservation Authority Order 2010

<sup>4</sup> Article 5(2)(b) Eastern Inshore Fisheries and Conservation Authority Order 2010

<sup>5</sup> Article 12 Eastern IFCA Order 2010

<sup>6</sup> Paragraph 43 Schedule 12 Local Government Act 1972

<sup>7</sup> 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.<sup>9</sup>
- 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.<sup>10</sup>
- 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.<sup>11</sup>
- 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.<sup>12</sup>
- 3.2 The Chair must be a council member from one of the three county councils.

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<sup>8</sup> Article 9(1) Eastern IFCA Order 2010

<sup>9</sup> Article 10 Eastern IFCA Order 2010

<sup>10</sup> Article 11(1) Eastern IFCA Order 2010

<sup>11</sup> Article 11(2) Eastern IFCA Order 2010

<sup>12</sup> 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 office<sup>13</sup> or from the office of Vice-Chair<sup>14</sup>.
- 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.<sup>15</sup>
- 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.<sup>16</sup>

#### 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 Chair<sup>17</sup> or appointed as Vice-Chair.<sup>18</sup>
- 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.<sup>19</sup>

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<sup>13</sup> Article 8(6) Eastern IFCA Order 2010

<sup>14</sup> Article 14(5) Eastern IFCA Order 2010

<sup>15</sup> Article 9(2) Eastern IFCA Order 2010

<sup>16</sup> Article 9(3),(4) and (5) Eastern IFCA Order 2010

<sup>17</sup> Article 8(1),(2) and (6) Eastern IFCA Order 2010

<sup>18</sup> Article 14(5) Eastern IFCA Order 2010

<sup>19</sup> 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.<sup>20</sup> A member who has previously been removed from the office of Chair or Vice-chair cannot be appointed as Chair.<sup>21</sup>
- 3.15 The member appointed as Chair holds the office until the next April meeting of the Eastern IFCA.<sup>22</sup>

#### **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.<sup>23</sup>
- 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.<sup>24</sup>
- 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.<sup>25</sup>

#### **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.<sup>26</sup> 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.
- 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.<sup>27</sup>

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<sup>20</sup> Article 11(3) Eastern IFCA Order 2010

<sup>21</sup> Articles 8(6) and 14(5) Eastern IFCA Order 2010

<sup>22</sup> Article 7(4) Eastern IFCA Order 2010

<sup>23</sup> Article 14(1) Eastern IFCA Order 2010

<sup>24</sup> Article 14(4) and (5) Eastern IFCA Order 2010

<sup>25</sup> Article 14(3) Eastern IFCA Order 2010

<sup>26</sup> Article 14(2) Eastern IFCA Order 2010

<sup>27</sup> Article 17 Eastern IFCA Order 2010

## **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).<sup>28</sup>

## **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.<sup>29</sup>
- 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.<sup>30</sup>
- 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.<sup>31</sup>
- 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.<sup>32</sup>
- 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"<sup>33</sup> and the exemption category will be indicated on the paper.<sup>34</sup> The exemption categories are set out in paragraph 15.1 of these standing orders.

### 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,

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<sup>28</sup> Article 13(1) Eastern IFCA Order 2010

<sup>29</sup> Section 100A(6)(a) Local Government Act 1972

<sup>30</sup> Section 100B(3) Local Government Act 1972

<sup>31</sup> Section 100B(4) Local Government Act 1972

<sup>32</sup> Section 100B(3)(b) Local Government Act 1972

<sup>33</sup> Section 100B(5) Local Government Act 1972

<sup>34</sup> Schedule 12A Local Government Act 1972

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.<sup>35</sup>

- 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.<sup>36</sup>

### **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.<sup>37</sup>
- 8.2 The minutes will be presented for members to confirm as an accurate record at the next suitable<sup>38</sup> meeting of the relevant body and the Chair of the meeting will sign the minutes and initial each page.<sup>39</sup>
- 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.<sup>40</sup>
- 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.<sup>41</sup>

### **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.

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<sup>35</sup> Section 100D Local Government Act 1972

<sup>36</sup> Section 100B(6) Local Government Act 1972

<sup>37</sup> Paragraph 41(2) Schedule 12, Local Government Act 1972

<sup>38</sup> Paragraph 41(4) Schedule 12, Local Government Act 1972

<sup>39</sup> Paragraph 41(2) Schedule 12, Local Government Act 1972

<sup>40</sup> Paragraph 40 Schedule 12, Local Government Act 1972

<sup>41</sup> Section 100C Local Government Act 1972

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.<sup>42</sup>

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.<sup>43</sup> 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.

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.

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<sup>42</sup> Section 110A(2) and (3) Local Government Act 1972

<sup>43</sup> Section 110A(4) and (5) Local Government Act 1972

- 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.<sup>44</sup>

- 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.<sup>45</sup>

#### 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.<sup>46</sup>
- 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.<sup>47</sup>
- 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.<sup>48</sup>
- 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, summarising the discussion and decisions or recommendations of the sub-committee.

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

<sup>45</sup> Paragraph 39(1) and (2) Schedule 12 Local Government Act 1972

<sup>46</sup> Article 17(1) Eastern IFCA Order 2010

<sup>47</sup> Article 17(3) Eastern IFCA Order 2010

<sup>48</sup> Article 17(3) Eastern IFCA Order 2010

- 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.<sup>49</sup> 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.
- 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.

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<sup>49</sup> Article 17(2) Eastern IFCA Order 2010

- 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.<sup>50</sup>
- 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.

### **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-

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<sup>50</sup> Section 100A Local Government Act 1972

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.<sup>51</sup>

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 follows<sup>52</sup>:

- 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

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<sup>51</sup> Paragraph 41(4) Schedule 12, Local Government Act 1972

<sup>52</sup> 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**

#### 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**

#### 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**

#### 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**

- 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**

- 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**

- 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
- To be the Eastern IFCA's designated Financial Officer under Section 151 of the Local Government Act
- 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
- 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.
- 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.
- 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