EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

CONSTITUTION

and

STANDING ORDERS

Adopted by the Authority 31st October 2012 (last amended March 2025)

INTRODUCTION

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 2010/2189. It is a stand-alone joint committee of Lincolnshire, Norfolk, and Suffolk 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 operates, how its decisions are made and the procedures that it follows 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 March meeting.

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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.

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Section 1: Membership of the Eastern Inshore Fisheries and Conservation Authority

1.1 The Authority is made up of 21 members as follows[1]:

- Seven County Councilors appointed by Lincolnshire County Council (two members), Norfolk County Council (three members) and Suffolk County Council (two members);
- 12 'general' members appointed by the Marine Management Organisation (MMO) who are:
  - *a) 'persons acquainted with the needs and opinions of the fishing community of the district, and*
  - b) *persons with knowledge of, or expertise in, marine environmental matters.[2]*
- Two 'additional' members appointed by Natural England and the Environment Agency.[3]

1.2 One 'general' member must be an employee of the MMO.[4]

1.3 A person is not eligible for appointment or re-appointment as a member of the Eastern IFCA if they have been convicted of a criminal offence and the conviction is not spent for the purposes of the Rehabilitation of Offenders Act 1974(1).[5]

1.4 The proceedings of the Eastern IFCA will not be invalidated if a vacancy occurs or if there is a defect in the election or qualifications of any member.[6]

Terms of appointment

1.5 The terms of appointment of each member are determined by their appointing organisation.[7] The terms of appointment for members appointed by the MMO are in Chapter 3 of this Constitution.

1.6 The maximum period of appointment for each member is ten years from 1 October 2010 or the date from which the member is appointed, if later.

Resignation of a member

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

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.

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[1] Article 5(1) Eastern Inshore Fisheries and Conservation Authority Order 2010
[2] Section 151(2) Marine and Coastal Access Act 2009
[3] Article 5(4) Eastern Inshore Fisheries and Conservation Authority Order 2010
[4] Article 5(2)(b) Eastern Inshore Fisheries and Conservation Authority Order 2010
[5] Article 12 Eastern IFCA Order 2010
[6] Paragraph 43 Schedule 12 Local Government Act 1972
[7] Article 6(2) Eastern IFCA Order 2010
[8] Article 9(1) Eastern IFCA Order 2010

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 their ability to act as an office-holder for the Authority. This includes the offices of Chair and Vice-Chair of the Authority.[9]

1.11 Where the member of the Eastern IFCA, who holds membership as a member of a County Council and whose membership of both bodies has been suspended as described in paragraph 1.10, has their suspension as a member of the County Council ended, the suspension of their membership of the Eastern IFA shall also end unless that County Council determines otherwise.

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 monetary penalty under fisheries legislation, nature conservation legislation or marine licensing legislation;
c) the member ceases to be a member of the County Council that appointed them to the Authority.[10]

1.13 The Authority may terminate a member's appointment if the member is convicted of any other criminal offence other than those in paragraph 1.12.[11]

1.14 A member's appointment also ends when they reach the end of their term of appointment.

Section 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.

Section 3: Appointment of the Chair of the Eastern IFCA

3.1 At the first meeting of the Authority in each financial year, members will elect a Chair who will serve for the year beginning with the meeting at which they are elected and ending with the first meeting of the Authority the following financial year.[12]

3.2 The Chair must be a Council member from one of the three County Councils.

3.3 A member is not eligible to stand as Chair if they have previously been removed from this office[13] or from the office of Vice-Chair[14].

[9] Article 10 Eastern IFCA Order 2010
[10] Article 11(1) Eastern IFCA Order 2010
[11] Article 11(2) Eastern IFCA Order 2010
[12] Article 7 Eastern IFCA Order 2010
[13] Article 8(6) Eastern IFCA Order 2010
[14] Article 14(5) Eastern IFCA Order 2010

3.4 The Chair may stand for re-election for further years and whilst their term in office, if re-elected, will ordinarily be for a maximum of two years, this may be extended if re-elected for a further term or terms.

3.5 Nominations for the post of Chair will be made orally to the Clerk of the Eastern IFCA at the June meeting and the election will be by vote of the members present.

3.6 If there are 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 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 Chief Executive Officer (CEO) and professional officers and its Clerk.

3.9 The Chair will also attend such meetings and functions as are necessary in order to represent the interests of the Eastern IFCA on the advice of the CEO and, as appropriate, the Clerk.

Resignation of the Chair of the Eastern IFCA

3.10 The Chair of the Eastern IFCA may resign the office by giving notice in writing to the Authority.[15]

3.11 Following the resignation of the Chair, the Authority must appoint another eligible member to the office until the next June meeting of the Authority.[16]

Removal from the office of the Chair of the Eastern IFCA

3.12 The Authority may remove a member from the office of chair if it considers that the member is failing, or has failed, to discharge the duties of chair in accordance with legal requirements and its standing orders. The member concerned is not eligible to be re-appointed as Chair[17] or appointed as Vice-Chair.[18]

3.13 Following the removal of the Chair, the Authority must appoint another eligible member to the office until the next June meeting of the Authority.[19]

[15] Article 9(2) Eastern IFCA Order 2010
[16] Article 9(3),(4) and (5) Eastern IFCA Order 2010
[17] Article 8(1),(2) and (6) Eastern IFCA Order 2010
[18] Article 14(5) Eastern IFCA Order 2010
[19] Article 8(5) Eastern IFCA Order 2010

Termination of appointment of the Chair of the Eastern IFCA

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

3.15 The member appointed as Chair holds the office until the next June meeting of the Eastern IFCA.[22]

Section 4: Appointment of the Vice-Chair of the Eastern IFCA

4.1 At the first meeting of the Authority in each financial year, members will elect a Vice-Chair for the year beginning with the meeting at which they are elected and ending with the first meeting the following financial year. The Vice-Chair will chair meetings of the Authority in the absence of the Chair [23]

4.2 The Vice-Chair must be a Council member from one of the three County Councils.

4.3 A Council member cannot be appointed or re-appointed as Vice-Chair if they have been previously removed from this office or from the office of Chair.[24]

4.4 The Vice-Chair may stand for re-election for further years and whilst their term in office, if re-elected, will ordinarily be for a maximum of two years, this may be extended if re-elected for a further term or terms.

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

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

Section 5: Meetings of the full Authority

5.1 Meetings of the full Authority will ordinarily take place quarterly in June, September, December and March each financial year. Where circumstances require it, this may be varied by the Clerk in consultation with the Chair.

5.2 The date and time of meetings for the following year will be agreed at the December meeting.

5.3 Meetings will be held at locations which are convenient for members and provide access for the members of the public who might wish to attend.

5.4 If the Chair is absent from a meeting of the full Authority, the Vice-Chair will take the role. If both the Chair and Vice-Chair are absent, members will elect a member to chair the meeting.[26] The Clerk will take the chair to conduct the election. The member so elected must be a Council member. The election will be by way of seconded nomination and vote.

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[20] Article 11(3) Eastern IFCA Order 2010
[21] Articles 8(6) and 14(5) Eastern IFCA Order 2010
[22] Article 7(4) Eastern IFCA Order 2010
[23] Article 14(1) Eastern IFCA Order 2010
[24] Article 14(4) and (5) Eastern IFCA Order 2010
[25] Article 14(3) Eastern IFCA Order 2010
[26] Article 14(2) Eastern IFCA Order 2010

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

Section 6: Quorum for a meeting of the full Authority

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

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

7.1 The Clerk will give up to 10, but not less than five, clear days' notice of any meeting by emailing details of the meeting to all relevant members. The CEO will ensure that the notice of meeting is posted on the Authority's website and at its office when it is sent to members.[29]

7.2 The Clerk will email copies of the agenda and papers for a meeting to members at least five clear days before the date of the meeting. The CEO will ensure that copies of the agenda and papers are posted to the Authority's website and are made available for inspection at the Authority's office when they are emailed to members.[30]

7.3 Five clear days has been defined in case law as excluding the day of the meeting and the date on which the member receives the agenda or paper, and weekends and public holidays.

Late agenda items

7.4 An item of business for a meeting may not be added to agenda less than five clear working days before the date of a meeting or tabled at the meeting, unless the Chair of the meeting decides that there are special circumstances which make the late item a matter of urgency and require it to be considered at the meeting. The special circumstances must be recorded in the minutes for the meeting.[31]

7.5 Special circumstances justifying the addition of a late item to an agenda will generally occur where significant information or circumstances arise within the five clear working day period which could not reasonably have been known or anticipated before the agenda for the meeting was agreed and published.

7.6 If the Chair agrees to add an item to an agenda, the revised agenda and the relevant paper will be circulated to members, and then posted to the Authority's website and made available for public inspection at the Authority's office. [32]

7.7 The Clerk may withhold a paper from public inspection if the paper contains exempt or confidential information. Every copy of an exempt or confidential paper will be marked "not for publication" [33]and the exemption category will be

[27] Article 17 Eastern IFCA Order 2010
[28] Article 13(1) Eastern IFCA Order 2010
[29] Section 100A(6)(a) Local Government Act 1972
[30] Section 100B(3) Local Government Act 1972
[31] Section 100B(4) Local Government Act 1972
[32] Section 100B(3)(b) Local Government Act 1972
[33] Section 100B(5) Local Government Act 1972

indicated on the paper.[34] 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, 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. For the avoidance of doubt, academic and scientific references already included in a report attached to or included in an Authority paper do not fall within this paragraph but need not be listed under 'Background Documents' in the Authority paper.[35]

7.9 The Clerk will ensure that a copy of each document included in the list of background documents is kept and made available for public inspection for four years after the date of any meeting or decision.

Form in which agendas and papers will be made available

7.10 Agendas and papers for meetings will be circulated to members in electronic form by email. A member may request a hard copy of any document.

7.11 Agendas and papers that have not been withheld from public inspection will be available to the members of the public in electronic form on the Authority's website. Such documents will also be available in hard copy form at the relevant meeting.[36]

[34] Schedule 12A Local Government Act 1972
[35] Section 100D Local Government Act 1972
[36] Section 100B(6) Local Government Act 1972

Section 8: Access to minutes and records of decisions

8.1 The minutes of the proceedings of each meeting will be kept by the Clerk in a loose-leaf folder maintained for that purpose, the pages of which will be consecutively numbered.[37]

8.2 The minutes will be presented for members to confirm as an accurate record at the next suitable[38] meeting of the relevant body and the Chair of the meeting will sign the minutes and initial each page.[39]

8.3 The minutes will not be open to discussion, but members may propose corrections or additions where they identify inaccuracies or omissions.

8.4 The minutes will include a list of members present at the meeting.[40]

8.5 Members can request a copy of the unconfirmed minutes of a meeting for their personal information, but unconfirmed minutes will not normally be published until after they have been agreed by the relevant meeting.

8.6 The Clerk will keep and make available for public inspection for six years after a meeting of the Authority or a sub-committee:

- the minutes of the meeting, except for any part of the minutes that includes exempt or confidential information, and
- a disclosable summary of any proceedings during a part of the meeting that was not open to the public, if the published minutes do not provide a reasonably fair and coherent record of those proceedings.[41]

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

<u>Order of business</u>

9.1 The business to be conducted will be dealt with in the order set out in the agenda, unless the Chair decides to vary the order.

9.2 The format for the agenda will normally be as follows:

Item 1: Welcome by the Chair
Item 2: Apologies for absence
Item 3: Declarations of interest
Item 4: Minutes of the last meeting
Item 5: Matters Arising
Items for decision
Items for information
Last Item: Any other urgent business

[37] Paragraph 41(2) Schedule 12, Local Government Act 1972
[38] Paragraph 41(4) Schedule 12, Local Government Act 1972
[39] Paragraph 41(2) Schedule 12, Local Government Act 1972
[40] Paragraph 40 Schedule 12, Local Government Act 1972
[41] Section 100C Local Government Act 1972

9.3 At the first meeting of the full Authority in each financial year, 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. Once elected the chair will take the chair for the rest of the meeting. If the newly elected Chair is absent from the meeting, then the arrangements set out in para 5.4 will apply.

9.4 The fourth item on the agenda for the first full Authority meeting in each financial year 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 from the members present for the duration of the meeting will become the first item on the agenda. For this item, the Clerk will take the chair to conduct the election.

9.6 If it is necessary for the full Authority to appoint a member to a sub-committee, this will be the sixth item on the agenda and will come before the items for decision.

9.7 Urgent business items will only be taken at any meeting if the Chair is satisfied that the item is urgent and could not reasonably have been included in the published agenda for the meeting.

9.8 At the end of any meeting, the Chair may invite members to remain for informal discussion of matters put forward by officers or members, but these discussions will not form part of the business of the meeting and no formal decisions will be taken.

Exclusion of the public and the media from a meeting

9.9 The media and the public will be excluded from meetings whenever it is likely that exempt or confidential information will be disclosed.[42]

9.10 The decision to exclude the media and the public must be made by a resolution of the meeting which must state the reasons for the exclusion.[43] The reasons must be recorded in the minutes of the meeting.

Motions

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

9.12 All motions must be seconded by another member present.

9.13 A motion may be put forward orally unless the Chair requires it to be put in writing. In this case, the written motion must be signed by the proposer and given to the Clerk as soon as it has been seconded.

9.14 Where the motion is an amendment to an original resolution, it must be considered and voted on before the resolution is put to the meeting. If the amendment is carried by a majority vote, the amended resolution becomes the substantive resolution to be considered by the meeting. Further amendments to the substantive resolution may be moved.

[42] Section 100A(2) and (3) Local Government Act 1972

[43] Section 100A(4) and (5) Local Government Act 1972

9.15 If an amendment is not carried, further amendments to the form of the resolution it was proposed to amend may be moved.

9.16 Members may put forward procedural motions during the course of a debate. These are as follows:

- to refer the matter to officers or to the full Authority or to a sub-committee, as relevant, for further consideration
- to withdraw a motion
- to postpone consideration of the matter
- to move to a vote
- to adjourn a meeting
- to suspend Standing Orders

Rules of debate

9.17 The CEO will decide in advance of a meeting who should present an item on the agenda. This will normally be the report author but may be a relevant senior manager or Eastern IFCA member where appropriate.

9.18 Following the presentation of the report, the Chair will open the item to general debate. In order to encourage participation by all members and support the consensual approach of the Eastern IFCA, debates will normally follow the procedure set out in paragraphs 9.19-9.27 below. (Where the Chair determines that a more formal process of debate is required, the procedure in paragraphs 9.28-9.34 below will be followed.)

9.19 Members will indicate their wish to speak by raising their hand. The Chair will aim to take speakers in the order in which they indicate.

9.20 At the Chair's discretion, members may speak more than once on an item.

9.21 In the course of debate, members may ask officers for clarification or information. At the Chair's discretion, officers may enter the debate to contribute information or explanations.

9.22 The Chair will determine when the debate should be closed.

9.23 Where the item requires a decision, and a resolution has been proposed in the paper, the Chair will put the resolution to the meeting and will ask for a mover and a seconder. If no amendments to the resolution are proposed, the Chair will put the resolution to the vote.

9.24 If a member indicates that they wish to amend the resolution, the Chair will request a seconder. The Chair will then invite the mover of the amendment to speak, before opening a general debate on the amendment.

9.25 When the debate has been closed, the Chair will put the amended resolution to the vote.

9.26 If the amendment is carried, it becomes the substantive resolution before the meeting. If no more amendments are proposed, the Chair will normally put the substantive resolution to the vote. If the Chair considers that further information or debate is required to enable members to take an informed decision on the substantive resolution, they may invite further general debate before putting it to the vote.

9.27 If a resolution, whether amended or not, is put to the vote and is not carried, the Chair will either invite members to put forward a new resolution for consideration or will defer the decision to a future meeting. In deciding the most appropriate course of action, the Chair will take the advice of the CEO (or, in the absence of the CEO, the most senior officer present at the meeting), and the Clerk.

Rules of formal debate

9.28 Should the Chair decide that a more formal structure for debate is necessary, the following procedure will be used.

9.29 Where the meeting is debating an original or substantive resolution (not an amendment) proposed by a member, speakers will be taken in the following order:

- The proposer of the resolution
- The seconder of the resolution
- Members in the order in which they indicate
- The proposer of the resolution, exercising the right to reply

9.30 Where the meeting is considering an amendment to a resolution, speakers will be taken in the following order:

- The proposer of the amendment
- The seconder of the amendment
- Members in the order in which they indicate

9.31 The seconder can reserve their right to speak until later in the debate.

9.32 The proposer of an amendment will not have the right to reply. If the amendment is carried, they will be able to speak again to propose the substantive resolution.

9.33 Except for the proposer of an original or substantive resolution, members will only be entitled to speak once unless they are raising a point of information or a point of order. A point of information must offer relevant factual information or clarification only, and not include argument or opinion; a point of order must identify how the Authority's standing orders have been breached. The Chair will determine whether the point of information or order is admissible.

9.34 When the proposer has exercised the right to reply, the Chair will put the resolution to the vote.

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

9.35 No resolution agreed by the full Authority or a sub-committee will normally be reconsidered within 6 months of the date the decision was made.

9.36 Where the CEO considers it necessary to reconsider a decision within this period, the agenda item will state the reason for considering the matter again and the changes proposed to the agreed resolution.

Voting

9.37 All members of the Eastern IFCA or of a sub-committee who are present at a meeting of the Authority or of the relevant sub-committee will be entitled to vote, unless they have declared an interest under the Members' Code of Conduct

which prohibits them from voting, or the vote is on the setting of the Authority's annual budget.[44]

9.38 All members of the Authority can vote on the setting of the annual budget. Where there is a move to veto the total amount of the authority's expenses to be defrayed by individual Councils for any particular financial year, in accordance with Section 180 (4) of the Marine and Coastal Access Act 2009 only Council appointed members may vote on this.

9.39 Voting at all meetings will be by a show of hands unless the Chair or a member requests a recorded vote. In this case, the Clerk will ask each member present to declare their vote and this will be recorded in the minutes of the meeting.

9.40 A resolution or amendment will be deemed to be carried if it receives a simple majority of the votes of those present. Where an equal number of votes are cast for and against a resolution, the Chair of the meeting will have a second or casting vote.[45]

Suspension of rules of procedure

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

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

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

Section 10: Audio-visual recording devices

10.1 Provided agenda items being discussed are open to the public anyone present can report the proceedings by either filming, photographing or audio recording for dissemination after the meeting or providing commentary on proceedings either orally or in writing as the meeting takes place. Items not for public discussion cannot be reported on. Members of the Authority should be notified at the commencement of the meeting of anyone wishing to record the proceedings.

Section 11: Sub-Committees of the Eastern IFCA

11.1 The Authority may establish sub-committees with responsibility for considering or excercising functions of the Eastern IFCA.[46]

11.2 A sub-committee's power to make decisions on behalf of the Eastern IFCA, or to make recommendations to the full Authority, 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 decided by the full Authority.[47]

11.4 A sub-committee may refer to the full Authority a matter which has been delegated to it where this is in the interests of the Eastern IFCA, and a majority of sub-committee members agree.[48]

11.5 Sub-committees will follow the Rules of Procedure for ordinary meetings set out paragraphs 9.1-9.40 (excluding 9.3-9.6).

11.6 The lead officer for the sub-committee will make a written report to the next meeting of the full Authority following the sub-committee's meeting, summarising the discussion and decisions or recommendations of the sub-committee.

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

Quorum

11.8 The quorum for a sub-committee will be three members. In the case of the Wash Appeals sub-committee all three members must be present.

Membership

11.9 Only members of the Eastern IFCA are eligible to be members of a sub-committee.[49] Any member is eligible to be appointed to any sub-committee unless specified otherwise.

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[46] Article 17(1) Eastern IFCA Order 2010
[47] Article 17(3) Eastern IFCA Order 2010
[48] Article 17(3) Eastern IFCA Order 2010
[49] Article 17(2) Eastern IFCA Order 2010

11.10 Unless otherwise stated, each sub-committee will consist of at least seven members of the Authority. The Chair and Vice-Chair will be ex-officio members of any sub-committee for which they are not a formal member, with the exception of the Wash Fisheries sub-committee as a consequence of their role on the Wash Appeals sub-committee. In the case of the Finance and HR (Human Resources) sub- committee the Chair and Vice-Chair of the Authority will be full members of the sub-committee.

11.11 The Finance and HR sub-committee will comprise all County Council appointed members together with two non-elected members appointed by the Authority.

11.12 The Wash Fisheries sub-committee will comprise seven members, none of whom will have a Declared Pecuniary Interest or connection with the cockle and mussel fisheries in the Wash.

11.13 The Wash Appeals sub-committee will comprise the Chair of the Authority, the Vice-Chair and one other elected member. No such members may have a Declared Pecuniary Interest or connection with the cockle and mussel fisheries in the Wash.

11.14 There is no limit to the term that a member can serve on a sub-committee.

11.15 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

11.16 With the exception of the Finance and HR sub-committee, any member of a sub-committee is eligible to stand as Chair or Vice-Chair of that sub-committee. In the case of the Finance and HR sub-committee the Chair and Vice-Chair will be the Chair and Vice-Chair of the full Authority.

11.17 For sub-committees other than Finance and HR, 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 but once elected the chair will chair the remainder of the meeting.

11.18 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.

11.19 If there are an equal number of votes for the members nominated, the Clerk will decide the election by lot.

11.20 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.

11.21 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

11.22 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.

11.23 In fulfilling this role, the Chair will work closely with, and take advice from the Authority's CEO and professional officers and its Clerk.

11.24 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

11.25 Any member of the Authority can act as a substitute for a member of a Sub-Committee, except in the case of the Wash Fisheries and Wash Appeals sub-committees where substitutes must not have a Declared Pecuniary Interest or other interest in the Wash cockle and mussel fisheries.

11.26 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.

Section 12: Appointment of working groups

12.1 The Authority or any of its sub-committees may establish informal working groups to examine matters that are within the remit of the Authority or sub-committee. The resolution establishing 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 established it.

12.4 A permanent Fisheries and Conservation Management working group will provide a forum for Authority members to engage with the development of management measures before they reach the point of presentation to the full Authority for consideration.

12.5 The Fisheries and Conservation Management Group will comprise all non-elected members and Council appointed members may also attend at their own discretion. Officers will attend meetings as required by the CEO. The Terms of Reference for the group are set out below.

FISHERIES AND CONSERVATION MANAGEMENT WORKING GROUP
Function
1. To enable Members to understand the development of fisheries and conservation management measures and to enable discussion of the same before they reach the point of presentation to the full Authority for decision.
2. To enable the knowledge, expertise and views of individual Authority Members to be considered in the development of management measures.
3. To facilitate engagement with relevant stakeholders e.g. fishing industry members, conservation groups etc.
4. To provide a 'sounding board' for management proposals.

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

Members of the public

13.1 All meetings of the full Authority and its sub-committees will be open to members of the public, except where a resolution to exclude the press and public has been agreed by the full Authority or the sub-committee.[50]

13.2 Members of the public may not make comments or ask questions at the meeting, unless they have submitted a request that they be allowed to do so that complies with subparagraphs 13.3 and 13.6 of this constitution and that permission to do so has been given by the Chair of the meeting. The question or comment should concern an item on the agenda for the meeting.

13.3 Members of the public who wish to speak in person at the meeting should submit a request in writing that must reach the CEO at least 48 hours in advance of the time and date of the meeting. The request should indicate the relevant agenda item and outline the reason for asking to speak in person. The CEO and the Chair of the Authority will decide whether it is appropriate to allow the person to speak. If it is decided not to allow the member of the public to speak they will be advised of the provisions set out below at 13.5 to 13.8 inclusive.

13.4 Where a member of the public is allowed to speak at a meeting the time allowed will be determined by the Chair.

13.5 Members of the public may submit written questions or comments for consideration at a meeting. The question or comment should concern an item on the agenda for the meeting.

13.6 The question or comment must reach the CEO at least at least 48 hours in advance of the time and 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.

13.7 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.

13.8 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

13.9 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.

13.10 The CEO may also make provision in advance of a meeting for representatives of other partner agencies to present information if appropriate and relevant.

[50] Section 100A Local Government Act 1972

Section 14: Extraordinary Meetings

14.1 After consulting the CEO, the relevant Chair or any three members may summon an extraordinary meeting of the full Authority or a sub-committee, for a reason relating to the functions of the Eastern IFCA that they consider urgent, by giving notice to the Clerk.

14.2 The Clerk will call a meeting of the full Authority or sub-committee within three clear working days of receiving such a notice.

14.3 The agenda for an extraordinary meeting will be as follows:

Item 1: Welcome by the Chair

Item 2: Apologies for absence

Item 3: Declarations of interest

Item 4: The purpose for which an extraordinary meeting has been summoned

Item 5: Any other urgent business

14.4 No other items, including minutes of the last meeting, will be taken at an extraordinary meeting.[51]

14.5 The rules of procedure set out in paragraphs 9.9-9.40 will apply to extraordinary meetings.

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

15.1 The exemption categories referred to in paragraph 7.7 are as follows[52]:

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

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

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

CHAPTER 2: Code of Conduct for Non-Elected Members[53] of the Eastern Inshore Fisheries and Conservation Authority

1. Introduction

As a member of the Eastern Inshore Fisheries and Conservation Authority (Eastern 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[53]

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:

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53 https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2

54 Members appointed by the Marine Management Organisation ('general members' Art. 5(2)(b) EIFCA Order 2010), the Environment Agency and Natural England ('additional members' Art. 5(2)(c) EIFCA Order 2010)

- 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 senior managers.
- 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, office, trade, profession or vocation carried on for profit or gain;
- Any payment or provision of any other financial benefit (other than from the Eastern IFCA) made or provided within the relevant period in respect of any expenses incurred by myself in carrying out duties as a member (including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- Any contract which is made between myself (or a body in which I have a beneficial interest) and Eastern IFCA under which goods or services are to be provided or works are to be executed which has not been fully discharged;
- Any beneficial interest in land which is within the Eastern IFCA district;
- Any licence (alone or jointly with others) to occupy land in the area of Eastern IFCA for a month or longer;
- Any tenancy where (to my knowledge) the landlord is Eastern IFCA and the tenant is a body in which the I have a beneficial interest;
- Any beneficial interest in securities of a body where –
    - that body (to my knowledge) has a place of business or land in the Eastern IFCA district; and
    - either –
        - the total nominal value of the securities exceeds "£25,000 or one hundredth of the total issued share capital of that body; or
        - if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which I have a beneficial interest exceeds one hundredth of the total issued share capital of that class;

In relation to any of the following;

- Me Personally
- My spouse or civil partner
- A person with whom I am living as husband and wife
- A person with whom I am living as if we are civil partners
- Any organisation with which I or one of the people mentioned above is involved

I do not need to disclose this interest if the associated 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 and is published on the Eastern IFCA website.

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 members of the Authority (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 my appointment/re-appointment to the Authority (whichever is later).

If the code is amended, I will notify the Clerk in writing of any additional interests of mine that have now become registered interests, as described in Section 4, as a result of that amendment, within 28 days.

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 could be other pecuniary or non-financial interests (for example related to local fishing and/or marine environmental interests) which arise because 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 consider that the principles of openness, transparency and accountability require that I declare it.

8. Participating in discussion and voting at meetings

I will not take part in the discussion or vote on a matter, at a meeting for which I have a disclosable pecuniary interest (as set out in paragraph 4 above) in that matter except in accordance with any dispensation which has been granted to me.

When, under the authority of a dispensation, I am participating in discussions or voting on a matter that directly or indirectly affects something in which I have a

declared 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.

I agree to accept the advice of the Chair on whether I can participate in a discussion or vote on a matter at a meeting on a matter in which I have declared an interest that is not a disclosable pecuniary interest.

9. 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.

10. 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 it, for inclusion in the Eastern IFCA's Register of Gifts and Hospitality.

SIGNED:

DATE:

CHAPTER 3: Marine Management Organisation appointees: Terms and Conditions of Appointment

Terms and conditions for appointment as a General Member of the Eastern Inshore Fishery and Conservation Authority Section 151(6)(c) Marine and Coastal Access Act 2009 – Updated April 2016

Introduction

You have confirmed that you are willing to serve as one of the Marine Management Organisation (MMO) appointed General Members (an Appointee) to the Eastern Inshore Fishery and Conservation Authority (IFCA). Your knowledge and experience will be important in helping to provide sustainable management of the IFCA district. This important role will require commitment and active participation from you. The MMO has a responsibility under the Marine and Coastal Access Act 2009 (the Act) to set out the terms and conditions appointees are required to adhere to.

All MMO Appointees are required to agree to be bound by the terms and conditions set out below. Please sign and date the acceptance form on the attached letter and return it to us to confirm that you understand and agree to your appointment on the basis of these conditions.

Terms and conditions

1. The term of your initial appointment has been confirmed to you separately. Appointees may serve for a maximum of 10 years. Any period of appointment beyond the initial period will be subject to the requirements to maintain a balance of interests and experience on the Authority and will be at the MMO's absolute discretion. Any re-appointment after the initial period will be in accordance with the Nolan principles[55], meaning that it will be based on evidence of satisfactory performance provided under the annual appraisal scheme for General Members. An appointee must continue to be legally eligible for re-appointment.

2. Guidance on the operation of the annual performance assessment scheme is attached at Annex 1. All appointees must agree to take a constructive part in their annual assessment. All appointees are expected to achieve satisfactory performance each year.

3. Officers employed by an IFCA will not be permitted to serve on that committee.

4. Appointees to IFCAs are legally required to take into account all the local fishing and marine conservation interests in the waters of the IFCA district, in a balanced way, taking full account of all the economic, social and environmental

[55] Defra has issued formal guidance to the MMO on the exercise of the function of making appointments of IFCA general members. Your appointment has been made in accordance with this guidance which can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf

needs of that district. Appointees should recognise that they are part of a committee and should not regard themselves as representing solely one particular interest within the IFCA district

5. Details of how the IFCA will operate, the election of chair and vice chair, together with the roles and responsibilities of the committee and its members will be set out in the IFCA standing orders and/or code of conduct for members. All appointees will be required to follow the procedures as set out under these orders. Appointees will be responsible and answerable to the chairman.

6. The committee ordinarily meets each quarter and, in addition it is envisaged that appointees will serve on sub-committees according to the requirements of the IFCA. The attendance of appointees at meetings of the committee, unless prevented by illness or other serious matter, is regarded as a condition of your appointment. Appointees with a poor attendance record, as identified by the IFCA chair or appropriate officer maybe required to stand down from the authority by the MMO in accordance with the guidance at Annex 2

7. Appointees are required to declare any outside interests that may impact in any way on their duties as IFCA authority members. If an appointee is unable to decide whether or not he or she has an interest that should be declared, guidance should be sought from the chair of the committee or the IFCA CEO.

8. Appointees must declare any such interests prior to participation in any discussion of a relevant matter by the committee in order to allow for open and transparent discussions to take place.

9. Where interests are such that a decision to be made by the committee would directly or indirectly affect an interest of you as an appointee (or that of a business or other body in which you have an interest or that you represent), you may only participate in that decision to the extent permitted by the relevant IFCA Code of Conduct. It is recommended that you refer to the IFCA Code of Conduct for further guidance.

10. Appointees must not undermine the credibility of the IFCA. Appointees must not, in their official capacity or in any other circumstances, behave in a manner which could reasonably be regarded as bringing their office, the MMO, the IFCA committee or IFCAs in general into disrepute. Examples might include but are not limited to; misuse of social media, abuse of position, failure to declare a conflict of interest, consistent poor behaviour as an appointee. Breach of this clause could lead to termination of the appointment by the MMO.

11. Where issues relating to the conduct of an appointee cannot be resolved by the committee itself, the matter should be referred to the MMO who will decide in liaison with the IFCA chair (or the MMO representative, if it relates to the chair), if the appointment should be terminated or other action taken. Guidance on how such allegations will be dealt with by the MMO is attached as Annex 3

12. Any appointee found to have been convicted for an offence or receiving a monetary penalty under fisheries, nature conservation or marine licensing legislation will have their appointment automatically terminated and will not be eligible for re-appointment. Appointees who are convicted of other criminal offences may have their appointment terminated at the discretion of the IFCA. Any appointee who is arrested for any criminal offence or called to be formally interviewed about a fisheries, nature conservation or marine licensing offence (whether they attend such an interview or not) must inform the CEO of the IFCA within 24 hours of arrest or request for interview. The CEO will notify the MMO and the MMO reserves the right to suspend the appointment at its discretion until the conclusion of any investigation and/or prosecution.

13. Where an appointee is made aware of any conduct by another appointee or other IFCA committee member whom they reasonably believe is not compatible with the duties and responsibilities of such a committee member, they are required to make a written statement to that effect to the IFCA

14. Appointments to IFCAs are on a voluntary basis and it will be for IFCAs to decide whether allowances are payable to general members for any reason. IFCAs will set procedures and guidelines in relation to expenses and other claims at the beginning of each financial year, in accordance with relevant local authority or any other rules relevant to their IFCA.

15. Notification of a resignation - When an appointee wishes to resign from an IFCA committee, a resignation should be submitted in writing to the CEOCEO , who will then notify the MMO. The MMO will then be responsible for seeking an appropriate replacement, in co-ordination with the chair of the relevant IFCA committee.

16. All appointees are required to undertake training, as notified by the IFCA or MMO, including induction.

CHAPTER 4: Scheme of Delegations

Responsibility for functions

1. Chapter 4 of this Constitution sets out the extent to which the Authority's functions are:

   - the responsibility of the full Authority;
   - the responsibility of the Chief Executive Officer;
   - the responsibility of Sub-Committees of the Authority.

   The allocation of responsibilities is intended to ensure that responsibility for functions makes best use of roles, skills and experience.

   - Full Authority - determination of the budget, policy framework, business plans, decisions on fisheries and conservation management measures and other constitutional and quasi legislative functions.
   - Chief Executive Officer - functions which involve the delivery of the vision of Eastern IFCA across the spectrum of the Authority's business.
   - All other functions are to be the responsibility of either the CEO or any Sub-Committees established by the Authority.

2. Within this framework it is the role of Authority members to concentrate upon broad strategy and policy decisions and it is essential that the CEO and subordinate managers have clear control and authority to operate within those parameters..

3. It is part of the role of Authority members to raise concerns, particularly those of stakeholders, and bring to the attention of the CEO matters of concern on any element of Eastern IFCA business. The involvement of Members in day to day management beyond this is unlikely to promote the most effective service. In exercising their delegated powers, the CEO shall consider the concerns and comments of Members whilst recognising their responsibility to manage delivery of Eastern IFCA outputs in accordance with the Authority's policy framework.

MATTERS THAT ARE THE RESPONSIBILITY OF THE FULL AUTHORITY TO DISCHARGE
1. Approving and adopting the Annual Budget and setting the levy to the County Councils. NB Authority to sign the orders for payment of money by the County Councils (levies) is delegated to the Chair (and in their absence, Vice-Chair) jointly with the CEO.
2. Receiving and approving reports on Health and Safety
3. Receiving and approving reports from the Finance and HR sub-committee.
4. The Authority's strategic policy framework including: a. Approving the annual Strategic Assessment b. Approving the Business Plan and oversight of delivery c. Approving the Annual Report d. Approving Biosecurity Plans
5. The Authority's strategic enforcement framework, including: e. Approving the Regulation and Compliance Strategy f. Approving the Enforcement Policy g. Approving policy for Financial Administrative Penalties for Fisheries Offences
6. Managing sustainable and viable inshore fisheries and the environmental impact of fishing activity, including: h. Approving non-regulatory management measures i. Making, varying and revoking byelaws j. Making, varying and revoking permit conditions
7. Managing an environmentally acceptable, sustainable and viable fishery under the Wash fisheries Interim Management Measures or the Wash Cockle and Mussel Byelaw 2021 (WCMB 2021) when it comes into effect, including: k. Approving Management Plans and Policies for each fishery l. Approving the Eligibility Policy and associated permit fees m. Making, varying and revoking permit conditions under the WCMB 2021 n. Approving annual management measures for each fishery
8. Approving the Constitution and Standing Orders including annual reviews and amendments.
9. Approving the terms of reference for Sub-Committees, their composition and making appointments to them.
10. Appointing Member representatives of the Authority to outside bodies.
11. Receiving reports on complaints against the Authority
12. Receiving minutes of meeting of the Association of Inshore Fisheries and Conservation Authorities.
13. The Authority may delegate any of its powers to an individual member of the Authority or to the CEO except where the power falls to be discharged by a panel.

MATTERS THAT ARE THE RESPONSIBILITY OF THE FINANCE & HR SUB-COMMITTEE TO DISCHARGE
1. Decision making powers for all strategic financial matters, including: a. Approving for recommendation to the full Authority, the annual budget and the levy to the County Councils b. Approving quarterly accounts c. Approving statements of payments and monies received d. Approving the annual Statement of Accounts e. Approving transfers between accounts f. Appointment of the Auditors g. Approval of bank signatories
2. Receiving reports from the internal and external Auditors.
3. Approving the replacement / procurement of capital assets such as vessels.
4. Approving arrangements for the provision of property (office accommodation, workshops, storage and moorings etc.) to meet operational requirements.
5. Approving and reviewing annually the Members' expenses scheme.
6. Waiving any of the procedures relating to contracts which are set out in the Financial Regulations.
7. Approving the sale of assets worth more than £10,000 (NB the value of vehicles is the market value at the time of disposal as determined by obtaining at least one quote a relevant and reputable source).
8. Receiving reports and Approving action on bad debts.
9. Strategic Human Resources matters, including: *a.* Staff levels and structure *b.* Pay scales and allowances
10. Recruitment, remuneration and retention of the Chief Executive Officer and Executive Officers, including: a. Approving the Job Description/Person Specification and selection process b. Appointing interview panels for the recruitment process, who will ordinarily be drawn from this Sub-Committee and in the case of Executive Officers will also include the CEO and other Executive Officers as appropriate c. Appointment of the CEO and Executive Officers NB These decision-making powers are delegated to the Chair and Vice-Chair in conjunction with the CEO to enable action between scheduled meetings.
11. Disciplinary and Grievance appeals panels will ordinarily be chaired by the Vice-Chair of the sub-committee, who will designate members of the panel from the sub-committee.
12. The Sub-Committee may delegate any of its powers to an individual member of the Sub-Committee or to the CEO except where the power falls to be discharged by a panel.
13. The Chair of the Sub-Committee, or the CEO in consultation with the Chair, may refer any of the matters set out above to the full Authority for determination, where this is in the Authority's interests.

MATTERS THAT ARE THE RESPONSIBILITY OF THE WASH FISHERIES SUB-COMMITTEE TO DISCHARGE
Decision making in the matters set out below under the Wash Cockle and Mussel Byelaw 2021 Eligibility Policy: • Transition from the entitlement to licences under Wash Fishery Order 1992 to eligibility for permits under the Wash Cockle and Mussel Byelaw 2021 • Allocation of new permits • Permit succession • Permit allocation in exceptional circumstances • Cancellation of a permit • Change of vessel or vessel ownership referred to the sub-committee by the CEO
The Sub-Committee may delegate any of its powers to an individual member of the Sub-Committee or to the CEO except where the power falls to be discharged by a panel.
The Chair of the Sub-Committee, or the CEO in consultation with the Chair, may refer any of the matters set out above to the full Authority for determination, where this is in the Authority's interests.

MATTERS THAT ARE THE RESPONSIBILITY OF THE WASH APPEALS SUB-COMMITTEE TO DISCHARGE
To consider appeals either in writing or in person against decisions taken under the Wash Cockle and Mussel Byelaw 2021 Eligibility Policy insofar as appeals are permitted under that policy.

MATTERS THAT ARE THE RESPONSIBILITY OF THE CHIEF EXECUTIVE OFFICER TO DISCHARGE
Functions

General
1. Being the Head of the Eastern IFCA's paid service and responsible for all operational matters and service delivery within the strategic framework approved by the full Authority or a properly constituted sub-committee of the full Authority. 2. Ensuring that a full suite of appropriate policies and procedures that cover the full range of Authority business are in place and are maintained in an accurate and up-to-date state and are adhered to by all staff and members. To include, but not limited to, those relating to governance (including complaints), Health and Safety (policy and risk assessments), HR, enforcement and financial management. 3. Responsible for all matters that have not been reserved for the full Authority or delegated to a properly constituted sub-committee of the full Authority.
Human Resources
4. Ensure that the Authority deals effectively and lawfully with HR matters including management of staff structure, recruitment, retention, welfare, training, grievance and disciplinary matters.
Protection and Conservation
5. Delivery of the priorities identified in the Business Plan.
6. Enforcement of all legislation relating to the management and policing of the inshore fisheries and the conservation of the marine environment in accordance with the Regulation and Compliance Strategy and the Enforcement Policy.
7. Determining, in accordance with the Enforcement Policy, enforcement outcomes, including instigating and taking legal proceedings for offences under any legislation which empowers the Authority to do so.
8. Making emergency byelaws under Section 157 of the Marine and Coastal Access Act 2009 after consulting with the Chair and Vice Chair of the Authority. On making an emergency byelaw, the CEO must notify all Authority members.
9. Ensuring that the Authority liaises and works in co-operation with other relevant organisations, including the MMO and other IFCAs.
10. Acting as a consultee for planning proposals and other issues that may affect or impact on fisheries resources or the marine environment within the Authority's District.
Governance and Financial management
11. Being the Responsible Financial Officer for the Eastern IFCA as defined in the Authority's Financial Regulations.
12. Entering into and varying contracts on behalf of the Authority where these are necessary to implement the Authority's decisions or to discharge the responsibilities of the CEO and provide the best value for the Authority.
13. Acting as signatory in respect of permits, licences, agendas, cheques and other such Authority documentation.
14. Ensuring that all matters within the decision-making powers of the full Authority and its Sub-Committees are brought forward to the relevant forum in a timely manner and with all information necessary for a robust and lawful decision.

15. Receiving and investigating complaints against non-elected members of the Authority (including instigating investigations into apparent breaches of the Code of Conduct and/or Terms and Conditions of Appointment for non-elected members) and making recommendations to the appointing body. Referring complaints against elected members to the relevant County Council Monitoring Officer.
16. Ensuring the Authority's complaints procedure is implemented and monitored.
17. Ensuring the preparation and circulation of agendas, papers and minutes for all Authority and Sub-Committee meetings in line with legal requirements and the Eastern IFCA Constitution.
18. Attending, or being represented, at all meetings of the Authority, Sub-Committees, working groups, and other meetings and ensuring that advice is available on legal and procedural issues.
19. Ensuring the Authority meets its obligations under the Freedom of Information 2000, the Environment Information Regulations 2004 and the Data Protection Act 2018
External representation and communications
20. Ensuring that the Eastern IFCA is appropriately represented at meetings with other bodies such as DEFRA, MMO, Environment Agency, Natural England, Association of Inshore Fisheries and Conservation Authorities, County Councils etc.
21. Ensuring effective communications between Eastern IFCA staff and members, and between the Authority and other bodies.
22. Maintaining effective community consultation, engagement and participation arrangements for the Authority that meet external and internal objectives.
23. Agreeing Memoranda of Understanding and other partnership initiatives.
24. Agreeing, in conjunction with the Chair, to participate in initiatives and work streams under the Association of IFCAs.
Powers of Delegation
25. Delegating functions to another officer of the Eastern IFCA but remaining accountable for the outcome of such delegations.
26. The CEO shall designate and confirm in writing prior to any planned absence, the delegation of functions and responsibilities of the CEO for that period.
27. In the event of unplanned absence of the CEO, the Assistant Chief Officer (Designated Deputy) shall deputise and assume the functions and responsibilities of the CEO.
28. In the event of unplanned absence of the CEO and the Assistant Chief Officer (Designated Deputy), the Assistant Chief Officer shall deputise and assume the functions and responsibilities of the CEO.
29. Any officer deputising for the CEO shall only remain responsible for the functions and responsibilities of the CEO during the CEO's absence, and on the return of the CEO, all functions and responsibilities shall resume in line with this Scheme of Delegation.
Provision for urgent matters and business continuity
26. Where, in the opinion of the CEO (or their nominated deputy in their absence) a decision which is within the powers of the Authority or a Sub-

Committee, but is not within the CEO's delegated powers, is urgently required by the Eastern IFCA, and cannot be delayed until an the next scheduled meeting of the Authority or relevant Sub-Committee, the CEO (or their nominated deputy in their absence) may take the decision, having first consulted the Chair and the Vice-Chair of the Authority or the relevant Sub-Committee. All such decisions must be reported to the next meeting of the Authority or the relevant Sub- Committee.
28. Where a scheduled meeting of the Authority or a Sub-Committee is not quorate and in the opinion of the CEO (or their nominated deputy in their absence) a decision which is within the powers of the Authority or a Sub-Committee, but is not within the CEO's delegated powers, is required to enable business continuity the CEO (or their nominated deputy in their absence) may take the decision, having first consulted the Chair and the Vice-Chair of the Authority or the relevant Sub-Committee. All such decisions must be reported to the next meeting of the Authority or the relevant Sub- Committee.

CHAPTER 5: Financial Regulations

1 General

1.1 These financial regulations shall govern the conduct of the financial transactions of the Authority and may only be amended or varied by resolution of the Authority.

1.2 The Responsible Financial Officer (RFO) shall be the Chief Executive Officer who shall be responsible for the proper administration of the Authority's financial affairs.

1.3 The RFO shall be responsible for the production of financial management information.

2 Annual Estimates

2.1 Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, shall be prepared as directed each year by the RFO. Proposals in respect of revenue services and capital projects in a rolling five-year forecast shall also be prepared as directed each year by the RFO.

2.2 The Finance and HR Sub-Committee shall review the estimates and make a recommendation to the Authority not later than the end of December in each year on the precept to be levied for the ensuing financial year.

2.3 All expenses incurred by the Authority within the agreed budgets are to be met by the relevant County Councils.

2.4 Orders for the payment of money by the County Councils (levies) must be signed by the Chair, or in the Chair's absence, the Vice-Chair, and the Chief Executive Officer.

2.5 The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

3 Budgetary Control

3.1 Expenditure on the revenue account may be incurred up to the amounts included in the budget.

3.2 The RFO shall at each quarterly meeting of the Finance and HR sub-committee provide a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.

3.3 The RFO may incur expenditure on behalf of the Authority which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The RFO shall report the action to the Finance and HR sub-committee as soon as practicable thereafter.

3.4 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year other than as balances to reduce subsequent levy calls unless authorised by the Authority.

3.5 Notwithstanding 3.4 above, the RFO shall be responsible for identifying and establishing specific earmarked reserves where appropriate.

3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the Finance & HR sub-committee are satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available.

3.7 All capital works shall be administered in accordance with the Authority's procedures and financial regulations relating to contracts.

4 Accounts and Audit Commission

4.1 All accounting procedures and financial records of the Authority shall be determined by the RFO as required by Regulation 4 of the Accounts and Audit Regulations 2015 No. 234.

4.2 The RFO shall be responsible for ensuring the annual accounts are completed in a timely manner for presentation to the Authority as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Finance and HR Sub-Committee at the first scheduled meeting after 31 May in any one year. The Finance and HR Sub-Committee is responsible for the approval of the annual Statement of Accounts prior to submission to the external auditors.

4.3 The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the Authority's accounting, financial and other operations in accordance with Regulation No.6 of the Accounts and Audit Regulations 2015.

4.3.1 As part of the effective system of internal audit the Authority shall appoint a suitable person who is removed from the decision making process of the Authority who shall be responsible for undertaking an internal audit from time to time but at least annually.

4.3.2 Any officer or member of the Authority shall, if the RFO requires, make available such documents of the Authority which relate to their accounting and other records as appear to the RFO to be necessary for the purpose of the audit and shall supply the RFO with such information and explanation as the RFO considers necessary for that purpose.

5 Banking Arrangements and Cheques

5.1 The Authority's banking arrangements shall be made by the RFO and approved by the Finance & HR sub-committee. A Current Account shall be maintained at the bank, to cover general expenses and a Salary & Wages Account to cover payroll. In addition to these the RFO is authorised to operate such bank accounts he/she may consider necessary in order to optimise income from interest bearing accounts.

5.2 A schedule of payments made, and monies received shall be prepared as directed by the RFO and presented to the Finance and HR sub-committee at their Meetings. If the schedule is in order, it shall be authorised by a resolution of the members, minuted with such minutes and signed/initialled by the Chair or Vice Chair.

5.3 Cheques, Direct Debits and Standing Orders drawn on the Current bank Account in accordance with the schedule referred to in the previous paragraph

shall be signed by two duly authorised signatories in accordance with current bank mandates resolved by the Authority.

Payments by BACs or by bank transfer are executed online via a password protected system. The password is restricted to the Assistant Chief Officer (Marine Protection), the Administration Supervisor, and the CEO.

6 Payment of Accounts

6.1 All payments other than petty cash transactions shall be affected by means of electronic transfer or other order drawn on the Authority's bankers.

6.2 All invoices for payment shall be examined, verified and certified by the officer issuing the order. Before certifying an invoice, the officer shall satisfy him/herself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.

6.3 Duly certified invoices shall be passed to the Administration Supervisor who on behalf of the RFO shall examine them in relation to arithmetical accuracy and authorisation and shall code them to the appropriate expenditure head. The RFO shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.

6.4 All duly certified invoices will be summarised in the schedule referred to in 5.2 above.

7 Payment of Salaries and Wages

7.1 The payment of salaries and wages shall be made by the authorised Payroll Bureau on behalf of the RFO from the payroll account in accordance with the payroll records.

7.2 All time sheets shall be certified as to accuracy by or on behalf of the RFO.

8 Investments

8.1 All investments under the control of the Authority shall be negotiated by the RFO in the name of the Authority.

8.2 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.3 All investments are to be made subject to The Subsidy Control Act 2022.

9 Income

9.1 The collection of all sums due to the Authority for work done, services rendered, or goods supplied shall be the responsibility of, and under the supervision, of the RFO.

9.2 The RFO will review all fees and charges as necessary.

9.3 Any bad debts shall be reported to the Finance and HR sub-committee.

9.4 All sums received on behalf of the Authority shall either be paid to the RFO for banking or be banked by the officer collecting the money as directed by the RFO. In all cases, except cash, all receipts shall be deposited with the Authority's bankers as soon as possible. Where cash to a maximum of £500 is received, it should be reported to the RFO and appropriately recorded on the Authority's accounting system (Sage).

system. If agreed by the RFO it may be deposited in Petty Cash as an alternative to banking.

9.5 A reference to the related debt, or otherwise, indicating the origin of each cheque, shall be entered on the paying in slip.

9.6 Personal cheques shall not be cashed out of money held on behalf of the Authority.

10 Orders for Work, Goods and Services

10.1 An official order or letter shall be issued for all work, goods, and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. petty cash or low value purposes (up to £50). Copies of orders issued shall be maintained.

10.2 Order books shall be controlled by the RFO.

10.3 All officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.

10.4 All officers are required to comply with the requisite authorisation to undertake a transaction as specified in internal memoranda issued by the RFO*.*

11 Contracts

11.1 Procedures as to contracts are as follows:

(a) Every contract whether made by the Authority or by a Sub-Committee to which the power of making contracts has been delegated shall comply with these procedures, and no exception from any of the following provisions of these procedures shall be made otherwise than by direction of the Finance & HR sub-committee provided that these procedures shall not apply to contracts which relate to items (i) to (v) below:

(i) for the supply, of gas, electricity, water, sewerage and telephone services

(ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.

(iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.

(iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Authority.

(v) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at fixed price, or for which there is only one source of supply**.**

(b) Where it is intended to enter into a contract, other than specified in (c) below:

(i) exceeding £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials,

works or specialist services as are excepted as set out on paragraph (a) the RFO shall invite quotations from at least three appropriate firms.

(ii) if less than three quotations are received or if all three quotations are identical the RFO may make such arrangements as he thinks fit for procuring the goods or materials or executing the works.

(iii) the RFO shall not be obliged to accept the lowest of any quotation but will consider which provides Best Value for the Authority as well as such matters as timeliness of supply and quality.

(c) Where it is intended to enter into a contract for major capital expenditure relating to e.g. new vessels and or their replacement, buildings etc. the RFO shall instigate a competitive tendering process if anticipated that expenditure will exceed thresholds that apply under Public Contract Regulations. Where such thresholds are unlikely to be exceeded the RFO shall invite tenders from at least three appropriate firms.

(d) When applications are made to waive procedures relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Finance & HR sub-committee.

(e) Such invitation to tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the RFO and the last date by which such tenders should reach the RFO in the ordinary course of post. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

(f) All sealed tenders shall be opened at the same time on the prescribed date by the RFO or the properly authorised deputy in the presence of at least one member of the Authority.

(g) If less than three tenders are received or if all three tenders are identical the Authority may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

(h) The Authority shall not be obliged to accept the lowest of any tender. Justification of the chosen tender must be given in writing to the Authority.

(i) Any invitation to tender issued under these procedures shall contain a statement to the effect that procedures 11.1(c) to 11.1(i) will be adhered to.

12 Payments Under Contracts for Building or Other Construction Works

12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract.

12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by 1% or more a report shall be submitted to the appropriate Committee.

12.3 Any variation to a contract or addition to or omission from a contract must be approved by the RFO in writing, the Finance & HR sub-committee being informed where the final cost is likely to exceed the financial provision.

13 Assets

13.1 The RFO shall make appropriate arrangement for the custody of all title deeds or assets owned by the Authority. The RFO shall ensure a record is maintained of all assets owned by the Authority, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Regulation No.4(3)(b) of the Account and Audit Regulations 1996.

13.2 No asset exceeding the £10,000 de-minimis level recommended by District Audit shall be sold, leased or otherwise disposed of without the authority of the Finance & HR sub-committee (NB the value of vehicles is the market value at the time of disposal as determined by obtaining at least one quote a relevant and reputable source).

14 Insurance

14.1 The RFO shall effect all insurances and negotiate all claims on the Authority's insurers.

14.2 The RFO shall be responsible for insuring all new risks, properties, vessels or vehicles and any alterations affecting existing insurances.

14.3 The RFO shall keep a record of all insurances effected by the Authority and the property and risks covered thereby and annually review it.

14.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.

14.5 All members and employees of the Authority shall be included in suitable fidelity guarantee, professional indemnity, and Directors and Officers insurances.

15 Revisions of Financial Regulations

15.1 It shall be the duty of the RFO to review the financial regulations at a maximum interval of two years and to report to the Authority accordingly.

Anti – Fraud and Corruption Policy

April 2013

Contents

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Appendices

Appendix 1 Table of adequate procedures

1. Introduction

In order to achieve the Authority's objectives, protect its integrity, enhance its reputation and maximise its resources, the Eastern IFCA will not tolerate any level of fraud or corruption in the organisation. This policy demonstrates that the Authority has effective governance arrangements in place to prevent fraud and corruption as far as it is possible to do so, and to detect, investigate and deal effectively with any incidents that might occur.

The policy applies to all Members of the Authority, and to all Authority staff whether permanent, temporary, fixed term, full- time, part-time or casual employees, workers as defined in current legislation or volunteers, as well as to any consultants, contractors, agents or intermediaries engaged to work for the Authority or on its behalf.

It is the responsibility of the Chief Executive Officer (CEO) and all managers within the Eastern IFCA to make sure that all staff are aware of the Anti-Fraud and Corruption policy and comply with it.

The CEO and the Chair of the Authority are responsible for ensuring that all Members are aware of the policy and comply with it and that the public are aware of the policy.

The Authority will follow its disciplinary procedure up to and including dismissal and where appropriate, will seek to prosecute anyone who engages in corrupt practices against, steals from, or defrauds the Authority and will seek to recover the proceeds of any such actions from identified offenders.

2. What is fraud and corruption?

The following definitions, as well as those contained in relevant legislation, illustrate the Authority's approach to fraud and corruption:

- Fraud includes any dishonest act or intention which involves the misuse of any assets or information held by, or on behalf of, the Authority with the aim of achieving gain or advantage for any person,or causing loss or disadvantage to any person.
- Theft includes intentional, dishonest and unlawful borrowing, misappropriation or misuse of the Authority's assets or facilities.
- Corruption includes:
  - the offering, giving, soliciting or acceptance of an inducement or reward intended to influence the action of any Member;
  - situations where any Member, employee, volunteer, contractor, agent or intermediary of the Authority intentionally makes or promotes a decision which is contrary to the Authority's decision-making policy and/or procedures, and is based on no sound reasoning, with the intention of giving any person an unfair advantage or disadvantage.

3. The Bribery Act 2010

Bribery can be defined as offering, promising or providing an inducement or reward in order to obtain personal, commercial, regulatory or contractual advantage. As a public organisation, the Eastern IFCA is subject to the Bribery Act 2010 which amongst others creates the following offences:

- to offer, promise or give a bribe (Section 1);
- to request, agree to receive, or accept a bribe (Section 2);

- to bribe a foreign public official (Section 6).

Failure by a commercial organisation to prevent bribery that is intended to obtain advantage for the organisation in the conduct of business is an offence under Section 7 of the Act. An unincorporated public body can be a commercial organisation for the purposes of Section 7 if it engages in commercial activity, regardless of the use of any profits made.

On 27 July 2011, the Authority agreed a table of 'adequate procedures' intended to demonstrate the measures it had taken to prevent bribery as required under the Act. This is attached as Appendix 1

Culture

The Authority is determined that the culture and tone of the organisation is one of honesty and opposition to fraud and corruption.

There is both an expectation and requirement that Authority members and staff, at all levels, will lead by example in these matters and that all individuals and organisations associated in whatever way with the Authority, will act with integrity.

To support this culture, the Authority has in place the following corporate governance arrangements relevant to the prevention and detection of fraud:

- sound and effective internal systems of financial, management and ethical control.
- a Constitution including Standing Orders (Chapter 1), a Code of Conduct for Non-elected Members (Chapter 2), Marine Management Organisation terms of appointment (Chapter 3), a Scheme of Delegations (Chapter 4), Financial Regulations (Chapter 5), and this Anti-Fraud and Corruption Policy (Chapter 6).
- codes of conduct for elected and non-elected Authority Members and a procedure for dealing with complaints against Members together with registers of interests and of gifts/hospitality.
- up-to-date staff and management procedures and policies including expense claims, disciplinary and grievance, Whistleblowing and staff code of conduct.
- a risk register which includes the risk of fraud, corruption and bribery.
- an Enforcement and Compliance procedure

All Eastern IFCA Members and employees must comply with the code of conduct relevant to them:

- for Members: the Non-elected Members' Code of Conduct or the Codes of Members' Conduct of Lincolnshire, Norfolk and Suffolk County Councils, as appropriate;
- for employees: the Staff Code of Conduct and Behaviour

5. Responsibility for the Authority's internal control systems

Chief Executive Officer

The CEO has overall responsibility for establishing and maintaining the Authority's systems of financial, management and ethical control and ensuring compliance with those systems, The CEO is also the Eastern IFCA's Responsible Financial Officer for the purposes of the Authority's Financial Regulations.

The CEO is responsible for:

- the Authority's anti-fraud and corruption culture;

- ensuring appropriate and effective risk management, including the risks related to fraud, corruption and bribery;
- ensuring effective fraud prevention, detection and investigation systems and procedures.

Executive Officers

The CEO, Assistant Chief Officer (Designated Deputy) and Assistant Chief Officer are responsible for:

- identifying the fraud, corruption and bribery risks involved in their respective operational area;
- ensuring an adequate assessment of each risk;
- devising appropriate anti-fraud, corruption and bribery controls and incorporating them in all systems and processes for each operational area;
- regularly reviewing and testing the control systems in each area;
- should incidents of fraud, corruption or bribery take place, devising and implementing new controls to improve prevention and detection in order reduce the risk of further incidents occurring.

Line managers

Line managers are responsible for:

- ensuring that their staff comply with the Anti-Fraud and Corruption Policy, and the Authority's other policies, procedures and codes of conduct;
- Reviewing responsibilities with their employees and ensuring refresher training is arranged as appropriate
- promptly reporting suspicions, concerns or allegations about fraud, corruption or bribery to the appropriate of Service or the CEO.

6. Reporting concerns

Staff should report any suspicions of, or concerns about, fraud, corruption or bribery to their line manager, a member of the Executive team or directly to the CEO. A line manager or Executive officer who receives a report from a member of staff will refer it to the CEO without delay. (Where the report concerns the CEO, the referral will be to the Chair of the Authority, or the Vice-Chair in the Chair's absence.)

The Authority has a Whistleblowing procedure for staff who have expressed a wish for particular confidentiality in reporting genuine concerns about wrongdoing at work, and feel they need to go outside the usual management structure.

Authority Members should report suspicions or concerns about fraud, corruption or bribery to the CEO.

Members of the public can report concerns to the CEO, or to any Authority member, employee, volunteer, consultant, contractor or agent/intermediary. Anyone who receives such a report must refer it to the CEO without delay.

7. Assessing allegations of fraud or corruption

All allegations will be dealt with in confidence and promptly assessed by the CEO to establish whether further investigation is required. The CEO will report the outcome of the assessment to the Chair and Vice-Chair of the Authority and the Chair of the

Finance & HR Sub-Committee, and will state whether further action is required, such as further investigation, referral to the police and/or implementation of the Authority's disciplinary procedures.

Where the matter concerns the CEO, it will be for the Chair of the Authority or, in their absence, the Vice-Chair, to arrange an assessment in line with the advice of the Authority's contracted legal adviser. The legal adviser will report the outcome of the HR Sub-Committee and will recommend further action as required by the Chair of the Authority (or in their absence, the Vice-Chair).

Where the matter concerns any of the office-holders indicated above, they will be excluded from this process.

8. Investigating allegations of fraud or corruption

The Chief Executive Officer will ensure that:

- either an internal or external investigator, as appropriate, is promptly appointed to investigate, taking advice from the Authority's contracted legal adviser as necessary;
- the method of investigation will comply with the standards necessary to support criminal or disciplinary action, should this be outcome, and will avoid prejudicing any such outcome;

Decisions on suspending an officer or member concerned in an allegation of fraud or corruption will be taken according to the Authority's staff disciplinary procedures and codes of employee and Member conduct.

The CEO will report to the Chair and Vice-Chair of the Authority and the Chair of the Finance & Personnel Sub-Committee the outcome of investigations and the remedial actions that have been, or will be, taken. A report will also be made to the next appropriate Finance & HR Sub-Committee and quarterly Authority meeting.

Where the allegation concerns the CEO, the Chair of the Authority will take all necessary actions in line with the advice of the Authority's contracted legal adviser and in consultation with the Vice-Chair of the Authority and the Chair of the Finance & HR Sub-Committee. Where the allegation concerns any of the office-holders named above, they will be excluded from the process.

9. Publicity and Training

The Authority recognises that the continuing success of its Anti-Fraud and Corruption Policy and its general credibility will depend largely on the effectiveness of publicity, programmed training and responsiveness of staff throughout the Authority.

To facilitate this, the Authority supports the concept of induction and re-training, particularly for staff involved with internal control systems, to ensure that their responsibilities and duties are regularly highlighted and reinforced.

The CEO will ensure that this policy is available to members of the public as part of the Authority's Constitution.

Appendix 1

Agreed by the Authority on 27/7/11 as Agenda Item 11
'Adequate procedures' under the Bribery Act

Type of Activity	Agents	Mitigation
Purchasing and Procurement	Administrative staff, Executive staff	• Financial regulations for operating • Whistle blowing policy • Annual Internal Audit by Norfolk County Council • Annual External Audit
Personnel and Management	Administrative staff, Executive staff and Authority Members	• Use of a 'Recruitment Protocol' to confirm need and appropriateness • Competitive advertising and recruitment process including use of interview panel • Restricted and recorded access to personnel information
Allocation and management of Wash Fishery Order 1992 Entitlements/Licenses	Administrative staff, Executive staff and Authority Members	• Decisions made by the Marine Protected Areas Sub-Committee • Authority meetings open to public scrutiny, including minutes of decisions • Authority Members subject to Code of Conduct and Standing Orders
Allocation and management of Wash Fishery Order 1992 Lays	Administrative staff, Executive staff and Authority Members	• Decisions made by the Marine Protected Areas Sub-Committee • Authority meetings open to public scrutiny, including minutes of decisions • Authority Members subject to Code of Conduct and Standing Orders
Quota management	Research staff, Executive staff and Authority Members	• Agreed sampling regime and peer review of results • Appropriate Assessment submitted to Natural England • Checking of landings both at quayside, through the Marine Management Organisation and processors
Compliance (including inspection of catch, method monitoring and infringement notices)	Warranted Officers, Executive staff,	• Warranted Officers undergo pre employment drugs testing and Police vetting • Lone worker arrangements, including follow up and vehicle support • Reporting requirements for Warranted Officers • Fixed Administrative Penalties submitted to the Marine Management Organisation for consideration
Fisheries Prosecutions	Warranted Officers, Executive staff, Authority Chair and Vice-Chair	• Warranted Officers undergo pre employment drugs testing and Police vetting • Large enforcement operations completed with multiple officers with peer review • Review of case notes by 'Investigating Officer' and 'Disclosure Officer' • Inclusion of legal advice in the process and at review • Decision to prosecute taken by Chair and Vice-Chair of the Authority • Fixed Administrative Penalties submitted to the Marine Management Organisation for consideration

Policy setting and review	Executive and Authority Members	• Authority meetings open to public scrutiny, including minutes of decisions • Authority Members subject to Code of Conduct and Standing Orders Policy • Policy papers are prepared and peer reviewed
Development of marine conservation management measures (e.g. Codes of practice, voluntary agreements, byelaws etc)	Research/Environment staff, Executive and Authority Members	• Objectives of Marine Conservation Zones set out by Defra and the Marine Management Organisation • Implementation agreed in meetings representative of the community, and subject to public scrutiny