

## CHAPTER 4: Scheme of Delegations

### Introduction

1. The Scheme of delegations defines where responsibility lies in the North Western Inshore Fisheries and Conservation Authority (the Authority) structure for delivering functions and taking decisions. The scheme lists functions and decisions which are the responsibility of:
  - I. Full Authority
  - II. Sub-Committees
  - III. Chief Executive Officer (CEO)
  - IV. Chair
2. The allocation of responsibilities aligns with the normal interpretation of the division of functions between non-executives and executives. In the context of this Authority, Members are non-executive. CEO is responsible for executive functions.
3. In summary functions are delegated as follows:
  - Determination of the vision, policy framework, overarching strategy, budgetary, constitutional and quasi legislative functions are the responsibility of Members.
  - Management of delivery of plans to meet policy objectives across the spectrum of conservation and enforcement business are the responsibility of the CEO.
  - Development of policy and oversight of delivery is done by sub-committees with advice from officers. Specific detailed day to day work is done by officers managed by the CEO.
4. By adopting this framework, Members agree that it is their role to concentrate on overall fisheries and conservation strategy and policy decisions. Also that it is essential that the CEO and subordinate managers have clear managerial control and authority to implement those decisions in day to day running of the Authority.
5. The role of Members is to provide expertise and comment on fisheries and conservation in the district with the aim of achieving sustainable fisheries. Members should bring to the attention of the CEO matters of concern on any element of business. Members do not have a role in day to day management as this is unlikely to promote the most effective service. It is part of the CEO role to consider and act upon the legitimate concerns and comments of members who oversee statutory functions in accordance with the Authority's policy framework.

### Table of delegations

<b>FULL AUTHORITY: Responsibilities and Functions</b>
1. Approving the Annual Budget and County Councils' levy.
2. Approving audited annual accounts.
3. Approving bank signatories.
4. Approving changes to the Constitution including Standing Orders; Schedule of Delegations; Non-Elected Members' Code of Conduct; Financial Regulations and other constitutional documents.
5. Approving Sub-Committee membership and changes to their Terms of Reference.
6. Appointing Member representatives of the Authority to outside bodies.
7. Approving the Authority's strategic policy framework, including for example: <ul style="list-style-type: none"> <li>• Annual Reports</li> </ul>

<ul style="list-style-type: none"> <li>• Annual Plans</li> <li>• Communications and Engagement Strategy</li> <li>• Biosecurity Plan</li> <li>• Risk Management Strategy</li> </ul>
8. Agreeing the Authority's strategic enforcement framework including for example: <ul style="list-style-type: none"> <li>• Enforcement and Sanctions Strategy</li> <li>• IFCO Code of Conduct</li> </ul>
9. Making, amending, revoking, re-enacting or adopting byelaws.
10. Approving Memoranda of Understanding with partner bodies and other partnership initiatives.
11. Waiving any of the procedures relating to contracts which are set out in the Financial Regulations.
12. Approving action on losses and bad debts.
13. Approving responses and actions in respect of major planning, licensing or development proposals and other issues that may affect or impact on fisheries resources or the marine environment within the District.

**GENERAL PURPOSES AND STANDARDS Sub-Committee: Responsibilities and Functions**

1. Decision making powers concerning the strategic well-being of the Authority, including urgent policy formulation in response to new/changing national policy or legal obligations in advance of consideration by the full Authority.
2. Decision making powers in relation to urgent matters that have the potential to affect the well-being of the Authority.
3. To conduct hearings into complaints against any non-elected Member for breaches of the Code of Conduct and notify appointing bodies of outcomes.

**FINANCE AND PERSONNEL SUB-COMMITTEE: Responsibilities and Functions**

1. Setting the annual budget and levy and recommending approval to the full Authority.
2. Oversight of financial matters and approval of any major spending projects.
3. Approval of disposal of assets exceeding (£10,000??) as stipulated by Financial Regulation 49.
4. Chair of this sub-committee or of the Authority to countersign any payments over £50,000 as stipulated by Financial Regulation 26.
5. Decision making powers to deal with any urgent or serious financial matters.
6. Approval of any major changes to staff establishment of promoted roles.
7. Decision making powers to approve an Authority recruitment policy.
8. Recruitment of Chief Executive Officer, including shortlisting and interview and appointment. Recruitment of all other officers is delegated to the CEO to oversee the selection process. The Chairman or other suitably qualified member should attend interviews for promoted posts including Clerk, Heads of Compliance / Enforcement, HR, Science, Master of Patrol Vessel.
9. Conducting staff disciplinary/grievance appeals panels.
10. Approval of the appointment of contractors or consultants following appropriate competitive tender procedures conducted by Officers
11. The Chair of this Sub-Committee, or the CEO in consultation with the Chair, may refer any of the matters set out above to the full Authority.

**TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE (TSB): Responsibilities and Functions**

1. Discussion and drafting of Byelaws and other changes in fisheries management prior to presentation to the full Authority.
2. Fisheries management decisions including openings, closures, authorisations, conditions of fishing, consultations with stakeholders, fisheries management plans.

3. Marine protected area management decisions including development and implementation of measures, consultations with stakeholders.
4. Considering and acting upon reports and recommendations from the Senior Scientist to secure sustainable marine resources in the District.
5. 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.

<b>CHIEF EXECUTIVE OFFICER: Responsibilities and Functions</b>
<b>Human Resources</b>
1. As Head of the Authority's paid service ensuring that the Authority deals effectively and lawfully with day to day operational control of personnel issues, including management of staff structure, recruitment, retention, welfare, training, appraisals, disciplinary and grievance matters.
2. Managing the performance of staff to ensure that the Authority's policies and decisions are implemented effectively and that key targets and objectives are met.
3. Being ultimately responsible for all other HR matters that have not been delegated to the Finance & Personnel Sub-Committee or reserved to the full Authority.
<b>Protection and Conservation</b>
4. Leading and directing the Authority's officers in the enforcement of all legislation relating to the management and policing of the inshore fisheries and the conservation of the marine environment.
5. Instigating and taking legal proceedings for offences under any legislation which empowers the Authority to take legal proceedings, after consultation with the Chair and Vice-Chair of the Authority.
6. 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 and notifying the Chair and Vice Chair of the TSB Sub-Committee. On making an emergency byelaw, the CEO must report full details to the full Authority.
7. Ensuring that the Authority liaises and works in co-operation with other relevant statutory fisheries and conservation advisors including other IFCAs.
8. Being ultimately responsible for all fisheries management matters that have not been delegated to the TSB-Committee or reserved to the full Authority.
<b>Governance and Financial Management</b>
9. Being the Responsible Financial Officer as defined in the Financial Regulations.
10. Entering into and varying contracts where necessary to implement the Authority's decisions or to discharge CEO responsibilities or to provide best value.
11. Being responsible for all financial management matters that have not been delegated to the Finance Sub-Committee or reserved to the full Authority.
12. Acting as signatory in respect of permits, licences, agendas, cheques and other such Authority documentation.
13. Ensuring that all governance, enforcement, financial management and HR policies and procedures are maintained in an accurate and up-to-date state and are adhered to by all staff and members.
14. Ensuring that all matters within the decision-making powers of the full Authority and its Sub-Committees are brought forward to the relevant Sub-Committee or full Authority in a timely manner and with all information necessary for robust and lawful decisions.
15. Receiving and investigating complaints against non-elected members, referring complaints to the General Purposes and Standards Sub-Committee as appropriate, and 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 preparation and circulation of agendas, papers and minutes for all Authority and Sub-Committee meetings in line with legal requirements and the 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 1998
<b>External Representation and Communications</b>
20. Representing the Authority at meetings with statutory bodies such as DEFRA, MMO, Environment Agency, Natural England, AIFCA, and Councils, or delegating this responsibility where appropriate.
21. Ensuring effective and appropriate communications between staff and members, and between the Authority and other organisations including AIFCA, other IFCA and relevant NGO.
22. Maintaining effective community consultation, engagement and participation arrangements for the Authority that meet external and internal objectives.
<b>Powers of Delegation</b>
23. Delegating functions to another officer but remaining accountable for the outcome of such delegations.
<b>Provision for Emergencies</b>
24. Where, in the opinion of the CEO (or the Head of Enforcement / Compliance in their absence) a decision which is within the powers of the Authority, but is not within the CEO's delegated powers, is urgently required, and cannot be delayed until an Authority or relevant Sub-Committee meeting is convened, the CEO may take the decision, having first consulted the Chairman and the Vice-Chairman of the Authority and, where relevant, the Sub-Committee Chair and Vice-Chair. In such cases, the decision to take urgent action will be communicated to all Members by e-mail together with a brief explanation. All such decisions must be reported to the next meeting of the Authority and the relevant Sub-Committee.

<b>Delegation to the Chair and Vice-Chair of the Authority</b>
1. The Chair (and in their absence, the Vice-Chair) will sign orders for the payment of money by the county councils jointly with the CEO.
2. The Chair will act as a cheque signatory (as one of 2 required signatories as approved by the full Authority).