



**NORTH WESTERN INSHORE FISHERIES
AND CONSERVATION AUTHORITY**

CONSTITUTION

February 2021

CONTENTS

NWIFCA Vision

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

CHAPTER 1:	Standing Orders	Page 3
CHAPTER 2:	Financial Regulations	Page 16
CHAPTER 3:	Code of Conduct for Members and Disclosable Interests	Page 22
CHAPTER 4:	Scheme of Delegations	Page 28
CHAPTER 5:	Marine Management Organisation appointees: Terms and Conditions of appointment	Page 32
CHAPTER 6:	NWIFCA Customer Charter and Service Standards	Page 34
CHAPTER 7:	NWIFCA Complaints Procedure	Page 35
CHAPTER 8:	NWIFCA Policy for Managing Unacceptable Behaviour	Page 37
CHAPTER 9:	Freedom of Information Publication Scheme	Page 42
CHAPTER 10:	SI 2010 No. 2200 (The North Western Inshore Fisheries and Conservation Order 2010)	Page 43

CHAPTER 1: Standing Orders

The Standing Orders for the North Western Inshore Fisheries and Conservation Authority ('the Authority') include provisions required under the Marine and Coastal Access Act 2009 (MACAA), the North Western 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.

STANDING ORDERS

The following Standing Orders were approved by resolution on 15th September 2017 and supersede all previous Standing Orders.

Standing Orders

Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded, stand adjourned without discussion until the next meeting of the Authority. In any event, these Standing Orders will be reviewed at each AGM of the Authority to ensure that they remain fit for purpose and support the Authority in the efficient discharge of its functions.

Section 1: Membership of the North Western Inshore Fisheries and Conservation Authority ('the Authority')

- 1.1 The Authority is made up of 30 members as follows¹:
- 10 county councillors appointed by Blackpool Borough Council (1 member), Cheshire West and Chester Council (1 member), Cumbria County Council (2 members), Halton Borough Council (1 member), Lancashire County Council (2 members), Liverpool City Council (1 member), Sefton Council (1 member), and Wirral Metropolitan Borough Council (1 member);
 - 18 'general' members appointed by the Marine Management Organisation (MMO), including at least one MMO employee 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
 - 1 statutory member of staff from Defra Agencies: Natural England (NE) and Environment Agency (EA).³
- 1.2 A person is not eligible for appointment or re-appointment as a member of the Authority 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(a).⁴
- 1.3 The proceedings of the Authority will not be invalidated if a vacancy occurs or if there is a defect in the election or qualifications of any member.⁵

Terms of appointment

- 1.4 The terms of appointment of each member are determined by their appointing organisation.⁶ The terms of appointment for members appointed by the MMO are in Section 5 of this Constitution.

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

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

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

⁴ Article 12 North Western IFCA Order 2010

⁵ Paragraph 43 Schedule 12 Local Government Act 1972

⁶ Article 6(2) North Western IFCA Order 2010

Resignation of a member

- 1.5 A member may resign from the Authority by giving written notice to the Authority and to their appointing body.⁷

Suspension of a member

- 1.6 If criminal proceedings are started against a member, the Authority 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. A suspended member may not speak or vote at any meeting of the Authority, Committees or working groups.
- 1.7 The suspension will end if the member is acquitted of the offence or the proceedings are discontinued or withdrawn.
- 1.8 If a council member's membership of their county/borough council is suspended by that county/borough council, their membership of the Authority will also be suspended, as will be their ability to act as an office-holder for the Authority. This includes the offices of Chair and Vice-Chair of the Authority.⁸
- 1.9 If the council member's suspension ends, it will be up to the relevant county council to decide whether to re-appoint the member to the Authority.

Termination of membership

- 1.10 A member's appointment to the Authority ends if:
- a) the member is convicted of an offence under fisheries legislation, nature conservation legislation or marine licensing legislation;
 - b) the member receives a fine under fisheries legislation, nature conservation legislation or marine licensing legislation;
 - c) the member ceases to be a member of the county council that appointed them to the Authority.⁹
- 1.12 The Authority may terminate a member's appointment if the member is convicted of any other criminal offence other than those in paragraph 1.10.¹⁰
- 1.13 A member's appointment also ends when they reach the end of their term of appointment.

Section 2: Members' attendance at meetings

- 2.1 Every member of the Authority attending a meeting of the Authority or any sub-committee or working party of which he is a member, shall sign his name in the attendance book or sheet provided for that purpose.
- 2.2 In each year, a member must attend no less than 50% of the total number of meetings of the Authority and of sub-committees to which they have been appointed. In making this provision, the Authority will take into account any period(s) of illness as evidenced by the member in question. A year is defined as the period from 1st April to 31st March.
- 2.3 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.
- 2.4 No substitutes are allowed for members of the Authority who are MMO appointees. Council officers may substitute for their respective Council Member(s). Substitution is also allowed for employees of Natural England, MMO and the Environment Agency. In such cases, the substitution should be notified to the Clerk at least 5 working days prior to the date of the meeting. Substitutes may vote on any proposal for decision before the Authority. If a Local Authority member is unable to attend the meeting for any reason, they may submit a proxy vote in writing to the Authority in advance of the meeting.

⁷ Article 9(1) North Western IFCA Order 2010

⁸ Article 10 North Western IFCA Order 2010

⁹ Article 11(1) North Western IFCA Order 2010

¹⁰ Article 11(2) North Western IFCA Order 2010

Section 3: Appointment of the Chair of the Authority

- 3.1 (a) The Chair of the Authority shall be elected by the members at each AGM. The CEO will invite nominations from all members 14 days in advance of the AGM and inform members of nominations 7 days in advance of the meeting.
- (b) The election of the Chair will be by vote of the members present at the AGM. If there are an equal number of votes for the members nominated, the CEO will decide the election by lot.
- (c) The Chair holds office from the period beginning with the meeting at which the Chair is elected and ending with the first meeting of the Authority held after the beginning of the following financial year, subject to articles 8 to 11 of the North Western Inshore Fisheries and Conservation Order 2010.
- (d) If the Chair is absent from a meeting then the Vice Chair of the Authority, if present shall preside.
- (e) If the Chair and Vice Chair of the Authority are absent from a meeting of the Authority then another Member of the Authority chosen by the members present shall preside.
- (f) Subject to any Standing Orders made by the Authority anything authorised or required to be done by, or before the Chair may be done by, or before the Vice-Chair.

Role of the Chair of the Authority

- 3.2 The role of the Chair of the Authority is to:
- Act as the strategic lead for the Authority when working with the CEO toward the delivery of the Authority's policy framework. To ensure that the Authority is able to carry out the business at its meetings efficiently, in line with the its plans and policies, legal duties, Constitution and Standing Orders;
 - Facilitate member discussion and agreement on the setting of policy direction;
 - Ensure that members have the opportunity to ask the CEO about the delivery of policy objectives; 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 Authority's communities and stakeholders.
- 3.3 In fulfilling this role, the Chair will work closely with, and take advice from the Authority's CEO and officers.
- 3.4 The Chair will also attend such meetings and functions as are necessary in order to represent the interests of the Authority on the advice of the CEO and, as appropriate, the Clerk.

Resignation of the Chair of the Authority

- 3.5 The Chair of the Authority may resign the office by giving notice in writing to the Authority.¹¹
- 3.6 Following the resignation of the Chair, the Authority must appoint another eligible member to the office until the Annual General Meeting (AGM) of the Authority.¹²

Removal from the office of the Chair of the Authority

- 3.7 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 Chair¹³ or appointed as Vice-Chair.¹⁴

¹¹ Article 9(2) North Western IFCA Order 2010

¹² Article 9(3),(4) and (5) North Western IFCA Order 2010

¹³ Article 8(1),(2) and (6) North Western IFCA Order 2010

¹⁴ Article 14(5) North Western IFCA Order 2010

- 3.8 Following the removal of the Chair, the Authority must appoint another eligible member to the office until the AGM of the Authority.¹⁵

Termination of appointment of the Chair of the Authority

- 3.9 Where the appointment of a member who is also the Chair of the Authority is terminated or comes to an end, the Authority must appoint another eligible member to the office of Chair.¹⁶ A member who has previously been removed from the office of Chair or Vice-chair cannot be appointed as Chair.¹⁷
- 3.10 The member appointed as Chair holds the office until the next AGM meeting of the Authority.¹⁸
- 3.11 In the event of the resignation, removal or termination of office of the Chair of the Authority, the CEO will invite nominations for a replacement Chair following the same process as described in 3.1(a) and (b).

Section 4: Appointment of the Vice-Chair of the Authority

- 4.1 At the AGM of the Authority, members will elect a Vice-Chair for the year beginning with the meeting at which they were elected and ending with the AGM meeting the following year. The manner of election shall be the same as for the Chair of the Authority. The Vice-Chair will chair meetings of the Authority in the absence of the Chair.
- 4.2 The Vice-Chair holds office from the period beginning with the meeting at which the Chair is elected and ending at the next AGM, subject to articles 8 to 11.

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

- 4.3 Paragraphs 3.5 -3.11 of these standing orders apply to the Vice-Chair as to the Chair.

Section 5: Meetings of the Authority

- 5.1 Meetings of the Authority will take place quarterly. The Annual General Meeting is the first meeting of the Authority after 1st April each year.
- 5.2 The date and time of meetings for the following calendar year will be agreed at the AGM.
- 5.3 Meetings will be held at locations which are convenient for members and which provide access for the members of the public who might wish to attend.
- 5.4 If the Chair is absent from a meeting of the 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.¹⁹ The CEO will take the chair to conduct the election. Election will be by way of seconded nomination and vote.
- 5.5 The Authority may delegate any of the Authority's functions to a sub-committee, member or employee of the Authority if it considers it expedient to do so.²⁰

Section 6: Quorum for a meeting of the Authority

- 6.1 The quorum for a meeting of the Authority is 8, including at least 1 council member and 1 member appointed by the MMO (a 'general' member).²¹The Chair will adjourn the meeting if it becomes inquorate at any time.

¹⁵ Article 8(5) North Western IFCA Order 2010

¹⁶ Article 11(3) North Western IFCA Order 2010

¹⁷ Articles 8(6) and 14(5) North Western IFCA Order 2010

¹⁸ Article 7(4) North Western IFCA Order 2010

¹⁹ Article 14(2) North Western IFCA Order 2010

²⁰ Article 17 North Western IFCA Order 2010

²¹ Article 13(1) North Western IFCA Order 2010

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

7.1 The Clerk will email copies of the Notice of Meeting, agenda and papers for a meeting to members at least 7²², clear days before the meeting. The CEO will ensure that these are posted on the Authority's website and are made available for inspection at the Authority's office when they are emailed to members. Failure to send meeting details to any individual member shall not affect the validity of the meeting. Except for late agenda items under S7.2 no item may be discussed at a meeting of the Authority unless it is specified in the agenda.

Late agenda items

7.2 An item of business for a meeting may not be added to an agenda less than 5 clear 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 meeting²³. The special circumstances must be evidenced by the CEO and recorded in the minutes for the meeting.²⁴

7.3 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.²⁵

7.4 The CEO 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"²⁶ and the exemption category will be indicated on the paper.²⁷ The exemption categories are set out in paragraph 15.1 of these standing orders.

Background documents

7.5 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.²⁸

7.6 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

7.7 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.

7.8 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.²⁹

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.³⁰

²² 5 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.

²³ Special circumstances might include important information that has only just been received by the Authority within the 5 day period or information of a confidential/sensitive nature.

²⁴ Section 100B(4) Local Government Act 1972

²⁵ Section 100B(3)(b) Local Government Act 1972

²⁶ Section 100B(5) Local Government Act 1972

²⁷ Schedule 12A Local Government Act 1972

²⁸ Section 100D Local Government Act 1972

²⁹ Section 100B(6) Local Government Act 1972

³⁰ Paragraph 41(2) Schedule 12, Local Government Act 1972

- 8.2 The minutes will be presented for members to confirm as an accurate record at the next suitable³¹ meeting of the relevant body and the Chair of the meeting will sign the minutes and initial each page.³²
- 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.³³
- 8.5 Members can request a copy of the unconfirmed minutes of a meeting for their personal information. The Clerk will use best endeavours to ensure that the unconfirmed minutes of a meeting are available to members within 6 weeks of a meeting having taken place. Unconfirmed minutes will not normally be published until after they have been agreed by the next relevant meeting.
- 8.6 The Clerk will keep and make available for public inspection for 6 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.³⁴

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

Order of business

- 9.1 The business to be conducted will be dealt with in the order set out in the agenda, unless the Chair decides to vary the order.
- 9.2 The order for the agenda will normally be as follows:
- Item 1: Welcome and announcements by the Chair
 - Item 2: Apologies for absence
 - Item 3: Declarations of interest
 - Item 4: To approve the minutes of the last meeting
 - Item 5: Matters arising
 - Item 6: To deal with any statutory business
 - Item 7: To dispose of any business remaining from the last meeting
 - Item 8: Reports of sub-committees– for information and/or decision
 - Item 9: Reports of officers – for information and/or decision
 - Item 10: The order of business may be varied at the Chair’s discretion and with the approval of Members or by a motion moved, seconded and approved by Members
- 9.3 At the AGM of the Authority, the first item on the agenda will be the election of the Chair of the Authority. For this item, the CEO will take the chair to conduct the election.
- 9.4 The fourth item on the agenda for the AGM Authority meeting will be the election of the Vice-Chair. This will come before the items for decision.
- 9.5 If the Chair and Vice-Chair are absent from an Authority meeting, the election of a Chair for the duration of the meeting will become the first item on the agenda. For this item, the CEO will take the chair to conduct the election.
- 9.6 If it is necessary for the 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.

³¹ Paragraph 41(4) Schedule 12, Local Government Act 1972

³² Paragraph 41(2) Schedule 12, Local Government Act 1972

³³ Paragraph 40 Schedule 12, Local Government Act 1972

³⁴ Section 100C Local Government Act 1972

Exclusion of the public and the media from a meeting

- 9.7 The media and the public will be excluded from meetings or part thereof whenever it is likely that exempt or confidential information will be disclosed.³⁵
- 9.8 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.³⁶ The reasons must be recorded in the minutes of the meeting.

Motions

- 9.9 A member may put forward a motion for debate on a listed agenda item at any meeting. The proposal may endorse a 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.
- 9.10 All motions must be seconded by another member present.
- 9.11 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 CEO as soon as it has been seconded.
- 9.12 Where the motion is an amendment to an original resolution, it must be considered and voted on before the resolution is put to the meeting. If the amendment is carried by a majority vote, the amended resolution becomes the substantive resolution to be considered by the meeting. Further amendments to the substantive resolution may be moved.
- 9.13 If an amendment is not carried, further amendments to the original resolution may be moved.
- 9.14 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

- 9.15 The Chair and 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 Authority member where appropriate.
- 9.16 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 Authority, debates will normally follow the procedure set out in paragraphs 9.17-9.25 below. (Where the Chair determines that a more formal process of debate is required, the procedure in paragraphs 9.26-9.32 below will be followed.)
- 9.17 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. Prior to speaking, a member with a disclosable interest in the agenda item will disclose the existence of that interest to the meeting. It will suffice for the member in question to say 'I have a disclosable interest in this matter'. The member concerned may then make their contribution to the debate.
- 9.18 At the Chair's discretion, members may speak more than once on an item. Members are however requested to be mindful of the limited time available for debate. Accordingly, the Chair has discretion to limit the total contribution of a member on a single agenda item to 5 minutes.

³⁵ Section 110A(2) and (3) Local Government Act 1972

³⁶ Section 110A(4) and (5) Local Government Act 1972

- 9.19 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.
- 9.20 The Chair will determine when the debate should be closed.
- 9.21 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.
- 9.22 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.
- 9.23 When the debate has been closed, the Chair will put the amended resolution to the vote.
- 9.24 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.
- 9.25 If a resolution, whether amended or not, is put to the vote and is not carried, the Chair will invite members to i) put forward a new resolution for consideration, or ii) defer the decision to a future meeting or iii) terminate consideration of the resolution. 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

- 9.26 Should the Chair decide that a more formal structure for debate is necessary; the following procedure will be used.
- 9.27 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
- 9.28 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
- 9.29 The seconder can reserve their right to speak until later in the debate.
- 9.30 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.
- 9.31 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.
- 9.32 When the proposer has exercised the right to reply, the Chair will put the resolution to the vote.

Rescission of earlier resolutions

- 9.33 No resolution agreed by the Authority will be reconsidered within 6 months of the date the decision was made.

- 9.34 Thereafter, a motion to rescind or amend an earlier resolution of the Authority will only be considered if set out in a notice to such effect and signed by at least one-third of the members of the Authority. The notice shall be given in writing or by email to the CEO, showing the names of the members raising the notice of motion at least 10 days before the date of the next meeting. The notice of motion will be added to the agenda of the next meeting of the Authority in the form which it is received

Voting

- 9.35 All members of the Authority or members 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 a disclosable interest which prohibits them from voting.
- 9.36 In relation to the budget of the Authority, Council members can veto the setting of the annual budget if they are not in agreement with the proposed budget.
- 9.37 Voting at all meetings is by a show of hands unless a member requests a recorded vote. In this case, the CEO will ask each member present to declare their vote. Numbers voting for, against and abstaining will be recorded in the minutes of the meeting.
- 9.38 A resolution or amendment will be deemed 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.³⁷

Suspension of rules of procedure

- 9.39 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 9.35-9.41.

Disorderly conduct by members or the public

- 9.40 If at a meeting, any member, in the opinion of the Chair, wilfully obstructs the proper conduct of the meeting, the Chair may move 'That the member named be not further heard'. The motion if seconded shall be put and determined without discussion. If the member so named continues his/her misconduct, the Chair shall move (without the requirement for seconding) 'That the member do leave the meeting or adjourn the meeting for such period as the chair considers expedient.

General Disturbance

- 9.41 In the event of a general disturbance, which in the opinion of the Chair renders the proper conduct of business impossible, the Chair may, without question, adjourn the meeting of the Authority for such period as he/she considers necessary.

Section 10: Audio-visual recording devices

- 10.1 Authority and Committee meetings are recorded and recordings retained for 6 years. Press or media wishing to record meetings are requested to contact the CEO in advance. Closed/Exempt items not for public discussion must not be recorded or reported.

Section 11: Sub-Committees of the Authority

- 11.1 The Authority may establish sub-committees with responsibility for considering or determining functions of the Authority.³⁸ The Chair and Vice-Chair of the Authority are ex-officio members of every sub-committee and working party of the Authority.
- 11.2 A sub-committee's power to make decisions on behalf of the Authority, or to make recommendations to the Authority for determination, will be stated in the resolution establishing the sub-committee and will be included by the Clerk in the Authority's Schedule of Delegations (Section 4 of the Authority's Constitution).

³⁷ Paragraph 39(1)and(2) Schedule 12 Local Government Act 1972

³⁸ Article 17(1) North Western IFCA Order 2010

- 11.3 The Finance and Personnel Sub-Committee shall have a maximum of 12 members including all Local Authority appointees. If the Authority Chair and Vice-Chair are not Local Authority appointees they shall be ex officio members of the Finance and Personnel Sub-Committee. The Finance and Personnel Sub-Committee shall consider all personnel matters and matters arising under the HR policy and Financial Regulations. It shall have plenary powers to agree the annual budget and levies for adoption at the Authority AGM. It may make recommendations to the Authority or act on urgent financial matters. Its meetings are not open to the public.
- 11.4 The General Purposes and Standards Sub-Committee shall have a maximum of 6 members made up of the Chair, Vice-Chair, Chair and Vice-Chair of the Finance and Personnel Sub-Committee and Chair and Vice-Chair of TSB. The CEO and Head of Enforcement shall attend its meetings in an advisory capacity. The sub-committee will consider complaints, conduct, and urgent or sensitive matters relating to the strategic well-being of the Authority. The Chair shall have the power to appoint additional members if necessary. This sub-committee shall have plenary powers to act on urgent matters. Its meetings are not open to the public.
- 11.5 The Technical, Science and Byelaw Sub-Committee (TSB) shall have 10 members made up of officers from the Environment Agency, Natural England and the Marine Management Organisation (3 in total). The remaining 7 members shall be drawn from MMO appointees and Councillors elected annually at the AGM. It shall consider all matters of a scientific nature and the making and revision of byelaws and shall have plenary powers to act on urgent matters. Other Authority members may attend this sub-committee by giving notice of 1 week to the Clerk prior to the meeting. They may receive papers on request, speak at the meeting but not vote on an item. This sub-committee may co-opt additional specialist expertise from within the Authority to address technical issues.
- 11.6 With the agreement of the Chair of a sub-committee, the CEO can refer back to the Authority for decision, a matter which has been delegated to a sub-committee, where it is in the interests of the Authority that the matter is determined by the Authority.³⁹
- 11.7 A sub-committee may refer to the Authority a matter which has been delegated to it where this is in interests of the Authority and a majority of sub-committee members agree.⁴⁰
- 11.8 Sub-committees will follow the Rules of Procedure for ordinary meetings set out paragraphs 9.1-9.41 (excluding 9.3-9.6).
- 11.9 The Chair of the sub-committee will make a verbal report to the next meeting of the Authority following the sub-committee's meeting, summarising the discussion and decisions or recommendations of the sub-committee.
- 11.10 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

- 11.11 The quorum for a sub-committee will be one quarter of the total membership. Provided that in no case shall the quorum of a sub-committee be less than 3 members.

Membership

- 11.12 Only members of the Authority are eligible to be members of a sub-committee.⁴¹ Any member is eligible to be appointed to any sub-committee subject to the provisions contained in 11.3 and 11.4 of these Standing Orders.
- 11.13 There is no limit to the term that a member can serve on a sub-committee, subject to the practice of annual election to the membership of TSB Sub-Committee. This practice is to invite nominations from all members, requesting a brief note of any relevant expertise. This invitation to be followed by circulation of a list of eligible appointees to all members. Officers will count the number of votes and propose to the AGM that the top 7 are appointed to the TSB. Membership to be agreed by a show of hands.

³⁹ Article 17(3) North Western IFCA Order 2010

⁴⁰ Article 17(3) North Western IFCA Order 2010

⁴¹ Article 17(2) North Western IFCA Order 2010

11.14 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

11.15 Any member of a sub-committee is eligible to stand as Chair or Vice-Chair.

11.16 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 as the first item of business following the vacancy. The CEO will take the meeting to conduct the election of a Chair.

11.17 Nominations for the post of Chair or Vice-Chair will be made orally to the CEO at the meeting and the election will be by majority vote of the members present.

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

11.19 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.

11.20 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

11.21 The role of the Chair of a sub-committee of the Authority 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 Authority's communities and stakeholders.

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

11.23 The Chair will also represent the Authority at meetings and functions if requested to do so by the Chair of the Authority and the CEO.

Section 12: Appointment of working groups

12.1 The Authority or any of its sub-committees may set up working groups to examine matters that are within the remit of the Authority or sub-committee. The resolution setting up the working group will define its terms or reference.

12.2 Any member or officer of the Authority may be a member of a working group.

12.3 The working group will report back to the meeting that set it up.

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 Authority and sub-committees will be open to the public, except where stated in the sub-committee standing orders, or where a resolution to exclude the press and public has been agreed by the Authority or the sub-committee.⁴²

13.2 Members of the public may not make comments or ask questions at the meeting, unless invited to do so by the Chair of the meeting.

⁴² Section 100A Local Government Act 1972

- 13.3 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.
- 13.4 The question or comment must reach the CEO at least 5 days before the date of the meeting. The CEO and the Chair of the Authority will decide whether it is appropriate to put the matter to the meeting.
- 13.5 If it is decided not to put the matter to the meeting, the CEO will ensure that a prompt written response is sent to the member of the public concerned.
- 13.6 Members of the public can also ask individual members to raise issues at a meeting as long as the issue concerns an item on the agenda for the meeting.

Representatives of the MMO, Natural England, the Environment Agency

- 13.7 MMO, EA and NE representatives may invite colleagues to present information with the prior consent of the Chair.
- 13.8 The Chair of the meeting in consultation with the CEO may allow representatives of other partner agencies to present information.

Section 14: Extraordinary Meetings

- 14.1 The Chair of the Authority or any 7 members may summon an extraordinary meeting of the full Authority or a sub-committee, for a reason relating to the functions of the Authority that they consider urgent, by giving notice to the CEO in writing. The notice will state the function to which the request relates and set out the grounds of urgency.
- 14.2 The CEO will call a meeting of the Authority or sub-committee within 7 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 of the extraordinary meeting
- 14.4 No other items, including minutes of the last meeting, will be taken at an extraordinary meeting.⁴³
- 14.5 The rules of procedure in paragraphs 9.9-9.41 apply to extraordinary meetings.

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

- 15.1 The exemption categories referred to in paragraph 7.7 are as follows⁴⁴:
- 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 –

⁴³ Paragraph 41(4) Schedule 12, Local Government Act 1972

⁴⁴ The exemption categories must be interpreted in the light of the Freedom of Information Act 2000 and the advice of the Information Commissioner

- (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

CHAPTER 2 Financial Regulations

General	Page 16
Annual Estimates (Budget)	Page 17
Budgetary Control	Page 17
Accounts and Audit	Page 17
Banking Arrangements and Cheques	Page 18
Payment of Accounts	Page 18
Payment of Salaries	Page 18
Investments	Page 18
Income	Page 19
Orders	Page 19
Contracts	Page 19
Assets	Page 20
Insurance	Page 21
Risk Management	Page 21
Members' Expenses	Page 21
Revision of Financial Regulations	Page 21

FINANCIAL REGULATIONS – ANNEX A

The following Financial Regulations were approved by resolution at a meeting of the Authority held on 22nd March 2013 and supersede all previous Financial Regulations.

GENERAL

1. These Financial Regulations should be read in conjunction with the Standing Orders of the Authority.
2. These Financial Regulations govern the conduct of financial management by the Authority and may only be amended or varied by resolution of the Authority. The Authority is responsible in law for ensuring that its financial management is adequate and effective and that it has a sound system of financial control.
3. The Responsible Financial Officer (RFO) shall be the Chief Executive Officer (CEO) or an officer or member of the Authority nominated by the CEO. The RFO acting under the policy direction of the Authority shall administer the Authority's financial affairs in accordance with proper practices. The RFO shall be responsible for the production of financial management information. The RFO shall determine on behalf of the Authority its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the Authority are maintained and kept up to date in accordance with proper practices. In any cases where financial irregularity is suspected, the Chair of the Authority and the Internal Auditor should be informed.
4. The Authority shall conduct a review annually of the effectiveness of its system of internal control which shall be in accordance with proper practices.

ANNUAL ESTIMATES (BUDGET)

5. Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the Authority.
6. The Finance Committee shall review the budget and make a recommendation to the Authority not later than the end of January each year on the Precept to be levied for the ensuing financial year.
7. All expenses incurred by the Authority within the agreed budgets are to be met by the relevant councils.
8. The annual budgets shall form the basis of financial control for the ensuing year.

BUDGETARY CONTROL

9. At each meeting of the Authority the RFO shall report on the financial position.
10. The RFO shall regularly provide the Authority with a budget review reporting on the receipts and payments to date under each major head of the budget, comparing actual expenditure to the appropriate date against that planned as shown in the budget.
11. Expenditure on revenue items may be incurred up to the amounts approved under the major budget heads in the approved budget.
12. Adjustments may be made between major budget heads, as follows: up to £10,000, with the approval of the Chair of the Finance Committee; and up to £30,000, with the approval of the Finance Committee.
13. Expenditure not provided for in the budget may be approved by a majority vote of Finance Committee.
14. 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 urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £10,000.
15. In these financial regulations 'major budget heads' shall refer to following: Employees, Premises, Transport, Vessel Purchase, Supplies and Services, Corporate.
16. Before incurring expenditure of a capital nature exceeding £30,000 the RFO shall supply the Authority or Finance Committee with a written report showing the estimated cost, the proposed method of financing, and the effect on current and future years.

ACCOUNTS AND AUDIT

17. All accounting procedures and financial records of the Authority shall be determined by the RFO in accordance with Accounts and Audit Regulations
18. The RFO shall complete the annual financial statements of the Authority as soon as practicable after the end of the financial year and shall submit them and report thereon to the Authority
19. The RFO shall complete the Accounts of the Authority and shall submit them for approval and authorisation by the Authority within any required regulatory timescales set by Accounts and Audit Regulations.

20. The RFO shall ensure that there is an adequate and effective system of internal audit of the Authority's financial operations. The RFO shall appoint an Internal Auditor competent and independent of the operations of the Authority to report annually to the Authority in writing. The internal audit procedure will be reviewed annually by the Authority.

BANKING ARRANGEMENTS AND CHEQUES

21. The Authority's banking arrangements shall be made by the RFO on behalf of the Authority. A current account shall be maintained at the bank to cover general expenses, salaries and wages. The RFO is also authorised to operate such accounts as are necessary to optimise income from interest bearing accounts.
22. All accounts for payment will be entered on schedules to be signed by the RFO.
23. Cheques will be signed by any two cheque signatories who shall be appointed by a bank mandate approved by the Authority.
24. Any payments over £50,000 shall be countersigned by the Chair of the Authority or of the Finance Committee.
25. Cheques over £50,000 shall be accompanied by written authorisation from a member of the Finance Committee.
26. A bank statement on the Authority's account will be obtained at least once a month. Bank reconciliation will be carried out monthly. All cash and cheques received will be promptly banked.

PAYMENT OF ACCOUNTS

27. All payments shall be effected by BACS payment from the Authority's account, by cheque, or direct debit in appropriate cases.
28. All invoices for payment shall be examined, verified and certified approved by the officer appointed to this duty by the RFO. The officer responsible shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved. The officer appointed by the RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading.
29. Payment for utility supplies (energy, telephones and water), rates, fuel, pension contributions and similar recurring expenses may be made by direct debit. These payments will be entered on schedules to be signed by the RFO.

PAYMENT OF SALARIES

30. As an employer, the Authority shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made by the officer appointed by the RFO in accordance with payroll records and the rules of PAYE and National Insurance currently operating
31. Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made by the officer appointed by the RFO in accordance with the payroll records and on the appropriate dates stipulated in employment contracts.

INVESTMENTS

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

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

INCOME

34. The collection of all sums due to the Authority shall be the responsibility of and under the supervision of the RFO.
35. The RFO will review all fees and charges where appropriate.
36. Any sums found to be irrecoverable and any bad debts shall be reported to the Authority.
37. All sums received on behalf of the Authority shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Authority's bankers with such frequency as the RFO considers necessary.
38. The origin of each receipt shall be entered on the paying-in slip.
39. Personal cheques shall not be cashed out of money held on behalf of the Authority.
40. The officer appointed by the RFO shall promptly complete any VAT Return that is required. Any repayment claim due shall be made at least annually coinciding with the financial year end.

ORDERS

41. 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.
42. Order books shall be controlled by the RFO.
43. Orders for the supply of goods or for work to be done shall be issued by nominated Officers in writing on official triplicate forms or an electronic version. One copy will be sent to the supplier wherever possible, another will be sent to the officer appointed by the RFO, and the third copy retained in the order book or on computer. Exceptions to this ordering procedure will be rents, rates, utility and telephone bills, lease payments, maintenance agreements and other similar recurring payments, which will be monitored by the officer appointed by the RFO.
44. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.

CONTRACTS

45. Procedures as to contracts are laid down as follows:
- (a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
- (i) for the supply of gas, electricity, water, sewerage, telephone, ICT and broadband services;
- (ii) for specialist services such as are provided by solicitors, accountants, surveyors, ICT and planning consultants;
- (ii) for work to be executed or goods or materials to be supplied which consists of repairs to or parts for existing machinery or equipment or plant;

- (iii) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (iv) for additional audit work of the external Auditor up to an estimated value of £1000 (in excess of this sum the RFO shall act after consultation with the Chair and Vice Chair of Authority);
 - (v) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price, or for which there is only one source of supply.
- (b) Where it is intended to enter into a contract exceeding £10,000 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 in paragraph (a) the RFO shall invite tenders from at least three firms.
 - (c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Authority.
 - (d) 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 in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
 - (e) All sealed tenders shall be opened at the same time on the prescribed date by the RFO in the presence of at least one member of Authority.
 - (f) If less than three tenders are received for contracts above £10,000 or if all the tenders are identical the Authority may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
 - (g) The Authority shall not be obliged to accept the lowest or any tender, quote or estimate.
 - (h) Any invitation to tender issued under this regulation shall contain a statement to the effect that procedures 45(b) to 45(h) will apply.

ASSETS

- 46. The RFO shall make appropriate arrangements 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 Accounts and Audit Regulations.
- 47. No asset exceeding £20,000 shall be sold, leased or otherwise disposed of without the authority of the Finance Committee.
- 48. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.
- 49. The RFO shall ensure that an Inventory of appropriate smaller equipment is also kept and updated annually.

INSURANCE

50. The RFO shall keep a record of all insurances effected by the Authority and the property and risks covered thereby and annually review it.
51. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Authority at the next available meeting.
52. All appropriate employees of the Authority shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Authority.

RISK MANAGEMENT

53. The Authority is responsible for putting in place arrangements for the management of risk. The RFO shall include in the Annual Plan a risk management policy statement in respect of activities of the Authority and this will be reviewed annually by the Authority.
54. When considering any new activity the RFO shall appoint an officer to prepare a risk assessment.

MEMBERS' EXPENSES

55. Payment of allowances for approved duties will be made to MMO appointees to the Authority at the rate set by the Authority. Council appointees should claim expenses from their Council.
56. Approved duties for members of the Authority are attendance at any meetings of the Authority or Committee to which they have been appointed, or other meetings which they have been asked to attend by the Authority as a representative.
57. It is the responsibility of members to ensure they sign the attendance book at Authority meetings, as this forms the official record of attendance for payment of expenses.

REVISION OF FINANCIAL REGULATIONS

58. It shall be the duty of the Authority to review the Financial Regulations of the Authority from time to time. The RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Authority of any requirement for a consequential amendment to these Financial Regulations.

**NWIFCA Responsible Financial Officer
March 2013**

CHAPTER 3: Code of Conduct for Members

- 1 North Western Inshore Fisheries and Conservation Authority (“The Authority”) has adopted the following Code dealing with the conduct that is expected of Members of the Authority (“Members”) when they are acting in that capacity.
- 2 The Authority has a statutory duty under MACAA to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Authority expects Members to observe.
- 3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Authority.
- 4 The Code is intended to be consistent with the seven principles as attached to this Code (page 23) and applies whenever a person is acting in his/her capacity as a Member of the Authority in the conduct of the Authority’s business or acting as a representative of the Authority.
- 5 When acting in your capacity as a Member:
 - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.
 - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
 - (3) You must not disclose any information given to you as a Member in breach of any confidence.
 - (4) You must not bring your office or your Authority into disrepute.
 - (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority’s statutory officers and its other employees.
 - (6) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.
 - (7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - (8) You must be as open as possible about your decisions and actions and the decisions and actions of your Authority and should be prepared to give reasons for those decisions and actions.
 - (9) You must declare any pecuniary interests, both disclosable pecuniary interests and any other registerable interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms to the procedures set out below.

- (10) You must ensure, when using or authorising the use by others of the resources of your Authority that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (11) You must promote and support high standards of conduct when serving in your office.

SEVEN GENERAL PRINCIPLES OF CONDUCT

1. 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.

2. 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.

3. Objectivity

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

4. 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.

5. Openness

Holders of public office should be as open as possible about 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

6. 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

7. Leadership

Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

REGISTERING AND DECLARING DISCLOSABLE INTERESTS

- (1) You must, within 28 days of taking office as a Member, notify your Authority's Monitoring Officer, who shall be the Clerk to the Authority unless otherwise stated, of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this Code.
- (2) In addition, you must, within 28 days of taking office as a Member, notify your Authority's Monitoring Officer of any disclosable non-pecuniary interest you may have.
- (3) Even where a disclosable pecuniary interest has been entered onto the Authority's register, you must still disclose the existence and nature of the interest to any meeting of the Authority at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
- (4) Where you have a non-pecuniary interest as defined in this Code in any matter being considered at a meeting then the existence and nature of this must be disclosed at the meeting unless the interest has been entered in the Authority's Register of Interests. A member with a non-pecuniary interest may still participate in any discussion and vote on the matter in which he/she has such an interest.
- (5) Following any disclosure of an interest not on the Authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- (6) Unless dispensation has been granted, you may not vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State and set out in this Code. Additionally, you must observe the restrictions your Authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest.
- (7) Dispensation to vote on, or discharge functions related to a matter in which you have a pecuniary interest may be granted by vote of the Authority at a meeting after such an interest has been disclosed but before it has been discussed. Such a dispensation should only be granted if there are compelling reasons to do so which outweigh the ordinary public interest in disqualification of a member with a pecuniary interest.
- (8) Members of the Authority who are also members of a Local Authority must be aware that despite this Code they remain bound by the Code of Conduct of their Local Authority when acting on the Authority and must be aware of the provisions of that Code. The Local Authority Code will, among other things, forbid them on pain of criminal sanctions from participating in the discussion of, or voting on any matter in which they have a pecuniary interest.

MEANING OF PECUNIARY AND OTHER REGISTRABLE INTERESTS

Disclosable Pecuniary Interests

A pecuniary interest is a “disclosable interest” in relation to a Member (“M”) if it is of a description specified in this Schedule and either-

- (a) it is an interest of M’s, or
- (b) it is an interest of-
 - (i) M’s spouse or civil partner,
 - (ii) a person with whom M is living as husband and wife, or
 - (iii) a person with whom M is living as if they were civil partners,

and M is aware that that other person has the interest.

Each category of person referred to above are described as the ‘relevant person’. The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

Interest	Prescribed Description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority- (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M’s knowledge)- (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities	Any beneficial interest in securities of a body where- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
------------	---

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Other Registerable (Non-Pecuniary) Interests

In addition to the disclosable pecuniary interests, you must, within 28 days of the Code being adopted by or applied to your Authority; or your election or appointment to office (where that is later) notify the Monitoring Officer in writing of the details of your interests within the following categories which the Council has decided must be included in the register of interests.

- a) Details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the County Council.
- b) Details of any body of which you are a member or in a position of general control or management and which-

- i) exercises functions of a public nature
 - ii) is directed to charitable purposes, or
 - iii) is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
- c) Details of any person from whom you have received a gift of hospitality with an estimated value of at least £100 (you must register any gifts and hospitality worth over £100 that you receive personally in connection with your official duties).

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

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

9. Agreeing the Authority's strategic enforcement framework including for example: <ul style="list-style-type: none"> • Enforcement and Sanctions Strategy • IFCO Code of Conduct
10. Making, amending, revoking, re-enacting or adopting byelaws.
11. Approving Memoranda of Understanding with partner bodies and other partnership initiatives.
12. Waiving any of the procedures relating to contracts which are set out in the Financial Regulations.
13. Approving action on losses and bad debts.
14. Approving responses and actions in <i>respect of</i> planning, licensing or development proposals and other issues that may affect or impact on fisheries resources or the marine environment within the District.
15. Approving the delegation of its powers, as appropriate, to the relevant sub-committee/ or officers of the Authority.
16. In appropriate and the minority of cases, to reach decisions by email poll.

GENERAL PURPOSES AND STANDARDS Sub-Committee: Responsibilities and Functions

1. Consideration and 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.
4. Approving the delegation of its powers, as appropriate, to officers of the Authority
5. In appropriate and the minority of cases, to reach decisions by email poll.

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 Chair 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.
12. Approving the delegation of its powers, as appropriate, to officers of the Authority
13. In appropriate and the minority of cases, to reach decisions by email poll.

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 for consideration and decision.

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.
6. Approving the delegation of its powers, as appropriate, to officers of the Authority.
7. In appropriate and the minority of cases, to reach decisions by email poll.

CHIEF EXECUTIVE OFFICER: Responsibilities and Functions
Human Resources
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.
Policy Implementation
4. Manage the delivery of the Authority's strategic policy framework.
Protection and Conservation
5. 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.
6. 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.
7. Drafting 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.
8. Ensuring that the Authority liaises and works in co-operation with other relevant statutory fisheries and conservation advisors including other IFCAs.
9. Being ultimately responsible for all fisheries management matters that have not been delegated to the TSB-Committee or reserved to the full Authority.
Governance and Financial Management
10. Being the Responsible Financial Officer as defined in the Financial Regulations.
11. Entering into and varying contracts where necessary to implement the Authority's decisions or to discharge CEO responsibilities or to provide best value.
12. Being responsible for all financial management matters that have not been delegated to the Finance Sub-Committee or reserved to the full Authority.
13. Acting as signatory in respect of permits, licences, agendas, cheques and other such Authority documentation.
14. 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.
15. 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.
16. 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.
17. Ensuring the Authority's complaints procedure is implemented and monitored.
18. Ensuring preparation and circulation of agendas, papers and minutes for all Authority and Sub-Committee meetings in line with legal requirements and the Constitution.
19. 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.
20. Ensuring the Authority meets its obligations under the Freedom of Information 2000, the Environment Information Regulations 2004 and the Data Protection Act 1998
External Representation and Communications
21. 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.
22. Ensuring effective and appropriate communications between staff and members, and between the Authority and other organisations including AIFCA, other IFCA and relevant NGO.
23. Maintaining effective community consultation, engagement and participation arrangements for the Authority that meet external and internal objectives.
Powers of Delegation
24. Delegating functions to another officer but remaining accountable for the outcome of such delegations.
Provision for Emergencies
25. 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 Chair and the Vice-Chair 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.

Delegation to the Chair and Vice-Chair of the Authority
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).

CHAPTER 5: Marine Management Organisation appointees: Terms and Conditions of Appointment
Section 151(6)(c) Marine and Coastal Access Act 2009

Introduction

You have confirmed that you are willing to serve as one of the Marine Management Organisation (“MMO”) appointees (“an Appointee”) to the North Western Inshore Fishery and Conservation Authority (“IFCA”). Your knowledge and experience will be important in helping to provide sustainable management of the inshore marine area 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 ensure that IFCA Committees perform their duties effectively and has set out the terms and conditions appointees are required to adhere to.

In agreeing to take on the role as an Appointee, you 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 agree to your appointment on the basis of these conditions.

Terms and Conditions

1. Appointments of an Appointee will be for a period of 4 years initially, with the possibility of reappointment up to a maximum of 10 years, subject to annual written confirmation from the IFCA chair/’appointed officer’, or MMO officer, in the case of the chair or satisfactory performance.
2. Officers employed by IFCAs will not be permitted to serve on the Committee. Officers employed by organisations with a seat on the Committee are permitted to serve on the committee with the consent of their employer.
3. Appointees to IFCAs are legally required to represent all the local fishing and marine environmental interests in the waters of the IFCA district, in a balanced way, taking full account of all the economic, social and environmental 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.
4. 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/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 Chair.
5. The Committee ordinarily meet each quarter and, in addition it is envisaged that Appointees will be expected to serve on a number of sub-committees. The attendance of Appointees at all 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’ will be required to stand down from the Authority.
6. 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 Chief Officer.
7. 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. Where interests are such that a decision to be made by the Committee would directly or indirectly affect a personal 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 speak (for

example, to explain issues and provide information) and may vote but only if you have obtained a dispensation from the Committee, in line with local authority codes of conduct (made under the Local Government Act 2000). It is recommended that you refer to the IFCA Code of Conduct for further guidance.

8. Appointees must not undermine the credibility of the IFCA. Any Appointee found to have been convicted for an offence under fisheries or environmental legislation, or any other matter relevant to their appointment to an IFCA, will have their appointment terminated, and will not be eligible for re-appointment. Appointees must not, in their official capacity or any other circumstances, conduct themselves in a manner which could reasonably be regarded as bringing their office, the IFCA Committee or IFCAs in general into disrepute.
9. 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.
10. 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 Appointee concerned should be asked to stand down.
11. Appointments to IFCAs are on a voluntary basis and it will be for IFCAs to decide whether allowances are payable to members for travel and other costs or for any loss of earnings for Appointees. 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.
12. **Notification of a resignation.** When an Appointee wishes to resign from an IFCA Committee, a resignation should be submitted in writing to the Chief Officer or other relevant head of service, 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.
13. All Appointees are required to undertake training, as required by the IFCA or MMO, including induction.

CHAPTER 6: NWIFCA Customer Charter and Service Standards

- (c) The NWIFCA is committed to being a transparent and accountable organisation. We want our customers, both partners and stakeholders, to know what to expect from us and the level of service we will provide.

Our undertakings:

- I. We will be polite and respectful in our dealings with you.
 - II. We will respond to you via the communication channel that you specify, whenever we can (in person, the telephone, by email or letter).
 - III. We will serve you in a timely manner.
 - IV. We will take responsibility for resolving your enquiry.
 - V. We will listen to your point of view.
 - VI. We will provide you with the best information we can make available.
- (d) **If you contact us by letter, by email or by leaving a voicemail message:** We will acknowledge receipt of your enquiry in writing as soon as possible, giving you a named contact point for the person dealing with your enquiry. We may request further information from you if necessary to deal with your communication. Answer-phones are generally available outside office hours. Answer-phone and voicemail messages will receive prompt attention and where possible calls will be returned by the next working day.
- (e) If you contact us by telephone or in person, we cannot guarantee to resolve your communication by phone at first point of contact. We may transfer you to an appropriate colleague if one is available. If you leave contact details we will try and deal with your communication in writing as soon as possible.
- (f) If we cannot transfer you, or the person you were transferred to can't resolve your query while you are on the line, we will endeavour to respond to you fully within 20 working days.
- (g) **Application Forms:** We will usually process requests for application forms within 5 working days and issue permits and Licences before the date on which they become valid. We will maintain records of all communications and correspondence. Where necessary we will maintain accurate waiting lists and issue permits fairly.
- (h) **Compliments, Comments and Complaints:** The Authority welcomes compliments, comments and complaints, in order to help us review and improve our service. Records of this feedback will be published in the annual report. Detail of how to make a complaint and the NWIFCA complaints process can be found in the NWIFCA complaints procedure document.
- (i) **How to contact us:** Call in to either the Carnforth or Whitehaven offices where a member of staff will be happy to assist. Or visit our website www.nw-ifca.gov.uk. Or write to the Clerk to the Authority at: 1 Preston Street, Carnforth, Lancashire LA5 9BY. Tel: 01424 727970 e: office @nw-ifca.gov.uk
- (j) **Data Protection** The information you provide when you make an enquiry will only be held for the purposes of processing and administration and will not be passed on to any other organisation.
- (k) However, in order to resolve your enquiry fully we may need to divulge your information to other staff within the Authority. This will only be done when necessary.

CHAPTER 7: NWIFCA Complaints Procedure

Our aim is to give all members of the public a good service at all times, but if you do have a complaint we will try to deal with this.

Complaints should be made promptly, and we will not deal with complaints which fall outside a twelve-month time limit from the date of the act or omission about which you are complaining.

Complaints can only be investigated if they are of a specific nature and properly documented with full details of the complaint including dates of the occurrence and names of any staff involved where possible. Anonymous complaints cannot be accepted, and you will need to supply your name, address and telephone number, so that we can contact you to conduct our investigation.

Complaints against other bodies or members of the public cannot be investigated by NWIFCA.

Initial Complaint

1. You may make a complaint by telephone or in writing. This should initially be to the Office Manager at either the Carnforth or Whitehaven offices.
2. They will initially discuss the issue with you by telephone and try to resolve the problem informally. You are asked to be polite, calm and brief when making a telephone complaint, or staff may have to terminate the call. If the matter is resolved to your satisfaction, they will record the outcome, check that you are satisfied with the outcome and record that you are satisfied. You may also wish to make a note of the telephone discussion in writing.
3. If your complaint cannot be resolved by a telephone discussion, or if the Office Manager decides that it is best dealt with by a written complaint then they will request you to make it in writing within a week. Your complaint will normally be acknowledged in writing within 10 working days and you will be advised that the complaint is being investigated.
4. The Office Manager will investigate and consider all aspects of the complaint, obtaining further details from you and NWIFCA staff as necessary. The investigation will aim to understand what has led to the complaint being made and how this can be avoided in the future.
5. The outcome of the investigation will be recorded and you will receive a response in writing notifying you of the result, normally within 20 further working days of acknowledgment of the complaint in writing. You will be advised of any action to be taken by NWIFCA as a result of your complaint.
6. If this does not provide a resolution to the matter, then the complaint will be referred to the Chief Executive Officer.

Written complaint to Chief Executive Officer

1. If you are not satisfied with the outcome of your complaint, you should notify the Chief Executive Officer in writing within 20 working days of the date you were notified of the outcome. The Chief Executive Officer will normally acknowledge receipt of the complaint with 10 working days. Please include the following details:
 - Your name and address;
 - Any dates when the subject matter of the complaint occurred
 - The detail of the complaint and why you are not satisfied with the initial outcome; and
 - What you would like to be done about it.

2. Please address your letter to:
 - Chief Executive Officer, NWIFCA, 1 Preston Street, Carnforth LA6 1BX
3. If your complaint is against the Chief Executive, or for other reasons it is inappropriate for him to investigate the complaint, the Chair of NWIFCA will investigate the complaint.
4. The Chief Executive Officer or Chair of the NWIFCA will normally respond to your complaint in writing within 20 further working days of acknowledgement of receipt of your complaint in writing. They will set out
 - The nature and scope of the investigation
 - The conclusion on each complaint and the basis for that conclusion
 - If it is found that you are justified in your complaint, you will be notified of proposals for resolving the complaint

Help with complaints

If you need help to make a complaint you can ask a friend, relative or local Councillor to help you. Or you may wish to be assisted by someone from an organisation such as the Citizen's Advice Bureau. Anyone acting for you has the same rights as you have.

Notification of insurers

Any complaint that involves negligence or a potential claim against professional indemnity insurance is brought to the attention of the insurers as soon as possible by NWIFCA

Confidentiality and Data Protection

All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary for the investigation or for legal or insurance purposes. The information you provide will only be held for the purposes of investigation, administration and processing and will not be passed on to third parties except where necessary for legal or insurance purposes.

NWIFCA Policy

As part of our commitment to public accountability we will make a written record of any complaint and retain all documents and correspondence generated by the complaint for a period of six years.

If you are still not satisfied

If you are still unhappy with the outcome of your complaint then you can complain to the Local Government Ombudsman. You should do this within 12 months of when you first knew about the matter you are complaining about. Write to: Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH; Tel: 0845 602 1983, email: advice@lgo.org.uk

If your complaint relates to the Freedom of Information Act 2000, Environmental Information Regulations 2004 or the Data Protection Act 1998, please contact: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

CHAPTER 8: NWIFCA policy for managing unacceptable behaviour

Part 1: Definition of the issue

NWIFCA (the Authority) affirms that all people (stakeholders, partners the public, service users), must be heard, understood and respected.

The Authority also affirms that officers and members must be treated with dignity and respect and it has a statutory duty under the Health and Safety at Work Act 1974 to protect the health, safety and welfare at work of its employees.

On occasions, people make unreasonable demands which affect the work of the Authority or communicate with officers in an aggressive, abusive or offensive manner. On rare occasions, such behaviour may involve an assault on an officer.

The Authority will not tolerate aggressive, abusive or offensive behaviour and reserves the right to manage contact with people who present a problem to protect officers and to maintain the effectiveness of the work of the Authority.

This policy sets out procedures for dealing with actions or behaviour considered unacceptable. The Authority will refuse to deal with people who assault officers or are aggressive, abusive or offensive.

Scope

This policy covers all work of the Authority and all officers. In cases involving warranted Inshore Fisheries and Conservation Officers (IFCOs) exercising enforcement powers then the provisions of this policy will be supplementary to specific offences such as those under s.292 Marine and Coastal Access Act 2009 (obstructing/ assaulting an officer etc.).

Equality and Diversity

The Authority recognises that, in some circumstances, people may have impairment that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where unacceptable behaviour is evidenced under these circumstances, the Authority will have regard to individual needs and circumstances.

Defining unacceptable or unreasonable behaviour

People may act out of character when troubled or distressed. The Authority does not view an action as unacceptable because a person makes a strong presentation or is determined. However, actions or communications that place unreasonable pressure or demands upon officers are unacceptable and are targeted in this policy. What is deemed to be unacceptable behaviour may depend on the individual(s) involved and their particular circumstances.

On occasions, people make unreasonable demands through the amount of information they seek, the quality and scale of service they expect or the number of times they make contact.

Some people do not accept that the Authority is unable to assist beyond the level of service that has already been provided. For example, they may persist in disagreeing with an action or decision and contact the Authority repeatedly on the same issue. The method or tone of communications may not be unreasonable but the *persistent* behaviour may be considered unacceptable.

What amounts to generally unreasonable behaviour or demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised.

Examples of unacceptable behaviour include, but are not limited to:

- Demanding responses within an unreasonable time-scale
- Repeatedly contacting or insisting on speaking to a particular officer who is not directly dealing with the matter
- Excessive telephone calls, emails or letters (including unsolicited marketing contacts considered to be 'spam' or 'phishing')
- Sending duplicate correspondence requiring a response to more than one member of staff
- Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns
- Persistent refusal to accept a decision
- Persistent refusal to accept explanations
- Continuing to contact the Authority without presenting new and relevant Information

Aggressive, abusive or offensive language or behaviour.

Any actions likely to cause officers to feel alarmed, distressed, abused or threatened are considered to be aggressive, abusive or offensive language or behaviour.

Examples of such behaviour include, but are not limited to:

- Assault of any kind, whether or not resulting in injury
- Threatening words or behaviour
- Threats of physical violence
- Threat of harm to the officer, family, friends or to property
- Abusive words or behaviour
- Insulting words or behaviour
- Shouting
- Persistent swearing
- Rudeness, including derogatory remarks
- Mockery and sarcasm
- Criticism of their work or the way they carry out their duties
- Repeated telephone calls or other harassment
- Inappropriate references relating to a protected characteristic (age, gender, disability, sexual orientation, gender identity, race or religion)

Part 2: Procedures for dealing with unacceptable behaviour

Threats

The Authority takes any threats to its officers (including threats to family, friends and property) very seriously. Threats must immediately be reported to a line manager and the Head of Enforcement. Managers will with the officer identify and implement necessary actions for their well-being. The need to report incidents to the police must always be considered. Cases involving the use or threat of physical violence will always be reported to the police.

Phone calls, emails, letters

In the most serious cases Officers should immediately terminate contact with the person using aggressive, abusive or offensive words or behaviour towards them by phone.

Unacceptable language or behaviour over the telephone should not be tolerated and may be recorded. Callers may be placed on hold or calls may be ended. Officers have discretion to decide if communications are unacceptable and act accordingly. Whenever possible, callers will be warned that their conduct is considered to be unacceptable to allow them the opportunity to moderate their behaviour.

Officers should not respond to emails or letters considered unacceptable and should inform line managers of the communication and decision to ignore

Officers are not under an obligation to respond to request for information communicated in ways which are unacceptable

If Officers do respond, people may be warned that their conduct is considered to be offensive, that such conduct will not be tolerated and in future no response will be given.

Meetings

Officers regularly attend meetings and reasonable professional relations are expected from all. Officers are not expected to tolerate unacceptable behaviour during meetings and where this occurs officers have discretion to leave the meeting or conclude the meeting with immediate effect.

If practicable, people will be warned that their conduct is considered to be unacceptable and allowed opportunity to moderate their behaviour.

General application

This policy is set out in general terms and may not be comprehensive. The principles will apply to all people and officers are instructed to use their discretion to determine the most appropriate course of conduct in the circumstances of each case.

Warranted officers undertaking enforcement activity are instructed not to expose themselves to risk, but to use continuous discretion and risk assessment to do all that is reasonable in the circumstances to carry out their duty. Officers have powers to require people to undertake certain actions, and they have recourse to offences of assault and obstruction in the event of a failure to comply (MACAA S292).

In cases where the level of unacceptable behaviour encountered precludes a warranted officer from completing their duty then the expectation is that action will be taken for relevant offences under s.292

References to warranted officers include persons assisting a warranted officer under MACAA s.260, and the exercise of powers under the direction or supervision of the warranted officer.

Available restrictions and sanctions

Where a person continues to behave unacceptably, the Authority may restrict contact or communications. The sanction applied should be appropriate and proportionate to the unacceptable behaviour and the circumstances of the officer and the person. Wherever possible a reasonable degree of access to service should be maintained giving due regard to the Authority's officers.

The Authority may:

- Block incoming calls and/or e-mails;
- Route calls or correspondence to a single named officer
- Limit contact to a particular form and/or frequency e.g. written only, meetings by appointment only etc.
- Acknowledge but respond to new issues only.
- Refer the matter to the police (mandatory where a criminal offence has been threatened or committed)
- Seek legal protection, e.g. injunction or court order to prohibit contact/poor behaviour
- Take any other action that it considers appropriate to the circumstances.

Authorising Contact Restrictions

Where people continue to display unacceptable behaviour, any decision to place a temporary or permanent contact restriction must be authorised by CEO or Head of Enforcement.

Notifying the Stakeholder of the Restriction

Where contact is being restricted, the person must be informed of the decision in writing stating:

- The reason why we consider their behaviour to be unacceptable;
- Details of any earlier warning(s) issued about their conduct;
- The restriction(s) we are imposing; and, if appropriate
- How long the restriction(s) will last

Special needs

When making a decision to restrict contact, the Authority will take account of any special requirements of those affected by its decision. For example, where someone cannot read, the Authority is less likely to limit communications to writing only.

Stakeholder Appeal

In the event of a **complete** restriction the person must be informed of a right of appeal and how to do this. Appeals should be submitted in writing by e-mail or post and received by the Authority within five working days of being notified of the restriction.

The appeal will be considered as soon as reasonably possible by the CEO. Normally it will be considered by a different officer from the person making the original decision to restrict contact and where the CEO made the original decision the appeal will be heard by the Chair of the Regulatory and Compliance sub-committee.

The stakeholder will be advised in writing whether the restricted contact arrangements still apply or a different course of action has been agreed. The Head of Enforcement shall record the appeal decision in the relevant file.

Records

Incidents and warnings given must be recorded including date, time, location, witnesses what was said and done by both sides. Records should contain as much detail as possible in case the record is required as evidence or for statements. IFCOs should use their official notebooks. Where there is evidence of multiple instances of offensive behaviour by an individual or group and this continues, a stronger sanction may be considered necessary.

Incidents must be reported to line managers. Requests to supply evidence of incidents (for example, copies of correspondence or voice recordings) from third parties or the police, must be directed to the Head of Enforcement and managed in compliance with the Data Protection Act

Managers and officers involved will identify and implement action to protect officers.

The Head of Enforcement is responsible for maintaining a register of restrictions in place.

CHAPTER 9: Freedom of Information Publication Scheme

1. Under the Freedom of Information (FOI) Act 2000 everyone has the right to request information held by public sector organisations including the NWIFCA. The NWIFCA will abide by its obligations under the Act. Full details of our FOI Publication Scheme are on the NWIFCA website listing the information we routinely make available to the public. The scheme below shows the information that will be available.
2. In general no charges are made for reasonable amounts of information. For larger requests, charges may be made for copying and postage and officer time may be charged to supply a large order. Costs will be quoted before work is done. Information may be sent by post or email, or provided for inspection at committee offices. Information requested may be on the NWIFCA website at www.nw-ifca.gov.uk.
3. In some classes, information is excluded from publication. Where that is the case the reasons behind the decision to exclude are clearly stated. Excluded throughout the scheme is general correspondence sent or received by the Authority and all information relating to private individuals by virtue of it being personal data under the Data Protection Act 1998.
4. In certain classes a limitation on the age of some documents has also been stipulated. This does not necessarily mean that information outside that date cannot be obtained but it does indicate that it is not readily available as a matter of course within the scheme. If we know that original documents are more readily available from another source, details will be provided.
5. If you have an enquiry about a specific information source or have any comments or suggestions write or email the NWIFCA Carnforth Office: The Clerk, NWIFCA, 1 Preston Street, Carnforth LA5 9BY; Tel: 01524 727970; Email: office@nw-ifca.gov.uk.

STATUTORY INSTRUMENTS

2010 No. 2200
FISHERIES, ENGLAND

The North Western Inshore Fisheries and Conservation Order
2010

<i>Made</i>	-	-	-	<i>2nd September 2010</i>
<i>Laid before Parliament</i>				<i>8th September 2010</i>
<i>Coming into force</i>	-	-		<i>1st October 2010</i>

The Secretary of State, after consulting the persons and bodies specified in section 149(3), makes the following Order in exercise of the powers conferred by sections 149(1), 151, 180(2) and 316(1)(b) of the Marine and Coastal Access Act 2009(a).

Citation and commencement

- 1.—(1) This Order may be cited as the North Western Inshore Fisheries and Conservation Order 2010.
(2) This Order comes into force on 1st October 2010.

Interpretation

- 2.—(1) In this Order—

“the Marine Act” means the Marine and Coastal Access Act 2009;

“additional member” is to be read in accordance with article 5(2)(c);

“the Authority” means the North Western Inshore Fisheries and Conservation Authority (see article 4);

“chair” means the chair of the Authority (see article 7);

“council member” is to be read in accordance with article 5(2)(a);

“the district” is to be read in accordance with article 3(1);

“general member” is to be read in accordance with article 5(2)(b);

“relevant appointing body”, in relation to a person, means the body that appointed the person as a member of the Authority;

“relevant council” is to be read in accordance with article 3(3)(b);

“vice-chair” is to be read in accordance with article 14(1).

- (2) Expressions used in this Order and in Chapter 1 of Part 6 of the Marine Act have the same meaning in this Order as they have in that Chapter.

(a) 2009 c. 23.

(b) By virtue of article 2(2) “relevant council” has the same meaning as in section 186(1) of the Marine Act. Article 3(3) of this Order identifies the particular councils whose areas form part of the North Western Inshore Fisheries and Conservation District.

The North Western Inshore Fisheries and Conservation District

3.—(1) There is to be an inshore fisheries and conservation district known as the North Western Inshore Fisheries and Conservation District (“the district”).

(2) The district is the area that consists of—

- (a) the combined areas of the relevant councils (the “basic area” of the district); and
- (b) the adjacent area of sea (see paragraph (4)).

(3) The “relevant councils” are—

- Blackpool Borough Council;
- Cheshire West and Chester Council;
- Cumbria County Council;
- Halton Borough Council;
- Lancashire County Council;
- Liverpool City Council;
- Sefton Council;
- Wirral Metropolitan Borough Council.

(4) The “adjacent area of sea” is so much of the sea adjacent to the basic area of the district as lies—

- (a) within the boundaries specified in paragraph (5); and
- (b) to a distance of 6 nautical miles from the 1983 baselines.

(5) Those boundaries are—

- (a) a loxodromic line joining the co-ordinates numbered 1 to 15 in Part 1 of the Table in the Schedule; and
- (b) a loxodromic line joining the co-ordinates numbered 1 to 7 in Part 2 of that Table.

(6) In this article—

- (a) “the 1983 baselines” means the baselines for the measurement of the breadth of the territorial sea of the United Kingdom as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964(a);
- (b) “co-ordinate” means a co-ordinate of latitude and longitude on the World Geodetic System 1984; and
- (c) “nautical mile” means an international nautical mile of 1,852 metres.

The North Western Inshore Fisheries and Conservation Authority

4. The inshore fisheries and conservation authority for the district(b) is to be known as the North Western Inshore Fisheries and Conservation Authority.

Membership of the Authority

5.—(1) The Authority is to consist of 30 members.

(2) Of those 30 members—

(a) 1965 III p.6452A, amended by the Territorial Waters (Amendment) Order in Council 1979, 1979 III p.2866. These baselines are used in the Fishing Boats (European Economic Community) Designation Order 1983 (S.I. 1983/253) to designate, for the purposes of section 2(1) of the Fishery Limits Act 1976, the areas in which fishing boats registered in Member States other than the United Kingdom may fish.

(b) Section 150(1) of the Marine Act provides that there is to be an inshore fisheries and conservation authority for every inshore fisheries and conservation district established under section 149 of that Act.

- (a) 10 (the “council members”) must be members of relevant councils(a) and must be appointed in accordance with paragraph (3);
 - (b) 18 (the “general members”) must be persons appointed by the MMO(b), and must include at least one employee of the MMO; and
 - (c) 2 (the “additional members”) must be appointed in accordance with paragraph (4)(c).
- (3) The number of council members to be appointed by each relevant council is as follows—

<i>Relevant council</i>	<i>Number of members</i>
Blackpool Borough Council	1
Cheshire West and Chester Council	1
Cumbria County Council	2
Halton Borough Council	1
Lancashire County Council	2
Liverpool City Council	1
Sefton Council	1
Wirral Metropolitan Borough Council	1

(4) One of the additional members is to be appointed by the Environment Agency and the other is to be appointed by Natural England.

Terms of appointment

6.—(1) A person appointed as a member of the Authority holds and vacates office in accordance with the terms of the appointment.

- (2) The terms of appointment of a member are such as the body making the appointment determines.
- (3) Paragraph (1) is subject to articles 9 to 11.

Appointment of Chair

7.—(1) The Authority must appoint from among its members a person to be the chair of the Authority.

(2) Paragraph (1) is subject to articles 8(6) and 14(5) (eligibility for re-appointment).

(3) The Authority must appoint the chair at the first meeting of the Authority held after the beginning of each financial year.

(4) The chair holds office for the period beginning with the meeting at which the chair is appointed and ending with the first meeting of the Authority held after the beginning of the following financial year, but this is subject to articles 8 to 11.

Removal of Chair

8.—(1) The Authority may remove a person from the office of chair if the condition in paragraph (2) is met.

(2) The condition is that the Authority considers that the person is failing, or has failed, to discharge the duties of the chair in accordance with the requirements of—

- (a) the Marine Act;
- (b) this Order; or
- (c) any standing orders made by the Authority.

(a) See section 151(1)(a) and (5)(a) and (b) of the Marine Act.
 (b) See section 151(1)(b), (2) and (5)(a) of the Marine Act.
 (c) See section 151(1)(c) and (5)(c) of the Marine Act.

(3) If a person is removed from the office of chair under this article, the Authority must appoint another person from among its members to the office of chair.

(4) Paragraph (3) is subject to paragraph (6) and article 14(5).

(5) The person so appointed—

(a) takes office on being appointed; and

(b) holds office for the remainder of the period specified in article 7(4),

but paragraph (b) is subject to the further application of this article and to articles 9 to 11.

(6) A person who has been removed from the office of chair under this article is not eligible to be re-appointed as chair.

Resignation from office

9.—(1) A person may resign as a member of the Authority by giving notice in writing to—

(a) the Authority; and

(b) the relevant appointing body.

(2) A person appointed as chair may resign from the office of chair by giving notice in writing to the Authority.

(3) The Authority must appoint a person from among its members to the office of chair where—

(a) a person who resigns as a member is the chair; or

(b) a person appointed as chair resigns from the office of chair.

(4) Paragraph (3) is subject to articles 8(6) and 14(5).

(5) The person so appointed—

(a) takes office on being appointed; and

(b) holds office for the remainder of the period specified in article 7(4),

but paragraph (b) is subject to the further application of this article and to articles 8, 10 and 11.

Suspension of membership

10.—(1) The Authority or the relevant appointing body may suspend the appointment of any member against whom criminal proceedings are commenced.

(2) Where—

(a) the member is acquitted of the offence; or

(b) the proceedings are discontinued or withdrawn,

the suspension ends on the acquittal, discontinuance or withdrawal.

(3) If the member is the chair, the member is also suspended as chair for the period of the suspension of membership.

(4) A council member whose membership of the relevant appointing body is suspended is, for the period of that suspension, also suspended—

(a) as a member of the Authority; and

(b) if the council member is the chair, as chair.

Termination of membership

11.—(1) A person's appointment as a member of the Authority ceases in any of the following circumstances—

(a) the person is convicted of an offence under fisheries legislation, nature conservation legislation or marine licensing legislation;

- (b) a monetary penalty is imposed on the person under fisheries legislation, nature conservation legislation or marine licensing legislation;
- (c) the person is a council member and ceases to be a member of the relevant council that appointed the person as a member.

(2) The Authority may terminate the appointment of a person as a member if the person is convicted of a criminal offence other than one under fisheries legislation, nature conservation legislation or marine licensing legislation.

(3) The Authority must appoint a person from among its members to the office of chair where—

- (a) a person whose membership ceases under this article is the chair; or
- (b) a person whose membership ceases under the terms of the person's appointment is the chair.

(4) Paragraph (3) is subject to articles 8(6) and 14(5).

(5) The person so appointed—

- (a) takes office on being appointed; and
- (b) holds office for the remainder of the period specified in article 7(4),

but paragraph (b) is subject to the further application of this article and to articles 8 to 10.

(6) In this article—

- (a) "fisheries legislation" means enactments relating to sea or freshwater fishing;
- (b) "marine licensing legislation" means Part 4 of the Marine Act; and
- (c) "nature conservation legislation" means the enactments mentioned in section 237(2) of the Marine Act.

(7) In paragraph (6) "enactment" includes an enactment contained in subordinate legislation.

Eligibility for appointment or re-appointment

12. A person is not eligible for appointment or re-appointment as a member of the Authority if—

- (a) the person has been convicted of a criminal offence; and
- (b) the conviction is not spent for the purposes of the Rehabilitation of Offenders Act 1974(a).

Quorum and general procedure

13.—(1) A meeting of the Authority is quorate if—

- (a) 8 or more members are present;
- (b) at least one of those members is a council member; and
- (c) at least one of those members is a general member.

(2) The relevant councils may not make standing orders as respects the Authority under section 106 of the Local Government Act 1972(b) (standing orders with respect to proceedings).

Chairing of meetings

14.—(1) The Authority must appoint from among its members a person (the "vice-chair") who is to chair any meeting of the Authority which the chair is unable to chair (but see paragraphs (4) and (5)).

(a) 1974 c.53.

(b) 1972 c.70.

(2) If neither the chair nor the vice-chair is able to chair a meeting of the Authority, the members present at the meeting must appoint one of their number to chair the meeting.

(3) Articles 7(3) and (4), 8(1) to (3) and (5), 9(2), (3) and (5), 10(3) and (4) and 11(3) and (5) apply to the vice-chair as they apply to the chair.

(4) A person who has been removed from the office of chair under article 8 is not eligible to be appointed as vice-chair.

(5) A person who has been removed from the office of vice-chair under article 8 is not eligible to be appointed as chair or re-appointed as vice-chair.

Expenses and allowances

15.—(1) The Authority may reimburse the expenses of its members incurred in connection with attending a meeting of the Authority or otherwise carrying out the functions of the Authority.

(2) The Authority may pay to its members such allowances as it may determine.

(3) In particular, the Authority may pay to a general member who is not an employee of the MMO an allowance in respect of a loss of earnings arising from that member's attendance at a meeting of the Authority.

(4) The Authority must determine, before the beginning of each financial year, the circumstances in which a member is eligible under this article for the reimbursement of expenses incurred in that year or the receipt of an allowance in respect of that year.

Expenses of the Authority

16.—(1) The expenses incurred by the Authority must be defrayed by the relevant councils in accordance with paragraph (2)(a).

(2) The percentage of those expenses to be defrayed by each relevant council is as follows—

<i>Relevant council</i>	<i>Percentage</i>
Blackpool Borough Council	1.65%
Cheshire West and Chester Council	7.30%
Cumbria County Council	40.94%
Halton Borough Council	2.22%
Lancashire County Council	33.14%
Liverpool City Council	4.26%
Sefton Council	5.09%
Wirral Metropolitan Borough Council	5.40%

(3) Before the consideration of any motion by virtue of subsection (4) of section 180 of the Marine Act to veto the total amount of expenses incurred by the Authority which is to be defrayed pursuant to that section, the Authority must give notice in writing of that motion to each council member.

Delegation of Authority's functions

17.—(1) If the Authority considers it necessary or expedient for the exercise of its functions, it may authorise a sub-committee or any member or employee of the Authority to exercise any of the Authority's functions.

(2) A sub-committee may not include persons who are not members of the Authority.

(3) Paragraph (1) does not prevent the Authority from exercising the function itself.

(a) Section 180(1) and (2) of the Marine Act requires each relevant council to defray such portion of the expenses incurred by the authority for an IFC district as may be specified in, or determined in accordance with, the order establishing the district.

Validity of acts and proceedings

18. The validity of anything done by the Authority, or by any sub-committee of the Authority, is not affected by any of the following—

- (a) any vacancy in the office of chair or vice-chair;
- (b) any deficiency in the total number of members of the Authority or sub-committee;
- (c) any deficiency in the number of council members, general members or additional members;
- (d) any defect in a person's appointment as the chair or vice-chair or as a member of the Authority or sub-committee.

2nd September 2010

Richard Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE Article 3(5)

Co-ordinates

PART 1

The northern boundary of the district

<i>Points</i>	<i>Latitude</i>		<i>Longitude</i>
1	54° 59. 14' N	:	3° 03.54' W
2	54° 59.09' N	:	3° 03.63' W
3	54° 58.3' N	:	3° 05.0' W
4	54° 56.99' N	:	3° 08.57' W
5	54° 57.69' N	:	3° 11.05' W
6	54° 57.65' N	:	3° 14.17' W
7	54° 56.37' N	:	3° 20.88' W
8	54° 54.57' N	:	3° 28.00' W
9	54° 49.19' N	:	3° 32.46' W
10	54° 46.74' N	:	3° 38.28' W
11	54° 37.84' N	:	3° 50.86' W
12	54° 37.56' N	:	3° 51.16' W
13	54° 36.94' N	:	3° 52.16' W
14	54° 36.12' N	:	3° 53.94' W
15	53° 33.94' N	:	3° 58.7' W

PART 2

The southern boundary of the district

<i>Points</i>	<i>Latitude</i>		<i>Longitude</i>
1	53° 20.3' N	:	3° 13.01' W
2	53° 20.35' N	:	3° 13.46' W
3	53° 21.08' N	:	3° 14.76' W

4	53° 24.23' N	:	3° 17.81' W
5	53° 25.52' N	:	3° 21.36' W
6	53° 27.13' N	:	3° 24.58' W
7	53° 28.85' N	:	3° 27.43' W

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the establishment of the North Western Inshore Fisheries and Conservation District (article 3) and for the North Western Inshore Fisheries and Conservation Authority (“the Authority”) for that district (article 4).

Articles 5 to 14, 17 and 18 make provision regarding membership and proceedings of the Authority.

Article 16 makes provision in relation to the expenses of the Authority and article 15 allows the reimbursement of members’ expenses.

A full impact assessment of the effect that the 2009 Act will have on the costs of business and the voluntary sector has been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at www.defra.gov.uk. No separate impact assessment has been produced for this instrument.

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£5.75

E7853 09/2010 107853T 19585