

# ANNEX A

## 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, 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.

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## 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 follows<sup>1</sup>:

- 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.<sup>2</sup>
- 1 statutory member of staff from Defra Agencies: Natural England (NE) and Environment Agency (EA).<sup>3</sup>

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).<sup>4</sup>

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.<sup>5</sup>

#### Terms of appointment

1.4 The terms of appointment of each member are determined by their appointing organisation.<sup>6</sup> The terms of appointment for members appointed by the MMO are in Section 3 of this Constitution.

#### 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.<sup>7</sup>

#### 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

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

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

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

<sup>4</sup> Article 12 North Western IFCA Order 2010

<sup>5</sup> Paragraph 43 Schedule 12 Local Government Act 1972

<sup>6</sup> Article 6(2) North Western IFCA Order 2010

<sup>7</sup> Article 9(1) North Western IFCA Order 2010

suspended, as will be their ability to act as an office-holder for the Authority. This includes the offices of Chair and Vice-Chair of the Authority.<sup>8</sup>

- 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.<sup>9</sup>
- 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.<sup>10</sup>
- 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 1<sup>st</sup> April to 31<sup>st</sup> 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.

### **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

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<sup>8</sup> Article 10 North Western IFCA Order 2010

<sup>9</sup> Article 11(1) North Western IFCA Order 2010

<sup>10</sup> Article 11(2) North Western IFCA Order 2010

- 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-Chairman.

### 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.<sup>11</sup>

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.<sup>12</sup>

### 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 Chair<sup>13</sup> or appointed as Vice-Chair.<sup>14</sup>

3.8 Following the removal of the Chair, the Authority must appoint another eligible member to the office until the AGM of the Authority.<sup>15</sup>

### 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

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<sup>11</sup> Article 9(2) North Western IFCA Order 2010

<sup>12</sup> Article 9(3),(4) and (5) North Western IFCA Order 2010

<sup>13</sup> Article 8(1),(2) and (6) North Western IFCA Order 2010

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

<sup>15</sup> Article 8(5) North Western IFCA Order 2010

to the office of Chair.<sup>16</sup> A member who has previously been removed from the office of Chair or Vice-chair cannot be appointed as Chair.<sup>17</sup>

3.10 The member appointed as Chair holds the office until the next AGM meeting of the Authority.<sup>18</sup>

3.11 In the event of the resignation, removal or termination of office of the Chairman of the Authority, the CEO will invite nominations for a replacement Chairman following the same process as described in 3.1(a)& (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 Chairman 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 1 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.<sup>19</sup> 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.<sup>20</sup>

#### **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).<sup>21</sup> The Chair will adjourn the meeting if it becomes inquorate at any time.

#### **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 7<sup>22</sup>, clear days before the meeting. The CEO will

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<sup>16</sup> Article 11(3) North Western IFCA Order 2010

<sup>17</sup> Articles 8(6) and 14(5) North Western IFCA Order 2010

<sup>18</sup> Article 7(4) North Western IFCA Order 2010

<sup>19</sup> Article 14(2) North Western IFCA Order 2010

<sup>20</sup> Article 17 North Western IFCA Order 2010

<sup>21</sup> Article 13(1) North Western IFCA Order 2010

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 meeting<sup>23</sup>. The special circumstances must be evidenced by the CEO and recorded in the minutes for the meeting.<sup>24</sup>
- 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.<sup>25</sup>
- 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"<sup>26</sup> and the exemption category will be indicated on the paper.<sup>27</sup> 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.<sup>28</sup>
- 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.<sup>29</sup>

### **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.<sup>30</sup>

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<sup>22</sup> 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.

<sup>23</sup> 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.

<sup>24</sup> Section 100B(4) Local Government Act 1972

<sup>25</sup> Section 100B(3)(b) Local Government Act 1972

<sup>26</sup> Section 100B(5) Local Government Act 1972

<sup>27</sup> Schedule 12A Local Government Act 1972

<sup>28</sup> Section 100D Local Government Act 1972

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

<sup>30</sup> 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 suitable<sup>31</sup> meeting of the relevant body and the Chair of the meeting will sign the minutes and initial each page.<sup>32</sup>
- 8.3 The minutes will not be open to discussion but members may propose corrections or additions where they identify inaccuracies or omissions.
- 8.4 The minutes will include a list of members present at the meeting.<sup>33</sup>
- 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.<sup>34</sup>

## **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 Chairman’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.

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<sup>31</sup> Paragraph 41(4) Schedule 12, Local Government Act 1972

<sup>32</sup> Paragraph 41(2) Schedule 12, Local Government Act 1972

<sup>33</sup> Paragraph 40 Schedule 12, Local Government Act 1972

<sup>34</sup> Section 100C Local Government Act 1972

- 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.

#### 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.<sup>35</sup>
- 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.<sup>36</sup> 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

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<sup>35</sup> Section 110A(2) and (3) Local Government Act 1972

<sup>36</sup> Section 110A(4) and (5) Local Government Act 1972

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.
- 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 or a sub-committee 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.<sup>37</sup>

#### 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 Chairman 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

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<sup>37</sup> Paragraph 39(1)and(2) Schedule 12 Local Government Act 1972

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.<sup>38</sup> The Chairman and Vice-Chairman 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).
- 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 Chairman, Vice-Chairman, 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 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.<sup>39</sup>
- 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.<sup>40</sup>
- 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.

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<sup>38</sup> Article 17(1) North Western IFCA Order 2010

<sup>39</sup> Article 17(3) North Western IFCA Order 2010

<sup>40</sup> Article 17(3) North Western IFCA Order 2010

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.<sup>41</sup> 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.

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.

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<sup>41</sup> Article 17(2) North Western IFCA Order 2010

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.<sup>42</sup>

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

13.3 Members of the public may submit written questions or comments for consideration at a meeting. The question or comment should concern 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

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<sup>42</sup> Section 100A Local Government Act 1972

- 14.4 No other items, including minutes of the last meeting, will be taken at an extraordinary meeting.<sup>43</sup>
- 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 follows<sup>44</sup>:
- Information relating to any individual
  - Information which is likely to reveal the identity of an individual
  - Information relating to the financial or business affairs of any particular person (including the authority holding the information)
  - Information relating to any consultations or negotiations or contemplated negotiations in connection with any labour relations matter arising between the Authority or a minister of the Crown and employees of, or office holders under, the Authority
  - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
  - Information which reveals that the authority proposes –
    - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or;
    - (ii) to make an order or direction under any enactment
  - Information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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<sup>43</sup> Paragraph 41(4) Schedule 12, Local Government Act 1972

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