

# NWIFCA Annual Meeting

## 12<sup>th</sup> June 2015: 1100 hours

**REPORT  
NUMBER  
7**

### PROPOSED CHANGES TO NWIFCA CONSTITUTION

Proposed changes to the NWIFCA Standing Orders and Financial Regulations (as follows) are highlighted in Annex A.

#### STANDING ORDERS

**Section 1: Reviews to Standing Orders.** No change

**Section 2: Record of Attendance.** No change

**Section 3: Election of chairman and vice-Chairman.** Title changed. New paragraph 3.1(a). Paragraph (a), (b) and (c) become (b), (c) and (d). Existing paragraph (d) removed.

Wording changed in paragraph 3.2(a), paragraph (b) removed and paragraph (c) becomes (b).

**Section 4: Meetings of the full Authority.** Changes to paragraph 4.1 (a), (c), (d) and €

**Section 5: Quorum for a meeting of the full Authority.** Changes to paragraph 5.1.(a) and (b). Paragraph (c) removed.

**Section 6: Notice of Meetings.** No change.

**Section 7: Rules of procedure for ordinary meetings of the full Authority or Sub-Committees.**

Paragraph 7.1. Changes to (a), (c), (d), (d), (f), (g) removed, (h)

Changes to paragraphs 7.2, 7.3, 7.4, 7.5, 7.7, 7.9 and 7.10. Existing paragraph 7.6 removed.

**Section 8: Sub-Committees of the North Western IFCA.** Titles of sub-committees have been changed to committees in each case.

Paragraph 8.1 and 8.2 changed. New paragraph 8.3(a). New paragraph added to 8.3(c) on suspension of members. Changes to paragraphs 8.4, 8.5, 8.6, 8.7 and 8.9.

**Section 9: Participation in meetings by members of the public.** Changes to paragraph 9.1(a), (b) and (f) and 9.2.

**Section 10: Pecuniary interests of members.** Paragraph 10.1 changed.

**Section 11: Staff Establishment and filling of vacancies.** Paragraph 11.1 Changes to paragraphs (b), (c) and (d).

Paragraph 11.3(a) to change Chief Executive to CEO.

**Section 12: Financial Administration.** Changes to paragraph 12.1 (a) and (b).

**Section 13: Freedom of Information.** Change to title and paragraph 13.1.

**Section 14: Authentication of documents for legal proceedings.** Chief Executive changed to CEO in paragraph 14.1.

**Section 15: Inspection of Premises, etc.** Sub-committee changed to committee in paragraph 15.1.

**Section 16: Acting with the Authority of the NWIFCA.** Change to paragraph 16.1.

## **FINANCIAL REGULATIONS**

### **General**

Paragraphs 5 and 6 removed.

### **Annual Estimates (Budget)**

Paragraph 15 Changes in major budget heads

### **Accounts and Audit**

Change to title and paragraphs 18 and 19

### **Income**

Change to paragraph 42

### **Contracts**

Changes to paragraphs 47 (b), (f) and (h).

### **Assets**

Change to paragraph 49.

### **Risk Management**

Change to paragraph 55

## **CONSTITUTION**

There are a number of minor changes to the Constitution, including a new Chapter 7 (NWIFCA policy for managing unacceptable behaviour). An amended version of the Constitution is attached at Annex B.

**CLERK**

**27<sup>th</sup> May 2015**

**CHAPTER 1: Standing Orders**

The Standing Orders for the NWIFCA 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.

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## STANDING ORDERS

The following Standing Orders were approved by resolution on 12<sup>th</sup> June 2015 and supersede all previous Standing Orders.

### **Section 1:     Reviews to Standing Orders**

#### Variation and Revocation of Standing Orders

- 1.1     Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion until the next ordinary meeting of the Authority.

#### Suspension of Standing Orders

- 1.2.    (a)     Subject to paragraph (b) of this Standing Order, any of the Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (b)     A motion to suspend Standing Orders shall not be moved without notice unless there shall be present at least one-half of the whole number of the Members of the Authority or the Committee as appropriate.

#### Standing Orders to be given to Members

- 1.3     Printed copies of these Standing Orders, and of such Statutory Provisions as regulate the proceedings and business of the Authority shall be given to each Member of the Authority on their appointment by the Chief Executive.

#### Interpretation of Standing Orders

- 1.4.    The ruling of the Chair as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority shall not be challenged at any meeting of the Authority.

### **Section 2:     Record of Attendances**

- 2.1.    (a)     Every member of the Authority attending a meeting of the Authority, or of any of its Committees or Working Party of which he is a member, shall sign his name in the attendance book or sheet provided for that purpose.
- (b)     Any Local Authority Member of the Authority who is unable to attend a meeting of the Authority may delegate one nominated Officer from their Local Authority who is familiar with the work of the Authority, to attend on his behalf. The Officer may speak in the meeting and will be entitled to vote. The Clerk to be informed of any change at least 5 working days in advance of the meeting.
- (c)     Any Member who represents the Marine Management Organisation, Environment Agency or Natural England on the Authority who is unable to attend a meeting of the Authority may delegate one nominated Officer from their organisation to attend on their behalf who may speak at the meeting and will also be entitled to vote. The Clerk to be informed of any change at least 5 working days in advance of the meeting.

### **Section 3:     Election of Chairman and Vice-Chairman at the AGM**

- 3.1.    (a)     The Annual General Meeting is the first meeting of the Authority after 1 April each year.

- (b) The Chairman and Vice Chairman of the Authority shall be appointed by the Members at each AGM. The CEO will invite nominations from all members in advance of the AGM and inform members of nominations 7 days in advance of the meeting.
- (c) The Chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Chairman.
- (d) Subject to any Standing Orders made by the Authority anything authorised or required to be done by, or before the Chairman may be done by, or before the Vice-Chairman.

#### Chairman of Meeting

- 3.2. (a) the Chairman shall, if present, Chair meetings of the Authority. If absent, the Vice Chairman shall Chair the meeting
- (b) If the Chairman and Vice-Chairman of the Authority are absent from a meeting of the Authority then another Member of the Authority chosen by the Members present shall preside.

#### **Section 4: Meetings of the full Authority**

- 4.1 (a) The annual meeting of the Authority and other meetings of the Authority shall be held at such places on such dates and at such times as may be fixed by the Authority.
- (b) A special meeting may be called at any time by the Chairman of the Authority.
- (c) The Chairman must call a special meeting within 7 days when presented with a written request signed by seven Members.
- (d) Failure to call a properly requested special meeting entitles any five Members to call a special meeting of the Authority.

#### **Section 5: Quorum for a meeting of the full Authority**

- 5.1 (a) A quorum shall be 25% (rounded up) of the number of appointed members at least one of whom shall be a council member and at least one a general member.
- (b) If during any meeting of the Authority the Chairman finds that there is not a quorum present the meeting shall be adjourned and business not transacted shall be deferred to the next meeting

#### **Section 6: Notice of Meetings**

- 6.1. (a) The Notice of meeting and agenda shall be sent to Members at least 7 days in advance.
- (b) Failure to send the notice to any Member shall not affect the validity of a meeting.
- (c) Except for urgent matters raised in accordance with Standing Orders no business shall be transacted at a meeting of the Authority other than that specified in the notice and agenda.

#### **Section 7: Rules of procedure for ordinary meetings of the full Authority or Committees**

##### Order of Business

- 7.1 The order of business at every meeting shall be:-
  - (a) If necessary appoint a Chairman.

- (b) Chairman's Announcements.
- (c) Approve minutes of previous meeting(s) as a correct record.
- (d) Statutory business eg byelaw making.
- (e) Matters arising from previous meeting(s).
- (f) Consider reports, minutes and recommendations of Committees.
- (g) 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.

#### Notices of Motion

- 7.2 (a) Notices of agenda items for discussion other than items which under Standing Order No. 7.3 may be moved without notice, shall be given in writing or by email, showing the names of the Member or Members raising the matter at least 10 days before the next meeting of the Authority, to the office of the Chief Executive by whom it shall be dated, and added to the next agenda in the order in which it is received.
- (b) The CEO shall set out in the notice of every meeting of the Authority all items received under 7.2(a) in the order in which they have been received.
- (c) If an item in the notice of meeting is not raised at the meeting either by a Member who gave notice thereof or by some other Member on his behalf it shall, unless postponed by consent of the Authority be treated as withdrawn and shall not be raised again without fresh notice.
- (d) If the subject matter of any item in the notice is within the remit of a Committee it shall, upon being proposed and seconded, be referred without discussion to such Committee as the Authority may determine, for consideration and report. Provided that the Chairman may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

#### Scope of Items included in the notice of meeting

- (e) Every item shall be relevant to some matter in relation to which the Authority has powers or duties.

#### Agenda items and amendments which may be moved without notice

7.3 The following items may be moved without notice:-

- (a) Appointment of a Chairman of the meeting.
- (b) Items relating to the accuracy of the minutes.
- (c) Remission to a Committee.
- (d) Appointment of a Committee to report on an item in the notice of meeting.
- (e) Adoption of reports and recommendations of Sub-Committees or Officers and any consequent resolutions.
- (f) Vote of No Confidence in Chairman or other Member
- (g) Extending the time limit for speeches.



- (h) Amendments to motions in the notice of meeting.
- (i) That the Authority proceed to the next business.
- (j) That the question be now put to a vote.
- (k) That the debate be now adjourned.
- (l) That the Authority do now adjourn.
- (m) Suspending Standing Orders, in accordance with Standing Order No. 1.2
- (n) That a meeting or agenda item be heard in closed session.
- (o) That a Member be heard
- (p) That a Member named under Standing Order No. 7.9 be not further heard or do leave the meeting.
- (q) Inviting a Member to remain under Standing Order No. 10.1 (Pecuniary Interest).

#### Questions

- 7.4. (a) Every question shall be put and answered without discussion, but the Member to whom a question has been put may decline to answer.
- (b) An answer may take the form of:-
- (i) a direct oral answer; or
  - (ii) a reference to a report or publication; or
  - (iii) a written answer after the meeting circulated to Members.

#### Minutes

- 7.5 (a) Minutes of the proceedings of a meeting shall be drafted for approval at the next meeting of the Authority when the Chair shall put the question "that the minutes of the last meeting of the Authority be approved as a correct record".
- (c) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised immediately. If no such question is raised, or if it is raised, and discussed to the satisfaction of the meeting, the minutes shall be approved.

#### Rules of debate for committee meetings

##### 7.7 Motions and amendments

- (a) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order No. 7.2 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

Only one Member to speak at a time.

- (c) A Member when speaking shall address the Chair. If two or more Members wish to speak, the Chairman shall call on one to speak; and take the others in turn. While a

Member is speaking the other Members shall remain seated unless rising to a point of order or in personal explanation.

#### Content and length of speeches

- (d) A Member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes in the case of a mover of a motion, and three minutes in all other cases except by consent of the Authority.

#### When a Member may speak again

- (e) A Member who has spoken on any **item** shall not speak again whilst it is the subject of debate, except:-
  - (i) to speak once on an amendment **proposed** by another Member;
  - (ii) if the item has been amended since he last spoke, to **propose** a further amendment;
  - (iii) if his first speech was on an amendment **proposed** by another Member, to speak on the main issue, whether or not the amendment on which he spoke was carried;
  - (iv) in exercise of a right of reply given by paragraph (k) of this Standing Order;
  - (v) on a point of order;
  - (vi) by way of personal explanation.

#### Amendments to **items**

- (f) An amendment **must be relevant to the item and shall either:-**
  - (i) refer a subject of debate to a Sub-Committee for consideration or reconsideration;
  - (ii) to **leave out**, insert or add words; but such omission, insertion or addition of words shall not have the effect of reversing the motion before the Authority.
- (g) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

Provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business.

- (h) If an amendment be lost, other amendments may be moved on the original **item**. If an amendment be carried, the **item** as amended shall take the place of the original **item** and shall become the **item** upon which any further amendment may be moved.
- (i) A Member may with the consent of the Committee:-
  - (i) **alter an item of which notice was given, or**
  - (ii) **with the consent of the seconder alter an item which was** moved, if (in either case) the alteration is one which could be made as an amendment hereto.



## Withdrawal of motion

- (j) An item or amendment may be withdrawn by the proposer with the consent of the seconder and of the Authority. No Member may speak upon it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.

## Right of reply

- (k) The proposer of an item has a right to reply at the close of the debate on the item, immediately before it is put to the vote. If an amendment is proposed the proposer of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The proposer of the amendment shall have no right of reply to the debate on his amendment.

## Items which may be proposed during debate

- (l) When an item is under debate no other item shall be proposed except the following:-
- (i) to amend the item;
  - (ii) to adjourn the meeting;
  - (iii) to adjourn the debate;
  - (iv) to proceed to the next business;
  - (v) that the question be now put to a vote;
  - (vi) that a Member be heard
  - (vii) that a Member be not further heard;
  - (viii) by the Chairman under Standing Order No. 7.9 that a member do leave the meeting;
  - (ix) to exclude the public.

## Closure motions

- (m) A Member may propose at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put to a vote", "That the previous question be voted", "That the debate be now adjourned", or "That the Authority do now adjourn", on the seconding of which the Chairman shall proceed as follows:-
- (i) on a proposal to proceed to the next business: unless of the opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first give the proposer of the original motion a right of reply and then put to the vote the proposal to proceed to next business;
  - (ii) on a motion that the question be now put to a vote; unless of the opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first put to the vote the motion that the question be now put, and if it is passed then give the original proposer a right of reply under sub-paragraph (k) of this Standing Order before putting the proposal to the vote;
  - (iii) on a motion to move previous question: The Chairman shall say "the previous question has been proposed" as a point of order. If of the opinion the matter has been sufficiently discussed the Chairman will accept the

point of order. The meeting then moves immediately to a vote on the question that was being discussed. On a vote of 'yes' to the point of order the question goes immediately to the vote. On a vote of 'no' the Chairman proceeds immediately to the next item of business.

- (iv) on a motion to adjourn the debate or the meeting: if of the opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be discussed on that occasion the Chairman shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply .

#### Points of order

- (n) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or Statutory Provision and the Member shall specify the Standing Order or Statutory Provision and the way in which it has been broken. A personal explanation shall be confined to some material part of a former speech which may appear to have been misunderstood in the present debate.

#### Chairman's ruling

- (o) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### Respect for the Chair

- (p) Whenever the Chairman speaks during a debate a Member then speaking shall stop and the Authority shall be silent.

#### Vote of no confidence in the Chairman or another Member

- (q) The Chairman stops business and calls on the Chief Executive. The Chief Executive asks if there are 3 or more Members present who would support the motion. If so the Chief Executive shall put a motion "that this meeting has confidence in the Chairman". A vote is then taken.

#### Motions affecting persons employed by the Authority

- 7.8. If any question arises at a meeting of the Authority (or any Committee of the Authority to which the Local Government Act, 1972 (as amended) applies) relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, or applicant to become an office-holder under the Authority, such question shall not be the subject of discussion until the Authority or Committee, as the case may be, has decided whether the power or exclusion of the public under Section 100 of the Local Government Act, 1972 (as amended) shall be exercised.

#### Disorderly conduct by members

- 7.9 (a) If at a meeting, any Member of the Authority, in the opinion of the Chairman, misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of Authority, the Chairman or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

#### Continuing misconduct by a named Member

- (b) If the Member named continues misconduct after **censure** under the foregoing paragraph the Chairman shall:-

EITHER **propose** "That the Member named do leave the meeting" (in which case the **proposal** shall be put **to a vote** and determined without seconding or discussion);

OR adjourn the meeting of the Authority for such period **as the Chairman** considers expedient.

#### General disturbance

1. In the event of general disturbance, which in the opinion of the Chairman renders the orderly dispatch of business impossible, the Chairman may, without question, adjourn the meeting for such period as he/she considers expedient.

#### Rescission of preceding resolution

- 7.10 No **proposal** to rescind any resolution passed within the preceding six months, and no **proposal** or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order No. 7.2 bears the names of at least one-third of the Members of the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months.

Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a Sub-Committee

#### Voting

- 7.11 (a) The mode of voting at meetings of the Authority shall be by show of hands: provided that on the requisition of any Member of the Authority made before the vote is taken (and supported by 8 other members who signify their support by raising their hands) the voting on any question shall be by roll-call and shall be recorded so as to show how each Member present and voting gave his vote. The name of any Member present and not voting shall also be recorded.
- (b) Subject to those provisions in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

### **Section 8: Committees of the North Western IFCA**

#### Appointment of Committees

- 8.1 The Authority may at the AGM appoint Committees and may at any time appoint other Committees deemed necessary. The Authority may at any time dissolve a Committee or alter its membership

#### Ex-officio membership of Committees

- 8.2 The Chairman and Vice-Chairman are ex-officio members of every committee of the Authority. In respect of the Finance Committee if the Chairman and Vice-Chairman are non-Local Authority appointees they shall be non-voting members.

#### Constitution of Committees

- 8.3 (a) The CEO shall send out a summons to all Committee meetings 7 days in advance setting out the business to be considered. No business other than that set out in the summons shall be considered at that meeting



The following Committees shall be the Standing Committees of the Authority and shall consist of the number of Members (exclusive of Chairman and Vice-Chairman of the Authority) specified at paragraphs (b), (c), and (d) of this Standing Order.

The Authority or Committees can take decisions by correspondence including using email. All relevant members of the Authority or its Committees must be given the opportunity to contribute to decisions taken by correspondence.

- (b) The Finance Committee shall have 10 members comprising all Local Authority appointees. It shall consider all matters arising under the financial regulations and have plenary powers to set the annual budget and levies. On matters other than the budget and levies it may make recommendations to the Authority or act on urgent matters.

Meetings of the Finance Committee are not open to the public.

- (c) The Chairman's Committee shall have 5 members made up of the Chairman, Vice-Chairman, Chairman of the Finance Committee, Chief Executive and Head of Enforcement. It shall consider personnel and urgent and sensitive matters and act as the Standards Committee as required. The Chairman shall have the power to appoint additional members if necessary.

This Committee shall have plenary powers to act on urgent matters.

- (d) The Technical, Science and Byelaw Committee (TSB) shall have 10 members made up of EA, NE and MMO officer members and 7 MMO and Council appointees. It shall consider technical matters relevant to science and byelaws. TSB shall have plenary powers to act on urgent matters.

The 7 MMO and Council members of TSB are appointed at each AGM following a confidential ballot conducted by the CEO prior to the AGM.

All Authority members may attend TSB and receive papers on request. Non-TSB members must inform the Clerk one week before the meeting. They may not speak or vote at the meetings.

Meetings of the TSB are not open to the public.

#### Election of Chairman and Vice-Chairman of Committee

- 8.4 Every Committee shall, at its first meeting after each AGM before proceeding to any other business, elect a Chairman for the year. In the absence from a meeting of the Chairman and Vice-Chairman a Chairman for that meeting may be appointed from amongst the Members present.

#### Special meetings of Committees

- 8.5 The Chairman of a Committee or the Chairman of the Authority may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter (minimum 3) of the members (rounded up) of the Committee, delivered in writing to the CEO.

#### Quorum of Sub-Committees

- 8.6 Except where authorised by the Authority, business shall not be transacted at a meeting of any Committee unless at least one quarter (rounded up) of the members (minimum 3) of the Committee is present.

## Voting in Committees

8.7 Voting at a meeting of a Committee shall be by a show of hands.

## Standing Orders to apply to Sub-Committees

8.8 The Standing Orders of the Authority apply to Sub-Committee meetings.

## Proposer of item may attend Sub-Committee

8.9 A Member of the Authority who has proposed an item which has been referred to any Committee shall have notice of the meeting of the Committee at which item will be considered. The proposer may attend the meeting and have an opportunity of explaining the motion.

## **Section 9: Participation in meetings by members of the public**

### Questions from members of the public

- 9.1 (a) Subject to these Standing Orders members of the public may ask questions at meetings of the Authority at the discretion of the Chairman.
- (b) Notice of questions must be given to the Clerk by post or email 2 clear working days before the day of the meeting. Each question must give the name and address of the questioner. Copies of all questions will be tabled for members and made available to the public attending the meeting. Written questions shall be limited to a maximum of 50 words. Rejected questions will include reasons for rejection.
- (c) No person or organisation may submit more than three questions to any one meeting.
- (d) The Chairman will invite the questioner to put the question to the NWIFCA. If the questioner is unable to be present they may ask the Chairman to put the question on their behalf.
- (e) The right for a member of the public to speak at any meeting of the NWIFCA shall be at the sole discretion of the Chairman. Questions shall be relevant to agenda items and matters raised at that meeting. Members of the public shall not be permitted to vote.
- (f) The Chairman has authority to terminate any question from the public if he/she considers it is not relevant to the subject matter of the agenda or the speaker is becoming abusive or disruptive.
- (g) Public speaking will be limited to 3 minutes per speaker and a total of 10 minutes unless the Chairman agrees a longer period.

### Disturbance by members of the public

9.2 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn that person. If the interruption continues the Chairman shall order removal of the person from the meeting room. In case of a general disturbance in any part of the meeting room open to the public, the Chairman shall order that part to be cleared. If sufficiently serious, the Chairman may suspend the meeting.

## **Section 10: Pecuniary Interests of members**

- 10.1 At the start of any Authority or Committee meeting, members must declare any pecuniary interest within the meaning of Section 30 of the Localism Act 2011 in any scheduled business

Any Member having any such pecuniary interest is not be permitted to vote on that business unless:

- (a) The Authority has given them dispensation to vote in accordance with the Code of Conduct attached to these Standing Orders.
- (b) The matter is under consideration by the Authority as part of the report for information and is not subject to a decision by the Authority.

### Interest of Officers in Contracts

- 10.2 The Chief Executive shall record particulars of any Notice given by an Officer of the Authority under Section 117 of the Local Government Act, 1972 (as amended) of a pecuniary interest in a contract, and details shall be open during office hours to the inspection by any Member of the Authority.

## **Section 11: Staff Establishment and filling of vacancies**

- 11.1. (a) The Authority shall from time to time determine the establishment of the Authority. No new office shall be created except with the agreement of the Authority.
- (b) All vacancies to be filled in offices under the Authority not being temporary posts, unless they are to be filled by promotion or transfer, shall be publicly advertised except where the Authority otherwise determine.

Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs, the Authority may recommend to appoint one of the former applicants.

- (d) Where a vacancy has not been appointed the Authority may, if they think fit, appoint and fix the remuneration of some person to carry on temporarily the duties of the office until a successor is appointed.

### Canvassing of and recommendations by members

- 11.2 (a) Canvassing of Members of the Authority for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in every advertisement inviting applications for appointments or in any form of application.
- (b) A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

### Relatives of members or officers

- 11.3 (a) A candidate for any appointment under the Authority who knows that he is related to any Member or Officer of the Authority shall, when making application, disclose that relationship to the CEO. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and Officer of the Authority shall disclose to the CEO any relationship known to him to exist between himself and any person whom he



knows is a candidate for an appointment under the Authority. The **CEO** shall report to the Authority or to the appropriate Committee any such disclosure made to him.

- (b) The purport of this Standing Order shall be included in any form of application.
- (c) For the purpose of this Standing Order "Officer" means any officer under the Authority so designated by the Authority and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

## **Section 12: Financial Administration**

- 12.1. (a) Every member of a Committee and Officers of the Authority shall conform with the financial arrangements made by the Authority under the provisions of Section 151 of the Local Government Act 1972.
- (b) The Financial Regulations of the Authority as provided at Chapter 2 of this **Constitution** shall apply.

## **Section 13: Freedom of Information (FOI)**

13.1. The Authority will publish a publication scheme as required under the FOI Act 2000.

## **Section 14: Authentication of documents for legal proceedings**

- 14.1 Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the **CEO** unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such proceedings.

## **Section 15: Inspection of Premises, etc.**

- 15.1 Unless specifically authorised to do so by the Authority or a Committee, a Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his membership of the Authority any right to inspect or to enter upon premises which the Authority has have the power or duty to inspect or duty to inspect or enter.

## **Section 16: Acting with the Authority of the NWIFCA**

- 16.1 In all cases members of the Authority should not hold themselves out to be acting with the authority of the NWIFCA unless they have the authority to do so. Such acts would include use of the Authority logo on non-Authority communications and attending meetings as a member unless attendance is sanctioned by the Authority

Reviewed and approved by NWIFCA resolution

12<sup>th</sup> June 2015

## **CHAPTER 2            Financial Regulations**

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### **FINANCIAL REGULATIONS – ANNEX A**

The following Financial Regulations were approved by resolution at a meeting of the Authority held on 12<sup>th</sup> June 2015 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 Chairman 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 Sub-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 Chairman of the Finance Sub-Committee; and up to £30,000, with the approval of the Finance Sub-Committee.
13. Expenditure not provided for in the budget may be approved by a majority vote of Finance Sub-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 Sub-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 Sub-Committee.
25. Cheques over £50,000 shall be accompanied by written authorisation from a member of the Finance Sub-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.
31. 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**

32. 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
33. 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**

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

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

## **INCOME**

36. The collection of all sums due to the Authority shall be the responsibility of and under the supervision of the RFO.
37. The RFO will review all fees and charges where appropriate.
38. Any sums found to be irrecoverable and any bad debts shall be reported to the Authority.
39. 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.
40. The origin of each receipt shall be entered on the paying-in slip.
41. Personal cheques shall not be cashed out of money held on behalf of the Authority.
42. 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**

43. 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.
44. Order books shall be controlled by the RFO.
45. 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.
46. 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**

47. 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;
- (iii) 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;



- (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - (v) 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 Chairman and Vice Chairman of Authority);
  - (vi) 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 47(b) to 47(h) will apply.

## ASSETS

- 48. 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.
- 49. No asset exceeding £20,000 shall be sold, leased or otherwise disposed of without the authority of the Finance Sub-committee.
- 50. 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.
- 51. The RFO shall ensure that an Inventory of appropriate smaller equipment is also kept and updated annually.



## **INSURANCE**

- 52. The RFO shall keep a record of all insurances effected by the Authority and the property and risks covered thereby and annually review it.
- 53. 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.
- 54. 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**

- 55. 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.
- 56. When considering any new activity the RFO shall appoint an officer to prepare a risk assessment.

## **MEMBERS' EXPENSES**

- 57. 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.
- 58. Approved duties for members of the Authority are attendance at any meetings of the Authority or Sub-Committee to which they have been appointed, or other meetings which they have been asked to attend by the Authority as a representative.
- 59. It is the responsibility of members to ensure they sign the attendance book at Authority meeting, as this forms the official record of attendance for payment of expenses.

## **REVISION OF FINANCIAL REGULATIONS**

- 60. 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  
June 2015**





**NORTH WESTERN INSHORE FISHERIES  
AND CONSERVATION AUTHORITY**

# **CONSTITUTION**

**JUNE 2015**

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## INTRODUCTION

The North Western Inshore Fisheries and Conservation Authority (the North Western IFCA) was established under the Marine and Coastal Access Act 2009 and the North Western Eastern Fisheries and Conservation Order 2010.

NWIFCA is one of 10 IFCA managing and regulating English coastal waters. The statutory duties of the IFCA are set out in the Act and the vision defined by Defra when IFCA were established is as follows:

*“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.*

In this Constitution, the North Western IFCA sets out how it will operate, how its decisions will be made and the procedures that it will follow in order to ensure efficient, transparent and accountable decision-making in line with its purpose and vision, its policies and legal requirements. The Constitution will be reviewed annually at the North Western IFCA's June meeting.

## **CHAPTER 1: Standing Orders**

The Standing Orders for the NWIFCA 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.

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## **STANDING ORDERS**

The following Standing Orders were approved by resolution on 12<sup>th</sup> June 2015 and supersede all previous Standing Orders.

### **Section 1: Reviews to Standing Orders**

#### Variation and Revocation of Standing Orders

- 1.1 Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion until the next ordinary meeting of the Authority.

#### Suspension of Standing Orders

- 1.2 (a) Subject to paragraph (b) of this Standing Order, any of the Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (b) A motion to suspend Standing Orders shall not be moved without notice unless there shall be present at least one-half of the whole number of the Members of the Authority or the Committee as appropriate.

#### Standing Orders to be given to Members

- 1.3 Printed copies of these Standing Orders, and of such Statutory Provisions as regulate the proceedings and business of the Authority shall be given to each Member of the Authority on their appointment by the Chief Executive.

#### Interpretation of Standing Orders

- 1.4 The ruling of the Chair as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority shall not be challenged at any meeting of the Authority.

### **Section 2: Record of Attendances**

- 2.1 (a) Every member of the Authority attending a meeting of the Authority, or of any of its Committees or Working Party of which he is a member, shall sign his name in the attendance book or sheet provided for that purpose.
- (b) Any Local Authority Member of the Authority who is unable to attend a meeting of the Authority may delegate one nominated Officer from their Local Authority who is familiar with the work of the Authority, to attend on his behalf. The Officer may speak in the meeting and will be entitled to vote. The Clerk to be informed of any change at least 5 working days in advance of the meeting.
- (c) Any Member who represents the Marine Management Organisation, Environment Agency or Natural England on the Authority who is unable to attend a meeting of the Authority may delegate one nominated Officer from their organisation to attend on their behalf who may speak at the meeting and will also be entitled to vote. The Clerk to be informed of any change at least 5 working days in advance of the meeting.

### **Section 3: Election of Chairman and Vice-Chairman at the AGM**

- 3.1 (a) The Annual General Meeting is the first meeting of the Authority after 1 April each year.



- (b) The Chairman and Vice Chairman of the Authority shall be appointed by the Members at each AGM. The CEO will invite nominations from all members in advance of the AGM and inform members of nominations 7 days in advance of the meeting.
- (c) The Chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Chairman.
- (d) Subject to any Standing Orders made by the Authority anything authorised or required to be done by, or before the Chairman may be done by, or before the Vice-Chairman.

#### Chairman of Meeting

- 3.2. (a) the Chairman shall, if present, Chair meetings of the Authority. If absent, the Vice Chairman shall Chair the meeting
- (b) If the Chairman and Vice-Chairman of the Authority are absent from a meeting of the Authority then another Member of the Authority chosen by the Members present shall preside.

#### **Section 4: Meetings of the full Authority**

- 4.1 (a) The annual meeting of the Authority and other meetings of the Authority shall be held at such places on such dates and at such times as may be fixed by the Authority.
- (b) A special meeting may be called at any time by the Chairman of the Authority.
- (c) The Chairman must call a special meeting within 7 days when presented with a written request signed by seven Members.
- (d) Failure to call a properly requested special meeting entitles any five Members to call a special meeting of the Authority.

#### **Section 5: Quorum for a meeting of the full Authority**

- 5.1 (a) A quorum shall be 25% (rounded up) of the number of appointed members at least one of whom shall be a council member and at least one a general member.
- (b) If during any meeting of the Authority the Chairman finds that there is not a quorum present the meeting shall be adjourned and business not transacted shall be deferred to the next meeting

#### **Section 6: Notice of Meetings**

- 6.1. (a) The Notice of meeting and agenda shall be sent to Members at least 7 days in advance.
- (b) Failure to send the notice to any Member shall not affect the validity of a meeting.
- (c) Except for urgent matters raised in accordance with Standing Orders no business shall be transacted at a meeting of the Authority other than that specified in the notice and agenda.

#### **Section 7: Rules of procedure for ordinary meetings of the full Authority or Committees**

##### Order of Business

- 7.1 The order of business at every meeting shall be:-
  - (a) If necessary appoint a Chairman.

- (b) Chairman's Announcements.
- (c) Approve minutes of previous meeting(s) as a correct record.
- (d) Statutory business e.g. byelaw making.
- (e) Matters arising from previous meeting(s).
- (f) Consider reports, minutes and recommendations of Committees.
- (g) 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.

#### Notices of Motion

- 7.2
- (a) Notices of agenda items for discussion other than items which under Standing Order No. 7.3 may be moved without notice, shall be given in writing or by email, showing the names of the Member or Members raising the matter at least 10 days before the next meeting of the Authority, to the office of the Chief Executive by whom it shall be dated, and added to the next agenda in the order in which it is received.
  - (b) The CEO shall set out in the notice of every meeting of the Authority all items received under 7.2a in the order in which they have been received,
  - (c) If an item in the notice of meeting is not raised at the meeting either by a Member who gave notice thereof or by some other Member on his behalf it shall, unless postponed by consent of the Authority be treated as withdrawn and shall not be raised again without fresh notice.
  - (d) If the subject matter of any item in the notice is within the remit of a Committee it shall, upon being proposed and seconded, be referred without discussion to such Committee as the Authority may determine, for consideration and report. Provided that the Chairman may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

#### Scope of Items included in the notice of meeting

- (e) Every item shall be relevant to some matter in relation to which the Authority has powers or duties.

#### Agenda items and amendments which may be moved without notice

7.3 The following items may be moved without notice:-

- (a) Appointment of a Chairman of the meeting.
- (b) Items relating to the accuracy of the minutes.
- (b) Remission to a Sub-Committee.
- (d) Appointment of a Sub-Committee to report on an item in the notice of meeting.
- (e) Adoption of reports and recommendations of Sub-Committees or Officers and any consequent resolutions.
- (f) Vote of No Confidence in Chairman or other Member
- (g) Extending the time limit for speeches.

- (h) Amendments to motions in the notice of meeting.
- (i) That the Authority proceed to the next business.
- (j) That the question be now put to a vote.
- (k) That the debate be now adjourned.
- (l) That the Authority do now adjourn.
- (m) Suspending Standing Orders, in accordance with Standing Order No. 1.2
- (n) That a meeting or agenda item be heard in closed session.
- (o) That a Member be heard
- (p) That a Member named under Standing Order No. 7.9 be not further heard or do leave the meeting.
- (q) Inviting a Member to remain under Standing Order No. 10.1 (Pecuniary Interest).

#### Questions

- 7.4. (a) Every question shall be put and answered without discussion, but the Member to whom a question has been put may decline to answer.
- (b) An answer may take the form of:-
- (i) a direct oral answer; or
  - (ii) a reference to a report or publication; or
  - (iii) a written answer after the meeting circulated to Members.

#### Minutes

- 7.5 (a) Minutes of the proceedings of a meeting shall be drafted for approval at the next meeting of the Authority when the Chair shall put the question "that the minutes of the last meeting of the Authority be approved as a correct record".
- (c) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised immediately. If no such question is raised, or if it is raised, and discussed to the satisfaction of the meeting, the minutes shall be approved.

#### Rules of debate for committee meetings

##### 7.7 Motions and amendments

- (a) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order No. 7.2 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

Only one Member to speak at a time.

- (c) A Member when speaking shall address the Chair. If two or more Members wish to speak, the Chairman shall call on one to speak; and take the others in turn. While a

Member is speaking the other Members shall remain seated unless rising to a point of order or in personal explanation.

#### Content and length of speeches

- (d) A Member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes in the case of a mover of a motion, and three minutes in all other cases except by consent of the Authority.

#### When a Member may speak again

- (e) A Member who has spoken on any item shall not speak again whilst it is the subject of debate, except:-
  - (i) to speak once on an amendment proposed by another Member;
  - (ii) if the item has been amended since he last spoke, to propose a further amendment;
  - (iii) if his first speech was on an amendment proposed by another Member, to speak on the main issue, whether or not the amendment on which he spoke was carried;
  - (iv) in exercise of a right of reply given by paragraph (k) of this Standing Order;
  - (v) on a point of order;
  - (vi) by way of personal explanation.

#### Amendments to items

- (f) An amendment must be relevant to the item and shall either:-
  - (i) refer a subject of debate to a Sub-Committee for consideration or reconsideration;
  - (ii) to leave out, insert or add words; but such omission, insertion or addition of words shall not have the effect of reversing the motion before the Authority.
- (g) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

Provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business.
- (h) If an amendment be lost, other amendments may be moved on the original item. If an amendment be carried, the item as amended shall take the place of the original item and shall become the item upon which any further amendment may be moved.
- (i) A Member may with the consent of the Committee:-
  - (i) alter an item of which notice was given, or
  - (ii) with the consent of the seconder alter an item which was moved, if (in either case) the alteration is one which could be made as an amendment hereto.

## Withdrawal of motion

- (j) An item or amendment may be withdrawn by the proposer with the consent of the seconder and of the Authority. No Member may speak upon it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.

## Right of reply

- (k) The proposer of an item has a right to reply at the close of the debate on the item, immediately before it is put to the vote. If an amendment is proposed the proposer of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The proposer of the amendment shall have no right of reply to the debate on his amendment.

## Items which may be proposed during debate

- (l) When an item is under debate no other item shall be proposed except the following:-
  - (i) to amend the item;
  - (ii) to adjourn the meeting;
  - (iii) to adjourn the debate;
  - (iv) to proceed to the next business;
  - (v) that the question be now put to a vote;
  - (vi) that a Member be heard
  - (vii) that a Member be not further heard;
  - (viii) by the Chairman under Standing Order No. 7.9 that a member do leave the meeting;
  - (ix) to exclude the public.

## Closure motions

- (m) A Member may propose at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put to a vote", "That the previous question be voted", "That the debate be now adjourned", or "That the Authority do now adjourn", on the seconding of which the Chairman shall proceed as follows:-
  - (i) on a proposal to proceed to the next business: unless of the opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first give the proposer of the original motion a right of reply and then put to the vote the proposal to proceed to next business;
  - (ii) on a motion that the question be now put to a vote; unless of the opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first put to the vote the motion that the question be now put, and if it is passed then give the original proposer a right of reply under sub-paragraph (k) of this Standing Order before putting the proposal to the vote;
  - (iii) on a motion to move previous question: The Chairman shall say "the previous question has been proposed" as a point of order. If of the opinion the matter has been sufficiently discussed the Chairman will accept the

point of order. The meeting then moves immediately to a vote on the question that was being discussed. On a vote of 'yes' to the point of order the question goes immediately to the vote. On a vote of 'no' the Chairman proceeds immediately to the next item of business.

- (iv) on a motion to adjourn the debate or the meeting: if of the opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be discussed on that occasion the Chairman shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply .

#### Points of order

- (n) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or Statutory Provision and the Member shall specify the Standing Order or Statutory Provision and the way in which it has been broken. A personal explanation shall be confined to some material part of a former speech which may appear to have been misunderstood in the present debate.

#### Chairman's ruling

- (o) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### Respect for the Chair

- (p) Whenever the Chairman speaks during a debate a Member then speaking shall stop and the Authority shall be silent.

#### Vote of no confidence in the Chairman or another Member

- (q) The Chairman stops business and calls on the Chief Executive. The Chief Executive asks if there are 3 or more Members present who would support the motion. If so the Chief Executive shall put a motion "that this meeting has confidence in the Chairman". A vote is then taken.

#### Motions affecting persons employed by the Authority

- 7.8. If any question arises at a meeting of the Authority (or any Committee of the Authority to which the Local Government Act, 1972 (as amended) applies) relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, or applicant to become an office-holder under the Authority, such question shall not be the subject of discussion until the Authority or Committee, as the case may be, has decided whether the power or exclusion of the public under Section 100 of the Local Government Act, 1972 (as amended) shall be exercised.

#### Disorderly conduct by members

- 7.9 (a) If at a meeting, any Member of the Authority, in the opinion of the Chairman, misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of Authority, the Chairman or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.



#### Continuing misconduct by a named Member

- (b) If the Member named continues misconduct after censure under the foregoing paragraph the Chairman shall:-

EITHER propose "That the Member named do leave the meeting" (in which case the proposal shall be put to a vote and determined without seconding or discussion);

OR adjourn the meeting of the Authority for such period as the Chairman considers expedient.

#### General disturbance

1. In the event of general disturbance, which in the opinion of the Chairman renders the orderly dispatch of business impossible, the Chairman may, without question, adjourn the meeting for such period as he/she considers expedient.

#### Rescission of preceding resolution

- 7.10 No proposal to rescind any resolution passed within the preceding six months, and no proposal or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order No. 7.2 bears the names of at least one-third of the Members of the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months.

Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a Sub-Committee

#### Voting

- 7.11 (a) The mode of voting at meetings of the Authority shall be by show of hands: provided that on the requisition of any Member of the Authority made before the vote is taken (and supported by 8 other members who signify their support by raising their hands) the voting on any question shall be by roll-call and shall be recorded so as to show how each Member present and voting gave his vote. The name of any Member present and not voting shall also be recorded.
- (b) Subject to those provisions in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- (c) Where an urgent matter arises between meetings, a vote may be taken from members by email and/or letter/telephone

### **Section 8: Committees of the North Western IFCA**

#### Appointment of Committees

- 8.1 The Authority may at the AGM appoint Committees and may at any time appoint other Committees deemed necessary. The Authority may at any time dissolve a Committee or alter its membership

#### Ex-officio membership of Committees

- 8.2 The Chairman and Vice-Chairman are ex-officio members of every committee of the Authority. In respect of the Finance Committee if the Chairman and Vice-Chairman are non-Local Authority appointees they shall be non-voting members.

## Constitution of Committees

- 8.3 (a) The CEO shall send out a summons to all Committee meetings 7 days in advance setting out the business to be considered. No business other than that set out in the summons shall be considered at that meeting

The following Committees shall be the Standing Committees of the Authority and shall consist of the number of Members (exclusive of Chairman and Vice-Chairman of the Authority) specified at paragraphs (b), (c), and (d) of this Standing Order.

The Authority or Committees can take decisions by correspondence including using email. All relevant members of the Authority or its Committees must be given the opportunity to contribute to decisions taken by correspondence.

- (b) The Finance Committee shall have 10 members comprising all Local Authority appointees. It shall consider all matters arising under the financial regulations and have plenary powers to set the annual budget and levies. On matters other than the budget and levies it may make recommendations to the Authority or act on urgent matters.

Meetings of the Finance Committee are not open to the public.

- (c) The Chairman's Committee shall have 5 members made up of the Chairman, Vice-Chairman, Chairman of the Finance Committee, Chief Executive and Head of Enforcement. It shall consider personnel and urgent and sensitive matters and act as the Standards Committee as required. The Chairman shall have the power to appoint additional members if necessary.

This Committee shall have the power to suspend the membership of any member under investigation by the Authority or the MMO for an alleged breach of a member's code of conduct until such investigation is determined. A suspended member shall be prohibited from speaking or voting at meetings except with the Chairman's permission or attending meetings not open to the public. A suspended member may not be appointed to a Committee of the Authority.

This Committee shall have plenary powers to act on urgent matters.

- (d) The Technical, Science and Byelaw Committee (TSB) shall have 10 members made up of EA, NE and MMO officer members and 7 ordinary members. It shall consider technical matters relevant to science and byelaws. TSB shall have plenary powers to act on urgent matters.

The 7 ordinary members of TSB are appointed at each AGM following a confidential ballot conducted by the CEO prior to the AGM.

All Authority members may attend TSB and receive papers on request. Non-TSB members must inform the Clerk one week before the meeting. They may not speak or vote at the meetings.

Meetings of the TSB are not open to the public.

## Election of Chairman and Vice-Chairman of Committee

- 8.4 Every Committee shall, at its first meeting after each AGM before proceeding to any other business, elect a Chairman for the year. In the absence from a meeting of the Chairman and Vice-Chairman a Chairman for that meeting may be appointed from amongst the Members present.

### Special meetings of Committees

- 8.5 The Chairman of a Committee or the Chairman of the Authority may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter (minimum 3) of the members (rounded up) of the Committee, delivered in writing to the CEO.

### Quorum of Sub-Committees

- 8.6 Except where authorised by the Authority, business shall not be transacted at a meeting of any Committee unless at least one quarter (rounded up) of the members (minimum 3) of the Committee is present.

### Voting in Committees

- 8.7 Voting at a meeting of a Committee shall be by a show of hands.

### Standing Orders to apply to Sub-Committees

- 8.8 The Standing Orders of the Authority apply to Sub-Committee meetings.

### Proposer of item may attend Sub-Committee

- 8.9 A Member of the Authority who has proposed an item which has been referred to any Committee shall have notice of the meeting of the Committee at which item will be considered. The proposer may attend the meeting and have an opportunity of explaining the motion.

## **Section 9: Participation in meetings by members of the public**

### Questions from members of the public

- 9.1 (a) Subject to these Standing Orders members of the public may ask questions at meetings of the Authority at the discretion of the Chairman.
- (b) Notice of questions must be given to the Clerk by post or email 2 clear working days before the day of the meeting. Each question must give the name and address of the questioner. Copies of all questions will be tabled for members and made available to the public attending the meeting. Written questions shall be limited to a maximum of 50 words. Rejected questions will include reasons for rejection.
- (c) No person or organisation may submit more than three questions to any one meeting.
- (d) The Chairman will invite the questioner to put the question to the NWIFCA. If the questioner is unable to be present they may ask the Chairman to put the question on their behalf.
- (e) The right for a member of the public to speak at any meeting of the NWIFCA shall be at the sole discretion of the Chairman. Questions shall be relevant to agenda items and matters raised at that meeting. Members of the public shall not be permitted to vote.
- (f) The Chairman has authority to terminate any question from the public if he/she considers it is not relevant to the subject matter of the agenda or the speaker is becoming abusive or disruptive.

- (g) Public speaking will be limited to 3 minutes per speaker and a total of 10 minutes unless the Chairman agrees a longer period.

#### Disturbance by members of the public

- 9.2 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn that person. If the interruption continues the Chairman shall order removal of the person from the meeting room. In case of a general disturbance in any part of the meeting room open to the public, the Chairman shall order that part to be cleared. If sufficiently serious, the Chairman may suspend the meeting.

### **Section 10: Pecuniary Interests of members**

- 10.1 At the start of any Authority or Committee meeting, members must declare any pecuniary interest within the meaning of Section 30 of the Localism Act 2011 in any scheduled business

Any Member having any such pecuniary interest is not be permitted to vote on that business unless the Authority has given them dispensation to vote in accordance with the Code of Conduct attached to these Standing Orders.

#### Interest of Officers in Contracts

- 10.2 The Chief Executive shall record particulars of any Notice given by an Officer of the Authority under Section 117 of the Local Government Act, 1972 (as amended) of a pecuniary interest in a contract, and details shall be open during office hours to the inspection by any Member of the Authority.

### **Section 11: Staff Establishment and filling of vacancies**

- 11.1. (a) The Authority shall from time to time consider the number of officers employed.
- (b) Except for temporary posts, all officer vacancies shall be publicly advertised unless they are to be filled by promotion or transfer or where (c) applies.
- (c) If within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs, one of the former applicants may be appointed.
- (d) If a vacancy occurs a temporary appointment may be made until a successor is appointed.

#### Canvassing of and recommendations by members

- 11.2 (a) Canvassing of Members of the Authority for any appointment under the Authority shall disqualify the candidate concerned for that appointment.
- (b) A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

#### Relatives of members or officers

- 11.3 (a) A candidate for any appointment under the Authority who knows that he is related to any Member or Officer of the Authority shall, when making application, disclose that relationship to the CEO. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and Officer of the Authority shall disclose to the CEO any relationship known to him to exist between himself and any person whom he

knows is a candidate for an appointment under the Authority. The CEO shall report to the Authority or to the appropriate Committee any such disclosure made to him.

- (b) Persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

## **Section 12: Financial Administration**

- 12.1. Every Member and Officer of the Authority shall conform to the Financial Regulations of the Authority found in Chapter 2 of this Constitution

## **Section 13: Freedom of Information (FOI)**

- 13.1. The Authority will publish a publication scheme as required under the FOI Act 2000.

## **Section 14: Authentication of documents for legal proceedings**

- 14.1 Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the CEO unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such proceedings.

## **Section 15: Inspection of Premises, etc.**

- 15.1 Unless specifically authorised to do so by the Authority or a Committee, a Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his membership of the Authority any right to inspect or to enter upon premises which the Authority has have the power or duty to inspect or duty to inspect or enter.

## **Section 16: Acting with the Authority of the NWIFCA**

- 16.1 In all cases members of the Authority should not hold themselves out to be acting with the authority of the NWIFCA unless they have the authority to do so. Such acts would include use of the Authority logo on non-Authority communications and attending meetings as a member unless attendance is sanctioned by the Authority.

Reviewed and approved by NWIFCA resolution

12<sup>th</sup> June 2015

## **CHAPTER 2**

## **Financial Regulations**

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## **FINANCIAL REGULATIONS – ANNEX A**

The following Financial Regulations were approved by resolution at a meeting of the Authority held on 12<sup>th</sup> June 2015 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 Chairman 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 Sub-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 Chairman of the Finance Sub-Committee; and up to £30,000, with the approval of the Finance Sub-Committee.
13. Expenditure not provided for in the budget may be approved by a majority vote of Finance Sub-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 Sub-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 Sub-Committee.
25. Cheques over £50,000 shall be accompanied by written authorisation from a member of the Finance Sub-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.
31. 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**

32. 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
33. 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**

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



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

## **INCOME**

36. The collection of all sums due to the Authority shall be the responsibility of and under the supervision of the RFO.
37. The RFO will review all fees and charges where appropriate.
38. Any sums found to be irrecoverable and any bad debts shall be reported to the Authority.
39. 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.
40. The origin of each receipt shall be entered on the paying-in slip.
41. Personal cheques shall not be cashed out of money held on behalf of the Authority.
42. 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**

43. 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.
44. Order books shall be controlled by the RFO.
45. 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.
46. 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**

47. 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;
    - (iii) 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;

- (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - (v) 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 Chairman and Vice Chairman of Authority);
  - (vi) 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 47(b) to 47(h) will apply.

## **ASSETS**

- 48. 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.
- 49. No asset exceeding £20,000 shall be sold, leased or otherwise disposed of without the authority of the Finance Sub-committee.
- 50. 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.
- 51. The RFO shall ensure that an Inventory of appropriate smaller equipment is also kept and updated annually.

## **INSURANCE**

52. The RFO shall keep a record of all insurances effected by the Authority and the property and risks covered thereby and annually review it.
53. 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.
54. 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**

55. 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.
56. When considering any new activity the RFO shall appoint an officer to prepare a risk assessment.

## **MEMBERS' EXPENSES**

57. 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.
58. Approved duties for members of the Authority are attendance at any meetings of the Authority or Sub-Committee to which they have been appointed, or other meetings which they have been asked to attend by the Authority as a representative.
59. It is the responsibility of members to ensure they sign the attendance book at Authority meeting, as this forms the official record of attendance for payment of expenses.

## **REVISION OF FINANCIAL REGULATIONS**

60. 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**  
**June 2015**

## **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 the Act 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 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 private 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 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 pecuniary 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-<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(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)-<br>(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-<br>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and<br>(b) either-<br>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>(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: 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 chairman.
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 chairman 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 MO, including induction.



## CHAPTER 5: NWIFCA Customer Charter and Service Standards

2. 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.
3. **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.
  4. 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.
  5. 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.
  6. **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.
  7. **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.
  8. **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](http://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](mailto:@nw-ifca.gov.uk)
  9. **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.
  10. 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 6: 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 Chairman of NWIFCA will investigate the complaint.

4. The Chief Executive Officer or Chairman 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](mailto: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 7: 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 8: 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](http://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](mailto:office@nw-ifca.gov.uk).