

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

Introduction

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

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

Terms and conditions

1. The term of your initial appointment has been confirmed to you separately. Appointees may serve for a maximum of 10 years. Any period of appointment beyond the initial period will be subject to the requirements to maintain a balance of interests and experience on the Authority and will be at the MMO's absolute discretion. Any re-appointment after the initial period will be in accordance with the Nolan principles¹, meaning that it will be based on evidence of satisfactory performance provided under the annual appraisal scheme for General Members. An appointee must continue to be legally eligible for re-appointment.
2. Guidance on the operation of the annual performance assessment scheme is at Annex 1. All appointees must agree to take a constructive part in their annual assessment. All appointees are expected to achieve satisfactory performance each year.
3. Officers employed by an IFCA will not be permitted to serve on that committee.
4. Appointees to IFCAs are legally required to take into account all the local fishing and marine conservation interests in the waters of the IFCA district, in a balanced way, taking full account of all the economic, social and environmental needs of that district. Appointees should recognise that they are part of a committee and should not regard themselves as representing solely one particular interest within the IFCA district
5. Details of how the IFCA will operate, the election of chair and vice chair, together with the roles and responsibilities of the committee and its members will be set out in the IFCA standing orders and/or code of conduct for members. All appointees will

¹ Defra has issued formal guidance to the MMO on the exercise of the function of making appointments of IFCA general members. Your appointment has been made in accordance with this guidance which can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf

be required to follow the procedures as set out under these orders. Appointees will be responsible and answerable to the chairman.

6. The committee ordinarily meet each quarter and, in addition it is envisaged that appointees will serve on sub-committees according to the requirements of the IFCA. The attendance of appointees at meetings of the committee, unless prevented by illness or other serious matter, is regarded as a condition of your appointment. Appointees with a poor attendance record, as identified by the IFCA chair or appropriate officer maybe required to stand down from the authority by the MMO in accordance with the guidance at Annex 2.
7. Appointees are required to declare any outside interests that may impact in any way on their duties as IFCA authority members. If an appointee is unable to decide whether or not he or she has an interest that should be declared, guidance should be sought from the chair of the committee or the IFCA Chief Officer.
8. Appointees must declare any such interests prior to participation in any discussion of a relevant matter by the committee in order to allow for open and transparent discussions to take place.
9. Where interests are such that a decision to be made by the committee would directly or indirectly affect an interest of you as an appointee (or that of a business or other body in which you have an interest or that you represent), you may only participate in that decision to the extent permitted by the relevant IFCA Code of Conduct. It is recommended that you refer to the IFCA Code of Conduct for further guidance.
10. Appointees must not undermine the credibility of the IFCA. Appointees must not, in their official capacity or in any other circumstances, behave in a manner which could reasonably be regarded as bringing their office, the MMO, the IFCA committee or IFCA's in general into disrepute. Examples might include but are not limited to; misuse of social media, abuse of position, failure to declare a conflict of interest, consistent poor behaviour as an appointee. Breach of this clause could lead to termination of the appointment by the MMO.
11. Where issues relating to the conduct of an appointee cannot be resolved by the committee itself, the matter should be referred to the MMO who will decide in liaison with the IFCA chair (or the MMO representative, if it relates to the chair), if the appointment should be terminated or other action taken. Guidance on how such allegations will be dealt with by the MMO is detailed at Annex 3.
12. Any appointee found to have been convicted for an offence or receiving a monetary penalty under fisheries, nature conservation or marine licensing legislation will have their appointment automatically terminated, and will not be eligible for re-appointment. Appointees who are convicted of other criminal offences may have their appointment terminated at the discretion of the IFCA. Any appointee who is arrested for any criminal offence or called to be formally interviewed about a fisheries, nature conservation or marine licensing offence (whether they attend such an interview or not) must inform the Chief Officer of the IFCA within 24 hours of arrest or request for interview. The Chief Officer will notify the MMO and the MMO reserves the right to suspend the appointment at its discretion until the conclusion of any investigation and/or prosecution.

13. Where an appointee is made aware of any conduct by another appointee or other IFCA committee member whom they reasonably believe is not compatible with the duties and responsibilities of such a committee member, they are required to make a written statement to that effect to the IFCA
14. Appointments to IFCA's are on a voluntary basis and it will be for IFCA's to decide whether allowances are payable to general members for any reason. IFCA's will set procedures and guidelines in relation to expenses and other claims at the beginning of each financial year, in accordance with relevant local authority or any other rules relevant to their IFCA.
15. Notification of a resignation - When an appointee wishes to resign from an IFCA committee, a resignation should be submitted in writing to the 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.
16. All appointees are required to undertake training, as notified by the IFCA or MMO, including induction.