

CORNWALL INSHORE FISHERIES AND CONSERVATION AUTHORITY

CONSTITUTION

Version 23

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CORNWALL INSHORE FISHERIES AND CONSERVATION AUTHORITY

CONSTITUTION INDEX

Every effort has been made to ensure that this Constitution is correct in every respect, but should you identify anything that you consider to be incorrect, you should contact the Legal Services Manager or the Democratic Services Manager for Cornwall Council.

Component	Page No
Summary and Explanation	3
Principles of Decision Making	6
Rules of Debate	8
Sub-Committees	14
Access to Information Procedure Rules	15
Code of Conduct	19
Scheme of Delegation	26
Allowances Scheme	30
General Provisions	32

Summary and Explanation

1. The Cornwall Inshore Fisheries and Conservation Authority Constitution

- 1.1 The Cornwall Inshore Fisheries and Conservation Authority (CIFCA) was established through the Cornwall Inshore Fisheries and Conservation Order 2010 (the 'Order').
- 1.2 The CIFCA has set out, through this Constitution, how it will operate, how its decisions will be made and the procedures that it will follow in order to ensure the principles of efficient, transparent and accountable decision making are adhered to. Some of the processes in the Constitution are required by law, while others the CIFCA has chosen to adopt.
- 1.3 The Constitution is divided into sections which set out the basic rules governing the CIFCA's business. Behind this may exist more detailed procedures and codes of practice and these are available as supplements to the Constitution.

2. What's in the Constitution

- 2.1 The various sections of the Constitution explain how the CIFCA operates and how it conducts its business. The primary components of the Constitution are set out on page 2.

3. Purpose of the Constitution

- 3.1 The purpose of the Constitution is:
 - To provide a clear set of operating rules and procedures for CIFCA;
 - Support the active involvement of the public in the CIFCA decision making process; and
 - Ensure that those within CIFCA responsible for decision making are clearly identifiable.

4. Issue to Members

- 4.1 A copy of this Constitution shall be issued to each member.

5. Review of the Constitution

- 5.1 The CIFCA shall monitor and review its Constitution at least annually.

6. Interpretation

- 6.1 The ruling of the Chairman or, where appropriate, the Chairman of a sub-committee as to the construction or application of any of item in this Constitution, or as to any proceedings at a meeting, shall be final.

7. How the CIFCA Operates

7.1 The CIFCA will be a stand-alone Committee within Cornwall Council and will consist of 21 members:

- 7 'Council Members' who must be members of and appointed by Cornwall Council;
- 12 'General Members' who must be appointed by the Marine Management Organisation (MMO) and must include at least one employee of the MMO; and
- 2 'Additional Members'. One must be from Natural England, and one must be from the Environment Agency.

7.2 Members appointed by the MMO will be appointed on the basis that they bring to the CIFCA knowledge or expertise in terms of the local fishing community or marine environmental issues. They must represent the economic, social and environmental needs of Cornwall and, in order to ensure balance within the Committee, there will be a selection of those that utilise the sea fisheries resources, those that seek to ensure marine nature conservation and other interested parties.

7.3 No substitutes are allowed.

7.4 All Cornwall Councillors, who are on the Committee, are already bound by the Cornwall Council Code of Conduct. However, this also affects all General Members, i.e. those that are from or appointed by the MMO, and the two members appointed by Natural England and the Environment Agency as these members are classed as co-opted members of the Committee. Further details on the Code of Conduct are set out in 58 below.

8. How Decisions are Made

8.1 All members of the CIFCA are bound by this Constitution in terms of their decision making.

9. The CIFCA Staff

9.1 The CIFCA is the employer of the officers who support its primary functions which is to ensure that the CIFCA operates within the law and uses its resources wisely.

9.2 There is a protocol that governs the relationship between members and officers and this can be obtained as a supplement to this Constitution.

10. Rights of the Public

10.1 Members of the public have a number of rights when they are dealing with the CIFCA. Some of these rights are legal rights which govern the way that all the Council's Committees meet and operate. The general rights of the public in relation to the functions of the CIFCA are set out in more detail in the Access to Information Rules to be found at 48.

10.2 In summary, the public have a right to:

- Attend meetings of the CIFCA except where confidential or exempt information is likely to be disclosed, and where the meeting, therefore, is held in private;
- With the exception of confidential or exempt matters, inspect reports and background papers, and any records of decisions made by the CIFCA;
- Inspect the accounts of the CIFCA and make their views known to the external auditor;
- Speak and ask questions at meetings of the CIFCA at the direction of the Chair;
- Be consulted on certain areas of the work of the CIFCA by virtue of statutory provisions or in accordance with the CIFCA or, if appropriate, Cornwall Council's consultation strategy; and
- Make a complaint regarding the functions of the CIFCA using the Council's complaints procedure.

11. Responsibilities of the Public

11.1 The public must not be disruptive of the proceedings of meetings. They must not be violent, abusive or threatening to CIFCA members or the officers that support the CIFCA, its contractors or agents.

12. Responsibility for Functions

12.1 CIFCA functions are:

- Seeking to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way;
- Seeking to balance the social and economic benefits of exploiting sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation;
- Taking any other steps which, in the CIFCA's opinion, are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development;
- Seeking to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district; and
- Seeking to further the conservation objectives of Marine Conservation Zones.

Principles of Decision Making

Procedure Rules

13. Meetings and Quorums

13.1 The meetings of CIFCA shall be held quarterly.

14. Quorum

14.1 The quorum for meetings shall be six with at least one Council Member and one General Member required to be present.

15. Annual Meeting

15.1 The first quarterly meeting of the committee held after the annual meeting of Cornwall Council shall also be known as the Annual Meeting.

15.2 The Annual Meeting will:

- Elect the CIFCA Chairman;
- Elect the CIFCA Vice-Chairman; and
- Review the constitution.

15.3 All other business shall be conducted in accordance with procedures b – h for Ordinary Meetings as set out at 20 below.

16. Places and Times of Meetings

16.1 The meetings shall be held at a venue and at a time as determined by CIFCA with the venue and timing of such meetings to be promulgated by Cornwall Council in accordance with Local Government access to information procedures.

17. Minutes

17.1 The minutes of each meeting shall be recorded by Democratic Services of Cornwall Council in accordance with Local Government Procedures and, once published, such minutes will be available for public inspection and will be placed on CIFCA's web site.

17.2 The CIFCA Chairman will sign the minutes of the proceedings at the next suitable meeting, not being an extraordinary meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes which can be discussed is their accuracy.

18. Special Meetings

18.1 The Monitoring Officer of Cornwall Council shall, upon request of the Chairman, or upon requisition in writing signed by at least three members of CIFCA, summon a Special Meeting of CIFCA and if he, for three working days, fails to comply with such request or requisition, the Chairman or three members as the case may be, may summon such a meeting.

19. Delivery of Agenda

- 19.1 At least five clear days before any meeting of CIFCA an agenda, specifying the business to be transacted, shall be sent by post to the usual place of residence of each member PROVIDED that the want of service of the agenda on any member shall not affect the validity of the meeting.
- 19.2 Members of the CIFCA have the facility to request items are included on the agenda of the next meeting of the CIFCA. Agenda items are to be requested as early as possible prior to the meeting but no later than 15 working days before the date of the next meeting. The final decision as to what matters will be placed on the agenda will be at the discretion of the Chairman, in consultation with the Chief Officer.

20. Order of Business for Ordinary Meetings

- 20.1 The election of the Chairman shall be the first business transacted at the Annual Meeting to be followed by the election of the Vice-Chairman.
- 20.2 Subject to the above, the order of business at every other meeting shall be:
- a) To choose a person to preside if the Chairman and Vice-Chairman are absent.
 - b) To confirm the minutes of the last meeting.
 - c) To deal with any business expressly required by Statute to be done at the meeting, including the declaration of any interests.
 - d) To receive questions from members of the public.
 - e) To deal with any correspondence, communications, or any other business specially brought forward by direction of the Chairman.
 - f) To receive the reports of any sub-committees.
 - g) Dispose of business, if any, adjourned from the last meeting.
 - h) To deal with notices of motion in the order in which they have been received.
 - i) Other business, if any, specified in the agenda.
- 20.3 Business falling under (a) or (b) above shall not be displaced but, subject thereto, the Chairman may at his discretion vary the order of business or the Committee may do so by a resolution passed on a motion duly moved and seconded.

21. Election of Chairman and Vice-Chairman

- 21.1 The CIFCA must appoint from its members a person to be Chair and this person shall be Chairman from the first meeting at the start of the financial year until the first meeting after the beginning of the following financial year, unless the Chairman resigns or is removed in accordance with the provisions as set at paragraph 21.3 below.
- 21.2 The election of the Chairman shall be by ballot and nominations for this purpose shall be made orally to the Democratic Services Officer in open meeting.

- 21.3 The Chairman may be removed from office if the CIFCA considers that the person appointed has failed to discharge the duties of Chairman in accordance with:
- a) The Marine and Coastal Access Act 2009
 - b) The Order
 - c) The provisions of this Constitution.
- 21.4 In the event of any equality of votes, the Clerk shall decide between the persons nominated for appointment as Chairman by lot.
- 21.5 The rules for the election and the removal of the Vice-Chairman shall be as for those for the Chairman.
- 21.6 In the absence of a nominee specifically authorised by the CIFCA, the CIFCA's representatives for external meetings of other bodies shall be appointed by the CIFCA or otherwise by the Chairman or his delegated nominee.
- 21.7 That the Chairman, Vice-Chairman, Clerk, and the Chief Officer or their nominated representatives be the official representatives of the CIFCA when attending meetings of the Association of Inshore Fisheries Authorities.
- 21.8 If a nominated member is unable to attend any meeting, they cannot nominate a substitute to attend on their behalf.
- 21.9 If a nominated member is unable to attend but wishes to input to an agenda item, they may send in a written submission that, at the discretion of the Chair, can be read out at the appropriate point in the meeting.

Rules of Debate

22. Motions and Amendments which may be Moved Without Notice

- 22.1 The following motions may be moved without notice:
- a) Appointment of a Chairman of the meeting at which the motion is moved;
 - b) Accuracy of the minutes;
 - c)
 - 1. the question be now put
 - 2. the debate be now adjourned
 - 3. the CIFCA do now adjourn
 - 4. the CIFCA proceed to the next business;
 - d) Reference to a sub-committee;
 - e) Adoption of reports and recommendations of sub-committees working groups or officers and any consequent resolutions;
 - f) Leave to withdraw a motion;
 - g) Amendment to a motion;
 - h) Precedence for an item of business specified in the summons;
 - i) Suspension of these rules of debate;
 - j) Exclusion of the public and press.

23. Rescission of Preceding Resolutions

- 23.1 No motion to rescind any resolution passed by the CIFCA within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be moved unless the notice thereof is given in pursuance of 22 above and bears the names of at least five members.
- 23.2 When any such motion has been disposed of by the CIFCA, no member shall move a similar motion within a further period of six months.
- 23.3 This shall not apply to motions moved in or in respect of the report or recommendation of a sub-committee or working group.

24. Confidential Matters

- 24.1 Notwithstanding the access to information rules and the requirements of confidentiality imposed on elected members as set out in the Code of Conduct, a member of the CIFCA shall not disclose without permission of the CIFCA or of the appropriate sub-committee or working group:
- a) The contents of any document marked confidential or exempt, and
 - b) Any item dealt with as a confidential matter, unless or until it has been made public by the Committee or the sub-committee.

25. Speeches

- 25.1 No speech may be made until after the mover has moved the proposal and explained the purpose of it and until the motion has been seconded.
- 25.2 No member shall speak unless called upon by the Chairman.
- 25.3 Speeches must be directed to the motion under discussion or to a personal explanation or point of order. No speech shall exceed three minutes without the consent of the Chairman.
- 25.4 If called upon a member shall be entitled to speak once on any motion, but shall not be entitled to speak more than once except:
- a) To speak on an amendment moved by another member;
 - b) If the motion has been amended since they last spoke, to move a further amendment;
 - c) In exercise of a right of reply given by 31 below;
 - d) By way of personal explanation; or
 - e) To ask a question.

26. Second of Motion Reserving Speech

- 26.1 A member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until later in the debate.

27. Motions and Amendments Not Seconded

- 27.1 Motions and amendments not seconded shall not be entered in the minutes.

28. Withdrawal of Motion or Amendment

- 28.1 A motion of amendment may be withdrawn by the mover with the consent of his seconder and of the Committee which shall be signified without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless permission has been refused.

29. Amendments to Motions

- 29.1 An amendment shall be relevant to the motion and shall be either:

- a) To leave out words; or
- b) To leave out words and insert or add others; or
- c) To insert or add words.

- 29.2 Such omission, insertion or addition of words shall not have the effect of negating the motion before the Committee.

30. Order in which Amendments are to Be Taken

- 30.1 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 dealt with.
- 30.2 If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

31. Right of Reply

- 31.1 The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. In his reply he shall strictly confine himself to answering previous speakers and shall not introduce any new matter into the debate.
- 31.2 If an amendment is moved, the mover of the original motion shall also have a right of reply to the debate on his amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.
- 31.3 A member may, however,
- a) Explain any material part of his speech which he believes to have been misunderstood;
 - b) If he is the Chairman or other member who has presented the report of a sub-committee, with the Chairman's consent, make a statement of the facts at the outset of the debate and also reply generally to the debate; and
 - c) If he is the mover of a motion, speak with the leave of the Chairman on the motion or on any amendment thereto at any time during the debate.

32. Right to Speak on a Point of Order

- 32.1 A member may raise a point of order or in personal explanation and shall be entitled to be heard forthwith.

- 32.2 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 he considers it has been broken.
- 32.3 A personal explanation shall be confined to some material part of his speech which he considers has been misunderstood.
- 32.4 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

33. Motions which may be moved during Debate

33.1 When a motion is under debate, no other motion shall be moved, except:

- (a) To amend the motion;
- (b) To postpone consideration of the motion;
- (c) To adjourn the meeting;
- (d) To adjourn the debate;
- (e) To proceed to the next business;
- (f) That the question be now put;
- (g) That a member be not further heard;
- (h) That the subject of debate be referred back to a sub-committee; and
- (i) To suspend the rule of debate under 22.

34. Closure Motions

34.1 A member who has spoken in the debate may move without comment at the conclusion of a speech by another member:

- (a) "that the Committee proceed to the next business";
- (b) "that the question be now put";
- (c) "that the debate be now adjourned";
- (d) "that the Committee do now adjourn";

34.2 On the seconding of which the Chairman shall proceed as follows:

- i. On a motion to proceed to the next business
unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply, and then put to the vote to proceed to the next business.
- ii. On a motion that the question be now put
unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion.

That the question be now put and if it is passed then give the mover of the original motion his right of reply under 31.1 above before putting his motion to the vote.

- iii. On a motion to adjourn the debate or the meeting
if, in his opinion, the matter before the meeting has been insufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he shall put the adjournment motion to the vote without giving the mover of the original motion his right to reply on that occasion.

35. Questions from the Public and Public Speaking

35.1 Subject to rules as set out in this Constitution, members of the public may ask questions at any ordinary or extraordinary meetings of the full CIFCA Committee.

35.2 The Monitoring Officer or his nominated representative at the meeting is authorised to reject a question from the public if it does not meet the following criteria:

- It is defamatory, frivolous or offensive;
- It is substantially the same as a question put at a meeting of the CIFCA in the past 6 months; or
- Answering it requires the disclosure of Confidential or Exempt information.

35.3 A maximum period of 15 minutes will be allocated for public questions and public speaking at the start of the meeting.

35.4 Questions will be asked, or speakers be invited to speak, in the order notice of them was received, except that the Chairman may group together similar questions which will be taken in the data order they are received.

35.5 A question may only be asked if notice has been given by delivering it in writing or electronically to the Monitoring Officer or his nominated representative no later than midday three clear working days before the day of the meeting.

Each question must give the name and address of the questioner and copies of all questions will be circulated to all members and will be made available to the public attending the meeting. Rejected questions will include reasons for rejection but, at the discretion of the Chairman, a written response may be provided to a rejected question.

35.6 No person or organisation may submit more than one question to any one meeting and no more than two questions in any financial year.

35.7 The Chairman will invite the questioner to put the question to the CIFCA. If the questioner who has submitted a written question is unable to be present, the Chairman may decide to put the question on their behalf and give a written response or that the question will not be dealt with.

35.8 A questioner who has put a question may, at the discretion of the Chairman, put one supplementary question without notice to the CIFCA. A question or supplementary question which cannot be dealt with during public question time will be dealt with by way of a written answer. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 35.2 above or if it shall prejudice the answering of questions of which notice has been given.

35.9 A written question shall be limited to 200 words and the Chairman reserves the right to terminate any questions from the public if he considers it is not relevant to the subject matter of the agenda or the speaker is becoming abusive or disruptive.

- 35.10 The right for a member of the public to speak at any meeting of the CIFCA shall be at the sole discretion of the Chairman and there is no automatic right to speak. The speaking shall be relevant to agenda items to be considered by the CIFCA at that meeting.
- 35.11 Multiple speakers shall not be allowed on the same subject, should several people wish to speak on the same subject the Chairman shall select one speaker to represent all and no public speaker will be allowed to speak for longer than 5 minutes.
- 35.12 The Chairman reserves the right to terminate any person asking a question or speaking if it is considered the points being made are not relevant to the subject matter of the agenda or the speaker is becoming abusive or disruptive.
- 35.13 Any question or supplementary question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance or if it did not relate to a matter on the agenda of the Member to whom it was to be put, shall be dealt with by a written answer.

36. Disturbance

- 36.1 In the event of a general disturbance which in the opinion of the Chairman renders the orderly dispatch of business impossible, the Chairman in addition to any other power vested in him may, without question put, adjourn the meeting for such period as he in his discretion shall consider expedient.
- 36.2 If a member of the public interrupts the proceedings of a meeting the Chairman shall warn him. If he continues the interruption the Chairman shall order his removal from the meeting room. In the case of general disturbance in the part of the meeting room open to the public, the Chairman shall order that part to be cleared.

37. Voting

- 37.1 Unless this Constitution provides otherwise and subject to any statutory requirements, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.
- 37.2 Unless a ballot or recorded vote is requested under 37.3 & 37.4, the Chairman will take the vote by a show of hands, or if there is no dissent by affirmation of the meeting.
- 37.3 The vote shall take place by ballot if at least one quarter of the Members present and eligible to vote at the meeting demands it. The Chairman will announce the result of the ballot immediately after the result is known.
- 37.4 If at least one quarter of the members present and eligible to vote at the meeting demand it, the names for and against the motion or amendment or abstaining from voting shall be entered into the minutes.
- 37.5 Where a member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

37.6 Where more than two persons are nominated for any appointment and one of the votes given there is not a majority in favour of one of them, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

38. Disclosable Pecuniary and Non-Registerable Interests

38.1 Members and co-opted members must abide by the Code of Conduct adopted by Cornwall Council and declare Disclosable Pecuniary and Non-Registerable Interests in accordance with the Code.

38.2 If a member has a Disclosable Pecuniary or a Non-Registerable Interest they must, unless a dispensation has been granted, withdraw from the room or chamber where the meeting is being held at the start of the discussion on that matter or when it becomes apparent that the member has an interest in the matter under discussion.

38.3 A member with a Non-Registerable Interest may, subject to paragraph 3.5(A) of the Code of Conduct, address CIFCA prior to withdrawing should the Chairman permit.

Sub-Committees

39. Appointment of Sub-Committees

39.1 The CIFCA may appoint any standing sub-committees at any of its meetings.

40. Appointment of Chairman and Vice-Chairman of Sub-Committees

40.1 Each sub-committee shall, at its first meeting following the annual meeting of the CIFCA before proceeding to any other business, elect a Chairman and Vice-Chairman.

40.2 Paragraph 21 above shall apply for the purpose of electing Chairmen and Vice-Chairmen of sub-committees.

40.3 The rules regarding the election and term for the Chairman and Vice-Chairman of any sub-committee shall be as for the CIFCA.

41. Absence of Chairman and Vice-Chairman of Sub-Committees

41.1 In the absence from a meeting of a sub-committee of both the Chairman and Vice-Chairman, a Chairman for the meeting shall be appointed from those members attending the meeting.

42. Ex-Officio Members of Sub-Committees

42.1 The Chairman and Vice-Chairman of the Committee shall be ex-officio members of every sub-committee.

43. Meetings of Sub-Committees

- 43.1 A sub-committee shall meet as requested by the Chairman or at a frequency as determined by the CIFCA.

44. Special Meetings

- 44.1 The Chairman of a sub-committee may request the Monitoring Officer or his nominated representative to summon a special meeting of the sub-committee at any time.

45. Quorum of Sub-Committees

- 45.1 Business shall not be transacted at a meeting of any sub-committee exercising delegated powers unless at least one quarter of the sub-committee is present.

46. Application of Constitution to Sub-Committees

- 46.1 This Constitution, so far as it is applicable, applies to all meetings of a sub-committee of the CIFCA.

47. Reports of Sub-Committees

- 47.1 Every sub-committee shall make a report to the CIFCA of its meetings held in the preceding quarter.

Access to Information Procedure Rules

48. Scope

- 48.1 These rules apply to all meetings of the CIFCA and its sub-committees if held in public.

49. Additional rights to Information

- 49.1 These rules do not affect any more specific rights to information contained in this Constitution or the law.

50. Right to attend Meetings

- 50.1 Members of the public may attend all meetings that are open to the public subject only to the exemptions in these rules.

51. Notices of Meetings

- 51.1 The CIFCA will normally give at least five clear working days' notice of any meeting by posting details of the meeting at County Hall in Truro and on the CIFCA web site.

52. Access to Agenda and Reports before the Meeting

- 52.1 Copies of the agenda and reports for non-confidential business will be open to public for inspection at County Hall, Truro, at least five clear days before the meeting. If an agenda item is added later the revised agenda will be open to inspection as from the time the item was added.
- 52.2 The CIFCA will supply copies of the documentation set out below to any person on payment of a charge for postage and any other costs:
- Any agenda and reports which are open to public inspection;
 - Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - If the Monitoring Officer thinks fit, copies of any other documents supplied to members in connection with an item.

53. Access to minutes etc. after the Meeting

- 53.1 The CIFCA will make available copies of the following for six years after a meeting:
- The minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the CIFCA, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - The agenda for the meeting;
 - Reports relating to items when the meeting was open to the public; and
 - Electronic copies of the documents will also be available on the CIFCA website.

54. Background Papers

- 54.1 The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his opinion:
- Disclose any facts or matters on which the report or an important part of the report is based; and
 - Which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and, in respect of Committee reports, the advice of a political/legal advisor if appropriate.

55. Public Inspection of Background Papers

- 55.1 The CIFCA will make available for public inspection for six years after the date of the meeting one copy of each of the documents on the list of background papers.

56. Summary of Public's Rights

- 56.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the offices at Chi Gallos, Hayle, at County Hall, Truro and on the CIFCA and Cornwall Council's website.

57. Exclusion of Access by the Public to Meetings

- 57.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.
- 57.2 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 57.3 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
- 57.4 Exempt information means information falling within the following 10 categories (subject to any condition):

Category	Condition
Information relating to any Individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Information relating to the financial or business affairs of any particular person (including the case, the authority holding that information)	<p>Exempt information if and so long, as in all the circumstances of the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <ul style="list-style-type: none">• the Companies Act 1985• the Friendly Societies Act 1974• the Friendly Societies Act 1992• the Industrial and Provident Societies Acts 1965 to 1978

	<ul style="list-style-type: none"> the Building Societies Act 1986 the Charities Act 1993 "Financial or business affairs" includes contemplated, as well as past or current, activities.
Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Information in respect of which any claim to legal professional privilege could be maintained in legal proceedings	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Information which reveals that the authority proposes: to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment	Exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

57.5 If the Monitoring Officer or his nominated representative thinks fit, the IFCA may exclude access by the public to reports which in his opinion relate to items during which, in accordance with the above the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

Code of Conduct

58. Code of Conduct for Members

58.1 As the CIFCA is a Committee of Cornwall Council its members, general members and co-opted members are, in accordance with the Localism Act 2011, are bound by the Code of Conduct agreed by Cornwall Council. Any reference to the Council should be taken as a reference to Cornwall IFCA.

General principles of public life

The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members that is consistent with the following principles:

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Cornwall Council also expects its Members to observe the following principles:

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Whilst these overriding principles are not formally part of the Code of Conduct, they underpin the purpose and provisions of the Code of Conduct and are principles in accordance with which Members should conduct themselves.

Introduction and Interpretation

1. This Code of Conduct, as a locally developed Code for Cornwall Council, has been adopted by Cornwall Council to support its duty to promote and maintain high standards of conduct by Members of the Council as required by the Localism Act 2011. The Standards Committee assumes ownership of the Code on behalf of the Council and also monitors the operation of the Code in conjunction with the Monitoring Officer.

2. In this Code:

"Member" includes an elected member and a co-opted member

"meeting" means any meeting of the Council, the Cabinet and any of the Council's or the Cabinet's committees, sub-committees, joint committees, joint sub-committees, area committees or working groups

"disclosable pecuniary interest" means an interest described in Part 5A of this Code and which is an interest of a Member or an interest of (i) that Member's spouse or civil partner; (ii) a person with whom that Member is living as husband or wife; or (iii) a person with whom that Member is living as if they were civil partners, and that Member is aware that that other person has the interest

"non-registerable interest" means an interest as defined in Part 5B of this Code

"dispensation" means a dispensation granted by the Standards Committee of the Council or other appropriate person or body which relieves a Member from one or more of the restrictions set out in sub-paragraphs 3(5)(i), 3(5)(ii) and 3(5)(iii) of Part 3 of this Code to the extent specified in the dispensation

"register" means the register of disclosable pecuniary interests maintained by the Monitoring Officer of the Council

"sensitive interest" means an interest that a Member has (whether or not a disclosable pecuniary interest) in relation to which the Member and the Monitoring Officer consider that disclosure of the details of that interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.

"interest" means any disclosable pecuniary interest or any disclosable non-registerable interest where the context permits

This Code is arranged as follows:

- Part 1 Application of the Code of Conduct
- Part 2 General obligations
- Part 3 Registering and declaring interests
- Part 4 Sensitive interests
- Part 5A Pecuniary interests
- Part 5B Non-registerable interests

Part 1 – Application of the Code of Conduct

- 1.1 This Code applies to you as a Member of the Council.
- 1.2 This Code should be read together with the preceding general principles of public life.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 Subject to paragraphs 1.5 and 1.6 of this Code you must comply with this Code whenever you:
 - a) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or
 - b) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council
 - c) and references to your official capacity are construed accordingly.
- 1.5 Where you act as a representative of the Council:
 - a) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any lawful obligations to which that other body may be subject.
- 1.6 Where you are also a member of an authority other than the Council you must make sure that you comply with the relevant Code of Conduct depending on which role you are acting in. Your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice can be sought from the Monitoring Officer or one of his team.

Part 2 – General obligations

- 2.1 You must treat others with respect.
- 2.2 You must not treat others in a way that amounts to or which may reasonably be construed as unlawfully discriminating against them.
- 2.3 You must not bully any person.
- 2.4 You must not intimidate or attempt to intimidate others.
- 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- 2.6 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement in relation to any matter that you deal within

your official capacity. There is no requirement to register or declare any gifts or hospitality which have been offered or received.

- 2.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council.
- 2.8 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
- i. you have the consent of a person authorised to give it;
 - ii. you are required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person before the information is provided to them; or
 - iv. the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith; and
 - (c) in compliance with the reasonable requirements of the authority, which requirements must be demonstrable by reference to an adopted policy, procedure or similar document of the Council or evidenced by advice provided by the Monitoring Officer or his nominee.
- 2.9 You must not prevent or attempt to prevent another person from gaining access to information to which that person is entitled by law.
- 2.10 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 2.11 You must not use or attempt to use your position as a member of the Council improperly to confer on or to secure for yourself or any other person an advantage or disadvantage.
- 2.12 You must when using or authorising the use by others of the resources of the Council:
- (i) act in accordance with the reasonable requirements of the Council;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (iii) have regard to any statutory or other requirements relating to local authority publicity.
- 2.13 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer.
- 2.14 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- 2.15 You must not participate in any meeting of an Overview and Scrutiny Committee that is scrutinising or otherwise considering the business of the Cabinet or another of the Council's decision making persons or bodies in relation to which you have been involved in making the decision, save as may be required to make representations, answer questions or give evidence relating to

that business to the meeting and subject to the reasonable requirements of the person Chairing that meeting.

Part 3 – Registering and declaring interests and withdrawal from meetings

- 3.1 The provisions of this Part of this Code are subject to the provisions of Part 4 of this Code relating to sensitive interests.
- 3.2 Within 28 days of becoming a Member you must notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have at the time of giving the notification.
- 3.3 Where you become a Member as a result of re-election or your co-option being renewed you need only comply with paragraph 3.2 of this Code to the extent that your disclosable pecuniary interests are not already entered on the register at the time the notification is given.
- 3.4 You are not required to notify non-registerable interests to the Monitoring Officer for inclusion in the register.
- 3.5 If you are present at a meeting and you are aware that you have a non-registerable interest or a disclosable pecuniary interest in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:
- (i) not participate, or participate further, in any discussions of the matter at the meeting;
 - (ii) not participate in any vote, or further vote, taken on the matter at the meeting; and
 - (iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.
- 3.5a Where a Member has a non-registerable interest in a matter to which paragraph 3.5 relates that does not benefit from a valid dispensation and that interest arises only from the Member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may [with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop] address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraphs 3.5(i), (ii) and (iii).
- 3.6 If a disclosable pecuniary interest to which paragraph 3.5 relates is not entered in the register and has not already been notified to the Monitoring Officer at the time of the disclosure you must notify the Monitoring Officer of that interest within 28 days of the disclosure being made at the meeting.
- 3.7 Where you are able to discharge a function of the Council acting alone and you are aware that you have a non-registerable interest or a disclosable pecuniary interest in a matter being dealt with, or to be dealt with, by you in the course of

discharging that function you must:

- (i) not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you); and
- (ii) if the interest is a disclosable pecuniary interest, notify the Monitoring Officer of that interest within 28 days of becoming aware of the interest if the interest is not entered in the register and has not already been notified to the Monitoring Officer.

3.8 Within 28 days of becoming aware of any new disclosable pecuniary interest, or change to any disclosable pecuniary interest already registered or notified to the Monitoring Officer, you must notify that new interest or the change in the interest to the Monitoring Officer.

3.9 All notifications of disclosable pecuniary interests to the Monitoring Officer, excepting those made verbally at meetings, must be made in writing.

Part 4 – Sensitive interests

4.1 Members must notify the Monitoring Officer of the details of sensitive interests but the details of such interests will not be included in any published version of the register.

4.2 The requirement in paragraph 3(5) of Part 3 of this Code to disclose interests to meetings shall in relation to sensitive interests be limited to declaring the existence of an interest and the detail of the interest need not be declared.

Part 5A – Disclosable Pecuniary Interests

In this Part of the Code, the expressions in the middle column have the meanings attributed to them in the right hand column

(a)(i)	"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
(a)(ii)	"director"	includes a member of the committee of management of an industrial and provident society
(a)(iii)	"land"	includes an easement, servitude, interest, or right 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
(a)(iv)	"relevant authority"	means the authority of which you are a member
(a)(v)	"relevant person"	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners

(a)(vi)	"securities"	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners
		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

The following table sets out the disclosable pecuniary interests that have been prescribed by the Secretary of State for the purposes of the Code of Conduct and the Localism Act, 2011

Interest		Description
(b)(i)	Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
(b)(ii)	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 you in carrying out your duties as a member, or towards the election expenses of you. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
(b)(iii)	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 under which goods and services are to be provided or works are to be executed and which has not been fully discharged
(b)(iv)	Land	Any beneficial interest in land which is within the area of the relevant authority
(b)(v)	Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
(b)(vi)	Corporate tenancies	Any tenancy where, to your knowledge the landlord is the relevant authority and the tenant is a body in which the relevant person has a beneficial interest
(b)(vii)	Securities	Any beneficial interest in securities of any body where that body, to your knowledge, has a place of business or land in the area of the relevant authority and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total of the issued share capital of that body or if the share capital of that body is of more than one class the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

Part 5B – Non-registerable interests

You have a non-registerable interest where a decision in relation to a matter being determined or to be determined:

- (i) might reasonably be regarded as affecting the financial position or well being of you; a member of your family or any person with whom you have a close association; or any body or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in your electoral division or area; and
- (ii) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest

save that business relating to the following functions will not give rise to non-registerable interests:

- (iii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iv) statutory sick pay under, where you are in receipt of, or are entitled to the receipt of, such pay;
- (v) an allowance, payment or indemnity given to members;
- (vi) any ceremonial honour given to members; and
- (vii) setting of the council tax

and for the avoidance of doubt, the above exceptions to the definition of having a disclosable pecuniary interest.

Scheme of Delegation

59. Delegations to the Chief Officer

59.1 The Chief Officer has delegated to them power to act on behalf of the CIFCA in relation to any matters within the area for which he/she is responsible which are set out in 62 of the Constitution, including spending decisions, subject to the following overriding provision:

59.1.1 Any action by the Chief Officer under delegated powers shall be in accordance with:

- a) The overall policies approved by CIFCA and Cornwall Council;
- b) The CIFCA's Procedure Rules;
- c) Cornwall Council's Financial Regulations and Procedure Rules;
- d) Cornwall Council's Contract Procedure Rules;
- e) The CIFCA's Personnel Policies and Procedures;
- f) Approved capital and revenue budget estimates where expenditure or a reduction in income is involved; and
- g) The requirements of the relevant legislation.

59.1.2 Without prejudice to these delegations the Chief Officer is expected to have regard to any resolution of the CIFCA or Cornwall Council on any matter of principle or policy relating to the power being exercised and shall, as appropriate

- a) Maintain a close liaison with the Chairman of CIFCA and/or
- b) Ensure that the Local Member(s) is/are consulted on, or advised of the exercise of delegated powers; and/or
- c) Ensure that the Monitoring Officer and Chief Financial Officer are consulted and advised of any decisions as necessary; and
- d) Ensure the Council's Corporate Leadership Team is consulted and advised where appropriate in relation to cross service issues.

59.1.3 Before exercising any delegated power the Chief Officer must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the CIFCA.

59.2 Any power conferred upon the Chief Officer may be exercised by an authorised officer, generally or specifically for that purpose, either orally or in writing.

59.3 The CIFCA, in relation to decision-making within their statutory or delegated authority, may at any time require a particular issue or any aspect of delegated powers within their Terms of Reference to be referred to it for decision unless the terms of this Constitution provide otherwise.

59.4 All references to Acts, Orders, regulations etc. in this Scheme of Delegation shall be deemed to include references to amending, substituted or extending legislation in force from time to time.

59.5 Any reference to the Chairman of CIFCA includes a reference to the Vice-Chairman in that Chairman's absence.

59.6 For matters which require consultation with the public and outside bodies the Chief Officer will prepare, in consultation with the Chairman of CIFCA, a consultation and decision-making procedure.

59.7 To facilitate the scrutiny of decisions made under delegated powers, any officer dealing with a matter under delegated powers shall keep and maintain an adequate record of the exercise of that power.

60. General Indemnity

60.1 Cornwall Council has given a general indemnity to any officer in the purported discharge of any authority delegated to him or her for any action, costs, claim or liability incurred by him or her.

61. Specific Delegations

61.1 The Chief Officer has delegated power:

61.2 In consultation with the Monitoring Officer of Cornwall Council to authorise the institution or defence or involvement in criminal or civil proceedings in relation to any enactment, Regulation, Statutory Instrument or other regulatory provision for which they are responsible to the CIFCA for monitoring, enforcing or otherwise implementing.

- 61.3 To write-off debts in accordance with the Credit Management Code of Practice in consultation with the Head of Finance of Cornwall Council.
- 61.4 To make bids for contracts in relation to services under his or her control both internally and externally provided that any significant impact on a business plan is drawn to the attention of the Chairman if CIFCA and this is then reported to the next meeting of the Committee.
- 61.5 NB: For the avoidance of doubt, the day-to-day management of services and related staff and resources are vested in the Chief Officer in relation to his/her department.

62. Human Resources

- 62.1 The Chief Officer is delegated the power to act in relation to the appointment of staff within approved budgets, using the pay grades as adopted by the CIFCA and in accordance with the CIFCA personnel policies and procedures, as amended from time to time
- 62.2 The Chief Officer is delegated the power to act in relation to the dismissal of staff in accordance with personnel policies as adopted by the CIFCA and in accordance with the CIFCA personnel policies and procedures, as amended from time to time.
- 62.3 The Chief Officer is delegated the power to make variations in establishment using grades as adopted by the CIFCA as amended from time to time and to determine all other matters relating to the employment of staff, providing all such determinations are within approved budget and in accordance with CIFCA personnel policies and procedures.
- 62.4 The Chief Officer is delegated the power to take all necessary action to ensure the health and safety of their employees at work.

63. Property & Assets

- 63.1 All property and assets of the Sea Fisheries Committee are transferred to the CIFCA as from the 1 April 2011.

64. Legal and Procedural

- 64.1 The Chief Officer is delegated the power or in the event of the Chief Officer having a conflict of interest or being absent, the Principal Enforcement Officer, is delegated the power:
- 64.2 To institute, defend or settle legal proceedings (either in the name of the CIFCA or an individual officer) at Common Law or under any relevant enactment, Statutory Instrument, Order or byelaw conferring functions upon the CIFCA, or in respect of functions undertaken by them, and to lodge an appeal against any such decision.

- 64.3 To take such steps as considered appropriate to co-operate with
- a) The authority of an IFC District adjoining the CIFCA District
 - b) Any other public authority that exercises functions relating to –
 - i. the regulation of activities carried on in any part of the sea lying within the District, or
 - ii. enforcement in that part of the sea.
- 64.4 With the approval of the Secretary of State to enter into an agreement with an eligible body, as defined in s168 of MaCAA 2009, authorising the eligible body to perform any function of the CIFCA, bar any function whose performance by the body would be incompatible with the purposes for which the body was established, or functions under s176 of MaCAA 2009 (accounts).
- 64.5 To enter into arrangements with another person or body for the provision by the CIFCA of services that are required by the person or body in connection with the exercise of the person's or body's functions, as defined in s173 of MaCAA 2009.
- 64.6 To sign dispensations for byelaws to authorise activities for scientific purposes.

65. Urgency Procedure for Non-Executive Decisions

- 65.1 a) Where, in the opinion of the Chief Officer (or in his/her absence his/her nominated deputy for this purpose which, in the absence of a specific delegation, shall be taken to be the Principal Enforcement Officer or Principal Scientific Officer), a decision is urgently required by the CIFCA, and cannot be delayed until a meeting is convened, he may take any decision within the competence of the CIFCA, having first consulted the Chairman and the Vice- Chairman of the CIFCA, with delegated powers.
- b) In the absence of the Chairman and Vice Chairman the members of the Committee are to be consulted on matters of an urgent nature.
- 65.2 Where it is not reasonably practicable to consult with 1 of the nominated consultees this shall not invalidate the decision. Where such matters have significant legal or financial implications, the Head of Legal and Democratic Services and the Head of Finance will be consulted prior to the decision being made.
- 65.3 Where such matters have a local impact, the Local Members will be notified of issues relating to their electoral divisions. The CIFCA will be advised of the decision at their next meeting, and the reasons for it.
- 65.4 All decisions made under the urgency procedure are to be reported to the next meeting of the Committee.

Allowances Scheme

66. Allowances Guidance Note

66.1 Important – irrespective of what is set out in this guidance, which will be reviewed and kept up to date, the CIFCA can only make payments of allowances to the extent permitted by law. If there is a conflict between anything contained in this guidance and the law the CIFCA must at all times comply with its statutory obligations. In addition, where there is any tension between this Guidance Note and the Scheme of Allowances the Scheme of Allowances will prevail.

66.2 In ALL cases claims for travel and subsistence will only be paid for trips that are authorised in accordance with paragraph 74 below (Authority to Act).

That is trips authorised by the CIFCA or, in the case of trips that may arise between CIFCA meetings only those trips that are authorised by the Chairman (or Vice Chairman if the trip is to be undertaken by the Chairman) and the Chief Officer. Claims not so authorised will be rejected.

67. The Special Responsibilities Allowance for the Chairman and Vice Chairman of the Committee and the Schedule of allowances for CIFCA members have been incorporated into Cornwall Council's Members Allowances Scheme and any uplifts or changes as approved by the Council will apply going forward. This will ensure that the same allowances are paid to both the elected and co-opted members of the CIFCA.

68. Special Responsibilities Allowance

68.1	Special responsibilities allowance – Chairman	£3,650.24
	Special responsibilities Allowance – Vice Chairman	£2,433.54

69. Approved duties

69.1. The approved duties for which allowances are payable under this Scheme are set out in paragraph 72 below. Claims for allowances for duties that are not within the list of approved duties will not be paid. Reference should also be made to the Members' Allowances Guidance Note in the Constitution.

70. Dependents' Carers' Allowance

70.1 Dependents' carers' allowance is payable in accordance with the provisions set out in 72 below. The form for registering with the Monitoring Officer the need to claim this allowance is available from Democratic Services and available on the Intranet.

71.0 As is set out above the Schedule of Allowances for CIFCA members is the same as that for Cornwall Council members. In seeking to claim an allowance, members should note the follow that is:

'A valid receipt for the actual expenditure incurred must accompany and support each claim otherwise no reimbursement will be made'.

72. CIFCA Members' Allowances - Classification of Approved Duties

- 72.1 Members may claim for travel, subsistence or dependents' carers' allowances in respect of costs necessarily incurred in undertaking approved duties in accordance with the Regulations as follows:
- 72.2 The attendance at a meeting of the CIFCA or of any sub-committee of the CIFCA, or of any other body to which the CIFCA makes appointments or nominations (but only as or on behalf of the person appointed/nominated by the CIFCA to attend), or of any committee or sub-committee of such a body; [Under this paragraph attendance at pre-agenda and briefing meetings for the Chairman, Vice-Chairman is eligible]
- 72.3 The attendance at any other meeting, the holding of which is authorised by the CIFCA;
- 72.4 Invitations from groups or bodies to attend meetings as a CIFCA Member are not approved duties for the payment of travelling, subsistence and dependents' carers' allowances unless such attendance is so authorised by the CIFCA.

73. CIFCA Members' Allowances Scheme – Dependents' Carers' Allowance (DCA)

- 73.1 The scheme of allowances provides for the payment of a dependents' carer's allowance to those Members who necessarily incur expenditure for the care of children or other dependents to cover for their period of absence from home whilst undertaking approved duties. Approved duties are defined in Appendix 1 to the Scheme of Allowances.
- 73.2 For the purposes of the Scheme of Allowances, a dependent is a member of the Member's family, living with the Member or with whom the Member lives, and who cannot be left alone.
- 73.3 In order to receive any payment of the allowance a Member must first register their need to claim with the Monitoring Officer. The Member will provide the Monitoring Officer with such information as the Monitoring Officer reasonably requires, to demonstrate their entitlement to the allowance. Claims for expenses incurred more than 28 days before registration with the Monitoring Officer will only be paid in exceptional circumstances.
- 73.4 Members may claim the actual costs necessarily incurred subject to the production of receipts and up to a maximum in line with the current hourly rate for the national minimum wage. In exceptional circumstances, and on an individual basis, a higher rate may be agreed by the Monitoring Officer. The maximum hourly rate will be increased in line with the national minimum wage rate on the first day of the month next following an increase in the national minimum wage.
- 73.5 Carers must be over the age of 16 and not be a member of the claimant's own household or a close relative. For the purposes of the dependents' carers' allowance, the definition of a close relative includes a partner (someone you are married to, your civil partner or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or step daughter, the child of a partner, brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece and the partners of any of these people. This includes relationships through adoption.

- 73.6 It is ultimately the parents' responsibility to make adequate provision for their childcare needs. Members must satisfy themselves that the carer has the right to work in the United Kingdom and this should include seeing a copy of appropriate documentary evidence. For the care of children and vulnerable adults, the carer should have appropriate CRB clearance.

74. Authority to Act

- 74.1 As is set out in paragraph 67.2 above members of the CIFCA can only claim costs for travel, subsistence and loss of earnings if their trip is granted in the following manner;
- The trips are authorised by the CIFCA meeting as a Committee; or
 - Between meetings the trips are authorised by the Chairman (or Vice Chairman if the trip is to be undertaken by the Chairman and the Chief Officer
- 74.2 In the case of trips that are authorised by the Chairman or vice Chairman these are to be reported to the next available meeting of the CIFCA.
- 74.3 It shall be the case that the outcome of all trips and training howsoever authorised shall be reported to the next available meeting of the CIFCA.
- 74.4 In all cases members of the CIFCA should not hold themselves out to be acting with the authority of the CIFCA unless they have the authority to do so. Such acts would include use of the CIFCA logo on non-CIFCA communications and attending meetings as a member of the CIFCA unless attendance is sanctioned by the CIFCA.

General Provisions with Regard to Standing Orders

75. Variation and Revocation

- 75.1 Any motion to vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Committee.

76. Suspension

- 76.1 Any of the preceding Standing Orders may be suspended by the Committee for any item of business at the meeting where its suspension is moved, but except upon notice of motion under Standing Order shall not be suspended unless at least one-half of the whole number of members of the Committee are present.

77. Record of Attendance

- 77.1 The Democratic Services officer from Cornwall Council shall record the attendance of members at meetings of the Committee and sub-committees.