NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

EXECUTIVE MEETING

Hybrid/Teams, County Hall, Cross Street, Beverley, HU17 9BA

5 September 2024

COMMENCING 09:30 am

AGENDA

1. Apologies for absence

2. Declaration of Personal or Prejudicial Interests – Members to declare any interests in items on the Agenda and the nature of such interests

3. To take the notes of the meeting held on 7 March 2024 as a correct record *(pages 1-3)*

Items for Decision

4. Budget Monitoring 2024/2025 *(pages 4-6)*

5. Strategic and Operational Risk Register – Review *(pages 7-20)*

6. NEIFCA Standby & Call Out Policy *(pages 21-27)*

7. NEIFCA Standing Orders & Financial Regulations – Annual Review *(pages 28-66)*

Items for Discussion

8. NEIFCA Annual Audit 2023/2024 *(pages 67-71)*

9. Chief Officer's Operational Update *(pages 72-76)*

10. NEIFCA Health & Safety Policy & Safe Working Practices 2024/2025 – Review - *(pages 77-78)*

11. NEIFCA Byelaws Update – *(pages 79-81)*

12. Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified

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NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MEETING OF THE EXECUTIVE COMMITTEE

07 MARCH 2024

Present	**Representing**
Prof Mike Elliott	Chairman
Mr Graham Collins	MMO appointee
Councillor Stephen Harness	North East Lincolnshire Council

Clerk Darren Stevens, East Riding of Yorkshire Council, Treasurer Stephen Chandler, East Riding of Yorkshire Council and David McCandless, NEIFCA Chief Officer, also attended the meeting.

The meeting took place in County Hall, Beverley, the meeting commenced at 9.30am.

77.	**APOLOGIES**
	Apologies for absence received from Cllr Chance, Gary Redshaw and Andrew Wheeler
78.	**DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS**
	Resolved – The Chair asked Members to declare any personal or prejudicial interests with respect to items on the Agenda and the nature of such interests. No such interests were declared.
79.	**TO TAKE NOTES OF THE MEETING HELD ON 30 MARCH 2023 AS A CORRECT RECORD**
	Resolved – That the minutes of the meeting held on 1 November 2023 be approved as a correct record and signed by the Chairman.
80.	**NEIFCA ANNUAL PLAN 2024/2025**
	The Chief Officer, David McCandless presented a report for members to review the Annual Plan for the year 2024/2025. The Chief Officer discussed with members the ambitious local plans for the year ahead. The main plans include the replacement of the main patrol vessel and the development of the new byelaws. Comments on the framework of the plan were requested from members by the end of March.
	Resolved - (a) The annual plan for 2024/2025 was reviewed.
81.	**BUDGET REPORT 2023/2024**
	The Treasurer presented a report to advise Members of the budget position at the end of month 10 (January) 2023/2024.

	At the end of January 2024, the Authority has net expenditure of £905,787 against an expected £1,083,565 underspending by £177,778. The forecast outturn underspend is £198,658, mainly due to underspends on employees relating to vacancies and additional Defra 'grant in aid'. The recommendations reported by the treasurer are that £100,000 of the forecast underspend at outturn is transferred to the Renewals Fund and ringfenced to support the proposed build and commission of a new 6m open Rigid Inflatable Boat (RIB) alongside any further 'grant in aid' received for the current 2023/24 financial year. £48,864 of the underspend is used to increase the Patrol Vessel Maintenance reserve to £50,000, with an additional £38,689 being transferred to the reserve to be used to fund ongoing critical operational works on the Protector III and that the balance of any remaining underspend at outturn be transferred to the Renewals Fund.
	Resolved – (a) The revenue budget monitoring position is noted.
82.	**REVENUE BUDGET 2024/2025**
	The Treasurer presented a report to provide Members with a detailed operational budget for 2024/2025. The 11.5% levy increase approved at the Authority Meeting on 8 December 2023 has been incorporated into the budget, along with increases to reflect the impact of a 2024/25 pay award on employee budgets. The Authority approved to phase in the increase to the levy required to fund the cost of an annual finance lease with East Riding of Yorkshire Council from 2025/26 to fund the build and commission of a new Fisheries Patrol/Research vessel. It is proposed that the resulting £89,540 additional funding in 2024/25 is transferred to the Renewals Fund to be used to support the vessel replacement project. In addition, a review of individual budget lines has been undertaken to ensure they are set at an appropriate level within the existing budget.
	Resolved – (a) The draft budget for 2024/25 is approved (b) That the level of general reserves is maintained at £228,450 (15%) of the annual levy.
83.	**RISK MANAGEMENT STRATEGY & STRATEGIC & OPERATIONAL RISK REGISTER REVIEW**
	The Chief Officer presented a report to inform members that in accordance with the Authority's Risk Management Strategy, a six monthly review of the Strategic and Operational Risk Registers has been undertaken and is reported for information. Currently, primary identified risk areas relate to resourcing and service delivery associated with the sale of North Eastern Guardian III (NEG III) and the management of associated staffing vacancies and resources although these are considered medium to low risk. Uncertainties still surround the level of income that might be generated through the sale of NEG III which will influence the setting of the revenue budget for the 2025/2026 financial year although some provision for that has already been included within the 2024/2025 revenue budget.
	Resolved - That the revised Strategic and Operational Risk Register be reviewed in six months' time
84.	**HEALTH & SAFETY POLICY & SAFE WORKING PRACTICES 2024/2025**
	The Chief Officer presented a report to inform members of the completion of the Annual review of the Authority's Health & Safety provisions. Since the last review, the Chief Officer was pleased to advise that there had been no notable incidents or accidents to report whilst staff have been working and all are currently fit and well. The only change in the draft provisions presented to members for 2024 relates to the downgrading of the potential risk of a stabbing incident occurring at Sunderland from possible to remote. This risk level has now fallen into line with the wider NEIFCA district which requires the voluntary wearing of 'stab vests' where officers consider that there is a specific threat or need to do so based on the particular circumstances that they are facing.

	Resolved – Members noted the report.
85.	**NEIFCA BYELAW UPDATE**
	The Chief Officer presented a report to inform Members on progress with the following byelaws which were made at a meeting of the Authority held on 1 December 2022: XXVIII Shellfish Permit Byelaw 2022 XXIX Humber Estuary Fishing Byelaw 2022 In line with the statutory process the draft byelaw regulation and supporting documentation were sent to the Marine Management Organisation for a Quality Assurance assessment on 11 January 2024 with a recommendation that it be further considered for formal confirmation by Defra. This process is still on going. The Chief Officer also discussed the next steps to the Emergency Beam Trawling Byelaw, with work ongoing to make this official within the 18 month statutory period.
	Resolved - Members noted the report.
86.	**CHIEF OFFICERS OPERATIONAL UPDATE**
	The Chief Officer, David McCandless provided members with an operational report covering the period December 2023 to February 2024. A large focus on a local level being the new vessel development and the sale of NEG III. National workstreams are dominated by the introduction of fisheries management plans and the role NEIFCA play in this.
	Resolved - Members noted the report.
87.	**PROVISION OF SERVICES TO NEIFCA**
	The Chief Officer presented a report to seek the Committee's urgent approval for a short, three-month extension to the provision of services to NEIFCA including Clerkship and Secretariat, Treasurer and financial services, Human Resources and Legal services through East Riding of Yorkshire Council with effect from 1 April 2024 until 30 June 2024. Members approved the extension, and the Clerk recommended the Treasurer should lead on the review of the new SLA agreements.
	Resolved – (a) Approval for the extension to the provision of services is granted **(b)** That the provision of services be reviewed again by the Authority at its June 2024 meeting.
88.	**ANY OTHER BUSINESS**
	No items raised.
	The meeting closed at 11.40

Agenda Item No.

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NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Meeting
5 September 2024

BUDGET MONITORING 2024/25

Report by the Treasurer

A. **Purpose of Report**

To advise Members of the budget position at the end of month 3 (June) in 2024/25.

B. **Recommendations**

i. That the budget monitoring position is noted.
ii. That the balance of any remaining underspend at outturn be transferred to the Renewals Fund.

1. Introduction

1.1 A detailed budget monitoring exercise is undertaken monthly by the Treasurer in consultation with the Chief Officer. This analyses individual budget lines in terms of the current expenditure and allows for projections to the end of the financial year.

1.2 This report provides the overall position and any areas whereby an explanation is required of any notable variance on the Authority's spending to the end of June 2024.

1.3 At its meeting on 8 December 2023, the Authority set a levy totalling £1,535,873 for the current financial year, including £102,900 transferred to the Renewals Fund and £10,000 transferred to the Vehicle Replacement Reserve.

2. Revenue Expenditure to 30 June 2024

2.1 Appendix A summarises the expenditure and income for the Authority for the three months to June of the financial year and compares it with the budget. The appendix shows both subjective and objective net expenditure for the period.

2.2 At the end of June 2024, the Authority has net expenditure of £295,156 against an expected £362,701 underspending by £67,546. The forecast outturn underspend is £156,431, mainly due to underspends on employees relating to vacancies and additional interest receipts due to the level of reserves set aside for the patrol vessel replacement.

2.3 During the 2023/24 financial year NEIFCA received notification that £90,000 of additional 'grant in aid' would be provided by Defra with £50,000 allocated to support Marine Protected Area and delivery towards 'good environmental status' and £40,000 towards Marine Sustainable Development which has yet to be received. At the Executive meeting on 7 March it was agreed in principle that this 'grant in aid' funding could be used to support the build and commission of a new 6m open rigid inflatable boat (RIB) and it is proposed that any underspend resulting from the receipt of the grant is transferred to the Renewals fund at the end of the financial year. It is uncertain whether any further tranches of grant funding will be awarded in 2024-25.

2.4 The main variances in the forecast outturn are:

- Employee underspends of £136,463 – mainly due to underspends from delaying recruiting to vacancies in the offshore team until the position on the patrol vessel replacement and sale of existing vessel is clearer as well as vacancies in the Environmental team which are being recruited to. The budget includes provision for payment of a 2024/25 pay award of 4% which is in line with the flat rate of £1,290 proposed by the Local Government Employers.
- Patrol vessel running costs- overspend of £9,844 on vessel insurance. The current vessel insurance provision will be fully reviewed when the new patrol vessel is delivered.
- Grants & contributions –£10,747 overspend due to achievement of income from employees for car salary sacrifice schemes and reduced income from reclaiming fuel duty are offset by reductions in expenditure.
- Other income - £45,672 overachievement of bank interest due to increases in interest rates and the level of reserves being set aside for the patrol vessel replacement. This will not be a reoccurring underspend as the majority of the reserves will be utilised to fund the new patrol vessel towards the end of the financial year.

Contact Officer
Liz Smith (liz.smith@eastriding.gov.uk)
Principal Accountant, East Riding of Yorkshire Council

Stephen Chandler
Treasurer

NEIFCA Budget Monitoring Report as at June 2024

	Approved Budget	*Profiled Budget to Month 3*	*Actual to Month 3*	*Variance to Profile*	*Forecast Outturn*	*Variance to Forecast*
	£	£	£	£	£	£
EXPENDITURE						
Employee Expenses						
Pay,NI and Superannuation	874,200	218,550	174,925	-43,625	738,328	-135,872
Other Employee Costs	21,000	5,250	0	-5,250	20,408	-592
Premises	18,030	4,508	12,678	8,171	21,736	3,706
Transport						
Patrol Vessel Running Costs	241,249	72,503	69,539	-2,964	251,093	9,844
Vehicle Running Costs	37,060	9,265	11,925	2,660	33,794	-3,266
Travel and Subsistence	16,410	4,103	4,155	53	12,921	-3,489
Supplies and Services	157,560	41,639	40,350	-1,289	162,693	5,133
Support Services	179,690	12,829	214	-12,615	179,690	0
	1,545,199	**368,646**	**313,786**	**-54,860**	**1,420,664**	**-124,535**
INCOME						
Grants and Contributions	-23,000	-5,750	-1,780	3,970	-12,253	10,747
Other Income	-133,080	-195	-16,851	-16,656	-175,722	-42,642
	-156,080	**-5,945**	**-18,630**	**-12,685**	**-187,976**	**-31,896**
NET EXPENDITURE	**1,389,119**	**362,701**	**295,156**	**-67,546**	**1,232,688**	**-156,431**

	Approved Budget	*Profiled Budget to Month 3*	*Actual to Month 3*	*Variance*	*Forecast Outturn*	*Variance to Forecast*
	£	£	£		£	
NET EXPENDITURE						
Central / Headquarters	455,820	97,388	79,477	-17,910	414,822	-40,998
Land Based Operations	145,140	36,285	35,610	-675	144,340	-800
Offshore Operations	625,139	168,476	150,761	-17,714	575,955	-49,184
Environment	146,020	36,505	15,253	-21,252	79,949	-66,071
Grant Aided Projects	0	19,798	9,808	-9,990	621	621
Patrol Vessel Replacement	17,000	4,250	4,246	-4	17,000	0
	1,389,119	**362,701**	**295,156**	**-67,546**	**1,232,688**	**-156,431**

	Approved Budget	*Profiled Budget to Month 3*	*Actual to Month 3*	*Variance*	*Forecast Outturn*	*Variance to Forecast*
REPRESENTED BY	£	£	£		£	
Annual levy on Local Authorities	-1,377,460	-1,377,460	-1,535,875	-158,415	-1,377,460	0
Contribution from Reserves	-70,000	0	0	0	-70,000	0
Contribution to Vehicle Replacement	10,000	0	0	0	10,000	0
Contribution to Renewals Fund	102,900	0	0	0	102,900	0
	-1,334,560	**-1,377,460**	**-1,535,875**	**-158,415**	**-1,334,560**	**0**

Agenda Item No

5

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
5 September 2024

Strategic & Operational Risk Register – Six Monthly Reviews

Report of the Clerk.

A. **Purpose of Report**

To inform members of the Executive Committee that in accordance with the Authority's Risk Management Strategy, a sixth monthly review of the Strategic and Operational Risk Registers has been undertaken and is reported for information.

B. **Recommendation**

That the revised Strategic and Operational Risk Register be reviewed in six months' time.

1. **Background**

1.1 The Risk Management Strategy and associated Strategic and Operational Risk Registers were first approved by the shadow Authority at its quarterly meeting held on 25 January 2011 (Minute 17 refers).

1.2 The Authority agreed that the Risk Management Strategy be reviewed on an annual basis and that the Strategic and Operational Risk Registers be reviewed every six months and reported to the Authority (Minute 17 refers). In accordance with these recommendations the Risk Management Strategy and Operational Risk Registers were reviewed, updated and reported to members on 7 March 2024. (Minute 83 refers).

2. **Strategic & Operational Risk Register Reviews**

2.1 The Strategic and Operational Risk Registers have been reviewed to consider any potential changes which have occurred over the last six months and affected the key risks identified within the Registers. The risks have been reviewed and the changes are highlighted in bold within the attached registers. An updated position for each of the key indicators is also included in the Register. The next review of the Strategic Risk Register is scheduled for March 2025. The identified risks have also been ranked in order of significance and colour coded (highest residual risk score red to lowest green).

2.2 The revised Strategic Risk Register is attached as Appendix 1, the Operational Risk Register as Appendix 2 and the risk based enforcement matrix, a sub register of the Operational Risk Register, as Appendix 3 for members information. All changes are highlighted in bold text.

Contact Officer
Darren Stevens, Clerk of the Authority
Ext 3000

Background Papers
Strategic Risk Register
Operational Risk Register
Risk based enforcement matrix

Appendix 1

NORTH EASTERN INSHORE AND CONSERVATION AUTHORITY - STRATEGIC RISK REGISTER

Risk No	Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner
NEIFCA 1	A reputation for smart and prudent stewardship.	Financial Reputation	Failure to manage the Authority's assets, caused by:- • Lack of funding • Service failures/poor maintenance • Poor risk assessments and controls • Age and deterioration of vessels & vehicles	9 (3x3)	Asset Management Plans - including audit and survey result to target investment and maintenance at high priority areas. Patrol Vessel renewal fund and replacement project ongoing. Maintenance programme. Risk assessments. Inspections and surveys. Insurance.	6 (3x2)	Review and define inspection survey programme. Ensure compliance with the programme. Review adequacy of sums insured and compliance with insurance policy conditions. Strengthen asset management and control.	Formal notification of insurance settlement covering 50% of repair costs to main engines onboard NEG III although further remedial work has since been required which has been covered under new warranty arrangements. Authority agreed a 20year finance/leasing plan supported by ERYC to replace NEG III. £100K of additional Defra grant aid confirmed to support national policy delivery, covering 2023/2024 financial year.	Chief Officer & Deputy Chief Officer & Operational Support Manager
Risk No	**Strategic Objective**	**Category of Risk**	**Risk**	**Gross Risk Score**	**Control Action**	**Residual Risk Score**	**Further Action Required**	**Update**	**Risk Owner**

NEIFCA 2	An Authority which attracts and keeps the best staff.	Customer/ Staff	Specialist staff and skills shortages. Sickness absence. Triggers include:- (i) Inability to recruit and retain staff. (ii) Inadequate succession planning. (iii) The Authority has a small but dedicated workforce. (iv) Private sector competition (v) Impacts of a global pandemic or other external event (vi) More mobile workforce within the sector.	12 (3x4)	Recruitment, retention policies, training and development, surveys of existing staff, analysis at exits interviews and managing sickness absence.	**6 (3x2)**	Recruitment processes expedited to fill vacancies when planned and clarification on the continuation of grant aid support from Defra for the 2024/2025 financial year has been received.	**NEIFCA is currently carrying three vacancies within the offshore and environmental & scientific teams. 6 March 2024 Dr Ralf Bublitz confirmed as the new manager of the Environmental & Scientific team. 5 August 2024 a new fixed term appointee joined the Environmental & Scientific team. A new full time member of the team is also expected to join in September.**	Chief Officer & Deputy Chief Officer & Operational Support Manager.
NEIFCA 3	A reputation for smart and prudent stewardship. Statutory responsibilities.	Reputation Legal	Failure to meet statutory responsibilities set out by legislation. Main causes of risk are:- (i) Poor leadership/ judgement by managers. (ii) Inadequate monitoring review. (iii) Lack of professional staff. (iv) Legal challenge. (v) Lack of trained, experienced staff. (vi) Impacts of a global pandemic or other similar external factors. (vii) Mechanical breakdown in key assets	9 (3x3)	Series of performance targets set and measured to meet the requirements. Reported on quarterly basis to the Authority. Understanding and adherence to all governing legislation. Dynamic risk assessments and supporting safe working practices implemented when required.	6 (3x2)	Reviewed on a quarterly basis by reporting to the Authority.	See previous updates	Chief Officer
Risk No	**Strategic Objective**	**Category of Risk**	**Risk**	**Gross Risk Score**	**Control Action**	**Residual Risk Score**	**Further Action Required**	**Update**	**Risk Owner**
NEIFCA 4	A reputation for smart and prudent stewardship.	Reputation	Failure to achieve policies, aims and objectives.	9 (3x3)	Annual Plan produced each year. Performance measured against number of targets. Exceptions reported to	6 (2x3)	Reviewed on a quarterly basis by the Authority.		Chief Officer & NEIFCA Senior

	Strategic objectives				Authority. Constitution, Standing Orders Schemes of Delegation. The Authority has put in place structures and processes to govern decision making.				Management Team
NEIFCA 5	A reputation for smart and prudent stewardship.	Financial/ Economic	Cuts to service, balance budget. Triggers include:- • Reduction in Government funding • Budget over spends, insufficient reserves. • Precept set too low. • Lack of compliance with financial regulations • Increased pressure on resources from other agencies • Unforeseen mechanical failure • Increasing inflation & costs	9 (3x3)	Three year financial plan in place based on prudent projections and sensitivity analysis. Budget process flexible enough to deal with changes in funding e.g. savings plans. Lobbying with other Authority's to get better deals. Government assumptions used in the planning exercise. Formal considerations of reserves. Monthly revenue and capital budget monitoring. Demonstrating the ability to manage in-year budget pressures. Early closure of accounts. Attraction of EU and other grants for project works.	**4 (2x2)**	Ensure sound business cases are made to Authority funders for continued financial support.	Formal notification of insurance settlement covering 50% of repair costs to main engines onboard NEG III. **UK Inflation rates reduced to circa 2% during 2024.** Authority agreed a 20year finance/leasing plan supported by ERYC to replace NEG III alongside an 11% uplift to the revenue budget in 2024/2025 and 2025/2026. £100K of additional Defra grant aid received covering 2023/2024 financial year.	Clerk/ Treasurer/ Chief IFC Officer
Risk No	**Strategic Objective**	**Category of Risk**	**Risk**	**Gross Risk Score**	**Control Action**	**Residual Risk Score**	**Further Action Required**	**Update**	**Risk Owner**

NEIFCA 6	A reputation for smart and prudent stewardship	Reputation/ legal	Failure to deliver revised fisheries management policies within Marine Protected Area Sites which fall within the Authority's jurisdiction. Procedural delays in the formal making of regulations.	**6 (2x3)**	Full engagement with Defra, MMO, national working groups and local management groups.	**4 (2x2)**	Regular updates and progress reports to Science Advisory Group, Executive and full Committee.		Chief, Deputy Chief Officers. Senior Environmental & Scientific Officer Environmental & Scientific Officers.
NEIFCA 7	A reputation for smart and prudent stewardship.	Organisational Reputation	Loss or damage to reputation through poor press and public relations e.g response to shellfish mortalities Poor management and or use of website & social media outlets.	**6 (2x3)**	Good internal communications, PR, reports to Authority, Press releases approved by the Chief Officer and Clerk/Chairman where necessary. Members and key managers to have received media training. Members receive detailed briefings on sensitive issues and confidentiality requirements supported by Standards Committee and procedures. Back up arrangements through the national Association and partner IFCA's.	**4 (2x2)**	Reviewed on a quarterly basis. Daily management of Website & social media feeds in terms of content and comment.	Second shellfish landings report released during July 2023 provided a more accurate picture of trends and more positively received. Since April 2023 no major associated incidents recorded. Officers maintaining active working arrangements with key Agencies and the fishing industry.	Chief Officer & Operational Support Manager
Risk No	**Strategic Objective**	**Category of Risk**	**Risk**	**Gross Risk Score**	**Control Action**	**Residual Risk Score**	**Further Action Required**	**Update**	**Risk Owner**

NEIFCA 8	A reputation for smart and prudent stewardship.	Disaster Planning	Major incident, i.e. patrol vessel collides with another vessel or runs aground. Total loss of primary asset.	4 (1x4)	The appropriate qualifications/licences/tickets are held by the crew. Train staff with skills in marine environment. Adequate Insurance.	4 (1x4)	Continue to keep up to date with training and appropriate qualifications		Chief Officer & Deputy Chief Officer
NEIFCA 9	A reputation for smart and prudent stewardship.	Reputation/ Legal	Officers acting beyond their statutory remit through inexperience. Legal challenge. Potential incident. Adverse publicity.	6 (3x2)	Full training in role. Qualifications. Performance monitoring, target setting, recruitment procedures. Annual appraisal system.	4 (2x2)	As roles develop, change, continuous training and development. EDP process to be utilised for this.	Training strengthened through induction, national IFCA training courses supported by a national coordinator.	Chief Officer

APPENDIX 2

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY - OPERATIONAL RISK REGISTER

Risk Number	Process	Risk Identification	Risk Analysis	Risk Control	Residual Risk	Monitoring		
	Risk Category	**Risk**	**1-8 = Low 8-10 = Medium 10-20 = High**	**Control Action**	**1-8 = Low 8-10 = Medium 10-20 = High**	**By Whom**	**Review Frequency**	**Triggers for Action**
1	Customer Service/ reputation	Failure to provide agreed service. Failure to establish and achieve performance targets therefore having a detrimental impact on the delivery of service to the customer and achievement of performance objectives. Serious mechanical failure and breakdown onboard the main vessel asset. Agreement to finance the build of a new fisheries vessel will necessitate the sale of NEG III and the temporary loss of the key asset to support service delivery.	12 (4x3)	Performance Indicators. Inspections audit. Workload monitoring. Policy and procedure compliance. Staff training. Communication with customers. Contingency planning including sourcing external support to maintain levels of service delivery in the short to term, prioritised to needs.	8 (4x2)	Clerk and Chief Officer.	Quarterly	Annual reports. Performance monitoring reports. Feedback from staff and customers.
Risk Number	**Process**	**Risk Identification**	**Risk Analysis**	**Risk Control**	**Residual Risk**	**Monitoring**		

	Risk Category	Risk	1-8 = Low 8-10 = Medium 10-20 = High	Control Action	1-8 = Low 8-10 = Medium 10-20 = High	By Whom	Review Frequency	Triggers for Action
2	Staffing	Lack of staffing resources to deliver service and that staff have adequate skills training to achieve performance requirements. Increasing pressures from UK government to support national fisheries policy development & implementation without additional resource could have a negative impact on the delivery of IFCA statutory duties and responsibilities. Unable to fill vacancies with suitable applicants. Increased natural turnover of staff within a more mobile work sector.	**12 (3x4)**	Communication networks. Staff flexibility. Monitoring of workloads. Workforce Development. Vacancy Management. Recruitment processes expedited to fill vacancies. Maintenance of active dialogue with all key partner agencies. AIFCA, NIMEG & TAG. **NEIFCA is currently carrying three vacancies within the offshore and environmental & scientific teams. 6 March 2024 Dr Ralf Bublitz confirmed as the new manager of the Environmental & Scientific team. 5 August 2024 a new fixed term appointee joined the Environmental & Scientific team. A new full time member of the team is also expected to join in September.**	**6 (3x2)**	Clerk and Chief IFC Officer.	Quarterly.	Reports to Authority. Team meetings/ EDRs. Sickness Review Meetings. Vacancy/sickness. Performance monitoring results. Proactive training programmes.
3	Professional, contractual, legal reputation.	Failure to effectively support projects, poor contract documentation, failure to meet contract deadlines, failure to meet legal requirements and procurement legislation Provider fails to deliver the contract.	9 (3x3)	Use of internal/external experts/consultants. Robust specifications. Risk Assessments. Strong contract management. Financial, technical and legal vetting of all providers. Procurement policy followed. Monitoring and reporting processes. Meet statutory requirements. With regard to supporting national projects ensure maintenance of dialogue and a proactive approach. Final year of ELSI contract with Defra and new contract let for the build and commission of a new main vessel during October 2023.	6 (3x2)	Chairman, Clerk and Chief Officer & associated project leads.	Monthly.	Procurement processes. Legislative changes. Contract variations. Timetable slippage.
Risk Number	**Process**	**Risk Identification**	**Risk Analysis**	**Risk Control**	**Residual Risk**	**Monitoring**		

	Risk Category	Risk	1-8 = Low 8-10 = Medium 10-20 = High	Control Action	1-8 = Low 8-10 = Medium 10-20 = High	By Whom	Review Frequency	Triggers for Action
4	Financial reputation.	Failure to deliver projects through lack of resources or investment. Recent collapse of HFIG, key delivery partner in the ELSI project. Loss of funding and grants resulting in inability to proceed with projects. Change in legislation resulting in inability to generate funds. Reputation for inability to utilise grants awarded.	9 (3x3)	Budget setting and monitoring process. Procurement policy followed. Appropriate resources available to undertake the project. Skills and knowledge of staff. With regard to supporting national projects ensure maintenance of dialogue and a proactive approach. Business Cases considered with full whole life costs of projects made. Proactive communications ongoing with Defra, variation to ELSI project timelines agreed.	6 (3x2)	Clerk and Chief Officer.	Monthly	Performance monitoring reports. Budget reports. Legislative changes. Government funding initiatives. Authority decisions. Contract variation slippage.
5	Financial reputation, technical.	Insufficient funding to replace main fisheries vessel, North Eastern Guardian III. Access to external funding support discounted in the short term although Defra may provide some capital funding support to IFCAs in due course. Extending operational life of existing vessel increases risk of significant mechanical breakdown & reduced re-sale value. Lower than expected return achieved from the sale of NEG III.	9 (3x3)	Maintenance of current funding levels to the vessel renewal account. Continued investment in current vessel as a saleable asset. Defra CDEL funding of £562K agreed to support replacement programme. Any additional savings generated re-allocated to the vessel renewal reserves. Authority agree a 20year finance/leasing plan supported by ERYC to replace NEG III supported by 11% uplifts to the revenue budget in years 2024/2025 and 2025/2026. Targeted and strategic marketing of the sale of NEG III.	6 (3x2)	Chairman, Clerk, Chief Officer and Deputy Chief Officer	Quarterly	Budget financial review & reporting to Committees and internal working groups.
Risk Number	**Process**	**Risk Identification**	**Risk Analysis**	**Risk Control**	**Residual Risk**	**Monitoring**		
	Risk Category	**Risk**	**1-8 = Low**	**Control Action**	**1-8 = Low**	**By Whom**	**Review Frequency**	**Triggers for Action**

			8-10 = Medium 10-20 = High		**8-10 = Medium 10-20 = High**			
6	Financial and contractual.	Unexpected budget demands and variances and failure to achieve agreed budget Income generation is expected to remain low during 2023/2024. Major engine failure onboard NEG III July 2022.	6 (3x2)	Increase of 11% in 2024/2025 levy with further increases advised. Monitoring systems. Systems to capture spend. Regular budget holder meetings. Internal Audit. Regular reviews of the appropriate level of reserves. Maintenance of insurance provisions. Formal notification of insurance settlement covering 50% of repair costs. UK Inflation rates drop to 2% during 2024 £100K of additional Defra grant aid received covering 2023/2024 financial year.	4 (2x2)	Treasurer, Clerk and Chief Officer.	Monthly.	Budget financial reporting.
7	Financial reputation, technical.	Volatility of global oil/fuel markets and national tax changes. Markets remain unstable following Russian/Ukraine war in Europe 2022.	6 (2x3)	Regular monitoring of fuel spends included within quarterly reports to Authority. Additional provision made within annual precept.	4 (2x2)	Chairman, Clerk, Treasurer, Chief Officer and Deputy Chief	Monthly.	Budget financial review & reporting
Risk Number	**Process**	**Risk Identification**	**Risk Analysis**	**Risk Control**	**Residual Risk**	**Monitoring**		
	Risk Category	**Risk**	**1-8 = Low 8-10 = Medium**	**Control Action**	**1-8 = Low 8-10 = Medium**	**By Whom**	**Review Frequency**	**Triggers for Action**

			10-20 = High		**10-20 = High**			
8	Legal/ reputation.	Legal challenge resulting from failure to undertake statutory responsibilities in terms of enforcement, poorly drafted Authority bye-laws or national legislation. Ongoing legal challenge fixed net permitting scheme	6 (3x2)	Performance monitoring in terms of enforcement targets. Drafting of bye-laws in consultation with Legal Services. Proper consultation processes followed in accordance with statutory requirements. Involvement of NEIFCA Legal team, MMO, DEFRA in final approval of bye-laws**.** Strengthening enforcement practices and techniques.	4 (2x2)	Clerk, Legal Advisor and Chief Officer.	Monthly and quarterly reports to Authority.	Performance monitoring reports. Legal challenges.
9	Financial and reputational	Breaches of General Data Protection & Freedom of Information Regulations could lead to fines and reputational impacts.	6 (3x2)	Key staffed trained and familiar with new GDP regulations. Data Protection Officer role agreed, creation of a register of data processing activities, utilisation of impact assessments when required, creation of public and internal privacy statements and active management of all data processing activities. Advice from ICO. SLA agreed with ERYC information governance and feedback team to provide expert support, advice and training.	4 (2x2)	DPO Clerk Chief Officer Support Officer	Monthly	Formal complaint or report to ICO

APPENDIX 3

OPERATIONAL RISK REGISTER – ENVIRONMENTAL RISK MATRIX

Risk Number	Process	Risk Identification	Risk Analysis	Risk Control	Residual Risk	Monitoring		
	Risk Category	**Risk**	**1-8 = Low 8-10 = Medium 10-20 = High**	**Control Action**	**1-8 = Low 8-10 = Medium 10-20 = High**	**By Whom**	**Review Frequency**	**Triggers for Action**
1	Environmental	Impacts on fish and shellfish stocks through over-exploitation Pressures on stocks, particularly crustacea remain high although work is continuing on revised management measures. Currently catch statistics indicate a general declining trend in crab landings. Impacts in intertidal areas rising due to influxes of shore gatherers.	9 (3x3)	Detailed monitoring of stock health. Development of dedicated management plans and strategies. Tailored management provisions. Sound enforcement. Fisheries accreditation schemes. National coordination. Maintaining a high level of communication and active joint working with key partner agencies. **New shellfish permit byelaw now submitted to MMO for phase 2 formal QA.** If confirmed, will increase ability to more effectively manage the impacts of exploitation. New emergency byelaw implemented to managing an emergent beam trawl fishery targeting king scallop.	9 (3x3)	Chief & Deputy Chief Officers and Environmental & Scientific Officers	Quarterly & monthly	Non achievement of stock indicators. Declining catches and fleets. Complaints and comments.
2	Environmental	Impacts on fish and shellfish stocks through pollution incidents or environmental factors such as extreme events, novel pathogens or climate change.	9 (3x3)	Regular monitoring, reporting and working in partnership with key agencies such as Defra, EA, CEFAS, MMO. Potential use of emergency byelaw making powers.	6 (3x2)	Chief & Deputy Chief Officer and Environmental & Scientific Manager	Monthly	Observed mortality on shore and at sea, evidence of pollution events reports of unusually low catch rates from the industry.
Risk Number	**Process**	**Risk Identification**	**Risk Analysis**	**Risk Control**	**Residual Risk**	**Monitoring**		

	Risk Category	Risk	1-8 = Low 8-10 = Medium 10-20 = High	Control Action	1-8 = Low 8-10 = Medium 10-20 = High	By Whom	Review Frequency	Triggers for Action
3	Environmental	Habitat damage caused by invasive fishing methods. Damage to protected features of European Marine Sites or Marine Conservation Zones Risks from the activities of nomadic scallop dredgers surrounding the NEIFCA area. Habitat damage caused to sensitive intertidal areas due to influxes of shore gatherers.	9 (3x3)	Ongoing monitoring of activities. Active participation in associated schemes of management. Introduction of emergency and long-term Byelaw regulations and codes of conduct governing activities. Enforcement of existing regulations. Timely use of emergency byelaw making procedures when necessary. Working closely with the MMO and Defra to ensure adequate protection remains in place.	6 (3x2)	Chief Officer, Deputy Chief Officer Environmental & Scientific Officers	Quarterly to Authority and associated working groups	Significant increases in related activity. Evidence of damage and impact. Complaints
4	Environmental	Impacts on fish and shellfish stocks through non-compliance with regulations. Prohibition on landing egg bearing lobsters. Impacts in intertidal areas rising due to influxes of shore gatherers.	9 (3x3)	Targeted approach to enforcement at ports and areas of known high non-compliance at peak season. Focus on ports of high volume landings out of season**.** Strengthening enforcement procedures and techniques**.** Maintaining a high level of communication and active joint working with key partner agencies.	6 (3x2)	Chief, Deputy Chief and IFC Officers	Monthly	Intelligence reports. Surveillance. Routine observations and complaints
5	Environmental	Impacts on other marine species such as sea birds, cetaceans and other organisms associated with fishing activities	6 (2x3)	Monitoring through fishing permit and catch and effort schemes. One off studies and assessments. Timely use of emergency byelaw making procedures when required.	4 (2x2)	Chief Officer, Deputy Chief Officer Environmental & Scientific Officers	Quarterly to Authority and associated working groups	Negative feedback from catch reporting schemes and or studies. Complaints

Agenda Item No

6

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
5 September 2024

NEIFCA Standby & Call Out Policy

Report by the Chief Officer

A. **Purpose of Report**

To seek members approval to adopt a Standby & Call Out Policy

B **Recommendation**

That the Standby & Call Out Policy be approved and adopted.

1. Background

1.1 At the Authority meeting held on 6 June 2024 members discussed the provision of an 'out of hours' contact to enable members of the public to report any issues of significant note such as illegal fishing activity. I advised members that I had been working on a framework policy, in consultation with NEIFCA staff, to enable the provision of an enhanced 'out of hours' service. Members supported the recommendation that the matter be referred to the Executive Committee for further consideration (Minute 22 refers).

1.2 The Standby & Call out Policy sets out a framework for the designation of an 'out of hours' officer point of contact through a rota system alongside terms and conditions and additional remuneration for acting in such a role. Officers would be given the option to opt in or out of such a scheme and those officer's choosing to opt in would be retained on a list which would be rotated around units of one week.

1.3 It is anticipated that the policy will be activated on a risk basis for example, in advance of inclement weather to protect assets or an increase in illegal fishing activity either offshore or onshore. Onshore activity often increases during large Spring tides and can be predicted to some degree in advance.

1.4 The draft policy has been subject to staff, Human Resources and Union consultation.

2. Aims of the Policy

2.1 The Policy aims to:

2.1.1 Provide a comprehensive mechanism for enhanced service delivery outside normal core hours.

2.1.2 Provide a fair level of remuneration for staff opting into the scheme to both incentivise uptake and adequately compensate them for the additional commitment.

3. Funding

3.1 It is proposed that a unit of one weeks on call duty will be remunerated at a fixed payment of £450 with any call out paid at NEIFCA overtime rate of time plus one half regardless of the time of day or night the call out was actioned. A minimum of 2 hours will be paid for any call out.

3.2 IFCA's typically remunerate out of core hours working and unsociability by percentage 'add on' to basic salary, normally between 5 and 10%. Initially, the proposed level of 'standby payment' was considered at between 1 and 2% of annual salary representing a range from £250 to £912 but following staff consultation a fixed payment was supported as a fairer method of remunerating, regardless of salary grading and the recommended payment has been pitched at a mid - range level to balance out incentivisation, recognition and affordability. The scheme will not be contracted, it will be voluntary and staff will decide whether to 'opt in' or opt out' so incentivisation will be key to its success in terms of the level of payment offered.

3.3 It is difficult to budget precisely for this additional service provision which will be activated on a risk basis and the number of call outs cannot be quantified. The estimated annual cost of the additional service provision is £0.030m based on the worst case scenario that standby payments will be made for 52 weeks a year and there will be 6 call outs per year. The cost can be met from a combination of £0.016m savings within the approved revenue budget on additional hours, printing and advertising with the remaining £0.014m to be funded from anticipated additional Hobby & Commercial Shellfish permit income from 2025-26 financial year.

4. Policy Review

The policy will be reviewed on a regular basis to reflect any changes in legislation and best practice as appropriate.

Contact Officer
David McCandless
Chief Officer
07771936501

Background Papers
Draft NEIFCA Standby and Call Out Policy

NEIFCA STANDBY AND CALL OUT POLICY

1 INTRODUCTION AND PURPOSE

1.1 It is essential that the Authority has a structured Standby and Call Out arrangement in place to deal with a diverse variety of issues that can arise outside of normal working hours. This is particularly pertinent to the management and tasking of offshore assets and will enable the Authority to enhance its service delivery and respond to its statutory duties and responsibilities more effectively and efficiently.

1.2 The purpose of this policy and procedure is to ensure:

(a) The Authority has the capacity to respond to situations, events and urgent issues outside of normal hours.

(b) Appropriate staff are available to provide standby cover. This policy stipulates under what circumstances payments will be made and what the payments will be.

2 SCOPE

2.1 The Standby Payment and Call Out will apply to all employees who have "Opted In" to the stand by and call out list of employees. These procedures apply to the periods when an employee, are on standby to provide out of hours cover and be available to attend work outside of normal working hours.

2.2 Payment for hours worked for both 'Stand By' and 'Call Out' are in accordance with the Authorities Standby and Call Out Policy.

2.3 It is an organisation decision which services require standby arrangements – the provision will therefore be removed if there is no longer a business need to provide out of hours cover or other arrangements are to be put in place, eg. via third party.

3. DEFINITIONS FOR STANDBY

3.1 A standby period will cover hours outside NEIFCA's official opening times and outside an employee's contractual working pattern. Standby can be categorised as follows:

3.1 Regular Standby

(a) This is to provide cover outside of normal working hours. It will only operate where there is a consistent and sustained requirement to provide services outside of normal working hours. Being on standby will therefore be an established feature of all "Opt In" staff members, all staff members have the right to "Opt Out" and be no part of the Stand By requirement.

(b) In order to enable employees to make the necessary arrangements and to ensure that there is clarity of roles and responsibilities, the standby rota will be prepared as far as possible in advance. The contact numbers for the employees on the rota and the procedures for accessing tools, vehicles, entry into buildings etc. should be well established and known in advance.

(c) Employees on standby will be required to ensure that they are available to carry out the duties and tasks required, which will include weekend and out of hours asset checks, any other identified potential situations which necessitate the employee being on standby or called out. It may impact on an employee's social arrangements and necessitate an employee restricting their activities to those which will not compromise the requirement to respond quickly and effectively. The needs of the service will determine the requirement for a regular standby system and as such the need may

cease from time to time. Payments made for being on standby should not be relied upon as guaranteed earnings as they will be subject to review and could cease.

(d) Employees on standby will have access to an Authority vehicle.

3.2 Emergency Standby

The requirement for Emergency Standby may arise at short notice, for example, in response to severe weather conditions or emergency out of hour's office calls. The unpredictable nature may necessitate the need for more than one employee to be on standby at short notice. It is important to ensure that contact numbers for those expected to be working are kept up-to date.

4. STANDBY APPROVALS

4.1 Arrangements for regular standby must be outlined at the point of recruitment and will be advised to the employee stating the "Opt In"/"Opt Out" terms and requirements of the standby provision and payment methods.

4.2 Arrangements for Emergency Standby must be approved by the CO or DCO.

5. STANDBY PAYMENTS

5.1 Payments will cease in the event of sickness absence which prevents the employee from undertaking their standby rota.

5.2 Payment for being on standby will be made to all staff who are rostered to provide standby support.

5.3 Standby rotas may vary to include all hours outside the staff member's normal pattern of work over a seven day period from Monday to Sunday

5.4 For each standby period of one week, a member of staff will be paid a fixed sum of £450.

5.6 Standby payments will be adjusted annually in line with the national pay award.

5.7 All on–call payments will be pensionable.

6. MANAGER RESPONSIBILITIES

6.1 It is the DCO's responsibility to ensure that standby rotas are covered by employees with the appropriate skills and knowledge and at the appropriate level. It would also not be appropriate for an employee who is unlikely to have the knowledge or skills to deal with certain situations that may arise to be on a standby rota.

6.2 The DCO must ensure that:

- Standby rotas are prepared in advance of any standby period
- The contact details are available
- Risk assessments for the duties are up-to-date
- The necessary approval has been given by the CFO or DCO

7. EMPLOYEE RESPONSIBILITIES

7.1 Employees are on standby on the basis that they will be expected to deal with incidents that may arise within the scope of their job role and/or competency. Employees on standby must not consume alcohol or take medication/drugs which could impact on the ability to respond to a call out or in the event of a call out to perform the work.

7.2 An employee is expected that they will be able to arrive at work within a reasonable time of being called out. This time will be set according to the needs of each service. An employee may leave their home but must still remain contactable and have transport available to enable a return to work within the prescribed period.

7.3 An employee must contact their manager as soon as possible if they become ill or are unable to comply with their responsibilities during a period of standby. This will enable the manager to make alternative arrangements.

7.4 Personal arrangements should not ordinarily be made if this prevents an employee from undertaking their standby cover. However, it is accepted that there may be circumstances arise that cannot be changed. If this arises, the employee should request leave as soon as possible from their manager. An individual should not therefore make any arrangements relating to annual leave prior to receiving approval of the leave dates requested.

8. CALL OUT

8.1 A call out is where employees are asked to work outside of their scheduled hours at short notice.

8.2 The call-out system may only be used for emergency work. An emergency is defined as a problem which requires urgent attention before the start of the next routine shift or working day. Emergency work may be carried out on site or remotely, depending on the nature of the work.

8.3 The requirement for Call Out/Emergency Call Out may arise at short notice, for example, an issue with a key asset such as a vessel or storage unit, in response to severe “Habitat Impact”, “Nomadic Vessel Numbers”, “Illegal Transgression of Protected Areas”, “Political Issues”, “National Requests” etc. The unpredictable nature may necessitate the need for more than one employee at short notice both Onshore and Offshore.

8.4 Any staff member required to attend a call out, will be paid for the hours worked at NEIFCA overtime rate, time plus one half. A minimum of two hours will be paid for each attendance.

8.5 Any staff member called out will be expected to return to their schedule of work as soon as possible, subject to;

- Suitable rest time and wellbeing

9. EMPLOYEE WELLBEING

9.1 It is important for DCO in consultation with line managers who operate a standby and call out system to monitor and regularly review:

- The frequency and length of call-outs

- The extent of planned and unplanned out of hours worked in order to ensure that no employee is being required to undertake additional work which may be detrimental to their health and wellbeing

- Fairness in the application of the Standby and Callout Policy and Procedures

10. RISK ASSESSMENTS

10.1 In the case of employees called out to carry out their substantive duties it is expected that managers would already have risk assessments in place for such duties. Although some call outs may be of an unpredictable nature, for the majority of situations it should be possible for managers to already have identified potential risks and have up-to-date risk assessments in place ie. lone working. Employees should have access to the risk assessments and should have received appropriate training in connection with any potential risks.

10.2 Employees should be aware of any potential risks and hazards that could arise while dealing with a standby/ call out. For example, an employee being called out due to severe flooding, although not expected to resolve the cause could be at risk to personal injury due to pontoon damage, raised or missing man holes or damaged electrical systems etc.

11. EQUIPMENT AND TOOLS

11.1 Employees on Standby will hold Standby/Emergency telephone, which will be number used by all bodies for any Standby/Emergency response.

11.2 Employees on Standby will have access and use of an Authority vehicle.

Agenda Item No

7

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
5 September 2024

Standing Orders and Financial Regulations

Report of the Clerk, Treasurer & Chief Officer

A. **Purpose of Report**

To seek members approval to adopt the attached Standing Orders and Financial Regulations

B. **Recommendation**

1. That the revised Standing Orders and Financial Regulations be approved and adopted.
2. That members authorise the Clerk, in consultation with the Treasurer and Chief Officer to further update the standing orders in response to any changes in provisions surrounding contracts necessitated by the 2023 Procurement Act.

1. **Background**

1.1 The Standing Orders and Financial Regulations were last reviewed by the Executive Committee on 6 December 2018 (Minute 75 refers). The Terms of Reference of the Executive Committee states that it will undertake an annual review of NEIFCA's Standing Orders and Financial Regulations. The 2024 Internal Audit report, published in May, recommended that such a review be included as a standing item on the agenda of the September NEIFCA Executive Meeting.

1.2 In line with the recommendations of the 2024 NEIFCA Internal Audit a review of the Standing Orders and Financial Regulations has now been completed by the Treasurer and Clerk in consultation with the Chief Officer and the following minor amendments have been made:

- Treasurer responsible for the NEIFCA final outturn report.
- £50K level for mandatory reporting of expenditure.
- Imprest accounts are no longer held and associated provision has been removed.
- Chief Officer now responsible for managing NEIFCA insurance provisions and associated claims.
- NEIFCA Inventory item threshold raised from £200 to £1000.

A copy of the revised Standing Orders and Financial Regulations including 'track changes' is attached to this report for members information and review.

1.3 The review has also noted that new national procurement legislation is scheduled to take effect during October 2023 under the Procurement Act 2023 which will likely have implications surrounding NEIFCAs standing orders relating to contracts. It is therefore recommended that members authorise the Clerk, in consultation with the Treasurer and Chief Officer, to make any further changes necessitated by the new legislation. A revised set of Standing Orders to then be taken to the Authority meeting in December 2024.

Contact Officer
Darren Stevens, Clerk
Ext 1000

Background Papers – Revised NEIFCA Standing Orders and Financial Regulations

7a

STANDING ORDERS

Meetings

1. All meetings of the Authority shall be held at such places as the Clerk, with the approval of the Chairman, may arrange.
2. A minimum of two Authority meetings shall be held each year on the second Thursday in the month of June and the first Thursday in December. Additional meetings may be called or arrangements varied with the approval of the Clerk and Chairman.
3. Notice of every meeting, whether general or special, shall be sent either electronically or through the post to each member at least five clear working days before the date of the meeting. Every notice of the meeting shall state the place, day and time of the meeting and the business to be transacted thereat.
4. The Clerk may be requested to call Authority Meetings in addition to the Ordinary Meetings by the following:
    - The Authority by resolution
    - The Chairman
    - Any five members if they have signed a requisition presented to the Chairman and he/she has failed to call a meeting within seven days of the presentation of the requisition.
5. The quorum for meetings of the Authority shall be eight, at least one of those members is a council member and one a general member. If a meeting lacks a quorum its business will be adjourned to a fixed date and time, or to the next ordinary meeting.
6. The Clerk will ensure that an accurate minute record of the proceedings of each meeting is maintained.
7. All members attending any meeting shall sign an attendance register.

Membership

8. The composition of the Authority is set out in the North Eastern Inshore Fisheries and Conservation Order 2010. The Order provides that the membership of the Authority will consist of 30 members, 13 members of the relevant Councils, 15 general members appointed by the Marine Management Organisation (MMO), including one employee of the MMO and 2 additional members appointed by the Environment Agency and Natural England.
9. No substitutes will be allowed for members of the Authority
10. All members must follow the Authority's code of conduct which is detailed in Appendix 2 of these Standing Orders and must, at all times, act in the best interests of all users and stakeholders and not represent individual, personal or sectional interests.
11. The terms of the appointment will be set by the body making the appointment.

12. A member may resign from the Authority by giving written notice to the Authority and to their appointing body.
13. In each year, a member must attend not less than 50% of the total number of meetings of the full Authority and of sub-committees to which they have been appointed. A year is defined as the period from 1 April to 31 March.
14. If the member fails to attend the required number of meetings the Chair of the Authority may ask the appointing organisation to reconsider the appointment of the member.
15. If criminal proceedings are started against a member, the Authority or the appointing body may suspend the member's appointment. If the member is the Chairman or Vice-Chairman they will also be suspended as Chairman or Vice-Chairman for the period of the suspension.
16. The suspension will end if the member is acquitted of the offence or the proceedings are discontinued or withdrawn.

Order of Business

17. The Authority shall, at its June meeting in every year, elect two of its number to be respectively Chairman and Vice-Chairman of the Authority for the ensuing year. The previous Chairman and Vice-Chairman shall always be eligible for re-election up to a maximum of 10 consecutive years.
18. Should the Chairman not be a representative of one of the constituent councils, the Vice-Chairman shall be elected from the council representatives, unless they so decline.
19. At every meeting of the Authority the Chairman, if present, shall take the chair. If the Chairman is absent, the Vice-Chairman, if present, shall be Chairman. If both are absent, the Authority shall by resolution choose one of its number to be Chairman for such meeting.
20. Substitutes for members of the Executive Committee or Sub-Committees will only be permitted to be drawn from members of the Authority provided that the Clerk is informed in writing no later than the commencement of the meeting.
21. After confirmation of the minutes of the previous meeting, the business to be conducted at any meeting will be dealt with in the order set out on the agenda, but the Chairman shall be authorised to vary the order of business in order to give precedence to any urgent matter.
22. No resolution previously agreed to by the Authority shall be altered or rescinded unless due notice of the same, stating the precise nature of the proposed alterations or cause for its rescission has been given in the notice calling the meeting, except under very special circumstances when for urgent and unforeseen reasons the meeting deems it desirable to vary or rescind the same with the agreement of two thirds of the members present.
23. A member may, with the consent of the Authority to be ascertained by a show of hands without debate, withdraw or amend a motion.
24. Any motion to veto the total amount of expenses incurred by the Authority, must be sent in writing to the Clerk at least three clear working days before the meeting of the Authority. The Authority must give notice in writing of that motion to each Council member.

25. All other motions and amendments shall, if required by the Chairman, be placed in writing, signed by the mover and delivered to the Clerk immediately upon it being seconded.

26. Every amendment which has been moved and seconded must be disposed of before any further amendment is moved.

27. If an amendment is carried it shall displace the original motion and become the question upon which any further amendment may be moved. If an amendment is lost, a further amendment may be moved to the original motion under consideration.

28. The mover of every original motion shall be entitled to reply at the close of the debate thereon and immediately after his reply the question shall be put from the Chairman. The mover of an amendment shall not be entitled to reply, except where the amendment has been carried and becomes the question under consideration. No other member shall speak more than once on either the original motion or any amendment unless the Chairman gives his permission to explain, or the attention of the Chairman is called to a point of order.

29. Any member may second the motion or amendment, reserving his speech for a later period of the debate.

30. No motion for the adjournment of a meeting, while a question is under consideration, shall be made by a member who has already spoken upon it. Every motion for the adjournment of a meeting or a debate shall be put and decided without discussion.

31. The Clerk shall insert in the summonses all notices of motion which have been given to him or her, at least ten clear days before the meeting of the Authority, in the order in which such notices shall have been received and with the names of the intending movers.

Voting

32. The voting on general questions shall be ascertained by a show of hands, the Clerk ascertaining the numbers voting for and against any motion or amendment and declaring the result accordingly. If requested by any two members prior to the vote a division (or recorded vote) shall be taken by the Clerk.

33. The Clerk shall take the division (or recorded vote) by calling the names of the members and recording their answers and, in all cases when a division is taken, division lists shall be recorded in the minutes.

34. The Chairman of any meeting shall have, in the case of equality of votes, a second or casting vote.

35. Standing Orders may be suspended at any time by a vote of the majority of the Authority present at any meeting.

Executive Committee

36. A minimum of two Executive Committee meetings will be held each year on the first Thursday of the months of March and September. Additional meetings may be called or arrangements varied with the approval of the Chairman.

37. Membership of the Executive Committee shall be eight Members, that the Chairman and Vice-Chairman be *ex-officio* Members and that remaining six Members be appointed on the basis of equal representation between Council and MMO nominated representatives with at least one of the MMO representatives being from the fishing industry, unless they so decline.

38. The Chairman of such meetings shall have, in the case of equality of votes, a second or casting vote.

39. A quorum of the Executive Committee shall be three members.

40. The minutes of the Executive Committee shall be submitted to the Authority for approval.

41. The Clerk of the Authority in consultation with the Chairman and Vice Chairman be delegated to deal with issues of urgency requiring decisions outside the normal cycle of the Authority and Executive Committee meetings in circumstances where it is impracticable to call a Special Meeting of either.

Standards Committee

42. The Committee shall consist of a pool of eight representatives drawn from the Authority and the Clerk or Deputy Clerk.

43. No substitute Members will be permitted.

44. An 'Independent Person' will be appointed to sit on the Committee from a pool of 'Monitoring Officers' drawn from the Constituent member Local Authorities.

45. A quorum of the Standards Committee shall be three members.

46. The Committee shall meet as and when required.

47. Meetings will be open to the public, except during consideration of items containing confidential information, or exempt information within the meaning of the Local Government Act 1972.

'Ad-Hoc' Working Groups

48. The Authority or the Executive Committee may agree to the establishment of one or more 'Ad-Hoc' Working Groups to support decision making. These working groups may be longstanding such as the Science Advisory Group which provides support to the Authority on scientific, environmental and regulatory work or 'time-limited', one off' projects or specific pieces of work. Such groups carry no formal decision making powers.

48.1 **Science Advisory Group**

48.1.1 A minimum of two Science Advisory Group meetings will be held each year on the first Thursday of the months of March and September. Additional meetings may be called or arrangements varied with the approval of the Chairman.

48.1.2 Membership of the Science Advisory Group shall include the Chairman and Vice Chairman of the Authority. One representative from Natural England, the Environment Agency, the Marine Management Organisation and up to a maximum of six MMO appointees, including at least one fishing industry representative. Additional members may be co-opted as and when this is considered appropriate.

Discharge of Functions

49. All precepts or orders for the payment of money which the Authority from time to time may issue to respective councils shall require the consent of the majority of the council representatives attending such meeting. They shall subsequently be signed by the Clerk (or in his or her absence, a Deputy Clerk).

50. In accordance with Section 101(1) and (10) of the Local Government Act 1972, the Chief Officer (in consultation with the Clerk, Chairman or Vice Chairman) be authorised to instigate and take legal proceedings for offences against any legislation which the Authority is empowered to take legal proceedings against. All such legal action shall be reported to the next meeting of the Authority.

Admission of the Public

51. Meetings of the Authority will normally be open to the public but the public shall be excluded from meetings when items of a confidential nature are under consideration or where exempt information as set out in paragraph 53 is to be considered.

52. **Meaning of Confidential Information**

Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

53. **Meaning of Exempt Information**

Exempt information means information falling into the following seven categories:-

1 Information relating to any individual.

2 Information which is likely to reveal the identity of an individual.

3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4 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.

5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6 Information which reveals that the authority proposes:-

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
(b) to make an order or direction under any enactment.

7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

54. **Exclusion of Access by the Public to Reports**

If the Clerk in conjunction with the Chairman thinks fit, the Authority may exclude access by the public to reports which in their opinion relate to items during which 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.

TERMS OF REFERENCE OF THE AUTHORITY, COMMITTEES AND DELEGATED POWERS

The Authority

1. Subject to confirmation by the Secretary of State (Defra), to make byelaws supporting the sustainable management of exploitation of sea fisheries resources.
2. Act as a consultative body for all proposals for the discharge of effluents and the depositing of dredged material within the district, carrying out seismic surveys and bore-hole investigations on the seabed, by-law for bombing ranges, coast protection works and any other matters that might impact on the inshore fishery.
3. Receive minutes of Executive Committee and the Science Advisory Group where appropriate.
4. Receive a detailed operational report from the Chief Officer.
5. Receive minutes of meeting of the Association of Inshore Fisheries and Conservation Authorities..
6. Approve or amend all Authority plans, policies and strategies.
7. Approve amendments to the Authority's Standing Orders, Terms of Reference and delegated powers of the Authority, Committees and advisory groups, financial procedure rules and local code of conduct.
8. Make appointments to other bodies from the membership of the Authority.
9. Take any action in pursuit of the Authority's aims and objectives as are considered to be appropriate.
10. Consider all matters relating to the disposal or acquisition of fishery vessels.
11. Receive annually, proposals for the Authority's forthcoming annual budget
12. Receive budget monitoring reports on the Authority's financial position, together with an annual audit of accounts.
13. Determine arrangements for secretarial, legal, financial and Human Resources support to the Authority.

Executive Committee

1. Deal with any urgent matters which must be determined before the next meeting of the Authority.
2. Advise the Authority on all matters relating to the formulation of plans, policies and strategies.
3. Deal with any specific issues delegated by the Authority.
4. Consider recommendations referred from any other Authority working group.
5. Undertake a minimum 6 monthly review of Strategic & Operational Risks.
6. Undertake a minimum annual review of the NEIFCA Health & Safety Policy & Safe Working Practices.
7. Undertake an annual review of the NEIFCA Risk Management Strategy.
8. Receive the annual Internal Audit report.
9. Receive budget monitoring reports on the Authority's financial position.
10. Undertake an annual review of Standing Orders and Financial Regulations.
11. Consider appeals relating to the administration of Authority's fishing permit schemes.

Standards Committee

1. Guide the Authority on matters in relation to the standards of conduct of its Members.
2. Consider any formal complaints, referred by the Clerk, relating to the Authority's Code of Conduct for Members.
3. Undertake hearings and recommend sanctions relating to any breaches of the Authority's Code of Conduct for Members.

Science Advisory Group

1. Provide expert advice on scientific and environmental work streams and support the Authority in the delivery of its marine management and conservation priorities throughout the year and make recommendations accordingly.
2. Advise the Authority on all matters relating to the formulation of environmental and scientific plans, policies and strategies.

Clerk of the Authority

1. Ensure effective governance and compliance with procedures and standing orders in consultation with the Chairman/Vice Chairman, Treasurer, Chief and Deputy Chief officers.
2. Attend, or ensure representation, at all meetings of the Authority, the Executive Committee, Sub-Committees and any special meetings and to advise such meetings on legal and procedural issues.

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3. Ensure effective and regular internal and external communications in consultation with the Chief and Deputy Chief Officers, Chairman and Vice Chairman.
4. Act as Monitoring Officer in relation to any reported breaches of the Authority's Code of Conduct for Members.
5. Act as signatory in respect of permits and other such Authority documentation.
6. Responsible for overseeing the preparation and circulation of agendas and minutes for all Authority and Sub-Committee meetings.
7. Oversee the management of personnel issues and complaints relating to governance and procedure, including disciplinary matters in consultation with the Chief Officer, the Chairman and/or Vice Chairman as appropriate.
8. Support the recruitment of senior operational posts including Chief and Deputy Chief Officer Chairman and/or Vice Chairman.

Chairman

1. Liaise with Clerk and Chief Officer on the preparation of agendas and reports.
2. Chair Authority, Executive and Standards Committee meetings.
3. Sign minute records.
4. Act as the public face of the Authority and represent the Authority on the forum of National Association of IFCAs.
5. Sign officer warrants on behalf of the Authority.
6. Liaise with MMO & Chief Officer over appointments and oversee the annual appraisals of general members.
7. Liaise with the Clerk/Deputy Clerk and Chief Officer on matters of discipline, governance and standards.
8. Consult with the Clerk on appointments to senior operational posts including Chief and Deputy Chief Officer.

Chief Officer

1. Lead and direct the Authority's officers in the enforcement of all legislation relating to the management and policing of the inshore fishery.
2. Lead and direct the Authority's officers in carrying out the Authority's environment and conservation responsibilities under the appropriate legislation.
3. Have day to day responsibility for the management, training and discipline of the Authority's IFC Officers.

4. Prepare reports for the Authority/Sub-Committees on all matters affecting the fisheries, fishing activity and the fishing industry within the Authority's district and such other reports as may be necessary.

5. Liaise and work in co-operation with appropriate outside bodies involved with the inshore fishery.
6. Make recommendations to the Clerk on action to be taken following the detection of offences, and to prosecute offenders and attend at Court to present evidence.
7. Act as 'Disclosure Officer' and the Deputy Chief Officer will act as 'Officer in Charge' in investigations and prosecutions of offences.
8. Act as 'Permitting Officer' responsible for the application and issue of fishing permits.
9. Represent the Authority on various outside bodies and external meetings, as appropriate.
10. Deal with day to day personnel issues including disciplinary matters where immediate action is required.
11. Appoint officers below Chief and Deputy Officer level.

Financial Regulations

NOTE: In these Regulations the expression "Senior Officer" relates to the Clerk, Deputy Clerks, Treasurer and Chief Officer.

1. Introduction

Responsibility for Financial Control

(a) The Treasurer to the Authority is legally responsible for the proper administration of the Authority's financial affairs and for purposes of Section 151 of the Local Government Act 1972, is responsible under the general direction of the Authority for the proper administration of the Authority's financial affairs. He shall take whatever action he sees fit to discharge his responsibilities under Section 151 of the Local Government Act 1972 in consultation with the Clerk.

(b) The rules and procedures relating to financial administration are set out in the Authority's Standing Orders and Financial Regulations and in any financial instructions issued by the Treasurer.

Codes of practice and codes of conduct

(c) The Treasurer may from time to time require compliance with financial instructions, codes of practice and conduct which he may issue. Any financial instruction or codes of practice and conduct issued by the Treasurer shall have the same force as these Financial Regulations and compliance therewith is mandatory.

2. General Arrangements and Interpretation

Responsibility and compliance

(a) It is the duty of all employees to ensure that their actions are in accordance with these Financial Regulations. The Chief Officer must take the necessary steps to ensure that all employees are aware of their obligations in this respect.

(b) In carrying out his responsibility for the proper administration of the Authority's financial affairs, the Treasurer shall ensure that arrangements made in relation to all financial and accounting matters and the security of money and other assets are safe, efficient and effective.

(c) Failure to comply with the Financial Regulations may lead to action by management in accordance with the Authority's disciplinary procedures. Any employee who requires further advice or is unable to comply with these Financial Regulations or other financial procedures should inform and consult their supervisor or line manager.

(d) The Treasurer shall review the Regulations and all Financial Instructions at maximum intervals of four years and shall report to the Authority accordingly.

Interpretation

(e) Any difference which arises from the interpretation of these Regulations shall be settled by the Treasurer in conjunction with the Clerk.

Suspension of Financial Regulations

(f) These Regulations shall only be suspended on the resolution of the North Eastern Inshore Fisheries and Conservation Authority or Executive Committee, or as varied by any part of the Scheme of Delegation approved by the Authority.

3. Financial Irregularities

(a) If at any time any case of fraud or loss or financial irregularity or bribery or corruption is discovered or suspected to exist which involves the Authority's interests, the officer concerned shall at once (and before proceeding with any further investigation) notify the Treasurer and Clerk. The Treasurer is authorised to call in the police forthwith if he considers that the nature of the irregularity warrants immediate action.

(b) Any case of fraud or loss or financial irregularity or bribery or corruption discovered or suspected to exist will be dealt with in accordance with the Authority's Counter Fraud and Corruption Policy.

(c) Where criminal proceedings are not instituted due to insufficient grounds the Clerk shall decide whether or not to commence a civil suit and is authorised to incur any expenditure involved which shall be reported to the next meeting of the Authority.

4. Internal Audit

(a) A continuous internal audit, under the independent control and direction of the Treasurer, shall be arranged to provide an independent and objective opinion to the Authority on the control environment. The Treasurer will arrange an examination of the risk management governance, accounting, financial and other operations of the Authority to ensure the adequacy and effectiveness of internal controls.

(b) The Treasurer or his authorised representative shall have authority to:-

(i) enter at all reasonable times on any Authority vessel, premises or land;
(ii) have access to all records, documents and correspondence relating to any matter or business of the Authority;
(iii) require and receive such explanations as are necessary concerning any matter under examination, and
(iv) require any employee of the Authority to produce cash, stores or any other Authority property under his control.

5. Accounting

(a) All accounting operations shall be under the supervision of the Treasurer. The Treasurer is responsible for the maintenance, development and control of the Authority's financial information system. Officers are required to record all accounting operations on the financial information systems and procedures agreed with the Treasurer.

(b) The Clerk and the Chief Officer shall at an early stage consult him on the design of the systems, forms and records which could have effects upon accounting systems, records or needs.

(c) Each Officer shall be responsible for ensuring that such records and systems are properly maintained and each Senior Officer shall carry out independent checking of financial transactions relevant to his responsibilities to ensure compliance with these Financial Regulations.

(d) At any time every Officer shall supply to the Treasurer such information as and when required by the Treasurer.

(e) The Treasurer is responsible for the preparation of the Annual Financial Outturn report in accordance with proper practices and for selecting and applying suitable accounting policies.

6. Banking Arrangements including Credit, Debit and Purchase Cards

(a) All arrangements with the Authority's bankers shall be made by or approved by the Treasurer who shall be authorised to operate such banking accounts as he may consider necessary.

(b) All cards (including credit, debit or purchase cards) and cheques shall be ordered only on the authority of the Treasurer who shall make proper arrangements for their safe custody.

(c) Apart from petty cash and card transactions, all payments due from the Authority will be made by the Treasurer by BACS, cheque or other instrument drawn on the Authority's bank account. Wherever possible all payments will be made electronically.

(d) All officers should follow procedures for the banking of income and operation of bank accounts and associated credit, debit or purchase cards set by the Treasurer.

7. Estimates and Budgetary Control

(a) Estimates of income and expenditure over periods of one year or longer shall be prepared by the Clerk and Chief Officer, in consultation with the Treasurer, for submission to the Authority. The form of such estimates and the timing of their submission shall be as determined by the Treasurer, subject to any over-riding requirements of the Authority.

(b) Before first being included in the estimates, proposals shall be the subject of written reports by the Clerk or Chief Officer and the Treasurer to the Authority for approval if they involve:-

(i) an estimated capital cost exceeding £30,000; or
(ii) an addition to annual revenue expenditure of more than £5,000 (arising from a capital project, the introduction of new policy or the extension of existing policy).

(c) Any Officer proposing to incur expenditure in excess of £30,000, not currently forming part of the approved estimates shall, before incurring such expenditure, prepare a report in consultation with the Treasurer for submission to the Authority outlining the cost in

the current and two subsequent years. No supplementary estimates will be approved (except in exceptional circumstances).

(d) Expenditure may be incurred within the estimates approved by the Authority without further reference thereto unless the Authority shall have otherwise required. The Chief Officer may incur expenditure up to £30,000 and the Clerk and Treasurer may authorise expenditure up to £50,000.

(e) The Treasurer together with the Clerk may approve proposals for virement not exceeding £50,000 between specified groups of headings. Approval of virement in excess of £50,000, and of any supplementary estimates, may be given by the Authority.

(f) The Chief Officer shall ensure, so far as practicable, that expenditure in excess of the approved estimates is not incurred without prior approval. He shall, as soon as practicable, prepare a written report concerning any anticipated or actual overspending of:-

(i) a revenue budget by more than 10% or £30,000, whichever is the lower;
(ii) a capital scheme budget by more than 10% or £30,000, whichever is the lower.

Such reports should give explanations of the overspending and should make proposals as appropriate for:

(i) virement; and/or
(ii) a supplementary estimate.

Such reports should be submitted to the Treasurer if the proposed virement does not exceed £50,000 or to the Authority if the virement does exceed £50,000.

(g) Any proposal previously included in approved estimates shall, at the time of its inclusion in successive years' estimates be the subject of a written report by the appropriate Officer and the Treasurer to the Authority if:-

(i) the nature of the proposal has changed materially since its original approval; or
(ii) its estimated cost exceeds the original approved estimate (adjusted for subsequent changes in price levels) by more than 10% or £30,000 unless such change or increase has been the subject of an earlier report under this regulation or Financial Regulation 7 (e).

(h) For the purposes of Financial Regulations (e) and (f) anticipated or actual reductions of income shall be treated as if they were increases in expenditure.

(i) The Treasurer may in consultation with the Chief Officer concerned, approve the virement from one financial year to another of amounts up to £50,000.

(j) The Treasurer is responsible for advising the Authority on the prudent levels of reserves and balances.

8. Orders for Work, Goods and Services

(a) Official orders (either electronic through approved systems or hard copy) shall be in a form approved by the Treasurer and the Clerk and are to be signed (electronically or in manuscript) only by officers authorised by the Clerk or Treasurer. A list of the names of such officers and their specimen signatures shall be maintained by the Clerk and forwarded to the Treasurer.

(b) All orders shall be prepared in accordance with detailed procedures described in Financial Instructions and other guidance which may be issued from time to time by the Treasurer.

9. Payment of Accounts

(a) The Clerk or Chief Officer shall be responsible for examining, verifying and certifying invoices, payments vouchers or accounts.

(b) Each account shall be certified electronically (through approved systems) or in manuscript by an authorised officer. The officers authorised to make such certification shall be nominated by the Clerk or Treasurer. A list of the names of such officers, together with specimen signatures, shall be maintained by the appropriate officer and forwarded to the Treasurer.

11. Staff Records, Salaries, Wages and Pensions

(a) The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Authority shall be made by the Treasurer or under arrangements approved and controlled by him.

(b) The Clerk and Chief Officer shall notify the Treasurer as soon as possible and in the form prescribed by him, of all matters affecting the payment of such emoluments.

(c) All pay documents shall be in a form prescribed or approved by the Treasurer and shall be certified electronically through an approved system or in manuscript by an authorised officer who is responsible for their accuracy and authenticity. The names of officers authorised to sign such records shall be nominated by the Clerk and a list maintained thereof, together with specimen signatures. Lists of authorised signatories shall be forwarded to the Treasurer.

12. Income

(a) The collection of all money due to the Authority shall be undertaken in accordance with arrangements approved by the Treasurer.

(b) The Clerk and Chief Officer shall seek the prompt collection of money due to the Authority and shall notify the Treasurer in a manner specified by him of all cash collected and income due to the Authority.

(c) It is the responsibility of any employee who becomes aware of any income falling due but not received by the Authority to ensure it is brought to the attention of the Treasurer.

(d) All receipt forms, books, tickets and other such items shall be in a form approved by the Treasurer.

(e) All money received on behalf of the Authority, shall, as soon as practicable, be either banked for the credit of the Authority's account or deposited with the Treasurer.

13. Equipment

(a) The Chief Officer shall be responsible for the care and custody of the equipment under his control.

14. Write-Offs

(a) Subject to their keeping records in a form approved by the Treasurer, the Clerk may write off losses including debts up to £1,000 in total, in respect of:-

(i) Any loss or imbalance sustained by the Authority which is not recoverable from insurance or other sources; or

(ii) The loss to the Authority on the disposal of stock or other assets at prices less than the book value at the time of disposal.

(b) The Clerk and Chief Officer shall refer all irrecoverable debts and all losses in excess of £1,000 for write-off to the Treasurer, who may require a report to be submitted to the Authority. The Treasurer in consultation with the Clerk may write-off irrecoverable losses or debts up to £5,000.

(c) Losses or irrecoverable debts over £5,000 may only be written off by the Authority following a joint report by the Treasurer and Clerk.

15. Insurances

(a) The Chief Officier shall effect all insurance cover and negotiate all claims in consultation with other officers where necessary.

(b) The Clerk and Chief Officer shall promptly notify the Treasurer and in appropriate cases the police of:-

(i) any loss, liability or any event which may result in a claim against the Authority and/or its insurers.

(ii) the terms of any indemnity which the Authority is required to give;

(iii) any new risks, properties or vehicles which might require to be insured, together with changed circumstances affecting existing risks.

(c) The Treasurer shall annually, or at such other period as he may consider necessary, review all insurances in consultation with the Clerk and Chief Officer as appropriate.

(d) The Chief Officer shall settle all claims against the Authority's insurers, in consultation with other officers as appropriate.

16. Inventories

(a) The Chief Officer shall maintain a written inventory of equipment under his control which belong to the Authority and whose individual cost or value exceeds £1000.

(b) The Chief Officer shall be responsible for maintaining at least annually a check of all items on the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly.

(c) The Clerk and Chief Officer in consultation with the Treasurer, may authorise adjustments to take account of deficiencies where the estimated loss does not exceed £2,000. Above that figure Authority approval shall be required.

(d) The Clerk and Chief Officer may, in consultation with the Treasurer, arrange for the disposal of un-required inventory items, up to a limit of estimated value of £10,000. The disposal of any assets above that limit and or purchase by either an officer or a member of the Authority would require Committee approval.

(e) The Authority's property shall not be removed otherwise than in accordance with the ordinary course of the Authority's business or used otherwise than for the Authority's purposes except in accordance with specific directions issued by the Treasurer, Clerk or Chief Officer.

17. Security

(a) The Chief Officer is responsible for maintaining security at all times for all assets including buildings, stocks, stores, furniture, equipment, cash, etc, under his control. He shall consult the Treasurer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

(b) Maximum limits for cash holdings shall be agreed with the Treasurer and shall not be exceeded without his express agreement.

(c) Each Senior Officer shall be responsible for maintaining proper security/confidentiality in respect of information held by or on behalf of them, including information held in computerised records, in which case, each Senior Officer must ensure compliance with the Data Protection Act and any Codes of Practice or Standards approved by the Treasurer.

(d) Each Senior Officer shall be responsible for ensuring all software in their use is legally licensed.

(e) Each Senior Officer should also ensure that contingency plans for the security of assets and information and continuity of the service in the event of a disaster or system failure are in place.

Standing Orders relating to Contracts

Contracts not subject to these Standing Orders

(1) Every contract shall comply with these Standing Orders except contracts:-

(a) For urgent repairs to plant or machinery necessitated by breakdown or to satisfy Health and Safety requirements
(b) With Statutory Undertakers who have a monopoly on works, supplies or services
(c) Repairs to plant or machinery which can only be carried out by the manufacturer
(d) For the purchase of goods or services for which there is only one source of supply
(e) For specialised services where the Authority has authorised invitation of tenders without advertisement from two or more contractors offering such services. Such authorisation not being capable of delegation to an Officer
(f) With an estimated value of less than £2,000 (See Para (3) below)

(2) For contracts with an estimated value of up to and inclusive of £2,000 a minimum of one competitive quote must be obtained in advance and confirmed in writing. Where the estimated value is below £500 an oral quotation must be obtained.

(3) In relation to contracts, the value of which is estimated to be less than £75,000 but more than £2,000, a minimum of three competitive quotes must be sought and confirmed in writing.

(4) Where the value of a contract is estimated to be £75,000 or more, the Clerk and Treasurer shall submit a report to the Authority on a proposed procedure to be adopted

Definitions

"Contract" shall mean any arrangement made by or on behalf of the Authority for the carrying out of works or for the supply of goods, materials or services.
"Authority" shall include a duly authorised sub-Committee or Officer
"Equipment" shall mean all equipment owned by the Authority of whatever nature.
"Senior Officer" shall mean either the Clerk, Deputy Clerk, Treasurer or Chief Officer
"Contractor" shall mean a potential contractor and includes a partnership or Company

Compliance

(5) Every Contract made by the Authority shall comply with the Law of the European Community, national law and these Standing Orders. Wherever a European or national law conflicts with these Standing Orders then that law shall take precedence. European law shall take precedence over national law. Where European law does not provide for a procedural step to be taken that is required by national law then that national law step shall also be taken unless specifically prohibited by European law. The same provision shall apply in the case of a procedural step required by this Standing Order that is not required by national or European law unless the latter laws specifically prohibits such a step. Due regard shall also be paid to current NJCC Codes of Procedure

(6) Responsibility for ensuring compliance with this Standing Order shall be that of the appropriate Senior Officer

Invitation to Quote or Tender

(7) Quotes or tenders for all contracts shall be invited in writing unless they have been sought in accordance with any other form of electronic tendering which has been approved by the Clerk and specified in the invitation to quote.

(8) Evidence must be retained of all quotations sought. Details of all quotations or tenders sought but not received must be recorded. Quotes should be determined on the basis of an assessment of the most economically advantageous quotation.

(9) The invitation to quote or tender shall state that no quote will be considered unless it is received by the date and time stipulated in the invitation to quote. No quote or tender delivered in contravention of this clause shall be considered.

(10) All invitations to quote or tender must specify the goods, service or works that are required together with the terms and conditions of the contract that will apply.

(11) All invitations to quote or tender must state that the Authority is not bound to accept any order.

(12) The determination as to which quotation or tender to accept shall be based on either:-

a. Lowest price
or
b. Most economically advantageous quotation where considerations other than price also apply.

(13) Suppliers and or Contractors must be given an adequate period in which to prepare and submit a proper quotation or tender consistent with the complexity of the contract requirement. Normally at least two weeks should be allowed for the submission of quotations or tenders.

(14) The terms and contract conditions upon which quotations or tenders are sought shall be approved by the Clerk.

(15) If an opened quotation or tender is found to contain a pricing error (e.g. an arithmetical error) against a specific item the tenderer must be offered the following three options:

- To confirm the quotation or tender; or
- To withdraw the quotation or tender; or
- To amend the tender to correct the relevant errors only;

Receipt and Consideration of Tenders for Contracts of £75,000 and above only

(16) All tenders returned shall be kept by the Clerk in a sealed container until the date and time of their opening.

(17) Where all tenders expected are returned on the day stated for their return then tenders will, where possible, be opened on that day, otherwise no tender will be opened before 11:00 am on the next working day following the deadline for its receipt.

(18) Tenders shall be opened at one time only in the presence of the Clerk or his or her nominated representative and the appropriate Senior Officer or their representative. There shall never be less than two persons present when tenders are opened.

(19) A written record shall be kept of all tenders received and of their amount. A written record shall also be kept of contractors invited who have not tendered and any late tenders. These records shall be signed by all the officers present at the opening of the tenders. (Each completed list of

tenders shall be closed by the Clerk or his or her representative by the insertion of a continuous drawn line under that list).

(20) Tenders will be assessed in accordance with the guidelines outlined within Appendix 1 and any additional recommendations made by the Authority.

(21) Tenders to be awarded following negotiations, and all other tenders, shall be accepted only by the Authority except

(a) Where other arrangements have been approved by the Authority

(b) Where the lowest priced tender satisfies the tender evaluation criteria so long as the tender sum is no more than 5% or £1,000 above the pre-tender estimate reported to the Authority

(c) Where they are third party contracts and that third party has authorised acceptance otherwise than by the Authority

Contract Conditions

(22) Every contract shall be in writing, and in a form approved by the Clerk and in particular shall:-

(a) Where a standard form of contract issued by a competent body is appropriate be in that form or in any other case include conditions of contract approved by the Clerk

(b) Include such provision for Health and Safety as is approved by the Clerk

(c) Provide for liquidated damages unless such is considered inappropriate by the Treasurer

(d) Contain a clause entitling the Authority to cancel the contract and claim any resulting loss in the event that the contractor shall have improperly influenced or made any attempt so to influence the award or administration of the contract.

(e) Indicate that in the case of supply goods, payment will not be made in advance unless the appropriate Senior Officer approves it in writing in cases where adequate legal and financial safeguards are in place to protect the Authority's interest or Title in the goods

(f) Specify (as applicable) the services or works to be performed, the goods to be supplied, the price to be paid or the manner in which that sum is to be ascertained and the period within which the contract is to be performed

(g) Require compliance with any relevant EU standard where such exist or, in their absence, with a British Standard Specification or Code of Practice or equivalent

(h) Not require a particular brand of product without acceptance of its equivalent where to do so would offend Article 30 of the EC Treaty

(i) Contract performance insurance (where required) shall be arranged through the Authority's insurers

Sub Contractors

(23) In the event that completion of any Contract will involve the use of sub contractors to be nominated to the main contractor then tenders shall be invited as if the sub contract were the main contract for the purposes of this Standing Order unless Authority resolves otherwise.

(24) The invitation to tender shall include details of the provisions of the proposed main contract

APPENDIX 1

CRITERIA FOR THE EVALUATION OF TENDERS

1. Compliance with Specification and Contract Conditions

(a) Each tender checked for any arithmetic errors.

(b) Whether the specification has been met in full and all schedules completed.

(c) Whether the tender complies with any conditions or working methods specified.

(d) Production of a Health and Safety Policy approved by the Clerk.

(e) Whether the contractor has adequate staffing levels/working hours to meet the requirements of the specification, including peak demands and emergencies.

(f) Whether the contractor has adequate management and organisation to perform the contract.

(g) Whether the contractor has adequately understood the terms and conditions of the contract.

2. Technical Analysis

(a) Technical ability and resources to undertake the work as specified for the duration of the contract.

(b) Ability to recruit and retain labour and the firm's organisational arrangements.

(c) Qualifications of the workforce.

(d) Training of the workforce.

(e) Previous experience and references from users.

(f) Reliability and compatibility of contractors' equipment.

(g) Risk assessment of each tender to determine the likelihood of the firm failing to deliver the required service.

3. Financial Analysis

(a) Comparative Costs

(i) Comparison of total tender costs
- difference in contractors' rates for call outs and emergencies;
- difference in rate for similar buildings and tasks;
- ensure contractors' rates include for payments of utilities.

(ii) Redundancy, severance, early retirement costs and similar costs.

(iii) Contracting out costs
- costs of ancillary support to contractors;
- costs of arranging legal transfers;
- any other related costs.

(iv) Calculation of net tender prices and avoidable costs.

(v) Whether the Company is financially viable.

(vi) Whether satisfactory bank, insurance cover, performance bond and guarantees from any parent company will be provided.

(vii) Retained or constant costs.

(b) Peripheral Costs

(i) The actual costs of any lump sum and annual pension incurred as a result of servicing such payment.

(ii) The cost of any central establishment charges ascribed to a contract that would continue to be borne notwithstanding the award of that contract to an outside contractor.

(iii) Loss attributable to delay in repayment of a contractor's VAT.

(iv) Savings resulting from delays in the payment of external contractors.

(v) Income from the disposal of assets.

Appendix 2

The North Eastern Inshore Fisheries and Conservation Authority

Code of Conduct for Authority Members

1. Introduction and Interpretation

1.1 This Code applies to you as a member of this Authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

1.2 You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both a positive and negative impact on the Authority.

1.3 The public expect Members to act in an open and transparent manner.

1.4 In this Code –
'**Meeting**' means any meeting of:-

(a) The Authority;
(b) The Executive committee of the authority;
(c) Any of the authority's sub-committees or working group
'**Member**' includes all members and co-opted and appointed members of the Authority.
'**Family**' means Spouse, Civil partner, any person with whom you are living as a Spouse or Civil Partner, parent, grandparent, child, grandchild or sibling.

2. General Obligations

2.1 You must treat others with respect.

2.2 You must not bully any person.

2.3 You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or Authority into disrepute.

2.4 You must not disclose information given to you in confidence by any one or information acquired by you which you believe, or ought to be aware, is of a confidential nature, except where :-

- You have the consent of the person authorised to give it;
- You are required by law to do so;
- Disclosure is to made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- The disclosure is:-
  (i) Reasonable in the public interest; and
  (ii) Made in good faith and in compliance with the reasonable requirements of the authority; and
  (iii) You have consulted the Clerk prior to its release.

2.5 You must not prevent another person from gaining access to information to which that person is entitled by law.

2.6 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.

3. Registration of Interests

3.1 You must before the end of 28 days beginning on the day on which you become a member of the Authority notify the Clerk of

(a) The following **Pecuniary Interests** of yourself ,your Spouse or civil partner, any person with whom you are living as husband or wife or any person with whom you are living as if they were a civil partner

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Any contract which is made between any of the above named persons (or a body in which any of the above named persons have a beneficial interest) and the Authority under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iii) Any beneficial interest in land which is within the area of the Authority.

(iv) Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

(v) Any tenancy where (to your knowledge) the landlord is the Authority and the tenant is a body in which any of the above named persons have a beneficial interest.

(vi) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the Authority; and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total 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 of any one class in which any of the above named persons has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

(vii) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. 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) The following **Non Pecuniary** interests of yourself

(i) Bodies to which you are appointed or nominated by the Authority (i.e. outside body appointments).

(ii) Bodies exercising functions of a public nature of which you are a member (including regional and local development agencies, other (parish) councils, public health bodies, school governing bodies).

(iii) Bodies directed to charitable purposes of which you are a member (including the Lions, the Masons, a Parochial Church Council; not just bodies registered with the Charity Commission).

(iv) Bodies whose principal purposes include influence of public opinion of policy (including any political party or trade union) of which you are a member

(v) Any voluntary work undertaken by you

(vi) Any person from whom you received in your capacity as a member a gift or hospitality that amounts to the value of at least £25.

(vii) Any person employed by the authority who is a member of your family.

3.2 You need only notify the Clerk of any interests of which you are aware pursuant to paragraph 3.1 above.

3.3 Where you become a member of the authority as a result of a re-election or re-appointment you only need to disclose interests not already entered on the register.

3.4 Where the nature of the interest is such that you consider that the disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation, (and the Clerk agrees) details of the interests will not be included in any published version of the register of interests save that the register will state you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011.

4. Non - Pecuniary Interests

4.1 You have a non pecuniary interest in any business of the Authority where either it is likely to affect any of the bodies listed in paragraph 3.1(b) of the Code or, the decision in relation to that business might reasonably be regarded as affecting your well being, or financial position, or the well being or financial position of a relevant person to a greater extent than the majority of other Council tax payers, rate payers or inhabitants of the Ward affected by the decision.

4.2 A relevant person is:-

(i) A member of your family or any person with whom you have a close association, or
(ii) A person or body who employs or has appointed such persons any firm of which they are a partner or any company of which they are Directors.

4.3 Where you have a non-pecuniary interest in any business of the Authority and you attend a meeting of the Authority at which that business is considered you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.

4.4 Paragraph 4 only applies where you are aware or ought reasonably to be aware of the existence of the interest.

4.5 Where you have an interest but by virtue of paragraph 3 it is not registered in the Authority's register of interests you must indicate you have a non -pecuniary interest but need not disclose the sensitive information to the meeting.

5. Pecuniary Interests

5.1 You have a pecuniary interest in any business of the authority where you your Spouse or civil partner, any person with whom you are living as husband or wife or any person with whom you are living as if they were a civil partner have an interest that falls within sub paragraph 3.1(a) above.

6. Effect of Pecuniary Interest on participation

6.1 Where you have a pecuniary interest in any business of the Authority and you attend a meeting at which the business is considered you must then:-

(i) Disclose the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.

(ii) Retire to the public gallery of the room or Chamber where the meeting considering the business is being held.

(iii) If the pecuniary interest is a sensitive interest as set out in sub paragraph 3.4 above you need only disclose the fact that you have a pecuniary interest.

7. Complaints

7.1 Any complaints relating to the Authority's Code of Conduct must be referred in the first instance to the Clerk of the Authority. Complaints should be made in writing and addressed to the Clerk, North Eastern IFCA, Town Hall, Quay Road, Bridlington YO16 4LP or emailed to: ne-ifca@eastriding.gov.uk

7.2 A complaint, in any event, should detail:-

- Complainant's name, address and contact details.
- Complainant's status
- Who the complainant is about
- Details of the alleged misconduct – including, where possible, dates, witness details and other supporting information.

7.3 A complaint can only be considered if it concerns the conduct of an Authority member. Complaints about members of staff and decisions taken by the Authority cannot be considered within this process and should be referred to the Chief Officer.

7.4 Complaints which fall into the following categories will also not be considered within this process:-

(i) Where it is clear from the complaint that the subject member was not acting in an official capacity at the time the alleged conduct occurred.

(ii) Where the conduct complained of is a continuation of a situation/set of circumstances which the Standards Committee has previously considered and has determined not to take any action on.

(iii) Where the individual the subject of the complaint is not a member at the time the complaint is submitted.

(iv) Where the complaint is made anonymously unless it relates to an exceptionally serious or significant matter it will not be considered.

A record will be maintained of all complaints which have been received.

8. Receipt of Complaints

8.1 The complainant will be notified that their complaint has been received

8.2 The Clerk will consider the complaint and whether it falls within the scope of the 'Code of Conduct' process or should be dealt with under other Authority protocols.

8.3 Where the Clerk considers that the complaint does fall within scope he or she will appoint an independent officer to investigate the complaint and advise both the complainant and subject member accordingly.

8.4 The investigating officer will attempt to complete the investigation within 25 working days of the receipt of the original complaint and provide a written report with recommendations to the Clerk.

8.5 The investigating officer can make two recommendations, namely:-

(i) That no breach of the Code of Conduct is disclosed/no further action be taken
(ii) That the conduct complained of potentially discloses a breach of the Code of Conduct.

8.6 Where it is concluded that no breach of the Code of Conduct has been disclosed or that no further action should be taken the Clerk will advise the Standards Committee and inform both the complainant and subject member of the outcome..

8.7 Where it is concluded by the investigating officer that the conduct complained of potentially discloses a breach of the Code of Conduct a formal hearing of the Authority's Standards Committee will be convened within two months of the conclusion of the investigation and the Clerk will inform both the complainant and the subject member accordingly outlining the processes to be followed.

9 Standards Committee Hearing

9.1 The Clerk will appoint an officer to support the administration of the hearing process.

9.2 The officer will write to the Member against whom the allegation(s) has been made and provide a copy of the investigating officers report, a copy of the hearing procedure and a proposed date for

the hearing. The officer will also ask for a written response from the member within 14 days to find out whether he/she:-

(i) Disagrees with any findings of fact contained in the investigating officer's report and the reasons for such disagreements and/or provide details of any other evidence they consider relevant to the investigation.
(ii) Wants to be represented at the hearing.
(iii) Wants to give evidence either verbally or in writing
(iv) Wants to call witnesses
(v) Can attend the hearing on the proposed date
(vi) Wants any part of the hearing to be held in private
(vii) Wants any part of the investigating officers report or any relevant background papers to be withheld from the public and reasons for doing so.

The officer will also ask the investigating officer to confirm whether he/she:-

(i) Wants to call relevant witnesses or give evidence
(ii) Wants any part of the hearing to be held in private, and/or
(iii) Wants any part of the report or any relevant background documents to be withheld from the public.

9.3 The officer supporting the administration of the hearing will produce a covering report detailing any responses received from the subject member and the investigating officer and provide a list of any supporting witnesses.

9.4 A copy of the agenda and papers will then be provided to the complainant, the subject member and the members of the Standards Committee 14 days in advance of the date of the hearing.

9.5 The subject member may be represented or accompanied during the hearing.

9.6 The Standards Committee may take procedural advice at any time during the hearing and whilst considering the outcome.

9.7 The Standards Committee may take legal advice from a legal advisor at any time during the hearing or whist it is considering the outcome. The substance of the legal advice should be shared with the other parties present.

9.8 After the members and everyone involved have been formally introduced the Chairman should explain how the Committee is going to run the hearing.

9.9 After dealing with preliminary issues the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained within the investigating officer's report.

9.10 If there is a disagreement the investigating officer should be invited to make any representations to support the findings of fact within the report including calling any supporting witnesses to give evidence. The Committee may give the subject member the opportunity to challenge such representations.

9.11 The subject member should then be given the opportunity to make representation including calling any supporting witnesses.

9.12 At any time the Committee may question any people involved and may allow the investigating officer to challenge any evidence put forward.

9.13 The Committee will then deliberate in private and the Chairman will announce to all parties the Committee's finding of fact.

9.14 The Committee then needs to consider whether or not, based on the facts it has found, the member has failed to follow the Code of Conduct.

9.15 The subject Member should be invited to give relevant reasons why the Committee should not decide that he/she has failed to follow the Code.

9.16 The Committee should then consider any further representations.

9.17 The Committee will deliberate in private and the Chairman will then announce to all parties the Committee's decision as to whether the subject member has failed to follow the Code of Conduct.

10.0 If the Member has not failed to follow the Code of Conduct

10.1 If the Committee decides that the member has not failed to follow the Code of Conduct it shall move on to consider whether it should make any recommendations to the Authority.

11.0 If the Member has failed to follow the code

11.1 If the Committee decides that the member has failed to follow the Code of Conduct it will consider any further representations as to whether or not it should make any recommendations concerning sanctions to the Authority or whether it should make any general recommendations to the Authority with a view to promoting higher standards of conduct. Although not an exhaustive list potential sanctions may include:-

(i) In the case of elected members, making formal representation to their Constituent Local Authority's requesting removal from the membership of the Authority.
(ii) In the case of general members appointed through the Marine Management Organisation (MMO), making formal representation to the MMO to request termination of their membership.
(iii) Imposition of recorded verbal or written sanctions from the Chairman of NEIFCA.
(iv) Requirement to undertake additional training.
(v) Updates to existing NEIFCA policies and formal guidance to all members

12.0 The Written Decision

12.1 The Committee will announce its decision on the day of the hearing and a full written decision will be produced within two weeks of the hearing. The written decision will be provided to the subject member and the complainant.

12.2 The Committee's decision is final and there is no right of appeal

13.0 Withdrawing Complaints

13.1 Where a complainant wishes to withdraw their complaint the Clerk will consult the members of the Standards Committee to seek guidance on whether the request should be granted or not.

14.0 Multiple Complaints

14.1 Complaints from different people about the same matter may be considered at the same hearing.

15.0 Vexatious and Persistent Complaints

15.1 Where the Clerk considers that the same complaint made by the same person has already been dealt with and there is no new evidence to support the complaint, there is no requirement for the complaint to be considered.

15.2 Consideration will be given to all allegations made, however, to ensure that there is nothing new within the complaint which requires action to be taken.

Agenda Item No

8

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
5 September 2024

NEIFCA Annual Audit Report 2023/2024

Report of the Clerk

A. **Purpose of Report**

To inform Members of the findings of the annual audit report.

B. **Recommendation**

1. That Members note the report.

1. **Background**

1.1 SWAP audit services in partnership with the East Riding of Yorkshire Council undertakes an independent annual audit of the Authority's operational activity.

1.2 The purpose of the audit is to provide management with assurance about the effectiveness of the controls identified and the exposure to risk that any control weaknesses may cause.

1.3 The objectives of the audit process are included within the scope of the audit that took place during May of this year and should re-assure members that appropriate control objectives are being tested by internal audit.

2. Internal Audit

2.1 The Audit Plan is designed to provide the Authority with assurance on key financial controls for the operation of NEIFCA. Inadequate processes or inconsistent application of procedures can lead to legal challenge or financial penalty in areas such as enforcement, health and safety or data protection.

2.2 The key objectives were to provide assurance over the operational and governance processes noted below:

- Governance arrangements including declarations of interest, gifts & hospitality, website accuracy.
- Expenditure (including purchase & fuel cards)
- Recruitment (including staff handbook, induction process)
- Payroll including staff performance reviews
- Travel & subsistence
- Inventories/asset management
- Health & Safety including mandatory training

3. Opinion.

3.1 The overall assurance opinion is substantial, maintaining the level achieved in the 2022/2023 audit. A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.

3.2 A copy of the report is appended for Members information.

Contact Officer
Darren Stevens, Clerk
Ext 3000

North Eastern Inshore Fisheries & Conservation Authority

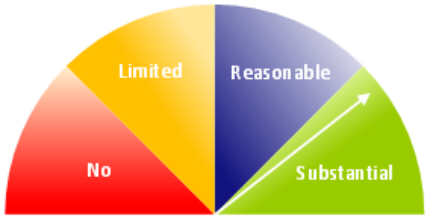
Final Report

Issue Date: May 2024

NEIFCA – Final Report – May 2024

Audit Objective To provide the Authority with assurance on key financial controls for the operation of the North Eastern Inshore Fisheries and Conservation Authority.

Executive Summary



Assurance Opinion

A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.

Management Actions

Priority 1	0
Priority 2	0
Priority 3	2
Total	2

Organisational Risk Assessment: Low

Our audit work includes areas that we consider have a low organisational risk and potential impact.

The key audit conclusions and resulting outcomes warrant further discussion and attention at senior management level.

Key Conclusions

- Performance pay related decisions from the Clerk could not be provided as these were given verbally; written evidence should be obtained and retained to support decisions.
- Recognised EDR assessment scores should be used for all officers with supporting comments recorded.
- The Terms of Reference have not been presented to the Executive Committee for annual review as stated in the Members Handbook.

- The audit noted the improvements to the inventories specifically the enhancements to the Penny Hedge storage unit, the introduction of the racking system and clarity in identification of equipment.
- Effective controls were monitored for expenditure and income reconciliation.
- Probationary reviews were held by the line manager as stated in the Staff handbook, signed copies were retained to evidence the timeliness of the reviews.

Audit Scope

Through sample testing of transactions and records the audit has provided an assessment of the level of assurance that can be placed on the effectiveness and consistency of application of internal controls in the following areas:

- Governance arrangements including declarations of interest, gifts & hospitality, website accuracy.
- Expenditure (including purchase & fuel cards)
- Recruitment (including staff handbook, induction process)
- Payroll including staff performance reviews
- Travel & subsistence
- Inventories/asset management
- Health & Safety including mandatory training

Summary

Overall, the controls and processes that were tested at NEIFCA are satisfactory with processes being in place to govern financial and general management. Expenditure is effectively monitored to ensure transactions are appropriate.
The review noted the new vessel is currently being built. Therefore the scope of testing was extended to consider the process for contract variations. Evidence was provided to confirm contract variations are managed by the deputy chief fisheries officer with consultation and approval from the Treasurer to ensure that costs are correctly recorded and accounted for.

Audit Findings & Management Action Plan

Finding 1 – Staff progression governance	Action			
During a sample check of EDR documents consultation with the Clerk was obtained to support accelerated pay reward decisions. Verbal approval was given therefore evidence of this could not be provided. The review also noted, a score of outstanding was given to one officer however this is not a recognised EDR assessment score. The assessment does provide the opportunity for free text to be entered in the summary box, which is where such comments/observation are more appropriately recorded.	Written evidence will be sought and retained to evidence Clerk approval for performance pay related decisions. Recognised EDR assessment scores will be used with comments/observations entered in the summary box to support decisions.			
	Priority	**3**	**SWAP Reference**	AP4277
	Responsible Officer		CIFO	
	Timescale		31 May 2024	

Finding 2 – Terms of Reference	Action			
The Terms of Reference for the Executive Committee which are contained within the Members Handbook states that it will undertake an annual review of Standing Orders and Financial Regulations. It was confirmed that there had not been a review of Financial Regulations for a number of years. If it is not considered necessary to review them on an annual basis it may be appropriate to review and amend the ToR for the Executive Committee.	Review of Standing Orders and Financial Regulations will be included as a standing item at the September 2024 Executive Committee meeting.			
	Priority	**3**	**SWAP Reference**	AP4217
	Responsible Officer		CIFO	
	Timescale		30 September 2024	

Agenda Item No.

9

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
5 September 2024

Chief Officer's Operational Update

Report of the Chief Officer

A. **Purpose of Report**

To provide members with an operational report covering the period March 2024 to August 2024.

B. **Recommendation**

That Members note the report.

1. Overview

1.1 **NEIFCA**

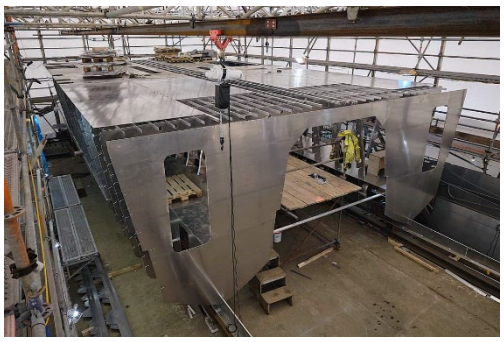
New Fisheries Vessel Build - Update

Following the award of contract to Whitby based shipbuilders, Parkol Marine Ltd, on 6 October 2023, for the build and commission of the new vessel, the construction work continues to advance well. The first components of the keel were laid during February 2024 followed by hull framing and plating to main deck level through to the end of August 2024 when both hull sections were largely complete. At the same time, framing and plating of the superstructure commenced including the mess deck and wheelhouse. The delivery of the main engines and siting on the engine beds is expected to take place sometime during September which will mark the fourth key contractual stage of the build process. Currently the vessel remains on schedule for delivery during April/May 2025. On 21 August 2024 the Clerk visited yard and inspected the build first hand.

The following images represent a time series of build progress to date:

Laying of keel February 2024

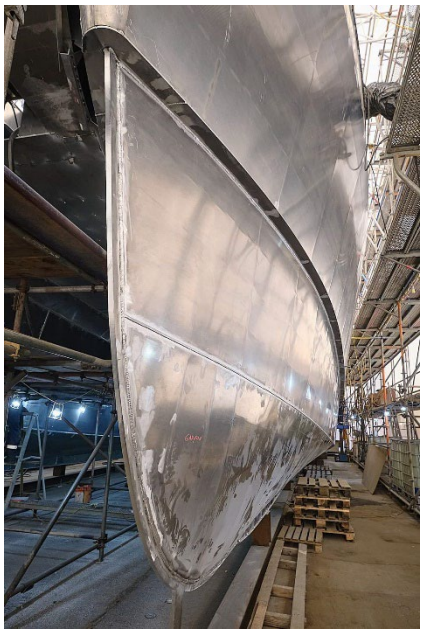
Framing March/April 2024



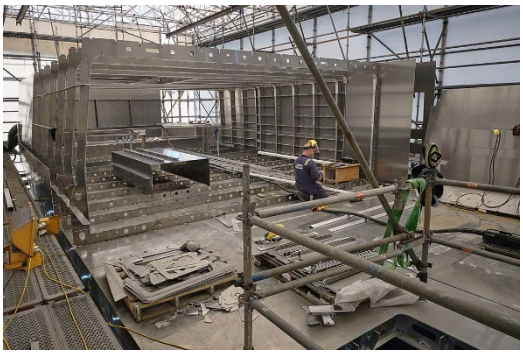
Plating April/May 2024

Framing & Plating May 2024

Hull plating July 2024



Hull plating complete August 2024



Framing and plating superstructure August 2024

Sale of North Eastern Guardian III - Update

Documentation supporting the marketing and sale of (NEG III) was finalised during February 2024 in consultation with the East Riding of Yorkshire Council procurement team. The vessel was formally marketed for sale during May 2024 as part of a formal, closed electronic tender process. A deadline of 31 July 2024 was set for receipt of bids which was subsequently extended to 7 August 2024. Despite a very good level of interest in the vessel it remained unsold and following consultation with the East Riding of Yorkshire Council (ERYC) procurement team, Clerk and Treasurer a second, informal sale process was commenced on 12 August 2024. This process will be reviewed again on 19 September 2024. Any bids resulting from this process will be negotiated to achieve the most economically advantageous outcome for NEIFCA and subject to the final approval of the Clerk and Treasurer.

Enforcement & Compliance Work

Since the last operational update presented to members at the Authority meeting held on 6 June 2024 the weather has remained settled throughout with some spells of warm temperatures supporting normal patterns of seasonal, inshore fishing activity. Catches and prices remained relatively low through July and August with lobsters fetching £12.50 per Kg and crab £2 per Kg. From a compliance perspective officers had to deal with a notable increase in shore gathering activity, particularly at Redcar with periodic reports of similar at Hartlepool and Filey, North Yorkshire. This has stretched resourcing with officers having to regularly monitor groups of gatherers, typically Chinese nationals, taking cockles, crabs and lobsters. A number of related infringements are currently under investigation. Offshore officers have been targeting unmarked static gear particularly along the South Holderness coast.

Staffing and Recruitment

Between June and August two recruitment campaigns were held to fill vacancies within the Environmental and Scientific team. A new member of staff joined the team on 5 August 2024, initially on a one year fixed term appointment and another applicant has recently accepted the offer of a full time position within the team.

Organisational Work

During the last six months officers have continued to expand the development and use of the new bespoke fisheries permitting database. This work includes direct electronic submission of catch and effort returns from the commercial sector.

Environmental & Scientific Work

Since June much of the recent work of the environmental and science team has involved supporting the response to first stage of the MMO byelaw quality assurance process in relation to both the shellfish permit and Humber Estuary byelaws and the commencement of offshore survey work relating to the final year of the ELSI project. The ELSI project work is focusing on planktonic sampling with assistance from a PhD student and a local commercial vessel operator. The NEIFCA shore team are also supporting the annual offshore sampling programme through observer trips onboard fishing vessels and the assessment of biological samples including king scallop.

1.2 **National Work streams**

Fisheries Management plans

On 17 July 2023 Defra launched a formal consultation on six 'front runner' Fisheries Management Plans (FMPs) including crab and lobster, sea bass, king scallop, whelk, Channel non-quota species and Southern North Sea and Eastern Channel mixed flatfish. The consultation concluded on 1 October 2023. The development of Fisheries Management Plans (FMPs) is a key component of the 2020 Fisheries Act to inform future fisheries management policy delivery across a range of exploited stocks in the UK. The Association of IFCAs, in partnership with Kent and Essex IFCA, led on the development of a national IFCA response to the consultation. As part of that work an online questionnaire survey was recently circulated across NEIFCA members for completion and return by 8 September 2023 and a follow up IFCA workshop was held in Poole on 26 and 27 September 2023. NEIFCA was represented at that workshop by its Scientific lead Officer, Dr Ralf Bublitz and Dr Stephen Axford.

Five of the six priority FMPs were formally published by Defra on 14 December 2023 including crab and lobster, bass, king scallop, whelk and Channel demersal non-quota species and that work has now expanded to other exploited species. At regional and national level IFCAs are now actively engaged in over fourteen FMPs, working in partnership with MMO and Defra colleagues.

1.3 **Priority Work streams for the next six months**

- Monitoring the build of the new fisheries vessel.
- Overseeing the sale of North Eastern Guardian III.
- Managing the induction, training and integration of new staff.
- Supporting the QA process relating to the byelaw submissions through to formal confirmation.
- Progressing the further development of the new fisheries database.
- Planning for the implementation of the new shellfish permit byelaw.

1.4 **Summary of meetings and events attended**

IFCA/MMO King Scallop FMP management meeting	11th June 2024
IFCA/MMO Crab and lobster FMP management meeting	17th June 2024
Defra Emergency byelaw meeting	19th June 2024
IFCA/MMO whelk FMP management meeting	19th June 2024
NEIFCA Staffing meeting	20th June 2024
IFCA Chief Officers Group Meeting	26th June 2024

NEIFCA/NIFCA/MMO Monthly TCG meeting	26th June 2024
New vessel build progress meeting	2nd July 2024
IFCA/MMO Strategic Operations Group	08th July 2024
IFCA Chief Officers Group meeting	10th July 2024
Bridlington Shellfish Festival	27th July 2024
DEFRA fishing lives meeting	29th July 2024
NEIFCA budget monitoring meeting	2nd August 2024
NEIFCA recruitment process	12th & 13th August 2024
NEIFCA Staffing meeting	14th August 2024
NEIFCA recruitment process	15th August 2024
National Intelligence system meeting	16th August 2024
IFCA Chief Officers Group meeting	16th August 2024
NEIFCA Fisheries Trial, Scarborough	16th August 2024
Defra shore based netting meeting	20th August 2024
IFCA FMP management meeting	29th August 2024

Agenda Item No.

10

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive meeting
5 September 2024

Health & Safety Policy & Safe Working Practices 2024/2025 - Review

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Report by the Chief Officer.

A. **Purpose of Report**

To inform members of the completion of the six monthly review of the Authority's Health & Safety provisions.

B. **Recommendation**

That Members note the report.

1. **Background**

1.1 The Health and Safety at Work Act 1974 and the management of Health and Safety at Work Regulations 1999 and other associated legislation impose duties on all of us, both of a general and specific nature to ensure as far as is reasonable and practicable, health and safety at work. North Eastern Inshore Fisheries and Conservation Authority wishes, through the preparation and issue of this policy to convey the importance that it places on all measures that promote the health and safety of its employees

1.2 This policy and its provisions are reviewed continuously throughout the year both at senior management level and at regular staffing Health and Safety meetings. If appropriate, changes to safe working practice guidelines are made and risk assessments reviewed, including where necessary, the provision of additional safety equipment for officers. Such changes are reported to the Executive Committee on a six monthly basis.

1.3 Since the last review reported to the Executive Committee on 7 March 2024 I can advise that there have been no notable incidents or accidents to report to members and as part of this six-monthly review all the standard Safe Operational Working Practices and supporting risk assessments have again been fully reviewed with no changes to report.

1.4 Members should recall that during the March 2024 review, additional measures requiring the mandatory use of stab vests by all officers working in Sunderland were lifted due to an improvement in perceived risk levels. Since March those risks have remained at an acceptable level and no changes have been made to existing arrangements.

1.5 The safe working practice documents and revised risk assessments are shared with all operational staff and subject to continuous review by both the senior operational management team and as part of the general staffing health and safety meetings. The entire health & safety regime is underpinned by regular health and safety training and 'refresher' courses undertaken by all operational staff.

Contact Officer

David McCandless
Chief Officer
Ext. 3690

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
5 September 2024

NEIFCA Byelaw Update

Report by the Chief Officer

A. **Purpose of Report**

1. To inform Members on progress with the following byelaws which were made at a meeting of the Authority held on 1 December 2022:

XXVIII Shellfish Permit Byelaw 2022
XXIX Humber Estuary Fishing Byelaw 2022

2. To inform Members on progress with the following byelaw which was made at the meeting of the Authority held on 6 June 2024:

XXXIII Beam Trawling Byelaw 2024

B. **Recommendation**

1. That members receive the update and note the report.

1. **Background**

1.1 *XXVIII Shellfish Permit Byelaw 2022*

1.1.1 At the Authority meeting held on 1 December 2022 members supported the making of a new byelaw XXVIII Shellfish Permit Byelaw 2022 (Minute Item 32 refers).

The key aims of the new byelaw are to establish a new flexible management framework which will more effectively cover the exploitation of listed shellfish species throughout the NEIFCA district, both offshore and onshore. The new proposed byelaw will also consolidate existing byelaw regulations and introduce an effort management system for commercial potting within the district. The provisions contained within the byelaw will be applied via conditions attached to the permit which can be varied following an appropriate review process, without the need to formally remake the whole byelaw. Two permitting schemes will be established, Category 1 for licensed commercial vessels and Category 2 for recreational operators. It is proposed that during year one a maximum of 234 Category 1 permits will be offered and permit holders restricted to working a maximum of 1000 pots. A permit charge would also be levied for Category 1 permits linked to the number of pots worked. The number of Category 2 permits offered will remain unrestricted but a new £10 charge would be levied, and the number of pots permitted reduced from 10 to 5 per permit holder with daily bag limits remaining unchanged.

1.1.2 Since the making of the byelaw on 1 December 2022 it has been subject to further internal quality assurance checks, informal consultation with fishing groups and wider formal statutory consultation which completed on 27 October 2023.

1.1.3 During this process the following adjustments were made to the draft byelaw regulation:

- Prior to the commencement of formal consultation the scope of the byelaw was widened to include, European green crab, mussel, common periwinkle, pullet carpet shell, Norway Lobster, razor clam and scallop. This was felt prudent and necessary to improve the active management of intertidal shore gathering by large ethnic groups which has become an increasing issue in some areas of the NEIFCA district.
- Prior to formal consultation additional provisions were also added to allow for the varying of fees and charges and the implementation of management by 'pot type' alongside a further provision clarifying that, in terms of Category 1 applications, first priority would be given to those vessels who held a permit on 1 December 2022.
- The supporting Regulatory Impact Assessments were also updated to include some additional information from the 2023 shellfish landings report and intertidal shore gathering.

1.1.4 Following the completion of the formal statutory consultation process on 27 October 2023 the outcome was presented to members, alongside the proposed next steps, at the Authority meeting held on 8 December 2023 (Minute 75 refers). The outcome was published on the NEIFCA website on 11 January 2024 and stakeholders notified via email.

1.1.5 In line with the statutory process the draft byelaw regulation and supporting documentation was sent to the Marine Management Organisation for a Quality Assurance assessment on 11 January 2024 with a recommendation that it be further considered for formal confirmation by Defra. The first phase of the MMO QA process was received back from the MMO for comment on 11 April 2024.

1.1.6 Following a detailed review of the recommendations from the first phase of the MMO QA assessment the draft byelaw and supporting Regulatory Impact Assessment (RIA) were revised, updated and returned to the MMO for phase 2 assessment on 12 July 2024. Whilst all of the primary intentions of the draft byelaw have been retained, key changes relate to the structuring of the byelaw, further additions to the definition and permitting sections to improve clarity for stakeholders and the removal of the longstanding deeming clause. Officers are expecting to receive the phase 2 QA response from the MMO on 15 September 2024.

1.1.7 Officers anticipate that the QA process in relation to this byelaw will take a further two months to complete.

1.2 *XXIX Humber Estuary Fishing Byelaw 2022*

1.2.1 At the Authority meeting held on 1 December 2022 members supported the making of a new byelaw XXIX Humber Estuary Fishing Byelaw 2022 (Minute Item 31 refers).

1.2.2 Whilst retaining all existing management measures in relation to fishing activities within the boundaries of the Humber Estuary the new byelaw included a revision to the boundaries of an existing protected area to support the expansion of eel grass habitat.

1.2.3 Following completion of the statutory consultation process on 27 October 2023 the outcome was presented to members, alongside the proposed next steps, at the Authority meeting held on 8 December 2023 (Minute 75 refers). The outcome was published on the NEIFCA website on 11 January 2024 and stakeholders notified via email.

1.2.4 In line with the statutory process the draft byelaw regulation and supporting documentation was also sent to the Marine Management Organisation for a Quality Assurance assessment on 11 January 2024 with a recommendation that it be further considered for formal confirmation by Defra. The first phase of the MMO QA process was received back from the MMO for comment on 3 April 2024.

1.1.8 Following a detailed review of the recommendations from the first phase of the MMO QA assessment the draft byelaw and supporting Regulatory Impact Assessment (RIA) were revised, updated and returned to the MMO for phase 2 assessment on 12 July 2024. In line with the Shellfish Permit byelaw all the primary intentions of the draft Humber Estuary Fishing Byelaw have been retained and key changes relate to grammar, detail and clarity for stakeholders. Officers are expecting to receive the phase 2 QA response from the MMO on 15 September 2024.

1.2.5 Officers anticipate that the QA process in relation to this byelaw will take just over a month to complete.

1.3 **XXXIII Beam Trawling Byelaw 2024**

1.3.1 At the Authority meeting held on 6 June 2024 members supported the making of a new byelaw XXXIII Beam Trawling Byelaw 2024 (Minute 12 refers).

1.3.2 The key aims of the new byelaw are to replace the current emergency regulation with flexible management framework that will support the effective management of the king scallop stock from targeted beam trawling activity alongside any associated impacts on the wider environment in the medium to longer team.

1.3.3 Following the making of the byelaw on 6 June 2024 formal consultation commenced on 11 July 2024 and terminated on 23rd August 2024 and officers are currently in the process of reviewing all comments and objections received. Alongside the formal consultative process Officers submitted a written request to Defra for a six-month extension to the current emergency byelaw regulation until 17 January 2025. This was consented on 17 July 2024 and will provide the necessary time required to get the new byelaw regulation in place.

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