

Clerk of the Authority  
Caroline Lacey  
County Hall, Beverley  
East Riding of Yorkshire, HU17 9BA

Chief IFC Officer  
David McCandless, BSc. MSc.  
Town Hall, Quay Road, Bridlington  
East Riding of Yorkshire, YO16 4LP



All enquiries should be directed to:  
Sarah Murray  
NEIFCA Operational Support Manager

Tel: 01482 393515  
Fax: 01482 393699  
E.Mail: sarah.x.murray@eastriding.gov.uk  
Our ref: NEIFCA  
Date: 26 November 2018

Dear Member

Special Executive Meeting of North Eastern Inshore Fisheries & Conservation Authority – Thursday  
06 December 2018

I hereby give you notice that the next Executive Meeting of North Eastern Inshore Fisheries and Conservation Authority will be held on **Thursday 06 December 2018**, at, **Monk Bar Double Tree by Hilton Hotel, York, YO31 7JA** starting at **10:00am**.

The nearest council car park is the Foss bank car park, York, YO31 7PL.

On arrival please ask for David McCandless. Could members please send in any apologies by Monday 3 December 2018, please telephone 01482 393515 or email [ne-ifca@eastriding.gov.uk](mailto:ne-ifca@eastriding.gov.uk). Thank you to members who have already given their apologies.

Please contact me if you have any queries.

Yours Faithfully

David McCandless  
Chief IFC Officer



**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**SPECIAL EXECUTIVE MEETING**

**Monk Bar Best Western Hotel, York, YO31 7JA.**

**6 December 2018**

**COMMENCING 10:00 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 6 September 2018 as a correct record (*pages 1-6*)

**Items for Decision**

4. NEIFCA Standing Orders and Financial Regulations – Annual Review - (*pages 7-46*)

**Items for Information**

5. Replacement Patrol Vessel Project Update – (*pages 47-50*)

**Exempt Items**

The public are likely to be excluded from the meeting for consideration of the following items on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 5 of part 1 of Schedule 12A of the Local Government Act 1972.

6. NEIFCA Staffing & Operational Policies Update – (*pages 51-52*)
7. NEIFCA Permitted Intertidal Netting Fishery 2018/2019 Update – (*pages 53-54*)
8. Membership of National Association of IFCA's – verbal report Chief Officer

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



# NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

## MEETING OF THE EXECUTIVE COMMITTEE

06 SEPTEMBER 2018

### Present

Dr Stephen Axford  
Councillor Chris Matthews  
Councillor Tony Randerson  
Mr Gary Redshaw

### Representing

MMO appointee  
East Riding of Yorkshire Council  
North Yorkshire County Council  
MMO appointee

Chief Officer Mr David McCandless, Clerk Caroline Lacey and East Riding of Yorkshire Council Neal Beckett, Treasurer also attended the meeting.

The Committee met at the Authority's Offices in the Green Lane Centre, Whitby. The meeting started at 10:30.

59.

### APOLOGIES

Apologies for absence were received from Council Members Allcock and Bell and MMO Appointee Carter and Elliot.

60.

### DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS

**Resolved** – The Clerk asked Members to declare any personal or prejudicial interests in items on the Agenda and the nature of such interests. No such interests were declared.

61.

### TO TAKE NOTES OF THE MEETING HELD ON 23 MAY 2018 AS A CORRECT RECORD

The Clerk provided an update to members on the concerns raised by Unison. Members expressed concerns that the manner in which Unison were behaving was unacceptable and placing unjustified and unprecedented stresses on the Authority's Officers. The Chief Officer also informed members that the issues were having a significant impact on all senior staff. The Executive Committee instructed the Clerk to seek legal advice on how the matter can be brought to a close.

**Resolved** – (a) That the minutes of the meeting held on 23 May 2018 be approved as a correct record and signed by the Chairman.

(b) The Clerk to obtain Legal advice on bringing the concerns raised by Unison to a close.

62.

### STRATEGIC AND OPERATIONAL RISK REGISTER REVIEW

In accordance with the Risk Management Strategy an annual review had been undertaken. The Clerk and Chief Officer presented the revised Strategy to Members for their consideration and approval.

The risks had been reviewed and the changes were highlighted in bold within the attached registers. An updated position for each of the key indicators was also included in the

Register. The identified risks had also been ranked in order of significance (highest residual risk score).

The Clerk highlighted the main, identified changes in strategic and operational risk relate to the Authority's anticipated role in supporting the implementation of the national IVMS project, accessing adequate funding to support the building and commissioning of a new patrol vessel and non-compliance with the new egg bearing lobster legislation.

**Resolved** – (a) That the revised Risk Management Strategy be approved and reviewed within twelve months' time.

(b) That the revised Strategic and Operational Risk Registers be approved and reviewed in six months' time.

(c) That the Chief Officer drafts and circulates a response to the new licensing proposals for submission to the Environment Agency.

### 63. YORKSHIRE COAST MARINE PROTECTED AREA PROPOSAL

The Chief Officer presented a report to inform members of a proposal to establish a Yorkshire coast Marine Protected Area Management Partnership. Although assessment and monitoring of fishing activities occurring across all of the Marine Protected Areas in the Authority's district was well coordinated nationally, only the Flamborough Head site had a dedicated scheme of management, a supporting management group and a coordinating Project Officer. It was now proposed that the scope of the established management group overseeing the Flamborough Head site was widened to include all the other MPAs located in Yorkshire under a new Yorkshire coast Marine Protected Area Management Partnership. This would ensure a much more coordinated approach to MPA management across the Yorkshire region involving a much wider range of organisations including both statutory and non-governmental. Such a partnership would be unique nationally, demonstrate a strong and innovative vision.

**Resolved** – (a) Members noted the report and endorsed the proposal.

### 64. DEFRA WHITE PAPER – SUSTAINABLE FISHERIES FOR FUTURE GENERATIONS

The Chief Officer presented a report to provide members with a draft response for consideration and submission to the Defra led consultation on the EU exit fisheries White Paper titled, 'Sustainable Fisheries for Future Generations'. The Defra White Paper outlining the governments' plans and ambitions for UK fisheries, post exit from the EU, was published for consultation on 4 July 2018. The broad ambitions outlined within the paper indicated a positive intent and were generally welcomed within the draft response attached to the report. The lack of reference to IFCAs within the paper or their future role in supporting and delivering UK fisheries management was, however, disappointing. An updated draft response was circulated at the meeting. Members were supportive of the response, but made a recommendation that extending the effective management out to 12 Nautical Miles should be included in the response, along with concerns raised over the potential future funding for IFCA's.

**Resolved** – (a) Members noted the report.

(b) Members endorsed the response and authorised the Chief Officer to submit it to Defra on behalf of NEIFCA.

### 65. NEIFCA STAFFING & OPERATIONAL POLICIES

The Chief Officer presented a report to seek members' approval to adopt the following policies:

- (i) Salary Supplement Policy
- (ii) Learning and Development Fees and Expenses Policy
- (iii) Staff Privacy Notice

Members were informed that the Staff Privacy Notice was to ensure compliance with changes relating to GDPR. The Salary Supplement Policy was to support recruitment into specialist posts. The Authority had often faced problems when trying to recruit into specialist posts which required a specific set of skills as the salaries advertised had often been lower than the market average, restricting the applicant pool. In an attempt to address this issue and in consultation with Human Resources and the Clerk, the Chief Officer sought members approval to adopt a discretionary policy, which would be in line with East Riding of Yorkshire Council, providing a temporary mechanism to supplement the salaries of certain specialist posts which were proving difficult to recruit into, typically, Skipper, First Mate, First and Second Engineers and hopefully attracting a much wider pool of applicants with a stronger skill set. The Learning and Development Policy facilitated and encouraged investment in the personal development of all staff, and also provided a mechanism to recoup the costs of certain training provision where the officer left the employment of the Authority within two years. The Chief Officer informed members that the 3 policies had been sent to the representatives of the three main trade unions for comment.

Members raised concerns that the Salary Supplement Policy could cause staff resentment amongst existing staff members and requested that the policy should include more detail on the maximum salary supplement that could be awarded to a post. They requested that the Chief Officer provide more information on comparative salaries for these specialist posts, and that a special meeting of the Executive Committee should be arranged prior to the December Authority meeting to discuss the revised policy. Members were happy that any minor changes recommended by the Unions regarding the Learning and Development Policy and the Staff Privacy Notice should be accepted, but any significant changes should be brought back to the Special meeting in December.

**Resolved** – (a) That subject to any additional consultation required with Trade Union representatives the following policies be approved and adopted:

- (ii) Learning and Development Fees and Expenses Policy
- (iii) Staff Privacy Policy

(b) That the Chief Officer provide further detail on comparative salaries for the specialist posts and the policy be brought back to a special meeting of the Executive Committee in December.

## 66. 4 YEARLY REPORT TO PARLIAMENT – CONDUCT AND OPERATION OF IFCAS

The Chief Officer provided a report to advise members of a ‘call for evidence’ to support the statutory 4 yearly review into the conduct and operation of IFCAs. On 24 July 2018 Defra launched a ‘call for evidence’ to support the review. Alongside the public ‘call for evidence’ IFCAs Chief Officers received a separate request to complete and submit a questionnaire summarising operational outputs against the 5 national IFCAs Success Criteria during the last four years. The NEIFCA submission was attached to the report for information. Members supported the response, but suggested a second written response should be submitted on behalf of the Authority by the Chairman, highlighting the issues surrounding funding, the limitations IFCAs face as they have no power to borrow money and the management of larger capital assets.

**Resolved** – (a) Members noted the report.

(b) The Chief Officer and Clerk draft a letter on behalf of the Chairman highlighting the issues surrounding funding and the management of larger capital assets.

## 67. NEIFCA HEALTH & SAFETY POLICY & SAFE WORKING PRACTICES

The Chief Officer provided a report to inform members of the completion of the six monthly review of the Authority's Health & Safety provisions. Members were informed that since the last review in March 2018 there had been no notable incidents to report and as part of the standard six-monthly review, all the Safe Working Practices and supporting risk assessments had been fully reviewed and updated. Members questioned whether the Health and Safety Policy should include a provision surrounding the appropriateness of wearing jewellery in the work place, and the potential risks involved. The Chief officer agreed to assess the associated risks and potential outcomes and to report to Members at the March Executive meeting.

**Resolved** – Members noted the report.

**68. BUDGET MONITORING 2018/2019**

The Treasurer of the Authority presented a report detailing the budget position at the end of month 4 (July) in 2018/19. At the end of July 2018, the Authority has net expenditure of £278,739 against an expected £293,036, underspending by £14,297. The projected outturn shows a balanced budget. The main area of underspend to date relates to employee expenses of £20,648, reflecting vacancies in the early months, however this would be largely offset by recruiting to vacant posts and an additional two temporary posts on a fixed term of 12 months.

**Resolved** – Members noted the report.

**69. CHIEF OFFICERS UPDATE**

The Chief Officer presented a detailed overview of all operational activity covering the period March 2018 to July 2018. The Chief Officer highlighted that applications for the three available scallop dredging permits closed on 16 July 2018. A total of 7 applications were received and provisional notification had been sent to all applicants on 23 July 2018. This year no formal appeals were received from the unsuccessful applicants. Subject to receipt of the permit fee the three permits will be issued in accordance with the published process. A number of breaches of legislation protecting egg bearing lobsters had occurred during the reporting period and compliance remained a significant problem for the Authority's Officers, a testing protocol for detecting the illegal scrubbing or stripping of eggs in partnership with Hull University had been established but required further development and testing. Members were also informed that on the 31 August 2018 the Authority's first apprentice successfully completed her one year attachment.

**Resolved** – Members noted the report.

**70. REPLACEMENT PATROL VESSEL UPDATE**

The Chief Officer presented a report to update members on progress with the project to replace the Authority's main patrol vessel. A full history, dating back to 2014 was included in the report. During 2017 and 2018 officers had continued to monitor trends, developments and innovations within the maritime ship building industry. More recently, however, most of the direct officer time invested in the project, had involved working with the University of Hull to produce a bespoke business case to support their considerations to match fund the project. To date whilst the University of Hull remained positive towards the project but no indications had yet been received with regard to the provision of match funding. Based on the extensive research completed to date, officers had previously estimated that a maximum budget of £4.2 million would be required to support the project. Given the lack of progress in securing any match funding officers had engaged a naval architect and were now in the process of re-examining needs and



requirements and assessing options to establish as accurate a projected budget as possible to support progressing the build and commission of a new vessel.

**Resolved** – Members noted the report.

71

#### **ANY OTHER BUSINESS**

Members highlighted that it was disappointing that the Environment Agency representative had not attended the meeting to provide an update on the Wheatcroft Outfall. A written update had been provided and was circulated at the meeting for member's information. Members requested that the Environment Agency be contacted and a presentation update be requested for the December Authority meeting.

The meeting closed at 12:15pm



**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Executive Committee  
6 December 2018

---

**Standing Orders and Financial Regulations**

---

Report of the Clerk

**A. Purpose of Report**

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

**B. Recommendation**

That the amendments to the Standing Orders and Financial Regulations be approved and adopted.

**1. Background**

1.1 The Standing Orders and Financial Regulations are reviewed on a periodic basis by the Clerk and the Treasurer through the Executive Committee. Following the most recent review a number of suggested amendments have be made to strengthen the governance and functioning surrounding membership of both the Authority and its sub-groups. Those amendments include the following:

- Clarification on the number and type of members through inclusion of additional detail taken from the NEIFC Order 2010.
- Guidance on substitute members.
- Re-enforcement of positive behaviours expected of members.
- Further clarification on the roles of the Authority, Executive Committee & Science Advisory Group.
- Inclusion of new guidance on attendance at meetings which would require a minimum annual attendance level of 50%.
- Inclusion of new guidance on suspension and termination relating to criminal offences which has been taken directly from the NEIFC Order 2010.
- Clearer links to the code of conduct for members which was adopted by the Authority on 20 July 2017 and inclusion of the full code within the Standing Orders document.
- A reduction in the size of the Science Advisory Group by two members.

Contact Officer  
Caroline Lacey, Clerk  
Ext 1000

Background Papers – Revised NEIFCA Standing Orders and Financial Regulations

## **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 they will also be suspended as 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 Chair. 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 Chair 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 Chair and Vice Chair 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 42 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 and the IFCA Chief Officer's Group.
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 Chair/Vice Chair, 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.

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 IFCA's.
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 and 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 Authority's Statement of Accounts and completion of the Annual Return 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 £30,000 or to the Authority if the virement does exceed £30,000.

- (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.

## **10. Imprest Accounts**

- (a) The Treasurer shall provide such advance imprest accounts as he considers necessary and appropriate for defraying petty cash and other minor expenses.
- (b) The accounts will be subject to such regulations as the Treasurer may require.

## **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 Treasurer 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 Treasurer shall settle all claims against the Council'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 £200.
- (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 or 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](mailto: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 whilst 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 Chair 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.



**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Executive Committee  
6 December 2018

---

**Replacement Patrol Vessel - Update**

---

Report by the Chief Officer

**A. Purpose of Report**

To update members on progress with the project to replace the Authority's main patrol vessel

**B. Recommendations**

1. That members note the report.

**1. Background**

1.1 At a meeting of the full Committee held on 10 September 2015 members received a detailed report from the Clerk and Chief Officer setting out the intended process for the replacement of the Authority's main patrol vessel *North Eastern Guardian III*. Following consideration of the report members agreed the following actions (Minute item 6 refers):

- (i) That approval be given for the commencement of the procurement process for the replacement of the patrol vessel.
- (ii) That the Clerk and Chief Officer prepare a specification, supported by a business case, for a new patrol vessel together with the necessary tender documentation.
- (iii) That regular progress reports be submitted to the Executive Committee at the various stages of the process.
- (iv) That the outcome of the tender process be submitted to the Executive Committee and Authority for final approval.
- (v) That the letting of the tender is subject to the funding for the new patrol vessel being in place.

1.1 *North Eastern Guardian III* was built in Finland and delivered to the Authority in 2007. At the time the vessel was state of the art having full functionality to deliver the then North Eastern Sea Fisheries Committee's duties and responsibilities in terms of fisheries enforcement and environmental conservation. It has continued to work effectively and efficiently following the replacement of Sea Fisheries Committees with Inshore Fisheries and Conservation Authorities under the Marine and Coastal Access Act on 1 April 2011.

1.2 *North Eastern Guardian III* has been well maintained and serviced by the Authority in order to ensure it will have an optimum resale value based on its age and condition. This has been the case with all three patrol vessels and has proved to be a prudent and effective means of ensuring new replacement vessels have been affordable.

- 1.3 The vessel is now over eleven years old and any procurement timescale for a replacement vessel including the build period is expected to take from 18 months to 2 years to complete.
- 1.4 The new duties and responsibilities and the workload which is being transferred from Central Government and partner agencies to IFCA's has significantly changed the dynamics of the operational activities of IFCA's alongside any future considerations surrounding an extension of seaward limits post exit of the EU.
- 1.5 Expansion in strategic delivery of scientific, environmental monitoring and conservation work and evidence gathering as opposed to traditional enforcement activity continues at pace. These operational drivers necessitate a different type of patrol vessel to the one currently operated by the Authority in order to meet its duties and responsibilities in the future. In order to fulfil these requirements the Authority needs to carry significant amounts of equipment on board the vessel. This requires much greater capacity, on board space and sea keeping capabilities than the current vessel can accommodate.
- 1.6 At the meeting of the Executive Committee held on 22 October 2014 the Chief Officer informed members of the commencement of the work on the potential for a replacement of the patrol vessel, *North Eastern Guardian III* (Minute 40 refers). This involved fact finding visits to various boat building yards to ascertain the latest vessel designs available and the technical advances since 2007 to support the development of an outline specification and business case to underpin the project.

## **2. Progress to Date**

- 2.1 The Chief, Deputy Chief Officer and Deputy Clerk visited UKI Boats in Finland in April 2015. This company built the existing patrol vessel, *North Eastern Guardian III* and specialise in workboats and icebreakers. The visit was extremely useful with discussions taking place on advances in technology and boat design
- 2.2 The yard indicated that they would be comfortable with a similar contract arrangement agreed with them for *North Eastern Guardian III* which had some extremely effective clauses in terms of protecting the Authority's position in relation to snagging issues together with staged payments throughout the build
- 2.3 The Chief and Deputy Chief Officers visited the Northern Ireland Sea Fisheries Authority during May 2015 to inspect their latest fisheries vessel, delivered in 2010. The 26 m single hulled vessel '*Bannian Uladh*' had been procured and built in Estonia and whilst having a similar design to *North Eastern Guardian III* and carrying some unique design features, officers considered the build quality to be of a lower standard and showing some deterioration in what could be regarded as a relatively short timescale.
- 2.5 The Chief and Deputy Chief Officer inspected the newest vessel in the IFCA fleet, the '*St Aiden*' a 16 m SB Lynx 1600, GRP Catamaran, built by Goodchild Marine in the UK for Northumberland IFCA, at the Southampton Workboat show during June 2015.
- 2.6 The Chief, Deputy Chief Officer and Deputy Clerk visited three further boatyards in Denmark in August 2015.
- 2.7 The Chief, Deputy Chief and Senior Scientific and Environmental Officers visited Aarhus in Denmark during October 2015 to inspect the University's fisheries research vessel, '*Aurora*' a 28 m multi-functional vessel built in Denmark and commissioned in 2014. The vessel carried a number of innovative design features including a flexible bolt grid deck system, sheltered deck area, dynamic positioning system, teaching facilities and observational platform.

- 2.8 Further ‘fact finding’ visits were undertaken during 2016 and early 2017 to Finland and Norway to explore options for daughter craft and acoustical surveying equipment and a number of exhibitions and marine trade shows were also attended by Authority Officers culminating in the production of a comprehensive business case which has been widely circulated across government departments, partner agencies and interested parties.
- 2.9 During 2017 and 2018 officers have continued to monitor trends, developments and innovations within the maritime ship building industry through continued attendance at shows and exhibitions when feasible. More recently, however, most of the direct officer time invested in the project, has involved working with the University of Hull to produce a bespoke business case to support their considerations to match fund the project. To date whilst the University of Hull remains positive towards the project no indications have yet been received with regard to the provision of match funding. Officers are now in the process of arranging a ‘catch up’ meeting with Hull University which should take place sometime during November or early December 2018.

### **3. Procurement Process**

- 3.1 The estimated cost of a new patrol vessel exceeds the European Union threshold of £172,514 therefore currently requiring that the procurement process is undertaken via a European Union tender advert. This is known as an OJEU notice which is advertised in the Official Journal of the European Union. Whether the anticipated exit from the EU at the end of March 2019 affects this requirement remains to be seen but officers are planning to utilise the EU process.
- 3.2 Subject to confirmation of funding, expressions of interest will be sought via the OJEU notice and following receipt of expressions of interest pre-tender qualification information and supporting documentation will be sought from those interested parties. A deadline will be set for receipt of completed tender documentation.
- 3.3 Completed tenders will then be evaluated against key criteria with specific points being allocated for each of the evaluation criteria. A minimum score will be set for tender qualification.
- 3.4 Those bidders meeting the minimum qualification score will then be invited to submit completed tender documentation. Completed tenders will then be invited and evaluated.
- 3.5 Following recent changes in EU procurement regulations options also exist for the inclusion of a competitive process with negotiation although such an option would extend the timescale of the procurement process.

### **4. Funding**

- 4.1 Based on the extensive research completed to date, officers had previously estimated that a maximum budget of £4.2 million would be required to support the project. Given the continuing lack of real progress in securing any match funding officers are now re-examining needs and requirements and assessing options to establish as accurate a projected budget as possible to support progressing the build and commission of a new vessel. Very early indications suggest that it is possible that the maximum budget could be reduced by up to £1 million depending on the final design, the type and specification of on board equipment and access to some level of external funding support.
- 4.2 The Authority has a prudently set aside funding towards a replacement patrol vessel in a renewals fund. As of 1 April 2018 £989k is currently available in the fund and in addition to that the Authority has agreed an annual increase in contributions to the fund of £20K per annum.
- 4.3 The existing patrol vessel has been well maintained and serviced and will have resale value currently estimated to be in the region of £800k to £1.2 million leaving a potential match-funding shortfall ranging from £1 to £2.4 million.

- 4.4 The existing patrol vessel received 25% funding from the European Union but it is now increasingly likely that no external funding support will be realised from this particular source this time around. Officers, however, are continuing to work with local MPs, IFCA colleagues, the MMO, Defra and other government Agencies to try and identify any additional national funds which might support the progression of the vessel renewal project. A number of meetings have also been held with officers and Councillors from the member Local Authorities to explore any further additional sources of Local Authority funding. The Chief Officer has also again written to all local MPs and MEPs to update them on the project and highlight the potential value, from a fisheries perspective, that the project could bring as the UK exits from the EU.
- 4.5 As mentioned previously, a significant amount of work and time has been invested, in partnership with the University of Hull, to explore the potential co-funding of the vessel replacement project. To date nothing concrete has resulted from this work and the current vessel is continuing to depreciate.

## 5. Options

- 5.1 Since the vessel renewal project commenced in 2014 officers have completed a detailed needs and options assessment based on a comprehensive Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis. The current vessel was built for high speed fisheries patrol work. It is of light aluminium structure, shallow draught, with a narrow beam. Its maximum carrying capacity is just 1000 Kg with limited fuel, fresh and waste water capacity meaning it can only stay at sea for singular days at a time. To effectively and efficiently deliver the Authority's current and developing duties and responsibilities a larger, displacement steel hulled vessels is required with a much greater carrying and operational capacity. Given the design and construction material the current vessel cannot be modified and therefore must be replaced whilst it still retains a good level of equity. Other options considered and discounted within the appraisal process included replacing 'like for like', purchasing a second hand vessel and refitting it, refitting the current vessel and purchasing or chartering a secondary vessel.
- 5.2 Given the outcome of the needs and options assessment the only viable option remains the sale of the current vessel and the build and commission of a replacement vessel. To that end officers have engaged a naval architect who has now produced some basic general arrangement drawings which officers are currently reviewing. Once these preliminary drawings are finalised Officers will undertake some informal engagement with known shipyards to establish a much more accurate project budget. This work will commence in January 2018 and a further update will be provided to the March 2019 meeting. Parallel to this technical work the Clerk, Chairman and Chief Officer will continue to explore all available options to meet the projected shortfall in funding provision.

Contact Officer: **David McCandless**  
Chief Officer  
Telephone Number: 01482 393690

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Executive Committee  
6 December 2018

---

**NEIFCA Staffing & Operational Policies Update**

---

Report by the Chief Officer

**A. Purpose of Report**

To update members on the implementation of the following three staffing policies, considered at the least meeting of the Executive Committee held on 6 September 2018 and to seek endorsement for the commencement of a wider organisational review:

- (i) Salary Supplement Policy
- (ii) Learning and Development Fees and Expenses Policy
- (iii) Staff Privacy Policy

**B Recommendation**

1. That members note the report and update
2. That the Salary Supplement Policy is not implemented.
3. That members endorse the commencement of a wider organisational review to be led by the Chief Officer in consultation with the Chair, Clerk and Human Resources.
4. That upon completion of the review members consider any recommendations.

**1. Background**

- 1.1 At the last meeting of the Executive Committee held on 6 September 2018 members were presented with three new staffing policies for endorsement and advised that they had also been sent to regional representatives of the three main Trade Union organisations. Members considered the policies in detail and subject to any minor changes were content to endorse the Learning and Development Fees and Expenses and the Staff Privacy Policy (Minute 65 refers). No representations were received from the Unions and the two policies were adopted into the NEIFCA staffing handbook and the staff have been advised accordingly.
- 1.2 Prior to endorsing the proposed Salary Supplement Policy members requested that further information be provided on the extent of the potential salary gap between key Authority posts and equivalent external posts. Some members voiced concern regarding the potential divisive

nature of the policy and the fact that, ideally, all posts should be remunerated at an appropriate level. Members requested that the policy be re-considered at an additional meeting of the Executive Committee to be convened on 6 December 2018 (Minute 65 refers).

- 1.3 Although no representation was received from the Trade Union organisations on the proposed Salary Supplement Policy it is now recommended that the policy is not taken forward for the reasons expressed previously by members on 6 September 2018.
- 1.4 It is recommended, however, that members support the commencement of a wider organisational review to examine the operational structure of the Authority and the roles, duties and responsibilities of the post holders within it. Such a review would include a comprehensive assessment of all associated pay scales including comparisons with other IFCA's and equivalent employers. It is proposed that such a review would be led by the Chief Officer.
- 1.5 The last comprehensive organisational review was initiated in 2012 to support the transition and development of the Sea Fisheries Committee into the IFCA. The findings of the review were endorsed by the Executive Committee and implemented during 2013/2014. Since then the work and role of the Authority has continued to develop at pace, as has the day to day duties of the staff and the commencement of a new review would seem timely.
- 1.6 In terms of timescales it is recommended that the review should commence in January 2019 and be led by the Chief Officer in consultation with Chairman, Clerk and Human Resources with delegated oversight provided to the Authority's Executive Committee.

Contact Officer

David McCandless, Chief Officer  
Ext 3690

Background Papers



**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Executive Committee  
6 December 2018

---

**NEIFCA Permitted Intertidal Netting Fishery 2018/2019**

---

Report by the Chief Officer.

**A. Purpose of Report**

To update members on the current situation surrounding the issuing of intertidal fixed netting permits to target sea bass and ongoing legislative conflict with European Fisheries legislation.

**B. Recommendation**

1. That Members note the report.

**1. Background**

1.1 At a meeting of the Executive Committee held on 9 March 2017 members were advised of changes to European Fisheries regulations affecting the exploitation of sea bass. When first notified of the proposals officers expressed concerns over the potential impact of a 'blanket' prohibition on all commercial fishing for sea bass from the shore which would effectively stop the Authority's permitted intertidal fishery. Prior to the publication of the proposals the Chief Officer made direct representation to Defra officials on 18 January 2017 and wrote to the European Commission on 26 January 2017 seeking some form of dispensation for the Authority's permitted intertidal fishery.

1.2 Authority officers continued to lobby both Defra and the European Commission, supported by external representation from local MPs, throughout 2017, in the hope that some form of dispensation could be offered for the permitted intertidal sea bass fishermen. As the commencement of the 2017/2018 season approached in October 2017 intertidal sea bass permits were issued as officers continued to try and find a resolution to the issue but as the season progressed into the beginning of 2018 the challenges of trying to ensure compliance with the European fisheries regulations were becoming more evident with officers removing quantities of sea bass for disposal which had been caught in the nets.

1.3 On 5 September 2018 I sought an update from Defra on the situation regarding a dispensation for the permitted intertidal netting fishery which was scheduled to commence on 15 October 2018. Defra advised that the status quo position remained but they were

hopeful that some concession would be incorporated into the 2019 EU fisheries regulation which would permit commercial fishing for sea bass from the shore.

- 1.4 On 7 September 2018 I sought internal legal advice on the position surrounding the potential issuing of permits given the continuing prohibition on commercial fishing from the shore. That legal advice was provided on 18 September 2018 and having considered it carefully as the Permitting Officer, I took the decision to withhold issuing the permits on 24 of September 2018. I immediately wrote to all the provisional permit applicants on the same day to advise them of my decision followed by a further letter on 5 October 2018 to update them and confirm the original decision. All Authority members were informed, via email, of the decision on 2 October 2018 and a further update was provided on 5 October 2018. The position remains unchanged since then.
- 1.5 On 8 November 2018 I received legal representation on behalf of the five affected permit holders threatening a judicial review into the current decision not to issue permits. A response, re-iterating the Authority's position was sent on 19 November 2018.

#### Contact Officer

David McCandless, Chief Officer  
Ext. 3690

#### Background Papers