1st Transition Meeting

To be held at:

The Boathouse Business Centre
1 Harbour Square, Nene Parade,
Wisbech, Cambs PE13 3BH

11th October 2010
1030 hours

1ST EIFCA TRANSITION MEETING

Agenda Item: 11

11th October 2011

To receive a report on the adoption of Standing Orders

In order to ensure the smooth running of the Authority and to remove ambiguity in how the Authority operates a draft set of Standing Orders have been developed. The Standing Orders as set out are based around those of Eastern Sea Fisheries Joint Committee while also taking into account various Sections and Sub-Sections of The Eastern Inshore Fisheries and Conservation Order 2010. The Standing Orders are set out in the following sections:

- Membership of the Authority
- Terms of appointment/resignation/suspension/termination
- Meetings of the Joint Committee
- Order of business
- Voting
- Sub-Committees
- Discharge of functions

It is recommended that the Authority considers the draft Standing Orders, amends them as it sees fit and adopts them.
The Authority is asked to receive the report and agree the proposals as set out.

Duncan Vaughan
Deputy Clerk
Eastern Sea Fisheries Joint Committee

4th October 2010

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

1) ESFJC standing orders
2) The Eastern Inshore Fisheries and Conservation Order 2010
3) The Commissioner for Public Appointments. Regulated Appointments – what you need to know.

"Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry."

Joint Committee Standing Orders (Draft)

For clarity, relevant articles of the Eastern Inshore Fisheries and Conservation Order 2010 have been included in italics within this document.

Definitions

Chief Executive Officer: the person appointed in that capacity by the Authority

Deputy Chief Executive Officer: the person employed in that capacity by the Authority

Member: Council, General and Additional Members

Council Member: County Councillors appointed to the Authority by their respective County Council *(Art. 5(2)(a))*

General Member: individuals appointed to the Authority by the Marine Management Organisation and an officer employed by the Marine Management Organisation as their representative on the Authority *(Art. 5(2)(b))*

Additional Members: employees of the Environment Agency, Natural England appointed to the Authority by their respective employers *(Art. 5(2)(c))*

Authority: Eastern Inshore Fisheries and Conservation Authority

Joint Committee: Council Members, General Members and Additional Members comprising the Authority

MMO: Marine Management Organisation

Membership of the Authority

1 The Authority shall be comprised of 21 members of which 7 are council members, 12 are general members and 2 are additional members (Art. 5).

Terms of appointment/resignation/suspension/termination

2 These are determined by:

   a. the appointing body of a member *(Art. 6);*

   b. Nolan Rules

   c. a ten year maximum tenure commencing the 1st of October 2010 following guidance from the Commissioner for Public Appointments;

   d. certain conditions *(Art. 9-12)*.

3 To fulfil the expectation of the Joint Committee, Members will be expected to attend no less than 50% of Meetings annually (April - March) to which they have been appointed.

Meetings of the Joint Committee

4 The Joint Committee shall hold meetings for the transaction of general business, the meetings to be held at such a location as Members think fit in each of the months of January, April, July and October on a date convenient to the Members. The time of the meetings shall be fixed by the Chair and notice of the same and all subjects to be dealt with shall be given by the Chief Executive Officer five clear working days before any such meetings.

5 No business shall be done at any meetings of the Joint Committee unless six Members are present thereat and at least one of these Members is a Council Member and one is a General Member *(Art. 13(1)).*

6 The Chair or any three Members may at any time summon a special or extraordinary meeting for any cause he/she or they may consider urgent upon giving notice to the Chief Executive Officer, who shall in compliance therewith summon such meetings to be held within three clear working days of receiving such notice; Members are to be informed of the special purpose for which the meeting is summoned.

7 The Minutes of the proceedings of each meeting shall be duly entered by the Chief Executive Officer in a book kept for that purpose.

8 At every meeting of the Joint Committee providing copies have been circulated to members prior to the meeting, the Minutes shall be taken as read, subject to correction as to any mistake, omission or inaccuracy and the signature of the Chair affixed as confirming the same.

9 Unless specifically requested by a Member, the agendas, minutes, papers and supporting documentation for meetings will be circulated in electronic form.

Chairing of meetings

10 At the first meeting of the Authority held after the beginning of the financial year the Joint Committee shall elect one of their number to the post of Chair for the period beginning with the meeting at which the Chair is appointed and ending with the first meeting of the Authority held after the beginning of the following financial year. The Chair may stand for re-election to the position of Chair for a further year. The Chair on serving two terms or failing to be re-elected to the position of Chair after one year shall not be eligible for election to the post of Chair or Vice Chair for a period of two years.

11 At the first meeting of the Authority held after the beginning of the financial year the Joint Committee shall elect one of their number to the post of Vice-Chair for the period beginning with the meeting at which the Vice-Chair is appointed and ending with the first meeting of the Authority held after the beginning of the following financial year. The Vice-Chair may stand for re-election to the position of Vice-Chair for a further year. The Vice-Chair on serving either one or two terms is eligible to be elected to the position of Chair.

The Chair and Vice-Chair of the Joint Committee shall be Council Members, and one shall be a Council Member of one County Council and one a Council Member of either of the other County Councils.

Note: Art. 14(1) does not specify that the Chair and Vice-Chair be Council Members.

12 The Chair and Vice Chair of Sub-Committees may be any Member of the Joint Committee.

13 Should the Chair and Vice-Chair of the Joint Committee both be absent from a meeting, the Authority shall elect one of their number who is a Council Member as Acting Chair of such meeting *(Art. 14(2)).*

Note: Art. 14(2) does not specify that the Acting Chair of the meeting in the absence of the Chair be a Council Member.

14 The Chair of any meeting shall have in case of equality of votes a second or casting vote.

15 No substitutes will be allowed for Members of the Joint Committee. Substitutes for members of Sub-Committees will only be permitted to be drawn from Members of the Joint Committee.

16 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 Chair shall regulate all matters of procedure or vary the order of business so as to give precedence to any question of urgency.

17 All Motions and Amendments shall, if required by the Chair be reduced into writing and signed by the mover and delivered to the Chief Executive Officer as soon as seconded.

18 Every Amendment which has been moved must be disposed of before any further Amendment is moved.

19 If any Amendment be carried, it shall displace the original Motion and become the question upon which any further Amendment may be moved.

20 If an Amendment is negated, a further Amendment may be moved to the original motion under consideration.

21 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, excepting when the Amendment has been carried, and become the question under consideration. No other Member shall speak more than once on either the original Motion or any Amendment unless the Chair gives his permission to explain, or the attention of the Chair be called to a point of order.

22 The Joint Committee and Sub-Committees will not seek comments nor take questions from the general public present at the meeting. Any items that the general public wish to raise at a meeting should be submitted to the Chief Executive Officer in writing prior to the meeting. The Chief Executive Officer will consider with the Chair whether or not to raise the matter at the meeting. The general public are able to make written or verbal submissions to Members prior to the meeting if they so wish.

23 Additional Members and the General Member employed by the MMO, may, following consent from the Chief Executive Officer, attend a meeting with a colleague or colleagues who can speak on behalf of that organisation to provide additional information that the Members may find beneficial.

Voting

24 Voting shall be ascertained by a show of hands unless the Chair otherwise directs or a division shall be taken by the Chief Executive Officer calling the names of the Members present and recording their answers which shall be duly entered in the Minutes of the Meeting.

25 The Mover and Seconder of any motion of which notice has been given, may with the consent of two thirds of the Members present at the meetings at which it has to be considered, withdraw the same.

26 No resolution previously agreed to by the Joint Committee shall be altered or rescinded within six months and 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 excepting under very special circumstances when for urgent and unforeseen reasons the meeting may unanimously deem it desirable to vary or rescind the same.

27 Any Joint Committee Standing Order with the exception of Standing Order Number 31, may be suspended at any time by a vote of the majority of the Joint Committee present at any meeting.

28 Papers for, and the proceedings of the Joint Committee or any Sub-Committee held in private session shall be treated as confidential or exempt in accordance with the requirements of the Local Government (Access to Information) Act 1985. Members

will be provided with the minutes of the meetings (which will include a summary of exempt or confidential matters in accordance with the above Act) as soon as the minutes are available.

29 The use of audio/visual recording devices by any person at a meeting of the Joint Committee is not allowed unless the majority of the Joint Committee present at the meeting specifically authorises their use.

30 Members are required to operate within the Joint Committee's Code of Conduct. Council Members must also abide by their County Council's Code of Conduct and Standing Orders.

31 Only Council Members may vote on the setting of the Joint Committee's annual budget.

Note: Art. 16(3) provides Council Members a veto on total expenses incurred by the Authority.

Sub-Committees

32 The Chair and Vice-Chair shall be ex-officio members of every Sub-Committee.

33 Each Sub-Committee shall appoint its own Chair and Vice Chair and hold its meetings at a place and on a date convenient to Members having regard to the requirements of the Local Government (Access to Information) Act 1985.

34 In the absence of both the Chair and Vice-Chair of a Sub-Committee the Chair or Vice-Chair of the Joint Committee shall act as Chair.

35 A Sub-Committee shall comprise of at least nine Members.

36 The quorum of a Sub-Committee shall be one third of the membership.

37 Every Sub-Committee shall report to the Joint Committee.

38 The ability of any Sub-Committee to make either resolutions or recommendations is to be clearly stated in any paper considered and approved by the Joint Committee that recommends the establishment of a Sub-Committee.

Discharge of Functions

39 All expenses incurred by the Authority are to be defrayed by the relevant Council. (Art. 16(1)).

40 Orders for the payment of money which the Joint Committee from time to time may issue to the respective County Councils shall be signed by the Chair or Vice-Chair in the event of the Chair's absence, and the Chief Executive Officer.

41 In accordance with Section 101(1) & (10) of the Local Government Act 1972 the Chief Executive Officer, (after consultation with the Chair and Vice-Chair), be authorised to instigate and take legal proceedings for offences against any legislation which the Joint Committee are empowered to take legal proceedings against.

42 Standing Orders should be annually reviewed at the April Joint Committee Meeting.

43 In the absence of the Chief Executive Officer, the Deputy Chief Executive Officer is delegated to fulfil the Chief Executive Officer's responsibilities.

1ST EIFCA TRANSITION MEETING

Agenda Item: 13

11th October 2010

To receive a report on the adoption of a Code of Conduct for members, appointees and representatives of the Authority

The structure and decision making process of the Authority requires that a Code of Conduct for members is established. The Code of Conduct will allow for members of the public, interested parties and partner organisations to have confidence in the way that EIFCA operates. It is essential for meeting the expectations of EIFCA's stakeholders that there is a clear and transparent mechanism for considering the expert opinions offered by its members whilst delivering a balanced decision making process.

The recommended code of conduct of members is based substantively on the Code of Conduct adopted by ESFJC on 26th October 2008. Minor changes have been made to reflect the terms and conditions for MMO appointees.
The Authority is asked to receive the report and agree the Code of Conduct for members as set out.

Matthew Mander
Clerk & Chief Fishery Officer
Eastern Sea Fisheries Joint Committee

4th October 2010

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

1) ESFJC Code of Conduct approved 26th October 2008
2) Draft terms and conditions for MMO Appointee members

"Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry."

Code of Conduct for EIFCA Members (DRAFT)

For clarity, relevant articles of the Eastern Inshore Fisheries and Conservation Order 2010 have been included in italics within this document.

Definitions

Chief Executive Officer: the person appointed in that capacity by the Authority

Deputy Chief Executive Officer: the person employed in that capacity by the Authority

Member: Council, General and Additional Members

Council Member: County Councillors appointed to the Authority by their respective County Council *(Art. 5(2)(a))*

General Member: individuals appointed to the Authority by the Marine Management Organisation and an officer employed by the Marine Management Organisation as their representative on the Authority *(Art. 5(2)(b))*

Additional Members: employees of the Environment Agency, Natural England appointed to the Authority by their respective employers *(Art. 5(2)(c))*

Authority: Eastern Inshore Fisheries and Conservation Authority

Sensitive information: means information whose availability for inspection by the public creates, or is likely to create, a serious risk that they or a person who lives with them may be subjected to violence or intimidation.

Meeting: any meeting of the Authority or any of the Authority's sub-committees

MMO: Marine Management Organisation

Part 1

General Provisions

Scope

1 (1) A member must observe the Authority's Code of Conduct whenever he/she-

(a) conducts the business of the Authority;

(b) conducts the business of the office to which he/she has been elected or appointed by the Authority, or

(c) acts as a representative of the Authority.

(2) This Code of Conduct will not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.

(3) Where a member acts as a representative of the Authority

(a) on another relevant authority they must, when acting for that other authority comply with that other authority's Code of Conduct; or

(b) on any other body, they must, when acting for that other body, comply with the Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

2 A member must –

(a) not do anything which may cause the authority to breach any equality enactments (as defined in section 33 of the Equality Act 2006);

(b) treat others with respect; and

(c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

3. A member must not –

(a) disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; nor

(b) prevent another person from gaining access to information to which that person is entitled by law.

4. A member must not in their official capacity, or any other circumstances, conduct themselves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute.

5. (a) A member must not in their official capacity, or any other circumstances, use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of, the resources of the Authority;

(i) act in accordance with the Authority's requirements; and

(ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which the member has been elected or appointed

6. A member must when reaching decisions have regard to any relevant advice provided to them by the Chief Executive Officer acting in pursuance of his/her duties under Section 114 of the Local Government Finance Act 1988 and under section 5(2) of the Local Government and Housing Act 1989.

7. A member must, if they become aware of any conduct by another member which they reasonably believe involves a failure to comply with the Authority's Code of

Conduct, make a written allegation to that effect to the Chief Executive Officer as soon as practicable to do so.

Part 2

Interests

Disclosure of Personal Interests

8. (1) A member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) For this purpose a member has a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 12 and 13 or if a decision upon it might reasonably be regarded as affecting to a greater extent than others affected by the activities of the Authority, the wellbeing or financial position of that member, a relative or friend or -

(a) any employment or business carried on by such persons;

(b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

(c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the normal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(d) Any body listed in paragraphs 12 - 13 below in which such persons hold a position of general control or management.

(3) In this paragraph-

(a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons; and

(b) "partner" in the sub-paragraph (3)(a) above means a member of a couple who live together.

Prejudicial Interests

9. (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

(2) A member may regard themselves as not having a prejudicial interest in a matter if that matter relates to-

(a) another relevant authority of which they are a member;

(b) another public authority in which they hold a position of general control or management;

(c) a body to which he/she has been appointed or nominated by the Authority as its representative;

(d) the functions of the authority in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989.

(e) the carrying on of any business or recreational activity within the jurisdiction of the Authority, unless the matter relates particularly to a business or recreational activity carried on by the member, a relative or friend.

(3) The Local Government Act 2000 does not apply to General members. General members although not legally obliged to do so are required to abide by the Authority's code of conduct.

Participation in Relation to Disclosed Interests

10. (1) A member with a prejudicial interest in any matter other than that relating to paragraph 9 (2) subparagraph (e) must –

(a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless they have obtained a dispensation from the Board, referred to in section 15 below.

(b) not seek improperly to influence a decision about the matter.

(2) A member with a prejudicial interest in any matter relating to paragraph 9 (2) subparagraph (e) must –

(a) indicate their interests prior to participation in any discussions.

(b) where interests are such that a decision would directly benefit particular members, relatives or friends, those members should not take part in any vote.

<u>Part 3</u>

<u>The Register of Members' Interests</u>

Registration of Financial and Other Interests

11. Within 28 days following the provisions of the Authority's Code of Conduct being adopted or within three months of their election or appointment a member must register the following financial interests in a register maintained by the Joint Committee for this purpose by providing written notification to the Chief Executive Officer –

(a) any employment or business carried on by the member/appointee,

(b) the name of any firm in which he/she is a partner, and the name of any company for which he/she is a remunerated director;

(c) a description of any contract for goods, services or works made between the Authority and himself/herself or a firm in which he/she is a partner, a company of which he/she is a remunerated director;

(d) the address or other description (sufficient to identify the location) of any land where the landlord (or acting landlord) is the Authority and the tenant is a firm in which he/she is a partner or a company of which he/she is a remunerated director.

12. Within 28 days following the provisions of the Authority's Code of Conduct being adopted, or within three months of their election or appointment a member must register the following interests in the Authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Chief Executive Officer of their membership of or position of general control or management in any-

(a) body to which the member has been appointed or nominated by the Authority or its representative

(b) public Authority or body exercising functions of a public nature

(c) company, industrial and provident society, charity, or body directed to charitable purposes

(d) body whose principal purposes include the influence of public opinion or policy

(e) trade union or professional association

13. A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 11 and 12 above, provide written notification to the Chief Executive Officer of that change.

14. A member must within 28 days of receiving any gift or hospitality, that is related to the members representation of the Authority, over the value of £25, provide written notification to the Chief Executive Officer of the existence and nature of the gift or hospitality.

15. (1) The Authority will establish a Board to whom will be referred all allegations received by the Chief Executive Officer under paragraph 7 and any other allegations of conduct referred to the Chief Executive Officer or of which he/she becomes aware.

(2) The Board will establish procedures for dealing with allegations referred to it and for dealing with dispensations under paragraph 10 (1) subparagraph (a).

(3) The Board will be entitled to make recommendations to the Authority for taking action against any member of the Authority against whom the Board conclude that an allegation is substantiated.

Sensitive Information

16. (1) Where members consider that the information relating to any of their personal interests is sensitive information, and the Chief Executive Officer agrees, they need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.

(2) Members must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Chief Executive Officer asking that the information be included in the authority's register of members' interests.

1ST EIFCA TRANSITION MEETING

Agenda Item: 15

11th October 2010

Finance Officer's Report on the Establishment of Attendance Expenditure Rates for Marine Management Organisation Appointees

Section 15 of the Eastern Inshore Fisheries and Conservation Order 2010 allows the reimbursement of members' expenses for attending meetings of the Authority or for carrying out the functions of the Authority.

Paragraph (2) of Section 15 states:

The Authority may pay to its members such allowances as it may determine.

Paragraph (3) states:

In particular, the Authority may pay to a general member who is not an employee of the MMO an allowance in respect of a loss of earnings arising from that member's attendance at a meeting of the Authority.

Expenses for council members and additional members (an officer representing the Environment Agency and Natural England) who attend meetings of the Eastern Sea Fisheries Joint Committee (ESFJC) are currently paid by their own County Councils or organisations.

At present travel expenses and financial loss allowances paid by ESFJC to Defra appointees to the Joint Committee are based upon rates stated in government circular No. 1/86 and The Local Authorities (Members Allowances) (Amendment) (England) (No. 2) Order 2000 are as follows:

Motor car allowances - 48.5 pence per mile

Subsistence - not payable as lunches are provided at all Statutory Meetings

Financial Loss Allowance - £27.65 if the period of entitlement does not exceed 4 hours, and £55.31 if the period of entitlement exceeds 4 hours but does not exceed 24 hours.

The Joint Committee have not been notified of any changes in these expenses rates since 2000. It is understood that the government circulars ceased as Local Authorities in England and Wales, including some Joint Committees, elected to establish a scheme of allowances which include a yearly attendance allowance based upon duties undertaken in addition to a mileage rate for travel expenses.

A review of expenses currently paid by Local Authorities to inform this paper has revealed that travel expenses for private vehicles are paid at mileage rates based on the tax-free approved amount laid down by the HM Revenue & Customs.

These mileage rates are 40p/mile for the first 10,000 miles and 25p/mile thereafter.

There are other 'approved' rates for motorcycles and bicycles.
Those Local Authorities which continue to pay Financial Loss Allowance to non-elected persons serving on committees use the same rate as that stated in 2000, ie. the same as currently paid by ESFJC.

It is recommended that expenses are only paid to general members (excluding the MMO employee) at the following rates:

Travel	**utilising the tax-free approved rates - 40p/mile for the first 10,000 miles and 25p/mile thereafter**
Financial Loss	**£27.65 - if the period of entitlement does not exceed 4 hrs** **£55.31 - if the period of entitlement exceeds 4 hrs but does not exceed 24 hrs.**

It should be noted that travel and subsistence payments for MMO appointees to attend IFCA meetings incurred until the end of March 2011 will be met by the MMO. In addition a reasonable allowance for loss of earnings (if EIFCA agrees to pay) will also be met over the same period.

Members are advised that the ESFJC budget for members' expenses for 2010/2011 is £1,530. This level has been maintained for several years because very few eligible members have claimed. An estimate of the potential cost of members' expenses to EIFCA if all general members were to claim using the proposed rates, based on the pattern of meetings of ESFJC over the last few years, is £8,900. It is anticipated that council members, additional members and the single general member employed by the MMO are not paid expenses for travel or financial loss.

The Authority is asked to consider and agree to the officers' recommendations.

Christine Hurley
Finance Officer
Eastern Sea Fisheries Joint Committee

27th September 2010

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

1) DETR circular No1/86 dated 13th April 2000 - Members Allowances
2) The Local Authorities (Members Allowances) (Amendment) (England) (No. 2) Order 2000 Statutory Instrument No. 623.
3) The Local Authorities (Members Allowances)(Amendment)(England)(No. 2) Regulations dated 7th March 2000
4) The Eastern Inshore Fisheries and Conservation Order 2010. Statutory Instrument No. 2189
5) The Marine and Coastal Access Act 2009

1ST EIFCA TRANSITION MEETING

Agenda Item: 16

11th October 2011

<u>To receive a report on the authorisation of personnel to act on behalf of the Authority</u>

Eastern Inshore Fisheries and Conservation Authority (EIFCA) is to be fully established on the 1st April 2011. On the 1st October 2010, under The Marine and Coastal Access Act 2009 (Commencement No.4 and Transitional Provisions) Order 2010, certain provisions under the Marine and Coastal Access Act came into force. The provisions that came into force on that day include the EIFCA's ability to authorise employees of Eastern Sea Fisheries Joint Committee (ESFJC) to exercise functions of the Authority for the purpose mentioned in paragraph 4(1):

4(1) An IFC Authority may exercise its functions under section 179 and 181 at any time before the transfer date only for the purpose of preparing for its exercise of functions under Chapter 1 of Part 6 of the Act and after that date.

Section 179 of the Marine and Coastal Access Act 2009: Supplementary powers

(1) An IFC Authority may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of any of its other functions.

(2) In particular it may—

(a) acquire or dispose of land or other property;

(b) enter into arrangements with other IFC Authorities for the establishment of a body to co-ordinate the activities of those authorities which are party to the arrangements.

(3) But an IFC Authority has no power to borrow money.

Section 181 of the Marine and Coastal Access Act 2009: IFC Authority as party to proceedings

An IFC Authority is capable (despite being an unincorporated body) of—

(a) making contracts;

(b) bringing proceedings under this Act in its own name;

(c) bringing or defending any other proceedings in its own name.

In essence this gives the EIFCA the ability to provide the delegated authority for designated personnel from ESFJC to conduct the necessary business to prepare the EIFCA for its vesting day on 1st April 2011 including drafting the 1st Annual Plan, developing the budget, signing off agreements, purchasing equipment.

The Clerk and the Deputy Clerk would be expected to carryout any functions as part of their current work plans and would not qualify for extra remuneration or other benefits.

It is recommended that the current Clerk and Chief Fishery Officer Matthew Mander and the current Deputy Clerk and Fishery Officer Duncan Vaughan employed by Eastern Sea Fisheries Joint Committee are appointed in such manner.

As titles for personnel employed by EIFCA are yet to be established and reflecting that all warranted officers will be called Inshore Fisheries and Conservation Officers (IFCO) the following are recommended in order to provide modern titles to the two management positions (the current titles of Clerk and Deputy Clerk are thought to be

outdated and little understood). It is envisaged that the IFCO title will be used in enforcement situations whereas the Chief Executive Officer/Deputy Chief Executive Officer titles will be used in management aspects of the roles. This follows a similar template as that of the Marine Management Organisation. The Chief Executive Officer and Deputy Chief Executive Officer titles are used to reflect the fact that in other IFCAs around England the managerial roles and the enforcement roles are conducted by separate individuals.

It is recommended that the titles are therefore as follows:

Matthew Mander
Chief Executive Officer
Chief Inshore Fisheries and Conservation Officer

Duncan Vaughan
Deputy Chief Executive Officer
Deputy Chief Inshore Fisheries & Conservation Officer

The Authority is asked to receive the report and agree the proposals.

Duncan Vaughan
Deputy Clerk
Eastern Sea Fisheries Joint Committee

4th October 2010

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

1) The Marine and Coastal Access Act 2009.
2) The Marine and Coastal Access Act 2009 (Commencement No.4 and Transitional Provisions) Order 2010.
3) The Eastern Inshore Fisheries and Conservation Order 2010.

1ST EIFCA TRANSITION MEETING

Agenda Item: 17

11th October 2010

<u>To receive a report establishing the meeting dates for the Authority for 2010 and 2011</u>

In order to inform Members of the Authority of the work conducted by its officers and for the Authority to provide officers with guidance, it is intended that regular meetings of the Authority are held. The draft Standing Orders (Agenda Item 11) state that quarterly meetings shall be held in January, April, July and October each year on a day and date and in a location as deemed suitable by members. Prior to the vesting day of Eastern Inshore Fisheries and Conservation Authority on the 1st of April 2011 a number of meetings will be required in order that the transition from Eastern Sea Fisheries Joint Committee to Eastern Inshore Fisheries and Conservation Authority can be carried out.

It is recommended that the Authority convenes on the following dates:

1st December 2010	**2nd Transitional Meeting**
• Identify a provisional budget for EIFCA • Agree MOUs with partner organisations. • Establish Finance Sub-Committee	
19th January 2011	**Finance Sub-Committee Meeting**
• To consider and recommend budget and annual plan to Joint Committee	
2nd February 2011	**3rd Transitional Meeting**
• Finalise and agree the budget • Agree and submit the 1st Annual Plan to the Secretary of State	
1st April 2011	**Vesting day & 1st Meeting**
27th July 2011	**2nd Meeting**
26th October 2011	**3rd Meeting**

It is anticipated that the October meeting in 2011 will be used to establish the dates of the Authority's meetings in 2012.

The Authority can establish sub-committees with or without delegated powers to act on behalf of the Joint Committee of the Authority. It is recommended that the membership of the Finance Sub-Committee should be made at the 2nd Transitional meeting in order to support development of the 1st annual plan for EIFCA within the provisional budget. It is envisaged that all other sub-committees will be established at the April 2011 meeting.

The Authority is asked to receive the report and agree the proposals as set out.

Duncan Vaughan
Deputy Clerk
Eastern Sea Fisheries Joint Committee

4th October 2010

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

<u>List of Background Papers</u>

1) Draft EIFCA standing Orders (Agenda Item 11)