

"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

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.

Part 3

The Register of Members' Interests

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.