

## Review of Standing Orders

### Officers' Recommendation

**The Authority agrees to the changes to the Standing Orders as identified in the Officers' paper.**

#### Purpose of this report

To provide information so that Members are able to consider amending the procedures regarding appointments to the Authority's sub-committees set out in the Standing Orders. To provide information so that Members are able to consider introducing new sections in the Standing Orders in relation to motions relating to the setting of the Authority's Revenue Budget.

#### Background

The existing Standing Orders have been reviewed and modified with assistance from DCC Democratic Services and have been previously examined by D&S IFCA's Governance Working Group. The Standing Orders must be reviewed annually and were last presented to Members on 19<sup>th</sup> October 2020 (Agenda Item 12) for adoption. It was the expectation that the Standing Orders would undergo future reviews by the Governance Working Group before being presented to Authority Members with any recommendations for further potential alteration.

In the absence of recent Governance Working Group meetings, and as a result of the proceedings of the last Annual General Meeting of the Authority, Officers have identified some required amendments to the Standing Orders as set out below:

#### Section 9: Rules of Procedure for Ordinary Meetings of the Authority or Sub-Committees

In July 2021, Members examined and agreed to the Terms of Reference (TOR) for the Finance and General Purposes Sub-Committee (F&GPSC). The F&GPSC has no delegated decision-making powers. The TOR highlighted that the membership would be expanded with all eight funding Authorities invited to send at least one representative. The total membership shall consist of 16 Members including two Statutory Appointees (one representative from Natural England and one representative from the Environment Agency) and six General Members that have been appointed by the Marine Management Organisation. The F&GPSC requires that at least six Members are present for any F&GPSC meeting to be quorate.

#### Required Change to Standing Orders (1)

Standing Order 11.12 sets out that *The Finance and General Purpose Sub-Committee will comprise of all Council Members together with at least three other Members of the Authority.*

**It is the Officers' recommendation is that Standing Order 11.12 is removed and the Authority rely on the agreed TOR for the Finance and General Purpose Sub-Committee**

Standing Order 9.4 sets out that '*at the Annual General Meeting of the Authority, the election of Vice Chairs and appointments to Sub-Committees will take place*'.

The experience at the AGM in July 2021 shows that it is not always possible to appoint all the members to the sub-committees at that one meeting.

At present, there are only just enough (six) appointed Members for any F&GPSC meeting to be quorate. A change to the Standing Order 11.14 would enable additional Members of Sub-Committees to be appointed (named) at any Authority meeting and not solely the AGM.

It is the Officers' recommendation that Standing Order 11.14 - *Where a vacancy occurs because of a Member leaving a Sub-Committee, a replacement Member will be sought by the Authority at the next meeting following the vacancy. Should be amended to read;*

***Standing Order 11.14 - Where a vacancy exists on a Sub-Committee, a replacement Member will be sought at the next Authority meeting.***

## The Second Change to the Standing Orders

The second proposed change relates to the setting of the Annual Budget and is linked with Standing Order 9.39.

9.39 All Members of the Authority can vote on the setting of the Annual Budget. Where there is a move to veto the total amount of the Authority's expenses to be defrayed by individual councils for any particular financial year, in accordance with S.180 (4) Marine and Coastal Access Act, only Council Members may vote on this.

### Required Changes to Standing Orders (2)

At the Authority meeting on 17<sup>th</sup> December 2020, a Member proposed an alternative financial package as an amendment to the Revenue Budget that had been presented by the Chief Officer and the Treasurer and proposed and seconded by Members as the motion.

The Member ultimately withdrew their amendment, but it would have been procedurally correct as per Standing Orders for the amendment to have received a seconder and been voted upon by Members present.

The difficulty with alternative Revenue Budget proposals being received at the meeting is that the Chief Officer and the Treasurer (or their S.151 representative at the meeting) have very limited ability to determine if the proposed alternative has been properly costed and determine what the implications may be to the Authority and the funding Local Authorities.

The Chief Officer has sought advice from DCC's Democratic Services Team and has been provided with the following from DCC's Standing Orders;

#### *Motions and Amendments*

*3) At a Budget meeting the text of any motion or amendment relating to the annual estimates must be put in writing and submitted to the Chief Executive by 9.00am on the third working day before the meeting in order that the officers may have sufficient time to consider and advise the Council of the financial implications of any such motion or amendment.*

It is the Officers' recommendation that a similar provision is introduced to the Authority's Standing Orders and would read;

***The text of any motion or amendment relating to the Authority's Revenue Budget must be put in writing and submitted to the Chief Officer by 9.00am on the third working day before the meeting in order that the Officers may have sufficient time to consider and advise the Authority of the financial implications of any such motion or amendment.***

**Background Papers:**

- [D&S IFCA Standing Orders \(Version 1.4 - June 2021\)](#)
- [Agenda Item 9 \(July 2021\) - F&GPSC TOR Officers' Paper](#)
- [Agenda Item 10 \(July 2021\) – Appointment of F&GPSC Officers' Paper](#)
- [Draft minutes of the Authority's AGM held on 16<sup>th</sup> July 2021](#)
- [Minutes of the Authority meeting held on 17<sup>th</sup> December 2020](#)