



SCHEME OF DELEGATION

Adopted by the Authority Date XXXX

September 2022

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Abbreviations / Terms used in D&S IFCA's Scheme of Delegation

| | |
|--------------------------|---|
| B&PSC | Byelaw and Permitting Sub-Committee |
| Chair | Elected Chair of D&S IFCA |
| Chief Officer | Chief Officer of D&S IFCA |
| COSHH | Control of Substances that are Hazardous to Health |
| D&S IFCA | Devon and Severn Inshore and Conservation Authority |
| F&GPSC | Finance and General Purposes Sub-Committee |
| FP&FAR | Financial Probity and Financial and Administrative Regulations |
| Full Authority/Authority | All members of D&S IFCA including Funding Authorities, Statutory Agencies and General Members appointed by Marine Management Organisation |
| GDPR | General Data Protection Regulations |
| H&S | Health and Safety |
| HR | Human Resources |
| IFCAs | Inshore Fisheries and Conservation Authorities |
| ToR | Terms of Reference |
| MaCAA | Marine and Coastal Access Act 2009 |
| Regs | Regulations |
| TWG | Technical Working Group |
| Vice Chair/s | Elected Vice Chair/s of D&S IFCA |

Introduction

The Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA's) Scheme of Delegations details the seven key functions of the Authority:

- Governance
- Finance
- Policy
- General Purposes
- Human Resources
- Health and Safety
- Fisheries and Marine Conservation Management

For each function, a table has been produced which describes the required actions and delegated responsibility. Actions may be delegated to:

- The Authority,
- Sub-Committees of the Authority
- Working Groups of the Authority,
- The Chair and Vice-Chair of the Authority and its Sub-Committees and
- The Chief Officer of the Authority

It is the role of the Authority to concentrate upon broad strategy, budgetary and constitutional decision making. Sub-Committees have delegated responsibilities to consider and approve specific aspects of the Authority's business. The role of Members is to provide expertise and comment on fisheries and conservation in the district with the aim of achieving sustainable fisheries and effective marine conservation management.

The actions required to meet these functions of D&S IFCA are sign-posted to policy references and legislation applicable to D&S IFCA. The Scheme of Delegation does not provide details of the responsibilities of individual Employed Officers of the Authority apart from the Chief Officer.

Part 1: Governance Function of D&S IFCA

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|----------------------------------|----------------------------------|------------------|---|
| Chairing the Authority meetings. | D&S IFCA Chair | D&S IFCA Chair | Standing Orders | No change |
| Chairing the Authority meetings in the absence of the Chair. | D&S IFCA Vice-Chair | D&S IFCA Vice-Chair | Standing Orders | No change |
| Undertaking duties of the Chair in their absence. | D&S IFCA Vice-Chair | D&S IFCA Vice-Chair | Standing Orders | No change |
| Acting as the Clerk of the Authority. | Chief Officer | Chief Officer | Job Profile | No change |
| Acting as the Clerk of the Authority in the absence of the Chief Officer. | Deputy Chief Officer | Deputy Chief Officer | Job Profile | No change |
| Enabling Members to participate fully in discussions and decisions so that the Authority can benefit from their experience, expertise, and their knowledge of the interests of the Authority's communities and stakeholders. | D&S IFCA Chair | D&S IFCA Chair | Standing Orders | No change |
| Attending and representing the Authority at meetings of the Association of IFCA's. | Chief Officer and D&S IFCA Chair | Chief Officer and D&S IFCA Chair | Job Profiles | Yes - new Job Profile for Chair |
| Agreeing and approving Memoranda of Understanding and other partnership initiatives, including work streams under the Association of IFCA's. | Chief Officer | Chief Officer and D&S IFCA Chair | Job Profiles | Yes - new role profile for Chair |
| Making emergency byelaws under S.157 Marine and Coastal Access Act after consulting with the Chair Officer and Vice Chair(s) of the Authority. | Chief Officer | Chief Officer | Job Profile | No change |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|------------------------|-------------------------|------------------|---------------------------------------|
| Appointing Member representatives of the Authority to outside bodies. | Full Authority | Full Authority | Standing Orders | Yes - add to Standing Orders |
| Delegating any of its powers to an individual Member of the Authority or to the Chief Officer except where the power falls to be discharged by a sub-committee of the Authority. | Full Authority | Full Authority | Standing Orders | Yes - add to Standing Orders |
| Receiving and noting reports from the Sub-Committees. | Full Authority | Full Authority | Standing Orders | No change |
| Ensuring that all governance, enforcement, financial management and HR policies, data protection policies and procedural policies, are maintained in an accurate and up-to-date state and are adhered to by all Authority's Employed Officers and Members. | Chief Officer | Chief Officer | Job Profile | No change |
| Ensuring the preparation and circulation of agendas, papers and minutes for Authority and Sub-Committee meetings in line with legal requirements and the Authority's Constitution. | Chief Officer | Chief Officer | Standing Orders | No change |
| Attending, or being represented, at all meetings of the Authority, Sub-Committees, Working Groups, and other meetings and ensuring that advice is available on legal and procedural issues. | Chief Officer | Chief Officer | Job Profile | No change |
| Ensuring that all matters within the decision-making powers of the Authority and its Sub-Committees are brought forward to the relevant forum in a timely manner and with all information necessary for robust and lawful decision making. | Chief Officer | Chief Officer | Job Profile | No change |
| Ensuring that the Authority is appropriately represented at local and national relevant meetings. | Chief Officer | Chief Officer | Job Profile | No change |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|------------------------|-------------------------|------------------------|---------------------------------------|
| Ensuring that the objectives of the Authority's Communication Strategy & Annual Plans are delivered. | Chief Officer | Chief Officer | Job Profile | No change |
| Support the development of the overarching strategies to deliver the Authority's vision. | GWG | GWG | GWG Terms of Reference | Yes - change to ToR |
| Reviewing the Authority's governance structure and procedures. | GWG | GWG | GWG Terms of Reference | No change |
| Support the production of the Authority's Scheme of Delegation. | GWG | GWG | GWG Terms of Reference | Yes - change to ToR |
| Support the development of the Authority's draft Annual Plans and Reports. | GWG | GWG | GWG Terms of Reference | Yes - change to ToR |
| Support the development of policies on advocacy and communications to improve dialogue with stakeholders. | GWG | GWG | GWG Terms of Reference | Yes - change to ToR |
| Delegating functions to other persons and other Authority's Employed Officers but remaining accountable for the outcome of such delegations. | Chief Officer | Chief Officer | Job Profile | No change |
| Reviewing Members induction information and training. | GWG | GWG | GWG Task Catalogue | No change |
| Delegating functions to other persons and other Authority's Employed Officers but remaining accountable for the outcome of such delegations. | Chief Officer | Chief Officer | Job Profiles | No change |

Part 2. Financial Functions of D&S IFCA

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|---|------------------------|-----------------------------|---|--|
| Reviewing the proposed Annual Revenue Budget. | F&GPSC | F&GPSC | F&GPSC Terms of Reference | Rewording of the F&GPSC ToR |
| Recommending to the Full Authority the Annual Revenue Budget. | F&GPSC | Chief Officer & Treasurer | Financial Probity & Financial & Administrative Regulations. | Yes - Remove from F&GPSC ToR |
| Approving and adopting the Annual Revenue Budget and setting the levy to the Funding Councils. | Full Authority | Full Authority | Standing Orders | No change |
| Authority of unbudgeted expenditure up to £10,000 (unbudgeted expenditure is reported to the next full authority meeting). | Full Authority | Chief Officer | Financial Probity & Financial & Administrative Regulations. | Yes - amend FP&FAR |
| Authority of unbudgeted expenditure in excess of £10,000 and up to £20,000 (unbudgeted expenditure is reported to the next full authority meeting). | Full Authority | Chair / Vice Chair | Financial Probity & Financial & Administrative Regulations. | Yes - amend FP&FAR |
| Authority of unbudgeted expenditure in excess of £20,000. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | Yes - amend FP&FAR |
| Reviewing the Authority's Probity, Financial and Administrative Regulations. | Full Authority | Chief Officer and Treasurer | Financial Probity & Financial & Administrative Regulations. | Yes - Change to include in job profile and role |
| Approving the Authority's Probity, Financial and Administrative Regulations. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | Yes - Add review timetable to FP&FAR |
| Reviewing the quarterly budget statements of expenditure. | F&GPSC | Chief Officer & Treasurer | F&GPSC Terms of Reference | Yes - Remove from F&GPSC ToR |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|---------------------------|--|---|---|
| Noting the quarterly budget statements of expenditure. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | No change |
| Scrutinising the spending of the Authority's Officers with recommendations to the Full Authority on large capital expenditure items. | F&GPSC | Treasurer - scrutinises the Officer spending. Chief Officer- makes recommendations on capital expenditure. | Financial Probity & Financial & Administrative Regulations. | Yes - remove from F&GPSC ToR & add to FP&FAR |
| Reviewing and supporting any HR issues for the Authority. | F&GPSC | Chief Officer | Job Profile | Yes - Remove from F&GPSC ToR |
| Developing and reviewing capital and risk assessments for the Authority. | F&GPSC | Chief Officer & Treasurer | Job Profile | Yes - Remove from F&GPSC ToR |
| Reviewing the IFCA Assets against future work streams and making recommendations to the Full Authority. | F&GPSC | Chief Officer | Job Profile | Yes - Remove from F&GPSC ToR |
| Reviewing corporate performance against D&S IFCA's Annual Plan (Annual Reporting). | F&GPSC | Full Authority | MaCAA S.178 | Yes - Remove to F&GPSC ToR |
| Approving statements of payments and monies received. | Chief Officer & Treasurer | Chief Officer & Treasurer | Financial Probity & Financial & Administrative Regulations. | No change |
| Approving the Annual Statement of Accounts – on the joint recommendation of the Chief Officer and Treasurer. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | Yes – as per FP&FAR |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|---------------------------|---------------------------|---|---------------------------------------|
| Approving transfers between accounts. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | No change |
| Appointment of the Auditors. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | No change |
| Appointment of Treasurer. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | No change |
| Approval of bank signatories. | Chief Officer & Treasurer | Chief Officer & Treasurer | Financial Probity & Financial & Administrative Regulations. | Yes - add to FP&FAR |
| Agreeing and approving the capital asset replacement programme (vessels and vehicles). | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | No change |
| Waiving any of the procedures relating to contracts. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | No change |
| Authority of expenditure up to £10,000. | Full Authority | Chief Officer | Financial Probity & Financial & Administrative Regulations. | Yes - amend FP&FAR |
| Authority of expenditure in excess of £10,000. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | Yes - amend FP&FAR |
| Disposal of assets. | Chief Officer | Chief Officer | Financial Probity & Financial & Administrative Regulations. | No change |
| Approving the purchase of assets over £10,000. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | No change |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|------------------------|---------------------------|---|---------------------------------------|
| Agreeing and reviewing the Members' expenses scheme. | Full Authority | Full Authority | Financial Probity & Financial & Administrative Regulations. | No change |
| Reviewing Reserves Policy. | Chief Officer | Chief Officer / Treasurer | Financial Probity & Financial & Administrative Regulations. | Yes - Change to FP&FAR |
| Being the Responsible Financial Officer for the Authority. | Chief Officer | Chief Officer | Financial Probity & Financial & Administrative Regulations. | No change |
| Entering into and varying contracts on behalf of the Authority where these are necessary to implement the Authority's decisions, or to fulfil the responsibilities of the Chief Officer. | Chief Officer | Chief Officer | Financial Probity & Financial & Administrative Regulations. | Yes - add to FP&FAR |
| Acting as signatory in respect of permits, licences, authorisations, and other such Authority documentation. | Chief Officer | Chief Officer | Job Profile | No change |

Part 3: Policy Functions of D&S IFCA

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|---|------------------------|-------------------------|--|---------------------------------------|
| Determining the Authority's strategic policy framework including: a. Approving the Annual Plan and oversight of delivery. b. Approving the Annual Report. c. Approving the Communication Strategy. | Full Authority | Full Authority | IFCAs' Success Criteria MaCAA 2009 Ss. 177 & 178 | No change |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|------------------------|-------------------------|---|---------------------------------------|
| Determining the Authority's strategic enforcement framework, including: a. Approving the Enforcement and Compliance Strategy. b. Approving other relevant policies. | Full Authority | Full Authority | IFCAs' Success Criteria | No change |
| Determining the Authority's strategic environmental framework including: a. Approving relevant policies. | Full Authority | Full Authority | IFCAs' Success Criteria | No change |
| Approving the Standing Orders and Scheme of Delegations. | Full Authority | Full Authority | Local Government Act 1972 | No change |
| Approving the Terms of Reference for Sub-Committees, their composition and making appointments to them. | Full Authority | Full Authority | Standing Orders | No change |
| Approving Data Protection and Information Policies. | Full Authority | Full Authority | Data Protection Act 2018 & General Data Protection Regulations 2018 | No change |
| Approving Finance related Policies including: a. Anti-Fraud & Corruption Policy. b. Gifts and Hospitality Policy. c. Travel and Subsistence Policy. | Full Authority | Full Authority | Bribery Act 2010 DCC Policy & Procedures | No change |
| Ensuring the Authority meets its obligations under any legislation relevant to the Authority including the Freedom of Information 2000, the Environment Information Regulations 2004 and the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) as applied in the UK. | Chief Officer | Chief Officer | Relevant Legislation applicable to Policy | No change |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|---|------------------------|-------------------------|---|---------------------------------------|
| Acting as the Data Protection Officer under GDPR. | Chief Officer | Chief Officer | Data Protection Act 2018 & General Data Protection Regulations 2018 | No change |

(Intentionally blank)

Part 4: Health and Safety Functions of D&S IFCA

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|---|------------------------|-------------------------|-------------------------|---------------------------------------|
| Acting as the Responsible Officer under HSE guidelines. | Chief Officer | Chief Officer | D&S IFCA's H&S Policies | No change |
| Ensuring that Authority's Health and Safety Policy is regularly reviewed and compliant with current legislation. | Chief Officer | Chief Officer | D&S IFCA's H&S Policies | No change |
| Ensuring that Standing Operating Procedures, Safe Systems of Work and Risk Assessments are reviewed and adhered to. | Chief Officer | Chief Officer | D&S IFCA's H&S Policies | No change |
| Ensuring that COSHH lists are maintained and updated. | Chief Officer | Chief Officer | D&S IFCA's H&S Policies | No change |
| Ensuring that the Authority, its assets, and its Authority's Employed Officers are adequately insured when undertaking any of its activities. | Chief Officer | Chief Officer | Job Profile | No change |
| Ensuring all Authority's Employed Officers have adequate training for the duties they are required to fulfil. | Chief Officer | Chief Officer | Job Profile | No change |

Part 5: General Purpose Functions of D&S IFCA

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|---------------------------------|---------------------------------|---------------------------------|---------------------------------------|
| Receiving and noting reports from the Sub-Committees. | Full Authority | Full Authority | Standing Orders | No change |
| Dealing with reports on complaints against the Authority or staff. | Chief Officer or D&S IFCA Chair | Chief Officer or D&S IFCA Chair | D&S IFCA's Complaints Procedure | No change |
| Agreeing arrangements for the provision of facilities (e.g., office accommodation, workshops, storage, and moorings) to meet operational requirements. | Chief Officer | Chief Officer | Job Profile | No change |

(Intentionally blank)

Part 6: Human Resources Functions of D&S IFCA

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|---|---------------------------|---------------------------|--|---------------------------------------|
| Strategic Human Resources matters, including: a. Staff levels and structure. b. Pay scales and allowances. c. Approving outcomes of Job Evaluation programmes. | Full Authority | Full Authority | DCC Policies & Authority Decision Making | No change |
| Recruitment of all staff apart from Chief Officer. | Chief Officer | Chief Officer | D&S IFCA's Recruitment Policy | No change |
| Recruitment of Chief Officer. | Chair and Authority Panel | Chair and Authority Panel | D&S IFCA's Recruitment Policy | No change |
| Staff disciplinary and Grievance appeals' panel. | Chief Officer | Chief Officer | D&S IFCA's Discipline and Standards of Conduct Policy | No change |
| Annually agreeing and reviewing the Members' expenses scheme. | Full Authority | Full Authority | Devon and Severn Inshore Fisheries and Conservation Order 2010 | No change |
| Undertaking the Chief Officer's Annual Performance Review. | D&S IFCA Chair | D&S IFCA Chair | IFCAs' Success Criteria | No change |
| Organising and undertaking any disciplinary or complaint procedures that involve the Chief Officer. | D&S IFCA Chair | D&S IFCA Chair | D&S IFCA's Discipline and Standards of Conduct Policy | No change |
| Undertaking annual appraisals of General Members performances, delegating Vice-Chairs to undertake them on their behalf as and when directed to do so. | D&S IFCA Chair | D&S IFCA Chair | IFCAs' Success Criteria | No change |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|---|------------------------|-------------------------|---|---------------------------------------|
| Ensuring that the Authority deals effectively and lawfully with day-to-day operational control of HR issues, including management of the Authority's Employed Officers, recruitment, retention, welfare, training, disciplinary and grievance matters. | Chief Officer | Chief Officer | Job Profile | No change |
| Receiving and investigating complaints against General Members and Statutory Agency Members of the Authority (including instigating investigations into apparent breaches of the Code of Conduct and/or Terms and Conditions of Appointment for General Members) and making recommendations to their appointing body. | D&S IFCA Chair | D&S IFCA Chair | Standing Orders | No change |
| Receiving and referring complaints against Council Members to the relevant Council's Monitoring Officer. | D&S IFCA Chair | D&S IFCA Chair | Standing Orders / Local Authority Disciplinary Procedures | No change |
| Ensuring the Authority's complaints procedure is implemented and monitored. | Chief Officer | Chief Officer | Job Profile / D&S IFCA's Discipline and Standards of Conduct Policy | No change |

(Intentionally blank)

Part 7: Managing Fisheries and Marine Conservation Management Functions of D&S IFCA

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|--|------------------------|-------------------------|--------------------------|---------------------------------------|
| <p>Introducing and implementing appropriate measures to manage fisheries and conservation in D&S IFCA's District, including:</p> <ul style="list-style-type: none"> a. Reviewing the management of fishing activities; b. Reviewing the effectiveness of existing legacy byelaws; c. Reviewing current byelaws, no less than every five years d. Reviewing byelaw permit conditions, no less than every three years; e. Where appropriate make amendments to existing byelaws f. Where appropriate make amendments to existing permit conditions; g. Creating new byelaws; h. Creating permit conditions to accompany new permitting byelaws; i. Considering requests for a review of permit conditions; j. Creating and reviewing policies for the administration of permits; k. Creating and reviewing non-regulatory policies to support fisheries management; l. Creating and reviewing guidance to support byelaws and permit conditions. | B&PSC | B&PSC | B&PSC Terms of Reference | No change |
| The Chair of the B&PSC, or the Chief Officer in consultation with the Chair, may refer any of the matters set out above to the Authority for determination, where this is in the Authority's interests. | B&PSC | B&PSC | B&PSC Terms of Reference | No change |

| Action / Function | Current Responsibility | Proposed Responsibility | Policy Reference | Required Policy Change/ Action needed |
|---|------------------------|-------------------------|--|---------------------------------------|
| Drafting of legislation and legal documentation for consideration by the B&PSC to recognise the agreed management measures. | BTWG | BTWG | BTWG Terms of Reference | No change |
| Delivering the 'Management of Fishing Activity' priorities identified in the Authority's Annual Plan. | Chief Officer | Chief Officer | D&S IFCA's Annual Plan | No change |
| Enforcement of all legislation relating to the management of the inshore fisheries and the conservation of the marine environment. | Chief Officer | Chief Officer | Enforcement & Compliance Strategy | No change |
| Ensuring the delivery of the Research Strategy and ensuring the best available evidence is used to support the delivery of fisheries and conservation management. | Chief Officer | Chief Officer | D&S IFCA's Annual Plan | No change |
| Responsible for ensuring the appropriate disposal of enforcement investigations. | Chief Officer | Chief Officer | Job Profile / D&S IFCA's Enforcement and Compliance Strategy | No change |
| Ensuring that the Authority liaises and works in co-operation with other relevant organisations, including the MMO and other IFCAs. | Chief Officer | Chief Officer | Job Profile | No change |
| Overall responsibility for all operational matters. | Chief Officer | Chief Officer | Job Profile | No change |
| Acting as a consultee for development applications and other issues that may affect or impact on fisheries resources or the marine environment within the Authority's District. | Chief Officer | Chief Officer | Job Profile | No change |

End.