



# STANDING ORDERS

April 2024

Version 1.6

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## Introduction

The Standing Orders for the Authority include provisions required under the Marine and Coastal Access Act 2009, The Devon and Severn Inshore Fisheries and Conservation Order 2010 and the Local Government Act 1972 as well as provisions adopted by the Authority. The Authority's Standing Orders will be reviewed annually, normally at the Annual General Meeting.

### Section 1:

#### Membership of the Authority

1.1 The Authority is made up of 30 Members as follows<sup>1</sup>:

- Twelve 'Council Members' appointed by Plymouth City Council (one Member), North Somerset District Council (one Member), Somerset County Council (one Member), Bristol City Council (one Member), Devon County Council (five Members), Torbay Council (one Member), South Gloucestershire Council (one Member) and Gloucestershire County Council (one Member);
- Sixteen 'General Members' appointed by the Marine Management Organisation (MMO) who are:
  - a) 'persons acquainted with the needs and opinions of the fishing community of the district, and
  - b) persons with knowledge of, or expertise in, marine environmental matters<sup>2</sup>.
- Two 'Statutory Agency Members' appointed by Natural England and the Environment Agency<sup>3</sup>.

1.2 At least one 'General' Member must be an employee of the MMO<sup>4</sup>.

1.3 A person is not eligible for appointment or re-appointment as a Member of the Authority if they have been convicted of a criminal offence and the conviction is not spent for the purposes of the Rehabilitation of Offenders Act 1974(1).<sup>5</sup>

1.4 The proceedings of the Authority will not be invalidated if a vacancy occurs or if there is a defect in the election or qualifications of any Member.<sup>6</sup>

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<sup>1</sup> Article 5(1) Devon and Severn Inshore Fisheries and Conservation Authority Order 2010

<sup>2</sup> Section 151(2) Marine and Coastal Access Act 2009

<sup>3</sup> Article 5(4) Devon and Severn Inshore Fisheries and Conservation Authority Order 2010

<sup>4</sup> Article 5(2)(b) Devon and Severn Inshore Fisheries and Conservation Authority Order 2010

<sup>5</sup> Article 12 Devon and Severn IFCA Order 2010

<sup>6</sup> Paragraph 43 Schedule 12 Local Government Act 1972

### Terms of Appointment

1.5 The terms of appointment of each Member are determined by their appointing organisation.<sup>7</sup>

1.6 The terms of appointment for Members appointed by the MMO are included in a separate code of conduct issued to Members.

### Resignation of a Member

1.7 A Member may resign from the Authority by giving written notice to the Authority and to their appointing body.<sup>8</sup>

### Suspension of a Member

1.8 If criminal proceedings are commenced against a General Member, the Authority or the appointing body may suspend the Member's appointment. In the case that the proceedings are against an Elected Member the Chair of the Authority may ask the relevant council to consider taking action.

1.9 The suspension will end if the Member is acquitted of the offence or the proceedings are discontinued or withdrawn.

### Termination of Membership

1.10 A Member's appointment to the Authority ends if:

- a) the Member is convicted of an offence under fisheries legislation, nature conservation legislation or marine licensing legislation;
- b) the Member receives a fine under fisheries legislation, nature conservation legislation or marine licensing legislation;
- c) the Member ceases to be a Member of the county council that appointed them to the Authority.<sup>9</sup>

1.11 The Authority may terminate a Member's appointment if the Member is convicted of any other criminal offence other than those in paragraph 1.12.<sup>10</sup>

1.12 A Member's appointment also ends when they reach the end of their term of appointment.

## Section 2:

### Members' Attendance and Rights to Vote at Meetings

2.1 In each year, a Member must attend no less than 50% of the total number of meetings of the Authority and of the Sub-Committees of the Authority to which they have been appointed. A year is defined as the period from 1<sup>st</sup> April to 31<sup>st</sup> March.

2.2 If a 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.

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<sup>7</sup> Article 6(2) Devon and Severn IFCA Order 2010

<sup>8</sup> Article 9(1) Devon and Severn IFCA Order 2010

<sup>9</sup> Article 11(1) Devon and Severn IFCA Order 2010

<sup>10</sup> Article 11(2) Devon and Severn IFCA Order 2010

- 2.3 Only Authority Members present at the meeting have the right to vote unless paragraph 9.40 applies.
- 2.4 Named deputies for Council Members shall be permissible provided that they are not used more than twice a year and not consecutively. The deputies would have the right to vote.
- 2.5 Named deputies for the MMO Officer appointed as a General Member or Statutory Agency Members shall be permissible provided that they are not used more than twice a year and not used consecutively. The deputies would not have the right to vote.
- 2.6 No other named deputies are permitted.
- 2.7 Officers of the funding Local Authorities attending meetings do not have the right to vote.
- 2.8 Any other person attending the meeting does not have the right to vote.

### Section 3:

#### Appointment of External Services to assist with the Functions of the Authority

- 3.1 The Authority may contract out external services to assist with the delivery of specific functions of the Authority which may include appointments of positions to the Authority such as a Clerk.

#### Appointment of the Chair of the Authority

- 3.2 Members will elect a Chair at the first meeting of the Authority held after the beginning of the following financial year. The Chair will hold the office, beginning with the meeting at which they are elected and ending with the first meeting of the Authority held after the beginning of the following financial year.<sup>11</sup> The Chair's appointment is subject to paragraphs 1.5 to 1.12 above.
- 3.3 The Chair may be any Member of the Authority.
- 3.4 A Member is not eligible to stand as Chair if they have previously been removed from this office<sup>12</sup> or from the office of Vice-Chair<sup>13</sup>.
- 3.5 The Chair may stand for re-election for further years and whilst their term in office will ordinarily be for a maximum of two years, this may be extended if re-elected.
- 3.6 Nominations for the post of Chair will be made verbally to the Clerk of the Authority at the Annual General Meeting and the election will be by vote of the Members present.

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<sup>11</sup> Article 7 Devon and Severn IFCA Order 2010

<sup>12</sup> Article 8(6) Devon and Severn IFCA Order 2010

<sup>13</sup> Article 14(5) Devon and Severn IFCA Order 2010

- 3.7 If there are an equal number of votes for the Members nominated, the Clerk will decide the election by lot.

#### Resignation of the Chair of the Authority

- 3.8 The Chair of the Authority may resign the office by giving notice, of no less than one month, in writing to the Authority.<sup>14</sup>
- 3.9 Following the resignation of the Chair, the Authority must appoint another eligible Member to the office at the next Authority meeting.<sup>15</sup>

#### Removal from the office of the Chair of the Authority

- 3.10 The Authority may remove a Member from the office of Chair if it considers that the Member is failing, or has failed, to discharge the duties of the Chair in accordance with legal requirements and its standing orders. The Member concerned is not eligible to be re-appointed as Chair<sup>16</sup> or appointed as Vice-Chair.<sup>17</sup>
- 3.11 Following the removal of the Chair, the Authority must appoint another eligible Member to the office until the first meeting held after the beginning of the financial year.<sup>18</sup>

#### Termination of Appointment of the Chair of the Authority

- 3.12 Where the appointment of a Member who is also the Chair of the Authority is terminated, or comes to an end, the Authority must appoint another eligible Member to the office of Chair.<sup>19</sup> A Member who has previously been removed from the office of Chair or Vice-chair cannot be appointed as Chair.<sup>20</sup>
- 3.13 The Member appointed as Chair holds the office until the first meeting of the Authority held after the beginning of the following financial year.<sup>21</sup>

### Section 4:

#### Appointment of the Vice-Chair of the Authority

- 4.1 At the first meeting held after the beginning of the financial year. Members will elect a maximum of two Vice-Chairs for the year beginning with the meeting at which they are elected and ending with the first meeting held after the beginning of the following financial year.<sup>22</sup>
- 4.2 The Vice-Chairs may be any Members of the Authority.

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<sup>14</sup> Article 9(2) Devon and Severn IFCA Order 2010

<sup>15</sup> Article 9(3), (4) and (5) Devon and Severn IFCA Order 2010

<sup>16</sup> Article 8(1), (2) and (6) Devon and Severn IFCA Order 2010

<sup>17</sup> Article 14(5) Devon and Severn IFCA Order 2010

<sup>18</sup> Article 8(5) Devon and Severn IFCA Order 2010

<sup>19</sup> Article 11(3) Devon and Severn IFCA Order 2010

<sup>20</sup> Articles 8(6) and 14(5) Devon and Severn IFCA Order 2010

<sup>21</sup> Article 8(5) Devon and Severn IFCA Order 2010

<sup>22</sup> Article 14(1) Devon and Severn IFCA Order 2010

- 4.3 A Member cannot be appointed or re-appointed as Vice-Chair if they have been previously removed from this office or from the office of Chair.<sup>23</sup>
- 4.4 The Vice-Chair may stand for re-election for further years and whilst their term in office will ordinarily be for a maximum of two years, this may be extended if re-elected.

#### Resignation, Removal from Office or Termination of the Appointment of the Vice-Chair of the Authority

- 4.5 Paragraphs 3.8 - 3.13 of these standing orders apply to the Vice-Chair as to the Chair.<sup>24</sup>

### Section 5:

#### Meetings of the Authority

- 5.1 Meetings of the Authority will ordinarily take place quarterly in March, June, September and December each year. Where circumstances require it, this may be varied by the Chief Officer in consultation with the Chair.
- 5.2 The first meeting of the Authority held after the beginning of the following financial year will be known as the Annual General Meeting.
- 5.3 The date and time of meetings for the following year will be planned at the last meeting of the calendar year and adequate notice will be provided if pre-planned dates need to be re-arranged.
- 5.4 Meetings will be held at locations which are convenient for Members and provide access for the Members of the public who might wish to attend.
- 5.5 If the Chair is absent from a meeting of the Authority, one of the Vice-Chairs will chair the meeting. If the Chair and Vice-Chairs are absent, Members will elect a Member to chair the meeting.<sup>25</sup> The Clerk conducts the election. The Election will be by way of seconded nomination and vote.
- 5.6 The Authority may delegate any of its functions to a Sub-Committee, Authority Member, Authority's Employed Officers or appointed external services (set out in 3.1 above), if it considers it expedient to do so.<sup>26</sup>

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<sup>23</sup> Article 14(4) and (5) Devon and Severn IFCA Order 2010

<sup>24</sup> Article 14(3) Devon and Severn IFCA Order 2010

<sup>25</sup> Article 14(2) Devon and Severn IFCA Order 2010

<sup>26</sup> Article 17 Devon and Severn IFCA Order 2010



## Section 6:

### Quorum for a Meeting of the Authority

- 6.1 The quorum for a meeting of the Authority is eight Members, including at least one Council Member and one General Member.<sup>27</sup>

## Section 7:

### Access to Agendas and Papers for Ordinary Meetings of the Authority and its Sub-Committees

- 7.1 The Chief Officer will email copies of the agenda and papers for a meeting to Members at least five clear days before the date of the meeting. The Chief Officer will ensure that copies of the agenda and papers are posted to the Authority's website and are made available for inspection at the Authority's office once they are emailed to Members.<sup>28</sup>
- 7.2 Five clear days has been defined<sup>29</sup> as the period before a meeting when the public can have access to Authority Papers excluding Part 2 information<sup>30</sup>. This time period will exclude the date of the meeting, weekends and public holidays. Every attempt will be made to provide Authority Members and the general public with the agenda and papers for any Authority meeting at the earliest opportunity.

#### Items Requiring Urgent Attention

- 7.3 Any Member may put an item on the agenda or motion if notice of such is provided in writing to the Clerk by 0900hrs on the eighth working day before the date of the meeting.
- 7.4 The Member has the right to attend the meeting and explain the matter and not provided a report before the meeting.
- 7.5 An item of business for a meeting may not be added to the agenda less than five clear working days before the date of a meeting or tabled at the meeting, unless the Chair of the meeting decides that there are special circumstances which make the late item a matter of urgency and require it to be considered at the meeting. The special circumstances must be recorded in the minutes for the meeting.<sup>31</sup>
- 7.6 Special circumstances justifying the addition of a late item to an agenda will generally occur where significant information or circumstances arise within the five clear working day period which could not reasonably have been known or anticipated before the agenda for the meeting was agreed and published.

#### Part II Business

- 7.7 The Chief Officer may withhold a paper from public inspection if the paper contains exempt or confidential information. Every copy of an exempt or confidential paper will be marked "not for publication"<sup>32</sup> and the exemption category will be indicated on the

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<sup>27</sup> Article 13(1) Devon and Severn IFCA Order 2010

<sup>28</sup> Section 100B (3) Local Government Act 1972

<sup>29</sup> Section 100A(6)(a) Local Government Act 1972

<sup>30</sup> Exempt information under Schedule 12A Local Government Act 1972

<sup>31</sup> Section 100B (4) Local Government Act 1972

<sup>32</sup> Section 100B (5) Local Government Act 1972

paper.<sup>33</sup> The exemption categories are set out in paragraph 15.1 of these standing orders.

### Background Documents

- 7.8 The author of a paper relating to an item on the agenda for a meeting will set out, at the end of the paper, a list of background documents which contain facts or matters on which the report, or an important part of it, was based and which the author has relied on in preparing the report. The list of background papers should include published works but must exclude documents which disclose exempt or confidential information.<sup>34</sup>
- 7.9 The Chief Officer will ensure that a copy of each document included in the list of background documents is kept and made available for public inspection for four years after the date of any meeting or decision.

### Form in which Agendas and Papers will be made Available

- 7.10 Agendas and papers for meetings will be circulated to Authority Members in electronic form by email. All the documents for the meeting will also be available on the secure Authority Members' area of the Authority's website. An Authority Member may request a hard copy of any document.
- 7.11 Agendas and papers that have not been withheld from public inspection will be available to the public in electronic form on the Authority's website at least five working days before the meeting. Such documents will also be available in hard copy form at the relevant meeting.<sup>35</sup>

## Section 8:

### Access to Minutes and Records of Decisions

- 8.1 The minutes of the proceedings of each meeting will be kept by the Clerk in a loose-leaf folder maintained for that purpose, the pages of which will be consecutively numbered.<sup>36</sup>
- 8.2 The minutes will be presented for Authority Members to confirm as an accurate record at the next suitable<sup>37</sup> meeting of the relevant body and the Chair of the meeting will sign the minutes and initial each page.<sup>38</sup>
- 8.3 The minutes will not be open to discussion, but Authority Members may propose corrections or additions where they identify inaccuracies or omissions.
- 8.4 Members should not raise matters on the minutes as notice of the matter raised has not been given on the Agenda.
- 8.5 The minutes will include a list of Authority Members present at the meeting.<sup>39</sup>
- 8.6 Authority Members will be provided with a copy of the unconfirmed minutes of a meeting for consideration of content and accuracy, unconfirmed minutes will then be

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<sup>33</sup> Schedule 12A Local Government Act 1972

<sup>34</sup> Section 100D Local Government Act 1972

<sup>35</sup> Section 100B (6) Local Government Act 1972

<sup>36</sup> Paragraph 41(2) Schedule 12, Local Government Act 1972

<sup>37</sup> Paragraph 41(4) Schedule 12, Local Government Act 1972

<sup>38</sup> Paragraph 41(2) Schedule 12, Local Government Act 1972

<sup>39</sup> Paragraph 40 Schedule 12, Local Government Act 1972

available but will not be the official record of the meeting until they have been agreed by the relevant meeting.

- 8.7 The Chief Officer will keep and make available for public inspection for six years after a meeting of the Authority or a Sub-Committee:
- the minutes of the meeting, except for any part of the minutes that includes exempt or confidential information, and;
  - a disclosable summary of any proceedings during a part of the meeting that was not open to the public, if the published minutes do not provide a reasonably fair and coherent record of those proceedings.<sup>40</sup>

## Section 9:

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

#### Order of Business

- 9.1 The business to be conducted will be dealt with in the order set out in the agenda, unless the Chair decides to vary the order or the Authority may do so by a resolution passed on a motion duly moved and seconded, other than when a Chair needs to be appointed.
- 9.2 The format for the agenda will normally be as follows:
- Item 1: Choose a person to preside if the Chair and Vice Chairs are absent
  - Item 2: Apologies for absence
  - Item 3: Declarations of interest
  - Item 4: Minutes of the last meeting
  - Item 5: Matters requiring urgent attention
  - Item 6: Questions from the public
  - Items for decision
  - Items for information
- 9.3 At the Annual General Meeting of the Authority, the first item on the agenda will be the election of the Chair of the Authority. For this item, the Clerk will conduct the election.
- 9.4 At the Annual General Meeting of the Authority, the election of Vice Chairs and appointments to the Sub-Committee will take place before other items for decision.
- 9.5 If the Chair and Vice-Chair are absent from an Authority meeting, the election of a Chair from the Authority Members present for the duration of the meeting will become the first item on the agenda. For this item, the Clerk will conduct the election.

#### Exclusion of the Public and the Media from a Meeting

- 9.6 The media and the public will be excluded from meetings whenever exempt or confidential information will be disclosed.<sup>41</sup>

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<sup>40</sup> Section 100C Local Government Act 1972

<sup>41</sup> Section 110A (2) and (3) Local Government Act 1972

- 9.7 The decision to exclude the media and the public must be made by a resolution of the meeting which must state the reasons for the exclusion.<sup>42</sup> The reasons must be recorded in the minutes of the meeting.

#### Rules of Debate

- 9.8 An Authority Member may put forward the motion for debate at any meeting. The motion may support the recommendation contained in a paper for an item on the agenda, or a proposal formulated at the meeting.
- 9.9 An Authority member may also propose an amendment to a motion.
- 9.10 All motions and amendments must be seconded by another Authority Member present.
- 9.11 A motion may be put forward verbally unless the Chair requires it to be put in writing. In this case, the written motion must be agreed by the proposer and given to the Clerk as soon as it has been seconded.
- 9.12 Only one amendment to the original motion can be made at a time.
- 9.13 The amendment to the original motion must be considered first.
- 9.14 If the amendment is lost, other amendments may be moved to the original motion.
- 9.15 If an amendment is carried, the motion, as amended, is the one to which further amendments may be moved.
- 9.16 An amendment must relate to a motion and can:
- refer the subject of debate to a committee for consideration or reconsideration
  - leave out words
  - leave out words and insert or add others
  - insert or add words
- but must not introduce a substantially new proposal or give effect to the direct opposite of what was proposed in the original motion.
- 9.17 When an amendment is carried, any further amendment must follow 9.18 and not revert to the wording of the original motion
- 9.18 Authority Members may put forward procedural motions during the course of a debate. These are as follows:
- to refer the matter to Authority's Employed Officers or to the Authority or to a Sub-Committee, as relevant, for further consideration
  - to withdraw a motion
  - to postpone consideration of the matter
  - to propose to have a vote
  - to adjourn a meeting
  - to suspend Standing Orders
- 9.19 The Chief Officer will decide in advance of a meeting who should present an item on the agenda. This will normally be the report author but may be a relevant Authority's Employed Officer or Authority Member where appropriate.
- 9.20 Following the presentation of the report, the Chair will open the item to general debate.

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<sup>42</sup> Section 110A (4) and (5) Local Government Act 1972

- 9.21 Authority Members will indicate their wish to speak by raising their hand. The Chair will aim to take speakers in the order in which they indicate.
- 9.22 At the Chair's discretion, Authority Members may speak more than once on an item.
- 9.23 In the course of debate, Authority Members may ask Authority's Employed Officers for clarification or information.
- 9.24 At the Chair's discretion, the Authority's Employed Officers or Officers from the Local Authorities may enter the debate to contribute information or explanations.
- 9.25 The Chair will determine when the debate should be closed.
- 9.26 Where the item requires a decision, and a recommendation is set out in the paper, the Chair will put the recommendation to the meeting and will ask for a mover and a seconder. If no amendments to the proposal are made, the Chair will put forward the proposal as the motion to a vote.
- 9.27 If an Authority Member indicates that they wish to amend the motion, the Chair will request a seconder. If there is a seconder to the amendment the Chair will then invite the proposer to speak, before opening a general debate on the amendment.
- 9.28 When the debate has been closed, the Chair will put the amendment to the vote.
- 9.29 If the amendment is carried by a majority vote, it becomes the substantive motion before the meeting. If no more amendments are proposed, the Chair will normally put the substantive motion to the vote. If the Chair considers that further information is required, they may invite further general debate before putting it to the vote.
- 9.30 Where a motion, whether amended or not, is put to Authority Members and the vote is not carried, the Chair will either invite Authority Members to put forward a new motion for consideration or will defer the decision to a future meeting. In deciding the most appropriate course of action, the Chair will take the advice of the Chief Officer.
- 9.31 Where the meeting is debating an original motion or substantive motion (not an amendment) proposed by an Authority Member, speakers will be taken in the following order:
- The proposer of the motion
  - The seconder of the motion
  - Authority Members in the order in which they indicate their wish to speak
  - The proposer of the motion, exercising the right to reply
- 9.32 Where the meeting is considering an amendment to a motion, speakers will be taken in the following order:
- The proposer of the amendment
  - The seconder of the amendment unless 9.31 applies
  - Members in the order in which they indicate their wish to speak
  - The proposer of the amendment, exercising the right to reply
- 9.33 The seconder can reserve their right to speak until later in the debate.
- 9.34 The proposer of an amendment will have the right to reply after the debate immediately before the mover of the original or substantive motion.
- 9.35 The Chair will invite Authority Members to vote immediately after the mover of the motion has exercised their right to reply.

### Reconsidering a Decision agreed by the Authority or a Sub-Committee

- 9.36 No decision agreed by the Authority or a Sub-Committee will normally be reconsidered within six months of the date the decision was made.
- 9.37 Where the Chair or the Chief Officer considers it necessary to reconsider a decision within this period, the background paper relevant to the agenda item will state the reason for considering the matter again and the changes proposed to the agreed resolution.

### Voting

- 9.38 All Authority Members or Members of a Sub-Committee, who are present at a meeting of the Authority or of the relevant Sub-Committee will be entitled to vote, unless they have declared a pecuniary interest under the Members' Code of Conduct, which prohibits them from voting.
- 9.39 When voting on appointments for the role of the Chair and Vice Chair of the Committee or any Sub-Committee, if there is more than one nominated person for the role, all nominated persons shall leave the room whilst voting takes place.
- 9.40 If a Member has declared a pecuniary interest in a matter being discussed, they shall leave the room whilst voting on that matter takes place.
- 9.41 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.
- 9.42 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.
- 9.43 Voting at all meetings will be by a show of hands unless the Chair or five Authority Members present at the Meeting request a recorded vote. In this case, the Clerk will ask each Authority Member present to declare their vote and this will be recorded in the minutes of the meeting.
- 9.44 A motion or amendment will be deemed to be carried if it receives a simple majority of the votes of those present. Where an equal number of votes are cast for and against a motion, the Chair of the meeting will have a second or casting vote.<sup>43</sup>
- 9.45 Where more than two persons are nominated for any appointment and one of the votes given there is not a majority in favour of one of them, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

### Disturbance

- 9.46 If a member persistently ignores or disobeys the ruling of the Chair or behaves irregularly, improperly or offensively or deliberately obstructs the business of the meeting any other member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.
- 9.47 If the same member continues to misbehave the Chair will either move 'that the member named do leave the meeting' (in which case the motion shall be determined

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<sup>43</sup> Paragraph 39(1) and (2) Schedule 12 Local Government Act 1972

without seconding or discussion) or adjourn the meeting for such time as he/she thinks fit.

- 9.48 If a motion, 'that the member named do leave the meeting' is approved by a meeting the Chair will then order the member concerned to leave the room for the rest of the meeting. If the member refuses to go the Chair can order that he/she be removed.
- 9.49 In the event of a general disturbance which in the opinion of the Chair renders the orderly dispatch of business impossible, the Chair in addition to any other power vested in him may, without question put, adjourn the meeting for such period as he/she in his/her discretion shall consider expedient.
- 9.50 If a member of the public interrupts the proceedings of a meeting the Chair shall warn him/her. If he/she continues the interruption the Chair shall order his/her removal from the Committee Room. In the case of general disturbance in the part of the Committee Room open to the public, the Chair shall order that part to be cleared.

#### Suspension of Rules of Procedure

- 9.51 The rules of procedure set out in paragraphs 9.1-9.50 may be suspended by a vote of the majority of Authority Members present at a meeting, with the exception of paragraphs 9.36-9.40.

### Section 10:

#### Audio-visual Recording Devices

- 10.1 Provided agenda items being discussed are open to the public anyone present can report the proceedings by either filming, photographing or audio recording for dissemination after the meeting or providing commentary on proceedings either orally or in writing as the meeting takes place. Items not for public discussion cannot be reported on. The Chair and the Chief Officer should be notified at the commencement of the meeting of anyone wishing to record the proceedings.

### Section 11:

#### Sub-Committees of the Authority

- 11.1 The Authority may establish Sub-Committees with responsibility for considering or determining functions of the Authority.<sup>44</sup>
- 11.2 The Sub-Committees will operate according to published Terms of Reference that are reviewed annually and agreed by the Authority.
- 11.3 A Sub-Committee's power to make decisions on behalf of the Authority, or to make recommendations to the Authority for determination, will be stated in the decision which established the Sub-Committee and will be set out in the Authority's Scheme of Delegations.
- 11.4 With the agreement of the Chair of a Sub-Committee, the Chief Officer can refer back to the Authority for a decision on a matter which has been delegated to a Sub-

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<sup>44</sup> Article 17(1) Devon and Severn IFCA Order 2010

Committee, where it is in the interests of the Authority that the matter is determined by the all Authority Members.<sup>45</sup>

- 11.5 A Sub-Committee may refer to the Authority a matter which has been delegated to it where this is in interests of the Authority and a majority of Sub-Committee Members agree.<sup>46</sup>
- 11.6 Sub-Committees will follow the Rules of Procedure for ordinary meetings set out paragraphs 9.1-9.50 (excluding 9.3-9.5).
- 11.7 The Chief Officer will ensure that the Sub-Committee business will be reported to the next meeting of the Authority following the Sub-Committee's meeting, summarising the discussion and decisions or recommendations of the Sub-Committee.
- 11.8 Meetings of Sub-Committees will be held at locations which are convenient for Members and which also provide access for the public who might wish to attend.

#### Quorum for Sub-Committees

- 11.9 The quorum for a Sub-Committee will be at least six members

#### Membership

- 11.10 Only Authority Members are eligible to be Members of a Sub-Committee.<sup>47</sup> Any Member is eligible to be appointed to any Sub-Committee.
- 11.11 Each Sub-Committee will consist of at least twelve Authority Members including the Chair and Vice-Chair (ex officio)
- 11.12 There is no limit to the term that a Member can serve on a Sub-Committee.
- 11.13 Where a vacancy exists on a Sub-Committee, a replacement Member will be sought by the Authority at the next meeting.

#### Chair and Vice-Chair

- 11.14 Any Member of a Sub-Committee is eligible to stand as Chair or Vice-Chair.
- 11.15 For Sub-Committees where the office of Chair or Vice-Chair becomes vacant, Members of the Sub-Committee will elect a Chair or Vice-Chair at the next meeting following the vacancy. The Clerk will take the meeting to conduct the election of a Chair.
- 11.16 Nominations for the post of Chair or Vice-Chair will be made verbally to the Clerk at the meeting and the election will be by majority vote of the Members present.
- 11.17 If there are an equal number of votes for the Members nominated, the Clerk will decide the election by lot.
- 11.18 Should the Chairs and Vice-Chair of the Sub-Committee be absent, Members of the Sub-Committee will elect one of their number as Chair for the duration of the meeting.

#### Substitutes

- 11.19 Any Member of the Authority can act as a substitute for a Member of a Sub-Committee.
- 11.20 A Member who wishes to be substituted at a meeting will, before the date of the meeting, notify the Chief Officer of the name of the substitute.

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<sup>45</sup> Article 17(3) Devon and Severn IFCA Order 2010

<sup>46</sup> Article 17(3) Devon and Severn IFCA Order 2010

<sup>47</sup> Article 17(2) Devon and Severn IFCA Order 2010



## Section 12:

### Working Groups of the Authority

- 12.1 The Authority or any of its Sub-Committees may set up informal Working Groups to examine matters that are within the remit of the Authority or Sub-Committee. The Authority will also define the Working Group's Terms of Reference.
- 12.2 Any Member or Authority's Employed Officer may be a Member of a Working Group.
- 12.3 The Working Group will not take decisions and must report back to the Authority as set out in its Terms of Reference.

## Section 13:

### Participation in Meetings by Members of the Public and Representatives of other Organisations

#### Members of the Public

- 13.1 All meetings of the Authority and its Sub-Committees, will be open to members of the public, except where a resolution to exclude the press and public has been agreed by the Authority or the Sub-Committee.<sup>48</sup>
- 13.2 Meetings of the Authority's Working Groups will not be open to the public.
- 13.3 Members of the public may not make comments or ask questions at the meeting, unless invited to do so by the Chair of the meeting. The Chair will also limit the amount of time the members of the public have to address the meeting to a maximum of 30 minutes including consideration of written questions. Each member of the public wishing to address the meeting will be given the same amount of time up to a maximum of five minutes.
- 13.4 Members of the public may submit written questions or comments for consideration at a meeting. The question or comment should concern an item on the agenda for the meeting.
- 13.5 The question or comment must be put in writing and must reach the Chief Officer by 1200hrs two working days before the date of the meeting (excluding the date of the meeting). The Chief Officer and the Chair of the Authority will decide whether it is appropriate to put the matter to the meeting.
- 13.6 All questions will be printed in the order they have been received and will be circulated to everyone present at the meeting together with a written response. If the member of the public is present at the meeting they will be entitled to ask one supplementary question arising from the written answer given.
- 13.7 If it is decided not to put the matter to the meeting, the Chief Officer will ensure that a prompt written response is sent to the member of the public concerned.
- 13.8 Members of the public can also ask individual Authority Members to raise issues at a meeting if the issue concerns an item on the agenda for the meeting.

#### Representatives of the MMO, Natural England, the Environment Agency and other Organisations

- 13.9 The Statutory Agency Members and the MMO employee appointed as a General Member may invite a colleague or colleagues to present information with the prior consent of the Chair and Chief Officer.

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<sup>48</sup> Section 100A Local Government Act 1972

13.10 The Chief Officer, in consultation with the Chair of the meeting, may allow representatives of other organisations to present information.

#### Section 14:

##### Extraordinary Meetings

- 14.1 After consulting the Chief Officer, the relevant Chair or any three Members may summon an extraordinary meeting of the Authority or a Sub-Committee, for a reason relating to the functions of the Authority that they consider urgent, by giving notice to the Clerk.
- 14.2 The Chief Officer will call a meeting of the Authority or Sub-Committee within three clear working days of receiving such a notice.
- 14.3 The agenda for an extraordinary meeting will be as follows:
- Item 1: Welcome by the Chair
  - Item 2: Apologies for absence
  - Item 3: Declarations of interest
  - Item 4: The purpose for which an extraordinary meeting has been summoned
- 14.4 No other items, including minutes of the last meeting, will be taken at an extraordinary meeting.<sup>49</sup>
- 14.5 The rules of procedure set out in paragraphs 9.1-9.48 will apply to extraordinary meetings.

#### Section 15:

##### Exempt Information under Schedule 12A of the Local Government Act 1972

- 15.1 The exemption categories referred to in paragraph 7.8 are as follows<sup>50</sup>:
- Information relating to any individual
  - Information which is likely to reveal the identity of an individual
  - Information relating to the financial or business affairs of any particular person (including the authority holding the information)
  - Information relating to any consultations or negotiations or contemplated 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
  - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
  - Information which reveals that the authority proposes –
    - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or;
    - (ii) to make an order or direction under any enactment
  - Information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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<sup>49</sup> Paragraph 41(4) Schedule 12, Local Government Act 1972

<sup>50</sup> The exemption categories must be interpreted in the light of the Freedom of Information Act 2000 and the advice of the Information Commissioner

End.