



NORTH EASTERN SEA FISHERIES COMMITTEE

CONSTITUTION

CONSTITUTION OF THE COMMITTEE

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STANDING ORDERS

Meetings

1. All meetings of the Committee shall be held at such places as the Clerk, with the approval of the Chairman, may arrange.
2. The four quarterly meetings of the Committee shall be held on the last Tuesday in the months of January, April, July and October at 2 p.m., except where the Committee otherwise determine. In exceptional circumstances the Clerk, with the approval of the Chairman, may also vary these arrangements.
3. Notice of every meeting, whether general or special, shall be sent through the post to each member at least five clear working days before the date of the meeting. Every notice of the meeting shall state the place, day and time of the meeting and the business to be transacted thereat.
4. The Clerk shall, upon the request of the Chairman, or upon a requisition in writing signed by any three members of the Committee, summon a special meeting of the Committee and if he, for three days, fails to comply with such a request or requisition such Chairman or three members, as the case may be, may summon such a meeting.
5. The quorum for meetings of the Committee shall be five.
6. The minutes of the proceedings of each meeting shall be duly entered by the Clerk in a book kept for that purpose.
7. All members attending any meeting shall sign an attendance register.

Order of Business

8. The Committee shall, at its July meeting in every year, elect two of its number to be respectively Chairman and Vice-Chairman of the Committee for the ensuing year. The previous Chairman and Vice-Chairman shall always be eligible for re-election.
9. Should the Chairman not be a representative of one of the constituent local authorities, the Vice-Chairman shall be elected from the local authority representatives, unless they so decline.
10. At every meeting of the Committee the Chairman, if present, shall take the chair. If the Chairman is absent, the Vice-Chairman, if present, shall be Chairman. If both are absent, the Committee shall by resolution choose one of its number to be Chairman for such meeting.
11. The Chairman of any meeting shall have, in the case of equality of votes, a second or casting vote.
12. No substitutes will be allowed for members of the Committee. Substitutes for members of the Executive Committee or Sub-Committees will only be permitted to be drawn from members of the full Committee provided that the Clerk is informed in writing no later than the commencement of the meeting.

13. 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 Chairman shall be authorised to vary the order of business in order to give precedence to any urgent matter.
14. No resolution previously agreed to by the Committee shall be altered or rescinded unless 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, except under very special circumstances when for urgent and unforeseen reasons the meeting deems it desirable to vary or rescind the same with the agreement of two thirds of the members present.
15. A member may, with the consent of the Committee to be ascertained by a show of hands without debate, withdraw or amend a motion.
16. All motions and amendments shall, if required by the Chairman, be placed in writing, signed by the mover and delivered to the Clerk immediately upon it being seconded.
17. Every amendment which has been moved and seconded must be disposed of before any further amendment is moved.
18. If an amendment is carried it shall displace the original motion and become the question upon which any further amendment may be moved. If an amendment is lost, a further amendment may be moved to the original motion under consideration.
19. 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, except where the amendment has been carried and becomes the question under consideration. No other member shall speak more than once on either the original motion or any amendment unless the Chairman gives his permission to explain, or the attention of the Chair is called to a point of order.
20. Any member may second the motion or amendment, reserving his speech for a later period of the debate.
21. No motion for the adjournment of a meeting, while a question is under consideration, shall be made by a member who has already spoken upon it. Every motion for the adjournment of a meeting or a debate shall be put and decided without discussion.

Voting

22. The voting on general questions shall be ascertained by a show of hands, the Clerk ascertaining the numbers voting for and against any motion or amendment and declaring the result accordingly. A division (or recorded vote) shall be taken on any question, if requested by any two members prior to the vote.
23. The Clerk shall take the division (or recorded vote) by calling the names of the members and recording their answers and, in all cases when a division is taken, division lists shall be recorded in the minutes.

24. Standing Orders may be suspended at any time by a vote of the majority of the Committee present at any meeting.
25. The Clerk shall insert in the summonses all notices of motion which have been given to him, at least ten clear days before the meeting of the Committee, in the order in which such notices shall have been received and with the names of the intending movers.

Discharge of Functions

26. All precepts or orders for the payment of money which the Committee from time to time may issue to respective local authorities shall require the consent of the majority of the local authority representatives attending such meeting. They shall subsequently be signed by the Clerk (or in his absence, a Deputy Clerk).
27. In accordance with Section 101(1) and (10) of the Local Government Act 1972, the Clerk and Chief Fishery Officer (in consultation with the Chairman or Vice Chairman) be authorised to instigate and take legal proceedings for offences against any legislation which the Committee is empowered to take legal proceedings against. All such legal action shall be reported to the next meeting of the Committee.

Admission of the Public

28. Meetings of the Committee will normally be open to the public but the public shall be excluded from meetings when items of a confidential nature are under consideration.

Executive Committee and Sub-Committees

29. Membership of the Executive Committee shall be eight Members, that the Chairman and Vice-Chairman be *ex-officio* Members and that remaining six Members be appointed on the basis of equal representation between Local Authority and DEFRA nominated
30. The Chairman of such meetings shall have, in the case of equality of votes, a second or casting vote.
31. A quorum of the Executive Committee shall be three members.
32. The minutes of the Executive Committee shall be submitted to the Full Committee for information.
33. The Clerk of the Committee in consultation with the Chairman and Vice Chairman be delegated to deal with issues of urgency requiring decisions outside the normal cycle of Committee and Executive Committee meetings in circumstances where it is impracticable to call a Special Meeting of either Committee,

Standards Committee

34. The Committee shall consist of the Local Authority representatives of the Executive Committee.
35. No substitute Members will be permitted.

36. A Chairman for each meeting of the Committee shall be appointed.
37. A meeting of the Standards Committee shall not be quorate unless at least three Members of the Committee are present for its duration.
38. The Committee shall meet as and when required.
39. Meetings will be open to the public, except during consideration of items containing confidential information, or exempt information within the meaning of the Local Government Act 1972.
40. Minutes of the meetings shall be available to members of the public, with the exception of exempt minutes in accordance with the Local Government Act 1972.

TERMS OF REFERENCE OF COMMITTEES AND DELEGATED POWERS

Full Committee

1. Subject to confirmation by the Department of Environment, Fisheries and Rural Affairs, to make byelaws to deal with localised problems relating to the inshore fishery.
2. To act as consultee for all proposals for the discharge of effluents and the depositing of dredged material within the district, carrying out seismic surveys and bore-hole investigations on the seabed, by-law for bombing ranges, coast protection works and any other matters that might impact on the inshore fishery.
3. To receive minutes of Executive Committee and Sub-Committees, where appropriate.
4. To receive quarterly reports from the Chief Fishery Officer and Area Officer.
5. To receive minutes of meeting of the Association of Sea Fisheries Committees.
6. To receive annually, statistical and survey reports.
7. To make appointments to other bodies from the membership of the North Eastern Sea Fisheries Committee.
8. To take any action in pursuit of the Committee's aims and objectives as are considered to be appropriate.
9. To consider all matters relating to the disposal or acquisition of fishery vessels.
10. To receive quarterly budget monitoring reports on the Committee's financial position, together with an annual audit of accounts.
11. To determine arrangements for secretarial, legal and financial support to the Committee.

Executive Committee

1. To deal with any urgent matters which must be determined before the next meeting of the Full Committee.
2. To deal with any specific issues delegated by the Full Committee.
3. To act as an appeals body in respect of regradings and disciplinary action taken by the Chief Fishery Officer or Clerk.
4. To receive regular reports and to review the management and organisation of the enforcement and working practices of Sea Fishery Officers.

Standards Committee

1. To guide the Committee on matters in relation to the standards of conduct for Members.
2. To determine requests by Members of the North Eastern Sea Fisheries Committee with a prejudicial interest for a dispensation in accordance with Regulations to be made from time to time under Section 81(5) of the Local Government Act 2000, such requests to be made to the Monitoring Officer no less than fourteen days before the meeting to which it is referred.
3. To deal with allegations referred to it by the Clerk of the Committee relating to the breach of the Committee's Code of Conduct and make recommendations to the Committee for taking action against any Member of the Committee against who the Standards Committee concludes that an allegation is substantiated.
4. To promote and maintain high standards of conduct by the Members of the Committee.
2. To advise the Committee on the adoption or revision of a Code of Conduct.
3. To monitor the operation of the Committee's Code of Conduct.
4. The monitoring of and issues relating to the declaration of interests and receipt of gifts and hospitality by Members and Officers.
5. Issues arising from breaches of confidentiality and the disclosure of exempt information by Members.
6. Any matters raised by the District Auditor in relation to matters within the remit of the Committee.
7. The breach of the Committee's Standing Orders relating to the conduct of Members at meetings of the Committee.
8. Any alterations to this Constitution shall be agreed by the Committee.

Clerk of the Committee

1. To attend, or ensure representation, at all meetings of the North Eastern Sea Fisheries Committee, the Executive Committee, Sub-Committees and any special meetings and to advise such meetings on legal and procedural issues.
2. To attend or be represented at meetings with other bodies such as the Department of Environment, Fisheries and Rural Affairs, Association of Sea Fisheries Committee, Environment Agency etc.
3. To ensure effective and regular liaison/communications with the Chief Fishery Officer, the Chairman, DEFRA and Environment Agency as appropriate.
4. To authorise payment of invoices and officers' and members' expense claims.
5. To act as signatory in respect of permits, agendas, cheques and other such Committee documentation.
6. To be responsible for the preparation and circulation of agendas and minutes for all Committee and Sub-Committee meetings.
7. To deal with personnel issues, including appointment of staff below the level of Patrol Boat Skipper and disciplinary matters, in consultation with the Chief Fishery Officer.
8. To appoint to the post of Environmental Officer, Patrol Boat Skipper and above in consultation with the Chairman and Vice Chairman

Chief Fishery Officer

1. To lead and direct the Committee's officers in the enforcement of all legislation relating to the management and policing of the inshore fishery.
2. To lead and direct the Committee's officers in carrying out the Committee's environment and conservation responsibilities under the appropriate legislation.
3. To have day to day responsibility for the management, training and discipline of the Committee's Fishery Officers.
4. To prepare reports for the Committee/Sub-Committee on all matters affecting the fisheries and fishing industry within the Committee's district and such other reports as may be necessary.
5. To liaise and work in co-operation with appropriate outside bodies involved with the inshore fishery.
6. To make recommendations to the Clerk on action to be taken following the detection of offences, and to prosecute offenders and attend at Court to present evidence.
7. To act as 'Disclosure Officer' and the Deputy Chief Fishery Officer as 'Officer in Charge' in investigations and prosecutions of offences.

8. To represent the Committee on various outside bodies and external meetings, as appropriate.
9. To deal with day to day personnel issues including disciplinary matters where immediate action is required.
10. To appoint land based fishery officers, patrol boat crew, part time technical assistants, training posts and below.

FINANCIAL REGULATIONS

NOTE: In these Regulations the expression “Senior Officer” relates to the Clerk, Deputy Clerks, Treasurer and Chief Fishery Officer.

1. Introduction

Responsibility for Financial Control

- (a) The Treasurer to the Committee is legally responsible for the proper administration of the Committee's financial affairs and for purposes of Section 151 of the Local Government Act 1972, is responsible under the general direction of the Committee for the proper administration of the Committee's financial affairs. He shall take whatever action he sees fit to discharge his responsibilities under Section 151 of the Local Government Act 1972 in consultation with the Clerk.
- (b) The rules and procedures relating to financial administration are set out in the Committee's Standing Orders and Financial Regulations and in any financial instructions issued by the Treasurer.

Codes of practice and codes of conduct

- (c) The Treasurer may from time to time require compliance with financial instructions, codes of practice and conduct which he may issue. Any financial instruction or codes of practice and conduct issued by the Treasurer shall have the same force as these Financial Regulations and compliance therewith is mandatory.

2. General Arrangements And Interpretation

Responsibility and compliance

- (a) It is the duty of all employees to ensure that their actions are in accordance with these Financial Regulations. The Chief Fishery Officer must take the necessary steps to ensure that all employees are aware of their obligations in this respect.
- (b) In carrying out his responsibility for the proper administration of the Committee's financial affairs, the Treasurer shall ensure that arrangements made in relation to all financial and accounting matters and the security of money and other assets are safe, efficient and effective.
- (c) Failure to comply with the Financial Regulations may lead to action by management in accordance with the Committee's disciplinary procedures. Any employee who requires further advice or is unable to comply with these Financial Regulations or other financial procedures should inform and consult their supervisor or line manager.

Review

- (d) The Treasurer shall review the Regulations and all Financial Instructions at maximum intervals of four years and shall report to the Committee accordingly.

Interpretation

- (e) Any difference which arises from the interpretation of these Regulations shall be settled by the Treasurer in conjunction with the Clerk.

Suspension of Financial Regulations

- (f) These Regulations shall only be suspended on the resolution of the North Eastern Sea Fisheries Committee or Executive Committee, or as varied by any part of the Scheme of Delegation approved by the Committee.

3. Financial Irregularities

- (a) If at any time any case of fraud or loss or financial irregularity or bribery or corruption is discovered or suspected to exist which involves the Committee's interests, the officer concerned shall at once (and before proceeding with any further investigation) notify the Treasurer and Clerk. The Treasurer is authorised to call in the police forthwith if he considers that the nature of the irregularity warrants immediate action.
- (b) Where criminal proceedings are not instituted due to insufficient grounds the Clerk shall decide whether or not to commence a civil suit and is authorised to incur any expenditure involved which shall be reported to the next meeting of the Committee.

4. Internal Audit

- (a) A continuous internal audit, under the independent control and direction of the Treasurer, shall be arranged to carry out an examination of accounting, financial and other operations of the Committee to ensure the adequacy and effectiveness of internal controls.
- (b) The Treasurer or his authorised representative shall have authority to :-
 - (i) enter at all reasonable times on any Committee vessel, premises or land;
 - (ii) have access to all records, documents and correspondence relating to any matter or business of the Committee;
 - (iii) require and receive such explanations as are necessary concerning any matter under examination, and
 - (iv) require any employee of the Committee to produce cash, stores or any other Committee property under his control.

5. Accounting

- (a) All accounting operations shall be under the supervision of the Treasurer. The Clerk and the Chief Fishery Officer shall at an early stage consult him on the design of the systems, forms and records which could have effects upon accounting systems, records or needs.

- (b) Each Officer shall be responsible for ensuring that such records and systems are properly maintained and each Senior Officer shall carry out independent checking of financial transactions relevant to his responsibilities to ensure compliance with these Financial Regulations.
- (c) At any time every Officer shall supply to the Treasurer such information as and when required by the Treasurer.

6. Banking Arrangements And Cheques

- (a) All arrangements with the Committee's bankers shall be made by or approved by the Treasurer who shall be authorised to operate such banking accounts as he may consider necessary.
- (b) All cheques shall be ordered only on the authority of the Treasurer who shall make proper arrangements for their safe custody.
- (c) The issuing of cheques (with the exception of imprest accounts) shall be controlled by the Treasurer and shall be signed or initialled by an officer authorised by him.

7. Estimates And Budgetary Control

- (a) Estimates of income and expenditure over periods of one year or longer shall be prepared by the Clerk and Chief Fishery Officer, in consultation with the Treasurer, for submission to the Committee. The form of such estimates and the timing of their submission shall be as determined by the Treasurer, subject to any over-riding requirements of the Committee.
- (b) Before first being included in the estimates, proposals shall be the subject of written reports by the Clerk or Chief Fishery Officer and the Treasurer to the Committee for approval if they involve:-
 - (i) an estimated capital cost exceeding £10,000; or
 - (ii) an addition to annual revenue expenditure of more than £5,000 (arising from a capital project, the introduction of new policy or the extension of existing policy).
- (c) Any Officer proposing to incur expenditure in excess of £10,000, not currently forming part of the approved estimates shall, before incurring such expenditure, prepare a report in consultation with the Treasurer for submission to the Committee outlining the cost in the current and two subsequent years. No supplementary estimates will be approved (except in exceptional circumstances).
- (d) Expenditure may be incurred within the estimates approved by the Committee without further reference thereto unless the Committee shall have otherwise required. The Chief Fishery Officer may incur expenditure upto £1,000 and the Clerk and Treasurer may authorise expenditure up to £10,000.

- (e) The Treasurer together with the Clerk may approve proposals for virement not exceeding £10,000 between specified groups of headings. Approval of virement in excess of £10,000, and of any supplementary estimates, may be given by the Committee or Executive Committee.
- (f) The Senior Officer shall ensure, so far as practicable, that expenditure in excess of the approved estimates is not incurred without prior approval. They shall, as soon as practicable, prepare a written report concerning any anticipated or actual overspending of:-
 - (i) a revenue budget by more than 10% or £10,000, whichever is the lower;
 - (ii) a capital scheme budget by more than 10% or £10,000, whichever is the lower.

Such reports should give explanations of the overspending and should make proposals as appropriate for:

- (i) virement; and/or
- (ii) a supplementary estimate.

Such reports should be submitted to the Treasurer if the proposed virement does not exceed £10,000 or to the Committee if the virement does exceed £10,000.

- (g) Any proposal previously included in approved estimates shall, at the time of its inclusion in successive years' estimates be the subject of a written report by the appropriate Officer and the Treasurer to the Committee if:-
 - (i) the nature of the proposal has changed materially since its original approval; or
 - (ii) its estimated cost exceeds the original approved estimate (adjusted for subsequent changes in price levels) by more than 10% or £10,000 unless such change or increase has been the subject of earlier report under this regulation or Financial Regulation 7 (e).
- (h) For the purposes of Financial Regulations (e) and (f) anticipated or actual reductions of income shall be treated as if they were increases in expenditure.
- (i) The Treasurer may in consultation with the Senior Officer concerned, approve the virement from one financial year to another of amounts up to £25,000.

8. Orders For Work, Goods And Services

- (a) Official orders shall be in a form approved by the Treasurer and the Clerk and are to be signed only by officers authorised by the Clerk or Treasurer. A list of the names of such officers and their specimen signatures shall be maintained by the Clerk and forwarded to the Treasurer.
- (b) All orders shall be prepared in accordance with detailed procedures described in Financial Instructions and other guidance which may be issued from time to time by the Treasurer.

9. Payment Of Accounts

- (a) Apart from petty cash the Treasurer will make all payments due from the Committee by BACS, cheque or other instrument drawn on the Committee's bank account.
- (b) The Clerk or Chief Fishery Officer shall be responsible for examining, verifying and certifying invoices, payments vouchers or accounts.
- (c) Each account shall be certified in manuscript by or on behalf of the responsible officer. The officers authorised to make such certification shall be nominated by the Clerk or Treasurer. A list of the names of such officers, together with specimen signatures, shall be maintained by the appropriate officer and forwarded to the Treasurer.

10. Imprest Accounts

- (a) The Treasurer shall provide such advance imprest accounts as he considers necessary and appropriate for defraying petty cash and other minor expenses.
- (b) The accounts will be subject to such regulations as the Treasurer may require.

11. Staff Records, Salaries, Wages And Pensions

- (a) The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Committee shall be made by the Treasurer or under arrangements approved and controlled by him.
- (b) The Clerk and Chief Fishery Officer shall notify the Treasurer as soon as possible and in the form prescribed by him, of all matters affecting the payment of such emoluments.
- (c) All pay documents shall be in a form prescribed or approved by the Treasurer and shall be certified in manuscript by or on behalf of the Senior Officer who is responsible for their accuracy and authenticity. The names of officers authorised to sign such records shall be nominated by the Clerk and a list maintained thereof, together with specimen signatures. Lists of authorised signatories shall be forwarded to the Treasurer.

12. Income

- (a) The collection of all money due to the Committee shall be undertaken in accordance with arrangements approved by the Treasurer.
- (b) The Clerk and Chief Fishery Officer shall seek the prompt collection of money due to the Committee and shall notify the Treasurer in a manner specified by him of all cash collected and income due to the Committee.
- (c) It is the responsibility of any employee who becomes aware of any income falling due but not received by the Committee to ensure it is brought to the attention of the Treasurer.
- (d) All receipt forms, books, tickets and other such items shall be in a form approved by the Treasurer.

- (e) All money received on behalf of the Committee, shall, as soon as practicable, be either banked for the credit of the Committee's account or deposited with the Treasurer.

13. Equipment

- (a) The Chief Fishery Officer shall be responsible for the care and custody of the equipment under his control.

14. Write-Offs

- (a) Subject to their keeping records in a form approved by the Treasurer, the Clerk may write off losses including debts up to £500 in total, in respect of:-
 - (i) Any loss or imbalance sustained by the Committee which is not recoverable from insurance or other sources; or
 - (ii) The loss to the Committee on the disposal of stock or other assets at prices less than the book value at the time of disposal.
- (b) The Clerk and Chief Fishery Officer shall refer all irrecoverable debts and all losses in excess of £500 for write-off to the Treasurer, who may require a report to be submitted to the Committee. The Treasurer in consultation with the Clerk may write-off irrecoverable losses or debts up to £5,000.
- (c) Losses or irrecoverable debts over £5,000 may only be written off by the Committee or Executive Committee following a joint report by the Treasurer and Clerk.

15. Insurances

- (a) The Treasurer shall effect all insurance cover and negotiate all claims in consultation with other officers where necessary.
- (b) The Clerk and Chief Fishery Officer shall promptly notify the Treasurer and in appropriate cases the police of:-
 - (i) any loss, liability or any event which may result in a claim against the Committee and/or its insurers.
 - (ii) the terms of any indemnity which the Committee is required to give;
 - (iii) any new risks, properties or vehicles which might require to be insured, together with changed circumstances affecting existing risks.
- (c) The Treasurer shall annually, or at such other period as he may consider necessary, review all insurances in consultation with the Clerk and Chief Fishery Officer as appropriate.
- (d) The Treasurer shall settle all claims against the Council's insurers, in consultation with other officers as appropriate.

16. Inventories

- (a) The Chief Fishery Officer shall maintain a written inventory of equipment under his control which belong to the Committee and whose individual cost or value exceeds £100.
- (b) The Chief Fishery Officer shall be responsible for maintaining at least annually a check of all items on the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly.
- (c) The Clerk and Chief Fishery Officer in consultation with the Treasurer, may authorise adjustments to take account of deficiencies where the estimated loss does not exceed £500. Above that figure Committee approval shall be required.
- (d) The Clerk and Chief Fishery Officer may, in consultation with the Treasurer, arrange for the disposal of unrequired inventory items, up to a limit of estimated value of £1,000. Above that figure, disposal shall require Committee approval.
- (e) The Committee's property shall not be removed otherwise than in accordance with the ordinary course of the Committee's business or used otherwise than for the Committee's purposes except in accordance with specific directions issued by the Treasurer, Clerk or Chief Fishery Officer.

17. Security

- (a) The Chief Fishery Officer is responsible for maintaining security at all times for all assets including buildings, stocks, stores, furniture, equipment, cash, etc, under his control. He shall consult the Treasurer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- (b) Maximum limits for cash holdings shall be agreed with the Treasurer and shall not be exceeded without his express agreement.
- (c) Each Senior Officer shall be responsible for maintaining proper security/confidentiality in respect of information held by or on behalf of them, including information held in computerised records, in which case, each Senior Officer must ensure compliance with the Data Protection Act and any Codes of Practice or Standards approved by the Treasurer.
- (d) Each Senior Officer shall be responsible for ensuring all software in their use is legally licensed.

Standing Orders Relating to Contracts

Contracts not subject to these Standing Orders

- (1) Every contract shall comply with these Standing Orders except contracts:-
 - (a) For urgent repairs to plant or machinery necessitated by breakdown or to satisfy Health and Safety requirements
 - (b) With Statutory Undertakers who have a monopoly on works, supplies or services
 - (c) Repairs to plant or machinery which can only be carried out by the manufacturer
 - (d) For the purchase of goods or services for which there is only one source of supply
 - (e) For specialised services where Committee has authorised invitation of tenders without advertisement from two or more contractors offering such services. Such authorisation not being capable of delegation to an Officer
 - (f) With an estimated value of less than £1,000 (See Para (3) below)
- (2) Appendix 1 shall apply to contracts the value of which is estimated to be less than £10,000 but more than £1,000. Where the value of a contract is estimated to be £10,000 or more, the Clerk and Treasurer shall submit a report to the Committee on a proposed procedure to be adopted
- (3) Contracts which are reasonably expected to have a value below £1,000 shall be subject to such procedures as that officer has approved in writing and he shall ensure that appropriate steps are taken to achieve value for money and obtain and retain records of alternative quotations as far as is reasonably possible

Definitions

“Ad Hoc” shall mean the use of a select list of contractors that has been determined by Committee in accordance with paragraph 8 of this Standing Order

“Contract” shall mean any arrangement whether in consideration for money or other consideration by which the Committee acquires works, materials, goods or services

“Third Party Contract” shall mean any contract to be entered into by the Committee on behalf of another party as its agent

“Committee” shall include a duly authorised sub-committee or Officer

“Directive” shall mean the Public Supplies Directive; The Public Services Contracts Directive or the Public Works Directive made by the Council of the European Communities and any corresponding Regulations made by the British Parliament

“Equipment” shall mean all equipment owned by the Committee of whatever nature.

“Senior Officer” shall mean either the Clerk, Treasurer or Chief Fishery Officer

“Contractor” shall mean a potential contractor and includes a partnership or Company

“Standing List” shall mean a standing list of contractors approved by the Committee from time to time in accordance with this Standing Order

Compliance

- (4) Every Contract made by the Committee shall comply with the Law of the European Community, national law and these Standing Orders. Wherever a European or national law conflicts with these Standing Orders then that law shall take precedence. European law shall take precedence over national law. Where European law does not provide for a procedural step to be taken that is required by national law then that national law step shall also be taken unless specifically prohibited by European law. The same provision shall apply in the case of a procedural step required by this Standing Order that is not required by national or European law unless the latter laws specifically prohibits such a step. Due regard shall also be paid to current NJCC Codes of Procedure
- (5) Responsibility for ensuring compliance with this Standing Order shall be that of the appropriate Senior Officer

Invitation to Tender

Contracts for the Committee

- (6) Tenders for all Contracts shall be invited in writing
- (7) Invitation to tender shall be by one of the following two methods:-
 - (a) Ad Hoc list, or
 - (b) Standing List

Ad Hoc List

- (8) The following provisions shall apply when the Ad Hoc method is to be used:-
 - (a) At least four weeks before the Ad Hoc List is compiled and tenders invited Public Notices shall be given in at least one local newspaper and in at least one newspaper or journal circulating among such contractors who undertake such Contracts which shall:-
 - (i) Specify details of the contract
 - (ii) Invite interested contractors to apply, and
 - (iii) Specify a time limit of not less than 14 days for such applications to be made.

- (b) If considered appropriate by the Committee notice may also be given to all or a selected number of Contractors named in a Standing List maintained under paragraph 9 of this Standing Order
- (c) Invitations to tender shall be sent to not less than three of the contractors who applied in response, as selected by Committee, or where there are fewer than four such contractors to all of those considered suitable by the Committee

Standing List

- (9) The following provisions shall apply to Standing Lists of Contractors to be used to undertake contracts:-
 - (a) A Standing List shall be approved and reviewed by the Committee every three years and shall be kept by the Clerk who may amend it between reviews
 - (b) The Standing List shall show whether a contractor is approved to tender for contracts generally or only for contracts up to a certain value or of a certain category
 - (c) At least four weeks before a Standing List is compiled, a Public Notice inviting applications for inclusion in it shall be published in at least one local newspaper and one journal or newspaper circulating among contractors who undertake such contracts
 - (d) Invitations to tender for a contract shall be sent to not less than three contractors on the Standing List approved for the value and category of contract to be let and where there are less than four such contractors then to all such contractors except where other arrangements have been approved by the Committee
 - (e) If any Senior Officer considers that there are grounds for deleting a contractor from any Standing List then he shall inform the Clerk who shall give the contractor an opportunity to comment on the grounds in writing. The Clerk, in consultation with the Senior Officer where appropriate, shall then decide whether or not to delete that contractor from the Standing List or he may alternatively refer the matter to the Committee for decision

Tenders

- (10) The terms and contractual conditions upon which tenders are to be sought shall be approved by the Clerk and shall include details of the tender evaluation criteria.
- (11) Canvassing of any Member or officer of the Committee for acceptance of a tender will disqualify that contractor on whose behalf the canvassing is carried out.
- (12) In all tender documents contractors shall be advised that:-
 - (a) No tender shall be considered unless it is returned to the Clerk in a plain sealed pre addressed envelope which bears the words "Tender" followed by the contract to which it relates and no other mark or name including post mark indicating the name of the sender

- (b) Late tenders shall not be considered unless no other tender has been opened and the contractor submitting that tender can produce at the time of opening tenders evidence of postage by the first class post at least 24 hours before the tender return date
- (c) Tenders shall be returned to County Hall and if delivered by hand they will not be considered unless they are delivered to the reception desk at the front door to County Hall on Cross Street, Beverley
- (d) The Committee is not obliged to consider all tenders received nor to accept a tender nor to accept the highest or lowest (as the case may be) tender. Where any tender is considered then all tenders submitted in accordance with the Instructions to Tenderers will be considered
- (e) Tenders must be in English
- (f) The contents of any tender must be kept confidential and must not be disclosed to any party other than on an “in confidence” basis to those who have a legitimate need to know for the purposes of tender preparation
- (g) Where the tender is submitted by a Partnership then all partners must sign the tender. In the case of a Company it must be signed by either two Directors or a Director and the Company Secretary. Where a Director is not available then a person authorised to sign contracts on behalf of the Company may sign provided that his authority to do so is included with the submitted tender
- (h) Every contract shall contain a clause entitling the Committee to cancel the contract and claim any resulting loss in the event that the contractor shall have improperly influenced or made any attempt to influence the award or administration of the contract.
- (i) The Chief Fishery Officer shall keep a written record of all parties to whom tender documents are forwarded including the date of despatch, and shall forward such details to the Clerk prior to tenders being opened.

Third Party Contracts

- (13) In the event that a Tender is to be invited for a Contract to be placed for a third party then, unless otherwise stated by that party, that party’s own Standing Orders or procedures shall be used in selecting the method of tender invitation and contractor selection. In the event that that third party does not have any procedures in these respects they should be invited to approve, in writing, the use of this Standing Order

- (14) In all invitations to tender it shall be stated that:

“The North Eastern Sea Fisheries Committee” (“The Committee”) has been requested by [] (“The Purchaser”) to arrange a Contract on its behalf for the supply of []. Any tender accepted as a result of this invitation shall be accepted by The Purchaser and not by the Committee. The submission of a tender by a contractor shall be deemed to be an acceptance that it does not intend to contract with the Committee and that it recognises its agency status in these respects.

In the event that any goods, materials or services are being purchased all warranties or guarantees implied or otherwise as to the nature, quality and suitability of goods or under the Supply of Goods and Services Act 1982 or otherwise shall pass to the Purchaser.”

- (15) Paragraph 12(h) shall apply to Third Party tendering arrangements

Receipt and consideration of Tenders

- (16) No tender shall be considered unless it complies with the provisions of paragraph 12
- (17) All tenders returned shall be kept by the Clerk in a sealed container until the date and time for their opening
- (18) Where all tenders expected are returned on the day stated for their return then tenders will, where possible, be opened on that day, otherwise no tender will be opened before 11.00 a.m. on the next working day following the deadline for its receipt
- (19) Late tenders shall be considered only if no other tender for that contract has been opened and if there is evidence, at the time of opening, of posting by first class mail 24 hours before the date and time set for receipt of tenders and in no other circumstances. In all other cases, a late tender shall be returned to its sender with written confirmation that it had been submitted late and not considered
- (20) Tenders shall be opened at one time and only in the presence of the Clerk and the appropriate Senior Officer or their representative. There shall never be less than two persons present when tenders are opened.
- (21) A written record shall be kept of the tenders received and of their amount, except where the contract is a Schedule of Rates or a Framework Agreement in which case the amount is not recorded. A written record shall also be kept of contractors invited who have not tendered and of any late tenders. These records shall be signed by all Officers present at the opening of tenders. (Each completed list of tenders shall be closed by the Clerk or his representative by the insertion of a continuous drawn line under that list)
- (22) Tenders to be awarded following negotiations, and all other tenders, shall be accepted only by Committee except
- (a) Where other arrangements have been approved by Committee
 - (b) Where the lowest priced tender satisfies the tender evaluation criteria so long as the tender sum is no more than 5% or £1,000 above the pre-tender estimate reported to Committee

- (c) Where they are third party contracts and that third party has authorised acceptance otherwise than by the Committee

Contract Conditions

- (23) Every contract shall be in writing, and in a form approved by the Clerk and in particular shall:-
 - (a) Where a standard form of contract issued by a competent body is appropriate be in that form or in any other case include conditions of contract approved by the Clerk
 - (b) include such provision for Health and Safety as is approved by the Clerk
 - (c) provide for liquidated damages unless such is considered inappropriate by the Treasurer
 - (d) contain a clause entitling the Committee to cancel the contract and claim any resulting loss in the event that the contractor shall have improperly influenced or made any attempt so to influence the award or administration of the contract.
 - (e) Indicate that in the case of supply goods, payment will not be made in advance unless the appropriate Senior Officer approves it in writing in cases where adequate legal and financial safeguards are in place to protect the Committee's interest or Title in the goods
 - (f) Specify (as applicable) the services or works to be performed, the goods to be supplied, the price to be paid or the manner in which that sum is to be ascertained and the period within which the contract is to be performed
 - (g) Require compliance with any relevant EU standard where such exist or, in their absence, with a British Standard Specification or Code of Practice or equivalent
 - (h) Not require a particular brand of product without acceptance of its equivalent where to do so would offend Article 30 of the EC Treaty
 - (i) Contract performance insurance (where required) shall be arranged through the Committee's insurers

Sub Contractors

- (24) In the event that completion of any Contract will involve the use of sub contractors to be nominated to the main contractor then tenders shall be invited as if the sub contract were the main contract for the purposes of this Standing Order unless Committee resolves otherwise.
- (25) The invitation to tender shall include details of the provisions of the proposed main contract

**CRITERIA TO BE CONSIDERED IN SELECTION OF PERSONS
FOR STANDING LISTS AND AD HOC LISTS**

1. **Technical Resources and References**

- (a) Capacity (including physical and technical resources; current workload and ability to meet the specification).
- (b) Managerial structures and qualifications and competence of personnel.
- (c) Number of employees and a ratio between supervisors and manual workers.
- (d) Whether the contractor assesses for suitability and competence of potential workers.
- (e) The structure of the contractor's business and geographical spread of operations.
- (f) Established performance of contractor.
- (g) Technical references (preferably from other public bodies) where the contractor has been involved in similar work.
- (h) Whether the contractor has suffered a deduction of liquidated and ascertained damages in respect of any contract within the last three years.
- (i) Whether the contractor has had a contract determined or not renewed for failure to perform to the terms of that contract.
- (j) The arrangements made by the contractor for organising the work to ensure adherence to specifications (including any programmes), quality control and communication with his own workforce and with the Committee.
- (k) Whether the contractor has ascertained details of the service to be provided or the proposed contract conditions.

2. **Financial Information and References**

- (a) Whether any directors, partners or associates have been involved in any firm which has been liquidated or gone into receivership.
- (b) Whether any group or ultimate holding company would be prepared to guarantee the contractors' contract performance as its subsidiary.
- (c) Whether the Company is financially viable.

3. **Equal Opportunities**

- (a) Evidence of compliance with the Race Relations Act 1976 and questions allowed under Section 18(5) of the Local Government Act 1988.
- (b) Compliance with the Disabled Persons (Employment) Act 1944.

4. **Health and Safety**

- (a) Previous health and safety performance.
- (b) Whether the Committee will be allowed access to the contractors' depot(s) for the purpose of inspection of the premises including all plant, equipment and apparatus.
- (c) Production of a Health and Safety Policy approved by the Clerk.

CRITERIA FOR THE EVALUATION OF TENDERS

1. **Compliance with Specification and Contract Conditions**

- (a) Each tender checked for any arithmetic errors.
- (b) Whether the specification has been met in full and all schedules completed.
- (c) Whether the tender complies with any conditions or working methods specified.
- (d) Production of a Health and Safety Policy approved by the Clerk.
- (e) Whether the contractor has adequate staffing levels/working hours to meet the requirements of the specification, including peak demands and emergencies.
- (f) Whether the contractor has adequate management and organisation to perform the contract.
- (g) Whether the contractor has adequately understood the terms and conditions of the contract and has visited the sites and depots.

2. **Technical Analysis**

- (a) Technical ability and resources to undertake the work as specified for the duration of the contract.
- (b) Ability to recruit and retain labour and the firm's organisational arrangements.
- (c) Qualifications of the workforce.
- (d) Training of the workforce.
- (e) Previous experience and references from users.
- (f) Reliability and compatibility of contractors' equipment.
- (g) Risk assessment of each tender to determine the likelihood of the firm failing to deliver the required service.

3. **Financial Analysis**

- (a) Comparative Costs
 - (i) Comparison of total tender costs
 - difference in contractors' rates for call outs and emergencies;
 - difference in rate for similar buildings and tasks;

- ensure contractors' rates include for payments of utilities.
 - (ii) Redundancy, severance, early retirement costs and similar costs.
 - (iii) Contracting out costs
 - costs of ancillary support to contractors;
 - costs of arranging legal transfers;
 - costs incurred in contracting out which would not apply to the DSO;
 - any other related costs.
 - (iv) Calculation of net tender prices and avoidable costs.
 - (v) Whether the Company is financially viable.
 - (vi) Whether satisfactory bank, insurance cover, performance bond and guarantees from any parent company will be provided.
 - (vii) Retained or constant costs.
- (b) Peripheral Costs
- (i) The actual costs of any lump sum and annual pension incurred as a result of servicing such payment.
 - (ii) The cost of any central establishment charges ascribed to a contract that would continue to be borne notwithstanding the award of that contract to an outside contractor.
 - (iii) Loss attributable to delay in repayment of a contractor's VAT.
 - (iv) Savings resulting from delays in the payment of external contractors.
 - (v) Income from the disposal of assets.

SMALL CONTRACTS

1. In this appendix "small contract" shall mean any arrangement other than agency by which the Committee acquires works, supplies or services for less than £10,000 but more than £1,000.
2. Authority to award small contracts complying with Financial Regulation 22 (b) is delegated to the Clerk.
3.
 - (a) The Clerk shall establish procedures to ensure that value for money is obtained in the award of small contracts and in establishing such procedures shall consult the Treasurer.
 - (b) The Chief Fishery Officer shall be responsible for vetting contractors and for proposing to the Clerk standing lists for small contracts in those areas of work within his remit.
4. The procedures at paragraph 3(a) above shall be so designed as to ensure that for all small contracts:-
 - (a) A reasonable number of contractors as determined by the appropriate Senior Officer are given the opportunity to tender.
 - (b) Only contractors of acceptable technical and financial standing are invited to tender.
 - (c) Every step is taken to prevent any improper influence being exerted during contract preparation and award.
 - (d) Contractual terms are adequately recorded in writing and signed.
 - (e) The opening of tenders is adequately supervised.
5. In all small contracts Senior Officers shall ensure that contractors are adequately insured and that adequate provision is made for health and safety matters.

THE NORTH EASTERN SEA FISHERIES COMMITTEE
CODE OF CONDUCT FOR COMMITTEE MEMBERS

Part 1

General Provisions

SCOPE

1. (1) A member must observe the North Eastern Sea Fisheries Committee's Code of Conduct whenever he/she -
 - (a) conducts the business of the Committee¹;
 - (b) conducts the business of the office to which he/she has been elected or appointed by the Committee, or
 - (c) acts as a representative of the Committee.
- (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 Committee
 - (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 Committee's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (4) In this Code, "member" includes a co-opted member of the Committee.

General Obligations

2. A member must -
 - (a) promote equality by not discriminating unlawfully against any person;
 - (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 Committee.
3. A member must not -

¹ "Committee" means the North Eastern Sea Fisheries Committee

- (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 Committee into disrepute.
5. A member -
- (a) 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 Committee;
 - (i) act in accordance with the Committee 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 Committee 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 Committee's Clerk acting in pursuance of his/her duties under Section 114 of the Local Government Finance Act 1988.
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 Committee's Code of Conduct, make a written allegation to that effect to the Clerk as soon as it is 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 Committee 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 paragraph 12 or if a decision upon it might reasonably be regarded as affecting to a greater extent than others affected by the activities of the Committee, 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 nominal value of £5,000.
- (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 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 Committee 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.

Participation in Relation to Disclosed Interests

10. (1) A member with a prejudicial interest in any matter 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 Committee’s Standards Committee;
 - (b) not seek improperly to influence a decision about that matter.

- 11 For the purposes of this Part, “meeting” means any meeting of -
- (a) the Committee, or
 - (b) any of the Committee’s sub-committees.

Part 3

The Register of Members Interests

Registration of Financial and Other Interests

12. Within three months following the provisions of the Committee’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 Committee for this purpose by providing written notification to the Clerk to the Committee -
- (a) any employment or business carried on by the member;
 - (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 Committee 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 Committee and the tenant is a firm in which he/she is a partner or a company of which he/she is a remunerated director.
13. A member must within three months of becoming aware of any change to the interests specified under paragraph 12 above, provide written notification to the Clerk to the Committee of that change.
14. A member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Clerk to the Committee of the existence and nature of that gift or hospitality.
15. (1) The Committee will establish a Standards Committee to whom will be referred all allegations received by the Clerk under paragraph 7 and any other allegations of breach of the Code of Conduct referred to the Clerk or of which he/she becomes aware.
- (2) The Standards Committee will establish procedures for dealing with allegations referred to it and for dealing with dispensations under paragraph 10(1)(a).
- (3) The Standards Committee will be entitled to make recommendations to the Committee for taking action against any member of the Committee against whom the Standards Committee conclude that an allegation is substantiated.