



# FALKLAND ISLANDS

EXECUTIVE COUNCIL APPROVED 29.6.2016



## EXECUTIVE COUNCIL

## STANDING ORDERS

**Presented to Legislative Assembly by Order of Executive Council**



## **VERSION CONTROL**

<b>Status</b>	Executive Council approved 29.6.2016
<b>Date Issued</b>	N/A
<b>Version</b>	(36) Final Approved Version
<b>Nature of last update</b>	Version 35.
<b>Document Owner</b>	Clerk of the Councils



## CONTENTS

PART I - Introduction.....	5
1. Notification of Executive Council election .....	5
2. Temporary members and attendance of non-members.....	5
3. Oaths .....	6
4. Roles .....	6
5. The role of Executive Council.....	7
6. Conduct of members, attendees and guests .....	8
PART II - Summoning and Agenda .....	8
7. Summoning a meeting .....	8
8. Agenda.....	8
PART III - Conduct and Proceedings .....	9
9. Papers.....	9
10. Quorum .....	10
11. Meetings - Any Other Business .....	10
12. Meetings – Resolutions.....	10
13. Resolutions in writing .....	10
14. Participation by telephone and other electronic media .....	11
15. Resolutions made by e-mail.....	11
PART IV - Minutes and Actions .....	12
16. Minutes .....	12
17. Action lists .....	12
PART V – Delegation – individuals, committees and groups.....	13
18. Delegation to officers.....	13
19. Executive Council’s committees.....	13
20. Public service codes and instructions .....	14
21. Signing Authority, the Public Seal and Disposition of Crown Property .....	14
PART VI - Records and Publication .....	16
22. Record of proceedings and papers considered.....	16
23. Openness, transparency and publication.....	16
24. Determination of certain Planning Matters.....	17
25. The rules and procedures for the conduct of hearings of appeals under the Planning Ordinance.....	17



**PRELIMINARY**

**Source of Executive Authority**

- A. Her Majesty’s executive authority in the Falkland Islands is exercised by the Governor and a significant proportion of that executive authority may only be exercised by the Governor having consulted with, and accepting the advice of, the Falkland Islands Executive Council.
- B. These Standing Orders are intended to be consistent with the Constitution and, in the event of a question of interpretation, the terms of the Constitution shall prevail.

Statement of Authority pursuant to sections 56 and 66 of the Falkland Islands Constitution Order 2008 (the ‘Constitution’)

**HE the Governor and Executive Council**

- C. Where Falkland Islands legislation refers to a decision by ‘the Governor’, in the absence of express confirmation that the Governor is acting in his or her discretion or with an obligation to consult with another body, it is accepted that the reference to the Governor is the Governor having consulted with and advised by Executive Council.
- D. The role of Executive Council is expressed in section 66(1) of the Constitution. This contains a general duty for the Governor to consult with Executive Council *‘in the formulation of policy and in the exercise of the functions conferred on the Governor by this Constitution or any other law’* except in the circumstances specified section 66(2), when the Governor is not required nor obliged to consult Executive Council.
- E. There are several instances in the Constitution where the Governor may act in discretion (expressly or by necessary implication). These are listed in **Appendix A Part 1**. Where the Governor is required to consult Executive Council, the Governor will act in accordance with the advice of Executive Council subject to the right to act against that advice in the limited circumstances described in section 67 of the Constitution.
- F. In these Standing Orders the following expressions shall have the meanings ascribed to each of them:

Interpretation and General Clauses Ordinance (Part II) section 4

Section 100 of the Constitution

Section 66(1) of the Constitution

Section 66(2) of the Constitution

Sections 66(2) and 67(1) and (2) and is exercised subject to the procedure set out in subsection (3) and subject to members rights in subsection (4) of the Constitution.

**‘Council’** means the Governor acting on the advice of Executive Council;

**‘elected member’** means one of those Members of the Legislative Assembly who is currently an elected member of Executive Council;

**‘Executive Council’** means the body, constituted in accordance with the Constitution;

**‘Governor’** means the Governor acting in his or her discretion; and,



‘**member**’ means any elected member or the Chief Executive or the Financial Secretary (and ‘**members**’ shall be construed accordingly).

**Powers of delegation and sources of advice**

G. Executive Council has clear rights to delegate to committees. The Governor, and the Governor acting on the advice of Executive Council, also has clear rights to delegate to officers. In this context, a number of other boards, committees and other bodies provide advice to both the Governor and to Executive Council, or discharge functions on their behalf. For ease of use, all delegations given by Executive Council or other written Law of the Falkland Islands are recorded in a separate scheme of delegation (which are set out in **Appendix C**).

Sections 56(2) and 57(3) of the Constitution

Interpretation and General Clauses Ordinance sections 44 et seq. and Part VI (section 48 et seq).

**Recital**

H. There is no express constitutional basis under which Executive Council may determine its own procedural rules. Executive Council is established by the Constitution and, recognising international best practice, by decision reference EXCO3/1 (minute 11) on 29<sup>th</sup> June 2016 (paper 123/16), adopted the convention that it is a matter for the incumbent Council to determine specific arrangements for procedure, decision making and other matters relating to the delivery of the functions of Executive Council.

Interpretation and General Clauses Ordinance sections 35 and 36

I. By convention the Standing Orders and their appendices (and all subsequent amendments) are to be sent to the Legislative Assembly for the purposes of openness and transparency. These Standing Orders were adopted by Executive Council on 29<sup>th</sup> June 2016 by decision reference EXCO3/1 (minute 11) (paper 123/16) and received by the Legislative Assembly on 28<sup>th</sup> July 2016.

**PART I - Introduction**

**1. Notification of Executive Council election**

The Speaker of the Legislative Assembly will notify the Governor of the names of those members of the Legislative Assembly elected to sit on the Council as soon as reasonably practicable following any election pursuant to section 58 of the Constitution. In practice this will be communicated to Government House by the Clerk of the Councils.

Section 58 of the Constitution and Legislative Assembly Standing Rules and Orders, Standing Order 9.

**2. Temporary members and attendance of non-members**

(1) In the event of an elected member of Executive Council being unable to attend for the reasons set out in section 60 of the Constitution, the Speaker will notify the Governor of the member of the Legislative Assembly elected to serve as a temporary member of the Council. In practice notification under this

Sections 60 & 61 of the Constitution



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

Standing Order will usually be communicated by the Clerk of Councils, who will also communicate with the temporary member about their attendance.

(2) In the event of an ex-officio member or an attendee being unable to attend a meeting of the Council, any person acting in their role or any deputy (with the consent of the person presiding over the meeting) may be nominated to attend the Council in their place.

(3) When these Standing Orders direct that the documents or information should be sent to members these must also be sent to the members and attendees of Council (being the Governor, Attorney General, Commander of British Forces, and Clerk of the Councils).

Sections 56, 63 & 66 of the Constitution

**3. Oaths**

(1) All members (including any person acting in place of a member) will make and subscribe to the oath of secrecy. The oath will be made before the Governor or a person duly authorised by the Governor.

Section 64 of the Constitution

Commissioner of Oaths Ordinance

(2) The obligation to take the oath is extended to:

(a) the Commander British Forces and the Attorney General even though they are attendees and not strictly members of the Council;

Section 61(1) of the Constitution  
 Sections 61(2) and 64 of the Constitution

(b) any person acting as Secretary to the Council; and,

(c) any person authorised to receive copies of the minutes in accordance with standing order 16(3) and **Appendix O**.

(3) Those invited to present information for part only of a meeting will ordinarily be treated as exempted from the requirement to take the oath.

(4) An affirmation may be made in substitution for the oath.

Section 100 of the Constitution

**4. Roles**

(1) The Clerk of the Councils will act as secretary to the Council or in their absence any Deputy Clerk of the Councils (or such other person as may be nominated by the Council to act during that absence).

Interpretation and General Clauses Ordinance Part 2, section 4

(2) Without limiting the role of the Attorney General in any way, Executive Council, expect that the Attorney General will ensure that:

(a) Executive Council and the public servants, and the committees reporting to it or discharging functions on its behalf, maintain the highest standards of probity in the administration of government business;

(b) Executive Council is alerted to any matter which the Attorney General



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

believes is, or is likely to be, improper, illegal, or amount to maladministration or injustice; and,

(c) matters under paragraph (b) are reported as soon as reasonably possible (and such matters will ordinarily be reported to Executive Council formally and in writing).

**5. *The role of Executive Council***

(1) Subject to the Constitution, the Council will exercise (or will expressly delegate) the executive authority of the Government of the Falkland Islands, and in that capacity will be responsible for the formulation of policy and in the exercise of functions conferred upon the Governor in Council by the Constitution or any other law.

Sections 56(2) and 66(1)  
of the Constitution

(2) In discharging its role the Council, without limitation, will consider matters including:

(a) the development of government policy on any issue (both alone and in the context of the wider national interest);

(b) national priorities for action and investment;

(c) national economic performance;

(d) matters relating to the advancement of the constitutional rights of the people of the Falkland Islands both individually and in the wider community;

(e) the national interest;

(f) commencement of written laws of the Falkland Islands into the legislative process;

(g) monitoring the activity of the committees established by the Council;

(h) monitoring matters delegated to individuals to discharge on the Council's behalf;

(i) individual policy decisions which fall outside powers delegated to a committee or individuals or appeals properly referred in accordance with any law;

(j) monitoring the effectiveness of the public service in the delivery of government policy and national priority projects;

(k) monitoring the performance of the public service, statutory corporations and bodies or individuals funded by or through government; and,



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

(l) ensuring and promoting good governance, including monitoring the training and support provided to members of Legislative Assembly and members of committees to discharge their functions fully and well and by encouraging wider groups of the population to participate in decision making committees and groups.

**6. Conduct of members, attendees and guests**

Members, attendees and guests shall conduct themselves at all times in a manner respecting the dignity and role of Executive Council and the responsibilities of its members. Due courtesy shall be demonstrated at all times and the Governor (or such other person who may be presiding over Executive Council at the meeting) is responsible for the proper conduct and discipline of meetings.

Section 63 of the Constitution

Also refer to **Appendix E**.

**PART II - Summoning and Agenda**

**7. Summoning a meeting**

(1) The Governor may summon a meeting of the Council at any time and must summon a meeting when requested by two or more members.

Section 62 of the Constitution

(2) Without limiting the power in (1) above to call meetings at any time (**‘extraordinary meetings’**), the secretary will prepare a schedule of meetings for the following twelve months:

(a) at or after the first meeting of the Legislative Assembly following the dissolution of the Legislative Assembly; and

(b) at or before the first meeting of the Executive Council in any calendar year. (In practice the secretary will seek to obtain Council approval of the schedule of ordinary meetings at a Council meeting in November of the preceding year);

and invite the Council to agree the schedule of meetings for the calendar year (**‘ordinary meetings’**).

**8. Agenda**

(1) The agenda is made up of matters requested by any elected member and any matter agreed by the Governor.

Sections 62(1) and (2) of the Constitution

(2) Matters for the agenda are ordinarily proposed to the Governor by or through the Chief Executive as head of the public service. However, matters may be proposed to the Governor directly by any other of the following people by virtue of their offices:

Section 83 of the Constitution



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

(a) members of the Legislative Assembly;

Section 62(2) of the  
Constitution

(b) the Attorney General;

(c) the Financial Secretary (Director of Finance); and,

(d) any person responsible for external audit of the Government's business or accounts.

Section 80 of the  
Constitution

(3) Matters having been agreed to by the Governor to be included on the agenda the secretary shall call for papers to be prepared. The ordinary deadlines for meetings will be detailed on the schedule prepared in accordance with standing order 7(2).

(4) Matters which are included on the Agenda for administrative purposes or where a simple resolution is requested may be marked on the Agenda with an asterisk\* ('Starred Items'). Starred Items will be taken as read and approved without discussion at the meeting unless at or before the start of the meeting a member indicates to the person presiding that they would like the matter to be discussed. If such an indication is given the matter will be treated as if it had not been as Starred Item.

(5) Matters may not be added to the agenda after the secretary has called for papers unless the Governor is content that the matter is urgent and the Governor consents to the addition of the matter to the agenda. In practice (and in accordance with a protocol agreed between the Governor and the Chief Executive) matters from the public service may be added to the agenda with the consent of the Chief Executive up to the date for the distribution of papers to members.

(6) Matters appearing on the agreed agenda may not be removed except with the consent of the Governor.

### **PART III - Conduct and Proceedings**

#### **9. Papers**

(1) Any matter to be considered by Executive Council will be presented in a paper which as far as reasonably practicable will be in the form of the relevant template set out in **Appendix B** to these Standing Orders.

(2) Papers will normally be prepared by the public service and issued on the authority of the Director responsible for the relevant directorate of government.

(3) Papers should contain all the information reasonably required by a reasonable person with no prior knowledge of the subject matter to make a reasoned decision and care should be taken to ensure papers are well written and not unnecessarily long.



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- (4) Papers will be issued to members and attendees on the direction of the Chief Executive, the Financial Secretary or the Attorney General.
- (5) Papers will be issued by the secretary no fewer than 7 days prior to the meeting.
- (6) Papers for late items (added in accordance with standing order 8(5)) will ordinarily be taken as Any Other Business and will be circulated to members as soon as possible after permission has been given for the paper.

Refer to **Appendices B and F**.

**10. Quorum**

No business (except that of adjournment) shall be transacted at a meeting of the Executive Council if fewer than four members are present, at least two of whom are elected members.

Section 65 of the  
Constitution

**11. Meetings - Any Other Business**

Any other business may be discussed at the discretion of the person presiding at the meeting but, save for matters permitted in advance under Standing Order 8(5), matters of substance will not normally be considered without members having had the opportunity to consider a paper on the matter in advance.

**12. Meetings – Resolutions**

- (1) Only the three elected members of the Executive Council are entitled to vote on any resolution.
- (2) Decisions shall be taken by resolution and recorded in the minutes of the meeting at which such a resolution is passed.
- (3) If any resolution or other question is put to the vote at a meeting it shall be determined by a majority of the votes of the elected members present and voting on the question, and shall be decided on a show of hands unless before, or on the declaration of the result of a show of hands, a ballot (named vote) is duly demanded. A ballot may be demanded by a single elected member.
- (4) Any elected member may require their vote, or the fact of his or her abstention, to be recorded in the minutes of a meeting.

**13. Resolutions in writing**

- (1) A resolution in writing signed by all the elected members of the Executive Council shall be as valid and effective as if it had been passed at a meeting, duly convened and held. Such a resolution may consist of several documents in the



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

same form each signed by one or more of the members, including signatures evidenced and transmitted by facsimile or other electronic means. For such a resolution to be effective it shall not be necessary for it to be signed by a member who is prohibited by these standing orders, from voting thereon.

(2) Any resolution to be put to elected members under this standing order must also be copied to all other members and attendees of Council who must be given the opportunity to comment on the resolution and any accompanying paper(s) before elected members are invited to sign the resolution.

(3) A resolution in writing is not effective in relation to any resolution to amend or revoke these standing orders; a resolution to amend or revoke these Standing Orders must be passed at a meeting

**14. Participation by telephone and other electronic media**

(1) Any member or attendee who is present in the Falkland Islands may validly participate in a meeting through the medium of conference telephone, video conferencing, or similar form of communication equipment; provided that all persons participating in the meeting are able to communicate with each other throughout the entire discussion of the relevant business.

Section 60 of the  
Constitution

(2) A member so participating shall be deemed to be present in person at the meeting and shall accordingly be counted in the quorum and be entitled to vote.

(3) Such a meeting shall be deemed to take place where the largest group of those members participating is assembled or, if there is no group which is larger than any other group, where the Governor (or other person presiding over the meeting) is located.

**15. Resolutions made by e-mail**

(1) The Governor, or the Council, may direct that simple resolutions may be passed by exchange of e-mails, or similar electronic means provided all members and attendees of Executive Council are present in the Falkland Islands, and are copied into or otherwise participate in the electronic exchange.

Section 60 of the  
Constitution

(2) For such a resolution to be validly passed, a copy of the final resolution must be circulated to all members and attendees who must each reply to the person presiding to confirm their agreement. A copy of the resolution signed by the Governor and accompanied by a copy e-mail from each member shall be treated as a resolution properly passed by a meeting of Executive Council duly convened and held.



## PART IV - Minutes and Actions

### 16. Minutes

- (1) The secretary will keep minutes of each meeting and resolution of Executive Council which will be confirmed as an accurate record by the subsequent meeting of Executive Council and, subject to such confirmation, shall be signed by the person presiding at the meeting at which they are confirmed.
- (2) The secretary will ensure that the constitutional requirements of section 69(2) of the Constitution are complied with.
- (3) The internal procedure for the drafting, sign off and distribution of minutes is set out in **Appendix O**.

### 17. Action lists

Unless otherwise agreed by the Council, the following documents will be maintained and presented to Council as follows:

- (1) Rolling Action Tracker List – the secretary will maintain a list of all actions agreed by the Council together with the responsible officer, the anticipated deadline for completion and the reported status. This report will be presented to each meeting of Executive Council.
- (2) Policy Task Status Report – on behalf of the Chief Executive, the Head of Policy will maintain a list of key government policies being developed by the public service and the current status of that development. This report will be presented to Executive Council quarterly.
- (3) Legislative Drafting Status Report – on behalf of the Attorney General, the Head of the Government Legal Service will maintain a list of legislation which has been approved by the Council for development and the current status of that drafting and legislative processes. This report will be presented to Executive Council quarterly.
- (4) Clerk of the Councils' Report – the Clerk of the Councils will maintain a list of each of the following types of document that have been received by the Clerk's office. This report will be presented to the Council quarterly. The relevant documents will be available to members from the Clerk's office:
  - (a) minutes of the Council's committees;
  - (b) minutes of the committees and other bodies that advise the Council by virtue of Falkland Islands law; and,
  - (c) matters reported to the Clerk by the Governor in accordance with section 66(3) of the Constitution (being a report of matters decided by the Governor



without the advice of the Council under section 66(2)).

(5) A report made under (4)(c) is in addition to the constitutional obligation to report such matters on an individual basis as soon as reasonably possible after the event.

## PART V – Delegation – individuals, committees and groups

### 18. *Delegation to officers*

(1) In accordance with the Council's authority to delegate to officers it may choose to delegate its functions for any period and subject to any conditions or none.

Section 57(3) of the  
Constitution

(2) Any delegation made by the Council must be recorded in **Appendix C** to these Standing Orders. The scheme of delegation shall be produced and made available for inspection at the Clerk's office, Gilbert House, Stanley, Falkland Islands.

### 19. *Executive Council's committees*

(1) In accordance with the Executive Council's powers to delegate to committee, it has formed the following committees by resolution:

- (a) Agricultural Advisory Committee by Council Resolution EXCO 3/1 (minute 11 3<sup>rd</sup> resolution (1)) dated 29<sup>th</sup> June 2016;
- (b) Environmental Committee by Council Resolution EXCO 3/1 (minute 11 3<sup>rd</sup> resolution (2)) dated 29<sup>th</sup> June 2016;
- (c) Fisheries Committee by Council Resolution EXCO 3/1 (minute 11 3<sup>rd</sup> resolution (3)) dated 29<sup>th</sup> June 2016;
- (d) Housing Committee by Council Resolution EXCO 3/1 (minute 11 3<sup>rd</sup> resolution(4)) dated 29<sup>th</sup> June 2016;
- (e) Lands Committee, by Council paper EXCO 3/1 (minute 11 3<sup>rd</sup> resolution (5)) dated 29<sup>th</sup> June 2016;
- (f) Mineral Resources Committee by Council Resolution EXCO 3/1 (minute 11 3<sup>rd</sup> resolution (6)) dated 29<sup>th</sup> June 2016;
- (g) Stamp Advisory Committee by Council paper EXCO 3/1 (minute 11 3<sup>rd</sup> resolution (7)) dated 29<sup>th</sup> June 2016; and
- (h) Transport Advisory Committee by Council Resolution EXCO 3/1 (minute 11 3<sup>rd</sup> resolution (8)) dated 29<sup>th</sup> June 2016;



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- (2) The Terms of Reference of each these committees are set out in **Appendix D Part 1**.
- (3) By written laws of the Falkland Islands the Council is also advised by a number of statutory committees. A list and terms of reference or duties of these committees are set out in **Appendix D Part 2**
- (4) Lay members of committees will, unless otherwise agreed by Council, be selected by open and transparent procedures as set out in Appendix K and will have clear conditions of appointment acknowledging the lay member's responsibilities in public office.
- (5) Order 19(4) does not apply to members of committees appointed pursuant to a right of nomination and may be selected in a manner determined by their nominating body.
- (6) The chairs of committees shall be responsible for the effective operation, good conduct and discipline of meetings – and the members attending those meetings will ensure that the effectiveness of meetings is kept under regular review.

Also refer to **Appendices E, K, L and M**.

**20. Public service codes and instructions**

- (1) The public service operates in accordance with a management code and general orders (which have yet to have been incorporated into the management code). Changes to the management code and general orders must be agreed by Council (and in some aspects by the Secretary of State).
- (2) Authority for financial instructions is derived from the Finance and Audit Ordinance.
- (3) Any delegation or other authority given to others by the Council will only be exercised in a manner consistent with general orders, management code and financial instructions.

Finance and Audit  
Ordinance section  
16(1)(a)

**21. Signing Authority, the Public Seal and Disposition of Crown Property**

- (1) The Council may authorise any officer or officers to:
- (a) authenticate by signature the application of the Public Seal of the Falkland Islands;
  - (b) complete agreements by signature on behalf of the Government of the Falkland Islands;
  - (c) in Her Majesty's name and on Her Majesty's behalf, make and execute



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

under the Public Seal grants and dispositions of any land or other immovable property in the Falkland Islands that may be lawfully granted or disposed of by Her Majesty.

(2) In addition to any existing authority the Governor and the Chief Executive or any person who is discharging the functions of those roles is given authority under Standing Order 21(1).

(3) Authority under standing order 21(1) may be given to officers personally or by virtue of their office.

(4) In the absence of express direction to the contrary all individuals authorised under Standing Order 21(1) and (2) are each generally and independently authorised the power to sign or otherwise execute and deliver all certificates, contracts, agreements, letters, instruments and documents of all and any kind and by doing so to bind the Government.

(5) Authority given in accordance with standing orders 21(1) and (2) does not:

(a) limit the powers to give directions and instructions under the Finance and Audit Ordinance in relation to the use of public monies or property or the issue of any special accounting instructions under that Ordinance;

(b) limit the power of the Council or Executive Council to delegate or withhold authority under Standing Orders 18 or 19 or by any other Council decision; and

(c) grant authority to commit expenditure or create a liability on the government (which is distinct from mere authority of signature to a document).

(6) The Public Seal will be held on behalf of the Council by the Attorney General who must make arrangement for its safe custody and use.

(7) All documents which are to be executed as deeds or must otherwise be authenticated by the Public Seal must be passed to the Attorney General for sealing and due execution.

(8) The Attorney General will maintain a register of sealing, recording each use of the Public Seal and its authentication.

(9) The originals of all documents executed under the authority of these standing orders shall be forwarded to the Attorney General who will make arrangements for their safe custody whilst they remain current.

(10) The secretary will:



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

(a) keep a record of those authorised in accordance with Standing Order 21(1) in **Appendix N**;

(b) issue a certificate authenticating the authority and signature of those individually authorised under Standing Order 21 to that individual and/or office and specifying the date or circumstances in which the said authority will terminate;

(c) additionally prepare for execution under hand of the Governor a certificate of authority for those authorised under Standing Order 21(1)(c) and issue such certificate following its execution; and,

in response to any request provide confirmation of those authorised under Standing Order 21(1) at the date of the request.

## **PART VI - Records and Publication**

### **22. *Record of proceedings and papers considered***

(1) The secretary must keep a complete record of all papers, reports and other documents considered by the Council. Each paper will be given a unique reference number. Papers will be identified by calendar year. The papers will be stored in groups together with the minutes of the meeting at which the paper was presented.

(2) Additionally, a record will be kept of all published papers by subject matter. The purpose of this index is to allow policy decisions to be tracked.

(3) The Council will satisfy itself that the Public Service has made adequate arrangements for the safety and security of Council records and for the systems for future access and retrieval of the records and information contained in them

### **23. *Openness, transparency and publication***

(1) Meetings of the Council are not public within the meaning of the Committees (Public Access) Ordinance but the Council is nonetheless committed to openness and transparency in its operation. Accordingly, each paper presented for Council consideration should include a recommendation about whether or not it should be made available to the public.

Committees (Public Access) Ordinance  
Schedule 1 paras (a) to (n)

(2) In determining if a paper should be published, Council shall have regard to the categories of exempt information set out in Schedule 3 to the Committees (Public Access) Ordinance in respect of determining if the information should be published or withheld. The policy and procedure in this area is set out as **Appendix J**. Where a recommendation is that sections of a paper should be redacted and not published, the author should ensure the sections proposed for redactions are clearly marked or are otherwise readily identifiable.



## PART VII – Miscellaneous

### Planning Decisions – special cases

#### 24. *Determination of certain Planning Matters*

(1) In accordance with the Planning Ordinance, certain planning decisions must be referred to the Council to determine. Decisions must be referred to the Council when, in the opinion of the Planning and Building Committee:

Sections 37, 38 and 39  
Planning Ordinance

- (a) an application conflicts with the development plan;
- (b) an application by the Crown should be refused; or
- (c) and application relates to the exploration for or winning and working of minerals

(2) In each such case the matter will be referred to the Council for determination together with a recommendation from the Planning and Building Committee or the Planning Officer, in accordance with the Ordinance.

(3) Under these procedures a person who made the application and others who have made representations in connection with the relevant application may make written and verbal presentations to the Council.

(4) The Council's adopted and published arrangements for the making of written and oral representations are set out in **Appendix I**.

### Planning Appeals

#### 25. *The rules and procedures for the conduct of hearings of appeals under the Planning Ordinance*

(1) In accordance with the Planning Ordinance, the Council may determine appeals in respect of any decision of the Planning and Building Committee or the Planning Officer to:

Section 47 Planning  
Ordinance

- (a) refuse applications for:
  - planning permission
  - consent, agreement or approval required by a condition imposed on a grant of planning permission; or
  - approval required under a development order; or

(b) impose any condition on any grant or consent.

See Section 28 Planning



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- (2) Under these procedures a person who wishes to appeal and others who have made representations in connection with the relevant application may make written and verbal presentations to the Council.
- (3) The Council's adopted and published arrangements for the making of written and oral representations are set out in **Appendix I**.

Ordinance

Section 47A(3) Planning  
Ordinance



## APPENDIX A

### Part 1

#### **(HE the Governor's Constitutional Discretions)**

There are 21 instances in the Constitution where HE the Governor may act in discretion (expressly or by necessary implication) as follows:

- Assent or refusing assent to bills under section 52(2)
- Governor's reserved powers to introduce Bills or motions to Legislative Assembly under section 55;
- Granting permission to elected members to absent themselves from Executive Council meetings under section 59(d);
- Summoning any person to Executive Council (when presiding) under section 61(2)
- Summoning meetings of Executive Council under section 62(1);
- Appointing a member to preside over an Executive Council meeting in the Governor's absence under section 63(b);
- Authorising persons to officiate oaths of secrecy under section 64;
- A decision to act against the advice of Executive Council under section 67;
- Requiring attendance of public officers or the provision of official papers or information under section 68;
- Revoking appointments to the Advisory Committee on the Prerogative of Mercy under section 70(2)(a);
- Making appropriate arrangements for the audit of the public accounts, etc. under section 80;
- Giving directions to the Chief Executive under section 83(2);
- The power to make appointments and giving directions on the execution of that power under section 84;
- Appointment of the Senior Magistrate under section 88(4);
- Appointment of Acting Judges under section 89(1)(b);
- Appointing an Acting President of the Court of Appeal under section 89(2);
- Appointing an Acting Judge of the Court of Appeal under section 89(3);
- Determining the tenure of Judges and Senior Magistrate under section 90;
- Authorising persons to officiate oaths of allegiance under section 91;
- Appointing the Complaints Commissioner under section 95(1), and,
- Removing the Complaints Commissioner under section 95(3)(d).

There are a further three instances where the obligation to consult with Executive Council is extinguished by the obligation to consult with another body:

- Exercising functions relating to defence and internal security (except the police) where the Commander British Forces must be consulted under section 25;
- Exercising the power to make laws, where the Legislative Assembly must give



- advice and consent under section 37; and,
- Exercising the power of pardon - which requires consultation with the Advisory Committee on the Prerogative of Mercy under section 71.

It is considered probable that the Governor is likely to exercise powers under section 35 (recalling Legislative Assembly in Emergency), without reference to Executive Council under powers in section 66(2)f.

## APPENDIX A

### PART 2

#### **‘too unimportant’ or other matters which the Governor attends to without reference to Executive Council)**

1. Section 66 of the Constitution provides that in the formulation of policy and in the exercise of the functions conferred on the Governor by the Constitution or other law, the Governor must, ordinarily, consult with Executive Council (and must accept its advice; subject to section 67).
2. This guidance is concerned with one of the exceptions to the ordinary position; that the Governor is not obliged to consult with Executive Council if, in the Governor’s judgement, *the matter is too unimportant*.
3. The matters considered too unimportant may change over time, but the following **are not likely** to be considered *too unimportant*:
  - (a) matters requiring substantive policy decision; and
  - (b) other matters of substance.
4. The following matters **are likely** to be considered *too unimportant*:
  - (a) matters where a clear policy has been approved by Executive Council;
  - (b) a decision in the matter is likely only to involve application of that policy in a largely administrative way;
  - (c) matters where there are no clear indicators of controversy/substance; and
  - (d) minor amendments to the form of licenses, consents, appointments and similar documents.
5. The following are examples endorsed by Executive Council as *too unimportant* (subject to the criteria in paragraph 4 being met):



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- (a) lottery licences and lottery tax exemptions;
  - (b) diving licences;
  - (c) licences issued under the Conservation of Wildlife and Nature Ordinance;
  - (d) licences for dumping at sea (under the Food and Environment Protection Act in its application to the Falkland Islands);
  - (e) Recognition of charities under the Taxes Ordinance;
  - (f) Approval of stamp issues;
  - (g) Approval of commemorative coins recommended by the Commissioners of Currency;
  - (h) Routine Falkland Islands status approvals;
  - (i) Appointment of committee members;
  - (j) Other appointments (such as appointment of inspectors under the Offshore Minerals Ordinance);
    - Appointment of Livestock Inspectors under the Livestock Ordinance  
*[EXCO Report: 97/17]*
    - Commissioner of Currency Appointments under Currency Ordinance 1987  
*[ExCo report: 54/18]*
  - (k) Use or disposal of land on the advice of the Lands Committee where Executive Council has delegated its advisory powers to the Lands Committee;
  - (l) Licences to hold land on the advice of the Lands Committee (as above); and
  - (m) Other matters on the advice of a committee where Executive Council has delegated its advisory powers to the relevant committee.
  - (n) Designation of Vessels under the Fishery (Products) Hygiene Regulations 1998  
*[ExCo Report: 121/12]*
6. Executive Council may provide additional guidance on the procedures which might guide the processes to be followed for *too unimportant* matters to be considered outside Executive Council (such as the guidance set out in Executive Council paper 222/14 concerning the process for appointment of lay members to committees). Before making a request to the Governor in accordance with this guidance, officers should check with the Clerk of Councils whether there is any such guidance.
7. Section 66(3) requires the Governor to inform Executive Council of any measures taken in accordance with section 66(2) without the advice of Executive Council, as soon



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

as reasonably practicable. That process will involve the Governor's office sending a copy of the document which records the Governor's decision (i.e. consistent with the form below), to the Clerk of Councils' office.

8. The following format should ordinarily be used by officers for submission of matters to the Governor for consideration outside Executive Council on the basis that the matter is *too unimportant*:

**Form of request for consideration outside Executive Council  
on *too unimportant* grounds**

The Governor is requested to determine the following matter without consulting Executive Council, on the grounds that it is *too unimportant* (section 66(2)(e) of the Constitution).

Request for decision/action:

[set out background – a brief report can be attached if necessary]

The existing policy framework for the decision/action being requested is:

[either refer to and quote from relevant Executive Council paper and minute, or attach them both]

The decision/action being requested is considered to be largely administrative because:

The decision/action being requested is **not** considered to be of substance or controversy because:

The relevant portfolio holder has been consulted and [endorses the request/gave the following views:]

Signed:

Post:

Date:

**Decision of the Governor:**

I agree that this matter is 'too unimportant' and can be actioned under section 66(2)(e) of the Constitution without consulting Executive Council.

I accept the recommended decision/action [for the reasons stated].

[I refuse the recommended decision/action for the following reasons:       ]

[I disagree that this matter is too unimportant to be actioned without consulting Executive Council, and return the matter to the submitting officer so that the officer can submit the matter to Executive Council]

I ask that my decision is now forwarded to the Clerk of Councils so it may be communicated to Executive Council



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

Signed:

Governor's details:

Date:

# EXECUTIVE COUNCIL

## CONFIDENTIAL

**Title:**

**Paper Number:**

**Date:**

**Responsible  
Director:**

**Report Author:**

**Portfolio Holder:**

**Reason for paper:** This paper is submitted to Executive Council:

For policy decision (including budgetary policy)

For policy update/information

To meet a statutory requirement

Requested by elected member of the Legislative Assembly

**Publication:** Yes/No/some deletions are suggested as **highlighted** / as in the attached Schedule before publication [*delete as appropriate*]

**Not Recommended:**

*Under Executive Council Standing Order 23(2), Executive Council must have regard to the categories of exempt information in Schedule 3 to the Committees (Public Access) Ordinance when determining if information should be withheld*

*The categories which are potentially relevant to this paper are:*

**Previous papers:**

**List of Documents:**

---

### 1. Recommendations

Honourable Members are recommended to approve:

(a)

[Recommendation to be included where an EXCO report is accompanied by any legislation]

*(b) Honourable Members are recommended to authorise the Attorney General to correct typographical errors and non-substantive drafting errors found in the Bill prior to publication; or subsidiary legislation prior to signature.*

(c)

## **2. Additional Budgetary Implications**

Operating Budget	<b>2016/17</b> £X,XXX		<b>Annual Recurring</b> £X,XXX
Capital Budget	<b>2016/17</b> £X,XXX	<b>2017/18</b> £X,XXX	<b>Total Project</b> £X,XXX

2.1

## **3. Executive Summary**

3.1

## **4. Background [and Links to Islands Plan and Directorate Business Plan/s]**

4.1

## **5. Options and Reasons for Recommending Relevant Option**

5.1

## **6. Resource Implications**

6.1 Financial Implications

6.2 Human Resource Implications

6.3 Other Resource Implications

## **7. Legal Implications**

7.1

## **8. Environmental & Sustainability Implications**

8.1

## **9. Significant Risks**

9.1

## **10. Consultation**

10.1

## **11. Communication**

11.1

**Schedule of suggested deletions to enable publication of paper [            ]**

*[e.g. Paragraphs, 2, 5.2.1(a) and the following sentence in paragraph 6.1.4: “.....”*

*Or “No suggested deletions”]*

## EXECUTIVE COUNCIL

### CONFIDENTIAL

- Title:** *[Keep short, accurate, and consistent with previous reports on the same subject]*
- Paper Number:** *[Number to be obtained from the Clerk of Councils]*
- Date:** *[Date of Executive Council meeting which the paper will be considered at]*
- Responsible Director:** *[Name and role of Director/s responsible for submitting the report ]*
- Report Author:** *[Name and role of report author/s]*
- Portfolio Holder:** *[Name and portfolio of the MLA portfolio holder who has been consulted in relation to the paper]*
- Reason for paper:** This paper is submitted to Executive Council:
- For policy decision
  - For policy update/information
  - To meet a statutory requirement
  - Requested by elected member of the Legislative Assembly
  - [delete as appropriate – a paper may have more than one purpose]*
- Publication:** Yes/No/some deletions are suggested as **highlighted** / as in the attached Schedule before publication *[delete as appropriate]*
- [Guidance (delete before submission of paper):*
- If the recommendation is not to publish the paper, or is to edit parts of it, please give a brief explanation why the paper, or relevant information in it and which you would recommend is deleted, cannot be published.*
- If you are recommending that parts of the paper are deleted before it is published, then include a list of deletions in a Schedule to the paper]*
- Previous papers:** *[Enter the titles and numbers of previous relevant Executive Council papers, or state “None”]*
- List of Documents:** *[List here the documents which you are attaching to the paper, or state “None”]*
-

*[Guidance (delete before submission of this paper): It is compulsory to include sections 1, 2, 3, 6.1 and 6.2, and 7. These sections are required if only to confirm that the matter has been considered and there are no relevant implications Other sections should be used as necessary]*

## **1. Recommendations**

Honourable Members are recommended to approve:

- (a)
- (b)
- (c)

*[Guidance (delete before submission of paper):*

*Recommendations must be included unless this is a policy update/information paper only.*

*Recommendations must be clear and unequivocal and must be the independently formed view of the Civil Service endorsed by the Responsible Director. If there is a divergence of views between officers, which will necessarily sometimes happen, reasons for that must be set out in paragraph 5.*

*Recommendations must be those of the Director.]*

*Please ensure the below recommendation is included in any report that has legislation attached:*

*“Honourable Members are recommended to authorise the Attorney General to correct typographical errors and non-substantive drafting errors found in the Bill prior to publication; or subsidiary legislation prior to signature.”*

## **2. Additional Budgetary Implications**

2.1.

*[Guidance (delete before submission of paper):*

*The intention of this section is to provide a quick glance to the reader of the additional funding, or indeed savings, or impact to revenues that will result if the recommendations are approved. The section should only contain figures or one word: “None”.*

*These tables are also used to quickly include the items on the Standing Finance Committee paper “ExCo referrals” that sometimes needs to be prepared in the hour between ExCo and SFC.*

*The figures in this section should be calculated as the difference between the cost of the proposal in the report and their current approved budget (or future projection as stated in the Budget Book).*

*This section should therefore make it clear that this is new funding that is needed.*

*Details of formats are shown in Appendix A.]*

### **3. Executive Summary**

3.1.

*[Guidance (delete before submission of this paper):*

*This section should **summarise** -*

- (a) what is being asked for and why;*
- (b) stakeholder consultations (including portfolio holder);*
- (c) resource and other implications; and*
- (d) what other information is contained in the paper and where (including appendices)*

*This section is an overview which, read in isolation, enables the reader to understand the rationale for the recommendation, and to decide whether they need to read the whole report.*

*The section should not:*

- (a) contain any information which is not contained in the substantive report below;*
- (b) just be a repeat of detailed sections of the report.]*

### **4. Background [and Links to Islands Plan and Directorate Business Plan/s]**

4.1.

*[Guidance (delete before submission of this paper):*

*This section should give background to the decision being recommended, including:*

- (a) what is the current policy;*
- (b) what are the current arrangements in place;*
- (c) links to relevant Islands Plan objectives and/Directorate business plan/s objectives; and*
- (d) reference to relevant previous Executive Council papers.]*

### **5. Options and Reasons for Recommending Relevant Option**

5.1.

*[Guidance (delete before submission of this paper):*

*This section should set out the **detail** of the options available and the reasons for the recommended decision including:*

*(a) **all the options available** (including the “do nothing” option); and*

*(b) **in relation to each option**:*

- (i) **detail** the contributions the option would make to Islands Plan/Corporate/Directorate objectives*
- (ii) **detail** the economic, social, and environmental implications of the option;*
- (iii) **detail** how the option will be implemented (including when and by whom); and*
- (iv) **summarise** the resource implications, legal implications, significant risks and mitigation of risks, which are then detailed in the sections below*

*This section should contain enough detail to allow the reader to understand why the selected option is being recommended above the others identified.*

*This section should also explain if there is any **significant divergence of views** between officers and, if so, why; in particular if the divergence of views relates to the paper's recommendations. The Director's views on the balance of the argument should be included.*

***Please note - Economic implications** are not the same as financial and budget implications, but are intended to consist of a strategic and/or long term analysis of the decision's potential impact on the country's economy as a whole or of significant parts of the economy (as opposed to focussing on FIG's budget processes). Advice and input from the Policy Unit should be sought if you are unsure of the economic implications.*

## **6. Resource Implications**

### **6.1. Financial Implications**

*[Guidance (delete before submission of this paper)]*

*This section should **detail** all the financial implications relevant to the paper and will vary based on the paper content. However in writing this section the following should be considered (the list is not exhaustive):*

- The total cost of the project or proposal should be apparent*
- Any financial areas specifically not included in the proposal should be stated and an explanation given*
- A breakdown of the summary figures may be appropriate*
- A cost benefit analysis may be included*
- Any potential indirect liabilities should be stated*

- Where costs will be incurred but can be met from within existing budgets this should be made clear
- If the costs can be met from within existing budgets but this will result in not undertaking another priority an explanation should be provided
- If costs have not already been planned for, or cannot be absorbed within existing budget, then a full explanation should be given why
- when additional financial provision is required for the recommendation (ie what are the relevant circumstances and timescales that indicate a need for extraordinary budgetary provision which could not be foreseen during preparation of the annual budget?)
- Financial implications should consider the cost/benefit across FIG rather than just the department authoring the report
- Costings of all options included in the report should be detailed in this section

The financial implications for each of the options identified in the paper should include the following elements:

- (a) Operating expenditure (is more than one Directorate affected?),
- (b) Operating revenue; and
- (c) Capital programme.

Examples of formats are shown in Appendix B

You are encouraged to consult with your Treasury representative at an early stage in relation to what you believe the financial implications to be, but **you must submit your paper for approval by the Financial Secretary by the relevant paper submission deadline.**]

## 6.2. Human Resource Implications

[Guidance (delete before submission of this paper):

This section should **detail** any significant impacts on staffing arising from each of the options identified in the paper, including:

- (a) the need for additional staff;
- (b) potential for changes to job descriptions/terms and conditions;
- (c) potential for redundancy; and
- (d) other changes to working practices (including changes to the working environment that might affect the health and safety of staff).

You are encouraged to consult with the Human Resources department at an early stage in relation to what you believe the Human Resources implications to be, but **you must submit your paper for approval by the Director of Human Resources by the relevant paper submission deadline.**]

## 6.3. Other Resource Implications

[Guidance (delete before submission of this paper):

Consider and **detail** what other significant implications there may be under each of the options identified in the paper in relation to:

- (a) Information Technology resources;
- (b) Land/buildings/housing;
- (c) Health and Education; and
- (d) Other government services (eg provision of central administration, legal/contractual support, roads, power, water etc).]

## **7. Legal Implications**

7.1.

[Guidance (delete before submission of this paper):

*This section should **detail** the legal background to each of the options identified in the paper, including what statutory powers are involved.*

*Other legal considerations are:*

- (a) *Is there any impact in any of the options on the fundamental rights and freedoms provided under the Constitution (eg Protection from discrimination)?;*
- (b) *Does the recommendation meet other fundamental principles of public decision making, for example;*
  - (i) *is all relevant information provided (and irrelevant information ignored)?;*
  - (ii) *is a policy being applied too rigidly (the rule against fettering discretion); and*
  - (iii) *has an individual who is the subject of a particular recommendation been given a fair hearing.]*

*You are encouraged to consult with Legal Services at an early stage in relation to what you believe the legal implications to be, but **you must submit your paper for approval by the Attorney General by the relevant paper submission deadline.***

## **8. Environmental & Sustainability Implications**

8.1.

[Guidance (delete before submission of this paper):

*This section of your report should cover any environmental implications and the long-term sustainability of your proposal. This may include:*

- (a) *Any direct positive or negative impact on the environment from the proposal.*
- (b) *Any cumulative impact that may occur as a result of the proposal.*
- (c) *Any use of natural resources and the sustainability of these.*
- (d) *Whether the proposal has considered the issue of renewables and recycling.*

*Advice on any environmental implications may be sought from EPD, Falklands Conservation, DNR or SAERI for example. It is recognised that data does not always exist, however the section should look to draw to the attention of the reader any environmental implications that may need to be considered].*

## **9. Significant Risks**

9.1.

*[Guidance (delete before submission of this paper):*

*This section should **detail** the **key** risks associated with each option identified in the paper, ie any significant exposure to liability, loss or damage that comes from each of the options. The risks have already been identified in previous sections, but this section allows a focussed risk analysis.*

*Risks may include liability to criticism that FIG is:*

- (a) acting contrary to its agreed policies and/or stated objectives;*
- (b) acting in a way which is likely to result in reduced/inefficient performance;*
- (c) failing to do what is required by law, or acting in a way that is contrary to law (including the Constitution);*
- (d) wasting money and/or likely to waste money;*
- (e) failing to look after its staff or resources properly.]*

*This section should detail any steps which could be taken to mitigate the significant risks identified for each option.*

## **10. Consultation**

10.1.

*[Guidance (delete before submission of this paper)*

*This section should summarise consultation which has taken place with stakeholders, including the following:*

- (a) public service users (and/or community based organisations where relevant);*
- (b) the relevant MLA portfolio holder/s;*
- (c) any Directorate significantly affected by the proposed decision; and*
- (d) any relevant statutory or advisory committee.*

***If there has been no consultation with any of the above, the paper should explain why.***

*It is in the discretion of the Director submitting the paper whether consultation with the Corporate Management Team is also necessary.*

*The section should also detail any future consultation which is proposed as part of the decision making process.*

## 11. Communication

11.1.

[Guidance (delete before submission of this paper):

*This section should summarise when, how and by who it is intended the decision would be implemented, and when, how and by who communication of the decision and its implementation should take place.*

*A communication strategy may need to be included in this section.*

### Schedule of suggested deletions to enable publication of paper

[e.g. Paragraphs, 2, 5.2.1(a) and the following sentence in paragraph 6.1.4: “.....”

Or “No suggested deletions”]

### Appendix A Additional Budgetary Implications - Formats

If there are no changes to budgets it should purely read:

#### 2.0 Additional Budgetary Implications

None

If only operating budget changes are needed:

#### 2.0 Additional Budgetary Implications

	2016/17	Annual Recurring
Operating Budget	£X,XXX	£X,XXX

If only Capital budget changes are needed:

#### 2.0 Additional Budgetary Implications

	2016/17	2017/18	Total Project
Capital Budget	£X,XXX	£X,XXX	£X,XXX

If both Capital and operating budget changes are needed:

#### 2.0 Additional Budgetary Implications

	2016/17	2017/18	Annual Recurring
Operating Budget	£X,XXX	£X,XXX	£X,XXX

and

	<b>2013/14</b>	<b>2014/15</b>	<b>Total Project</b>
Capital Budget	£X,XXX	£X,XXX	£X,XXX
<b>Total</b>	<b>£X,XXX</b>	<b>£X,XXX</b>	

Figures should be used in the following formats:

Additional Expenditure	£X,XXX
Additional Revenue	(£X,XXX)
Expenditure Savings	(£X,XXX)
Lost Revenues	£X,XXX

Pence should never be used in ExCo papers and figures in the summary section should be rounded to the nearest £100.

### Examples

#### *Example 1 Operating Budget*

The Attorney General recommends to ExCo the polling facilities for the upcoming General Election. He currently has £10,000 in his operating budget. Three options cost differing amounts. Option A will cost £6,000, Option B will cost £12,000 and Option C will cost £11,000. The paper recommends Option B.

#### **2.0 Additional Budgetary Implications**

	<b>2016/17</b>	<b>Annual Recurring</b>
Operating Budget	£2,000	£nil

#### **6.1 Financial Implications**

The Registry budget currently has £10,000 allocated for the general election. This would be sufficient for Option A.

If Members prefer Option B, an additional £2,000 will be required for the Registry operating budget for the year 2013/14.

##### Option A

Estimated cost £6,000

Saving on budget £5,000

##### Option B

Estimated cost £12,000

Additional cost £2,000

##### Option C

Estimated cost £11,000

Additional Cost £1,000

## Appendix 1

### Categories of Exempt Information

Exempt information means information falling within Schedule 3 of the Committees (Public Access) Ordinance 2012.

The table below sets out the categories and any conditions or rules that relate to that category.

<b>Paragraph Number in Schedule 3</b>	<b>Category Heading</b>	<b>Conditions and Rules</b>
1	<b>Confidential information</b>	Information provided by the Governor, the Commander of British Forces or the UK Government is exempt if it was provided on terms which forbid disclosure to the public  Information is also exempt if disclosure is prohibited by law or by the courts
2	<b>National security, defence and other security matters</b>	Information is exempt if it is: <ul style="list-style-type: none"><li>• information which exemption is required to protect national security</li><li>• information which disclosure would prejudice the defence of the islands or the capability, effectiveness or security of the armed forces including the FIDF</li><li>• information which disclosure would prejudice security in some other way, including internal security, aviation or maritime security or the security of buildings, infrastructure or resources</li></ul>
3	<b>International relations and relations with the UK and other Overseas Territories</b>	Information is exempt if disclosure would prejudice: <ul style="list-style-type: none"><li>• international relations</li><li>• relations between the Falkland Islands and the UK, or</li><li>• relations between the Falkland Islands and one or more other Overseas Territories of the UK</li></ul>
4	<b>Economic Interests</b>	Information is exempt if disclosure would prejudice the economic interests of the Falkland Islands
5	<b>Enforcement Activities, etc</b>	Information is exempt information if disclosure would prejudice: <ul style="list-style-type: none"><li>• the prevention or detection of crime</li><li>• the apprehension or prosecution of</li></ul>

		<p>offenders</p> <ul style="list-style-type: none"> <li>• the administration of justice</li> <li>• the maintenance of security and good order in the prison</li> <li>• the operation of immigration controls</li> <li>• other action to enforce legislation or other legal requirements</li> </ul>
7	<b>Information about Individuals</b>	<p>Information is exempt information if it is information about an individual who is:</p> <ul style="list-style-type: none"> <li>• an employee of FIG or a public body,</li> <li>• an applicant for employment with FIG or a public body</li> <li>• a prospective employee of FIG or a public body</li> <li>• an occupier or former occupier of accommodation provided or funded by FIG or a public body</li> <li>• an applicant for accommodation provided or funded by FIG or a public body</li> <li>• a potential or prospective occupier of accommodation to be provided by or funded by FIG or a public body</li> <li>• (or has been) receiving a service from FIG or a public body</li> <li>• an applicant for a service provided by FIG or a public body</li> <li>• a potential receiver of a service from FIG or a public body</li> <li>• an applicant for financial assistance provided by FIG or a public body</li> <li>• (or has been) receiving financial assistance from FIG or a public body</li> <li>• a potential receiver of financial assistance from FIG or a public body</li> </ul> <p>The information is exempt where it relates to the individual in relation to the above capacities</p>
8	<b>Information about Children</b>	Information about adoption, care fostering, supervision, or education of an individual child
9	<b>Information about others' financial and business affairs</b>	Information about the financial or business affairs (or contemplated financial or business affairs) of a particular person unless it is information that is required to be registered under the Companies Act, Banking Ordinance, Co-operative Societies Ordinance and Offshore Minerals Ordinance

10	<b>Information about relevant contracts and negotiations</b>	<ul style="list-style-type: none"> <li>• information about the amount of expenditure that FIG or a public body proposes to incur under a contract</li> <li>• information about relevant negotiations for a contract (or the proposed conduct of negotiations)</li> <li>• information about financial provision included in the estimates of revenue and expenditure or the budget of a public body in relation to: <ul style="list-style-type: none"> <li>○ contracts</li> <li>○ costs of legal proceedings</li> </ul> </li> </ul> <p>Information is only exempt to the extent that it would give an advantage to a person entering into or seeking to enter into a contract or where it would prejudice the negotiations</p> <p>The reference to ‘contract’ is to a contract concerning property or to supply or obtain goods or services</p>
11	<b>Information about labour relations</b>	<p>Information about consultations or negotiations (or contemplated consultations or negotiations) with FIG’s or a public body’s labour relations</p> <p>This information is only exempt to the extent that disclosure would prejudice FIG or the public body in those consultations or negotiations</p>
12	<b>Information about legal advice</b>	<p>Information about legal advice received and action to be taken on that advice and information about a request for legal advice</p>
13	<b>Information about contemplated action</b>	<p>Information that relates to a decision that the Governor, FIG a public body or a committee is proposing to take to:</p> <ul style="list-style-type: none"> <li>• impose requirements on a person by giving that person a notice under an Ordinance or other legislation</li> <li>• make an order or direction under an Ordinance or other legislation</li> </ul> <p>The information is only exempt if disclosure might give the person affected by the notice, order or direction the opportunity to defeat the purpose of the notice, order or direction</p>
14	<b>Information about the identity of a</b>	<p>Information about the identity of a person giving (or who has given) information tending to show that there has been or about to be:</p>

	<b>protected informant</b>	<ul style="list-style-type: none"> <li>• a criminal offence</li> <li>• a breach of statutory duty</li> <li>• a breach of planning control</li> <li>• a nuisance</li> </ul> <p>And the information could be used to identify that person</p>
15	<b>Draft papers for Executive Council and information about them</b>	<p>Drafts of papers for approval for submission to Exco and information about those papers.</p> <p>However the Chairperson of an open committee and the person responsible for submitting the paper to Exco may agree a particular draft paper and information about it is not exempt</p>
16	<b>Internal Audit reports</b>	<p>Reports, draft reports and information used in the preparation of such reports produced for the purpose of carrying out internal auditing of FIG or a public body</p>
17	<b>Budgetary information</b>	<p>Information relating to the preparation or consideration of the budget of FIG or a public body</p>



## APPENDIX E (Conduct and related matters)

### Part 1 (Guidance - Declarations of Interest by senior officers and members of the Legislative Assembly)

#### Introduction

For MLAs the rules about registration and declaration of interests are set out in the Legislative Assembly Standing Rules and Orders (See Standing Orders 21 – 26). Honourable Members should ensure that they are familiar with these rules.

For officers the rules about registration and declaration of interests are set out in paragraph 15 of Appendix 1 of Chapter 4 of the Management Code. Officers should ensure that they are familiar with these requirements.

This guidance is in addition to the above rules and provides guidance on what steps MLAs and senior officers (i.e. officers involved in the formulation of policy or who give advice to MLAs) should take in circumstances where they have an interest that should be declared and/or have a conflict of interest.

#### Types of Interests

Interests can arise in many different ways. In addition to the rules about registration and declaration it can be appropriate for the Officer or Member to take additional steps to safeguard against an accusation of prejudice or bias and to promote the transparency of government and good decision making.

This guidance defines interests into 5 types and suggests the steps Officers and Members should consider taking in relation to decisions in which they are involved in taking or advising on. The interests are:

1. **Personal Financial Interest** - A personal (i.e. yourself or spouse or partner) financial interest which is not shared with most people on the Falkland Islands and is not an insignificant financial interest.
2. **Financial Interests of Close Friends and/or Family** - A financial interest that is not personal to you but is personal to close members of your family or close friends and is not shared by most people on the Falkland Islands and is not an insignificant financial interest.
3. **Personal Interests** - A personal interest for you or your spouse/partner or close members of your family or close friends but not one which affects you or them financially and is not shared by most people on the Falkland Islands.



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

4. **Other Interests** - Any other matter where you have or may be perceived to have a conflict of interest or have a bias or prejudice
5. **Shared Interests** - An interest that you share with most people on the Falklands

Steps to consider in relation to types of interest

1. Where you have a personal financial interest in a matter on which you are asked to make a decision, or you are asked to advise or work on then you should:
  - a. declare the interest at any meeting where the matter is to be discussed and to your manager where work on the matter has been allocated to you
  - b. not take part in any discussion on the matter or in any decision making on the matter, withdraw from that part of a meeting where the matter is being discussed and carry out no work on the matter
2. Where you have an interest because a close family member or close friend has a financial interest in relation to a matter on which you are asked to make a decision or are asked to advise on or work on you should:
  - a. declare the interest at any meeting where the matter is to be discussed and to your manager where work on the matter has been allocated to you, and
  - b. consider whether you may be improperly influenced, biased or prejudiced by the interest that the close family member has:
    - i. if you think that a reasonable fair-minded member of the community knowing all the facts about the interest and your relationship with the close family member or friend would think that you would be improperly influenced, biased or prejudiced then you should not take part in any discussion on the matter or in any decision making on the matter, withdraw from that part of a meeting where the matter is discussed and carry out no work on the matter
    - ii. if you think that a reasonable, fair minded member of the community knowing all the facts about the interest and your relationship with the close family member or friend would think that you would not be improperly influenced biased or prejudiced then you can take part in discussion, decision making, advice or work on the matter.
3. Where you have a personal interest in a matter or a close family member or a close friend has a personal interest but the interest is not financial and you are asked to make a decision, discuss, advise or work on the matter you should:
  - a. declare the interest at any meeting where the matter is to be discussed and to your manager where work on the matter has been allocated to you.
  - b. you may take part in making a decision, discuss, advise and work on the matter unless there are particular circumstances



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- about the matter that would mean that a reasonable fair-minded member of the community knowing all the facts about the interest would think that you would be improperly influenced, biased or prejudiced. In which case you may decide not to take part in any discussion on the matter or in any decision making, withdraw from that part of a meeting where the matter is discussed on the matter and carry out no work on the matter.
4. Where there is a matter where you have a conflict of interest, or are biased or prejudiced or where a reasonable, fair minded member of the community knowing all the facts would think you have a conflict of interest or would be biased or prejudiced then you should:
    - a. declare the interest at any meeting where the matter is to be discussed and to your manager where work on the matter has been allocated to you, and
    - b. not take part in any discussion on the matter or in any decision making on the matter, withdraw from that part of a meeting where the matter is discussed and carry out no work on the matter.
  5. Where there is a matter in which you have an interest that you share with most people on the Falkland Islands then:
    - a. you will not normally need to declare an interest unless there are particular circumstances about the matter or your interest that would mean that a reasonable fair-minded member of the community knowing all the facts about the interest would think that you would be improperly influenced, biased or prejudiced
    - b. you may normally take part in making a decision, discuss, advise and work on the matter unless there are particular circumstances as mentioned above.

There may be occasions where you may have an interest which does not neatly fit into any of the above categories or an interest where you are unsure what steps you should take. In these circumstances you should seek the advice of the Chief Executive or Attorney General.

There may rarely be occasions in relation to a matter where, despite having an interest which in normal circumstances you would declare and withdraw from taking part in any discussion or decision or work, it is in the best interests of the Falkland Islands that you take part in the discussion, decision making or work. In these circumstances you may decide to declare the interest and continue to participate in the matter. It is recommended that you only take this action after consulting with the other MLAs and/or the Chief Executive or Attorney General and that the reasons for your continuing to take part are recorded.



## APPENDIX E

### Part 2 (Officer/Member Protocol)

#### Protocol on Roles of Members of the Legislative Assembly and Officers of the Falkland Islands Government

##### 1. Introduction

- a. The Government of the Falkland Islands is formed by the elected members of the Legislative Assembly. They are responsible to the electorate to work with all elements of the public service to deliver the obligations and responsibilities in accordance with the Constitution.
- b. The Falkland Islands Government (FIG) is required to carry out its functions and provide services in a way which is effective in relation to the people it serves; efficient in terms of resources deployed and responsive to the views and wishes of the people that might be affected by what it does.
- c. FIG operates and promotes high ethical values and standards in an environment which demands close and effective working relationships between Members and Officers and where there is a close relationship with the community.
- d. The purpose of this Protocol is to offer guidance to Members and Officers on their respective roles and their working relationships with one another and their responsibilities to the community.

##### 2. The Role of Members of the Legislative Assembly

- a. Members of the Legislative Assembly have been democratically elected by Falkland Islanders. Members are elected to represent their constituents and the national interest of the Falkland Islands as a whole.
- b. Members are elected as individuals and will have their own political objectives. Members are entitled to work toward delivering their political objectives (subject to section 2(e)(v) below), and their right to do so should be respected by other Members and Officers.
- c. Members have a number of crucial roles which can be summarised as:
  - i. to provide strong leadership for the people of the Falkland Islands;



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- ii. to give strategic direction and share in policy development and make policy and budgetary decisions;
  - iii. to enable legislation;
  - iv. to ensure there is adequate scrutiny of policy decisions and implementation, and to hold the Executive to account in the making and implementation of policy;
  - v. to represent the community, promoting and communicating community interests within the decision making processes and dealing with problems and concerns as they arise; and
  - vi. to represent the Falkland Islands both within the Islands and abroad.
- d. The structure of Legislative Assembly, Executive Council and other committees means that decisions are taken by majority vote or consensus. Members should recognise that there may sometimes be differences of opinion on issues and these should be respected subject to the provisions of 2(e)(v) below.
- e. Members are allocated portfolios for which they have political responsibility. It is expected that:
- i. Members will brief other Members regularly on matters relating to their portfolios.
  - ii. Members will report publicly on their portfolios.
  - iii. Members will be actively involved in policy development in their portfolio area and will provide comments as portfolio holder on reports where appropriate taken to Committee or Executive Council.
  - iv. Portfolio holders may introduce Bills that are relevant to their portfolio area to Legislative Assembly.
  - v. Policy decisions on portfolio areas once settled should be respected by the portfolio holder for that area. If a Member disagrees with a policy decision in his/her portfolio area and is unable to respect that decision then arrangements should be made between Members for the policy area to be the political responsibility of another Member.
- f. Members are expected to:
- i. work in close partnership with officers;
  - ii. have an understanding of and support for the respective roles of officers and members, workloads and pressures;



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- iii. provide political leadership and direction;
  - iv. act and treat all people with dignity, respect and courtesy;
  - v. act with integrity and respect confidentiality;
  - vi. not to place officers under undue pressure, or make unreasonable requests or use their position to advance personal interests or influence decisions unfairly; and
  - vii. not interfere in operational or management issues, but to raise concerns through the appropriate channels where the executive is failing to carry out its functions efficiently and effectively.
- g. Members should maintain a professional relationship with officials, taking care not to confuse the separate roles of Members and officers.
- h. Members should behave in accordance with the Standing Rules and Orders of Legislative Assembly.

### **3. The Role of Officers**

- a. Officers are employees of and are in the service of FIG. Officers should support and advise Members on the decision making processes and faithfully implement policy decisions. They should keep in close contact with respective portfolio holders. Officers should also take decisions themselves in matters where they have delegated authority or are otherwise authorised. Officers in carrying out their roles are required to be politically neutral. When an officer has information (including that which has a wider political/community impact) that should be communicated to Members they should brief portfolio holders and, depending on the importance of the matter, should brief all Members collectively. When officers seek informal policy advice from Members they should ensure that the appropriate formal policy approvals are subsequently sought to confirm that policy.
- b. Different officers have different functions and it is important to recognise the differing roles:
- i. The Chief Executive is the head of the public service and is ultimately responsible for it. The Chief Executive is the key officer interface between the Members and the public service. The Chief Executive will report to all Members on the performance of the public service and the development and implementation of policy.
  - ii. The Financial Secretary, Attorney General and other Directors have a lead role in relation to policy development, co-ordination and performance management and are accountable to the Chief Executive.



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- iii. Heads of Service are directly responsible for the day to day delivery of services within the agreed policies and decision making framework and are accountable to the Directors.
- iv. Officers within services themselves are accountable to their service heads.
- c. Officers are expected to:
- i. demonstrate commitment to FIG as a whole and not to any political view or Member;
  - ii. work in partnership with Members as is appropriate to their position in FIG;
  - iii. have an understanding of and support for the respective roles of officers and members;
  - iv. give reasonable and timely responses to enquiries;
  - v. give professional advice not influenced by political views or preference and which does not compromise the political neutrality of officers;
  - vi. work with Members in their portfolio areas and consult with and involve Members in policy development, and keep all Members updated on the delivery of services and implementation of policy;
  - vii. act and treat all people with dignity, respect and courtesy;
  - viii. act with integrity and respect confidentiality;
  - ix. not use their relationship with Members to advance their personal interests or to influence decisions improperly;
  - x. support the role of Members as the representatives of FIG; and
  - xi. Officers should behave in accordance with the Management Code for the Public Service.
- d. Officers should manage relationships with Members so as to not create the perception of securing advantageous treatment.

---

Ends



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

**NOTE: Approved:**

**Executive Council: 29 January 2014 (ExCo Paper 02/14-AG)**

**Legislative Assembly: 27 February 2014 (Motion No 4/14 MLA Summers)**



## APPENDIX F

### Part 1

#### (Public Service Executive Council paper process)

	<b>What</b>	<b>Who</b>	<b>When</b>	<b>Purpose of the Step</b>	<b>Outcome</b>
1	Following a call for papers, papers are produced by department lead	Lead officer	At any point before step 3	All relevant issues are explored and including early specialist input such as legal, finance, HR, environmental, etc.	A complete draft ExCo paper
2	Paper signed off by Director responsible for department	Lead officer	At any point before step 3	Ensure that the paper has support from CE and has been discussed with the Portfolio lead	A final draft paper. No surprises for portfolio lead or CE
3	Paper issued to Financial Secretary, Attorney General and Director of Human Resources for comments	Responsible Director	12 noon on Friday 2 weeks before the meeting	For a high level strategic clearance on the finalised drafts	Co-ordinated clearance
4	Any comments received are incorporated if they relate to legal, financial or human resources matters –	Responsible Director	Before the following Tuesday at		Final paper to Clerk of Councils for Senior



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

	as comments on those matters is required by Executive Council		noon		Administrative Team
5	All papers are sent to Clerk to Council who assigns them an Executive Council reference number	Responsible Director	At any point before step 3		
6	Set of papers produced for Senior Administrative Team Meeting (Chief Executive, Financial Secretary, Attorney General and Clerk of Councils)	Clerk of Council	As per the deadline outlined in the schedule annual of meetings		
7	Senior Admin Meeting determines if papers from the public service meeting necessary standards and address the points required by MLAs/Governor	Senior Administrative Team	As per the deadline outlined in the schedule annual of meetings	Final acceptance or rejection of the papers	
8	Papers approved by Senior Administration Team issued to HE and CE	Clerk of Councils	Following Senior Admin meeting	Approval to issue pack	
9	After approval, issue pack (agenda and papers) to members and attendees	Clerk of Councils			
10	CE and HE to discuss	CE	?	Briefing on the papers	



**APPENDIX F**

**Part 2**

**(Senior Administrative Team review coversheet)**

<b>Senior Admin Team</b>		
<b>Date of Meeting:</b>		
<b>Target ExCo Meeting:</b>		
<b>Paper Number:</b>		
<b>Author/ Directorate:</b>		
<b>OUTCOME:</b>		
<b>Accepted:</b>		
<ul style="list-style-type: none"> <li>• Accepted as drafted</li> <li>• Accepted with minor amendment</li> </ul>		
<b>Rejected:</b> (paper returned for review, and submission to a future ExCo meeting, if appropriate)		
<ul style="list-style-type: none"> <li>• Incorrect template</li> <li>• Checklist incomplete/missing</li> <li>• CE/PL input unclear</li> <li>• Director clearance unclear</li> <li>• Poor/inadequate quality/ unclear/</li> <li>• Other:</li> </ul>		
Further Information/guidance from SAT		



## APPENDIX F

### Part 3

**[Intentionally left blank in this version]**



## APPENDIX H

### Process of Policy to Law

#	Action	Purpose	Lead Responsibility	Support	Outcome
1.	Director or MLA identifies the possible need for a new law.	Issue flagged with correct government Department	Department		Public Service alerted to need
2.	Department Head writes <b>ExCo Paper (1)</b> seeking authority to commence work to develop policies and determine if a new law is required	Ensure issue is given the correct priority/ resources are not wasted	Department		<b>If Agreed:</b> Matter prioritised on the Legislative Drafting Priorities Task List <b>If Rejected:</b> No further action
3.	Lead officer works with AG's directorate and the policy team	To agree how the matter is to be addressed (law or other method)  To develop the policy approach and the nature of the drafting support that will be required (if any)	Department	AG's and Policy	Policy instructions and approach adopted. Joint development of understanding of the current legal position; analysis of the need for new legislation (or alternative approach). Policy options considered.



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

4.	<p>Department produces an <b>ExCo Paper (2)</b> setting out the areas of policy which are recommended , setting out drafting instructions and to make recommendation about consultation:</p> <p>On the basis of the paper ExCo determine:</p> <p>A. To reject the proposal</p> <p>B. To agree the proposal without the need for consultation and to proceed to make the required drafting instructions and instruct AG’s.</p> <p>C. To agree the proposal in principal subject to consultation in one of three ways:</p> <p>(i) Consultation around the proposal set out in the paper (paper publicised and feedback requested though MLA surgeries).</p> <p>(ii) Consultation through public meetings</p> <p>(iii) Consultation through the production of a formal consultation document (possibly with public meetings also).</p>	<p>To obtain clarity on the policy position and a direction on the nature of the consultation required as well as approval of the action</p>	<p>Department</p>	<p>AG’s and Policy</p>	<p><b>If Agreed:</b> Matter progresses to consultation in the agreed manner</p> <p><b>If Rejected:</b> No further action/ discontinue</p>
----	---	--	-------------------	------------------------	---



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

4B	In the event of Option C the departmental lead will produce a further <b>ExCo paper (3)</b>	To report back on the feedback of consultation and seek approval to proceed to drafting	Department	AG's and Policy	<b>If Agreed:</b> Matter progresses to drafters  <b>If Rejected:</b> No further Action/discontinue
5.	Legislative drafting commences in accordance with the instructions in paper 2 or 3 after the department has produced drafting instructions		AG	Department	
6.	<b>ExCo paper (4)</b> produced to invite ExCo to approve the draft legislation and authorise the beginning of the Legislative process (i.e. publication in the Gazette for Bills) or authorise making and publication of subsidiary legislation.		Department and AG	Department	<b>If Agreed:</b> Matter progresses to first reading  <b>If Rejected:</b> No further Action/discontinue
7	Bill published and is then presented to Legislative Assembly  Subsidiary legislation	Responsibility determined by the Legislative process  Drafters to ensure legislation is signed by Governor and published	AG Clerk  AG Clerk	Department (exposition)	Approved for Assent and published in the Gazette  Made and published in the Gazette and laid on the table in the next Legislative Assembly



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

8.	Ordinance	After passage, assent (and commencement when applicable)	AG Clerk	Department (If commencement is on publication NFA, if on a date to be published, inform AGs to prepare the commencement notice)	Publication of notice of commencement in the Gazette
----	-----------	--	----------	---	--



**APPENDIX I**  
**Part 1**  
**Form of Notice**



**APPEALS GUIDANCE**

**November 2014**

**Appeals to the Governor (in Executive Council)**

**THESE NOTES DO NOT APPLY IF THE DECISION IS SIGNED BY,  
OR  
BY DIRECTION OF, THE GOVERNOR**

1. If you are dissatisfied with the decision of the Committee to refuse permission or to grant it subject to conditions, you have a right to appeal to the Governor (in Executive Council).
2. To appeal, you must fill in a form which you can obtain from the Clerk of the Legislative Assembly, Gilbert House, Stanley. Usually, you must return the completed form within 28 days of the date of the decision notice, but the Governor has power to grant you a longer period of time.
3. You should submit in writing your grounds of appeal and full evidence/case when you return the form of appeal to the Clerk of the Legislative Assembly.
4. The Clerk of the Legislative Assembly will then pass your grounds of appeal and full evidence/case to the Environmental Planning Department (EPD), giving them 28 days (or such longer period as agreed by the Governor) to comment and prepare the case on behalf of the Planning and Building Committee.
5. At the same time, the Clerk of the Legislative Assembly write to the persons who made representations on the original planning application



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

with the grounds of appeal giving 28 days, or such longer period as agreed by the Governor, for those persons to make comments on the appeal.

6. The EPD's evidence is then passed to you, giving you 28 days or such longer period as agreed by the Governor, to make any further comments.
7. At the same time:
  - any third party evidence will be passed to you and the EPD for comment, giving you all 28 days, or such longer period as agreed by the Governor, to make any comments; and
  - all evidence will be submitted to the next Planning and Building Committee for its comments, and any comments will be submitted to the Clerk of Councils within 5 working days of the date of the Committee.
8. The Clerk of Councils then submits the following to Executive Council:-
  - The original planning application file including the application form, plans, decision notice, committee report, committee minutes, objection letters etc.
  - The appellant's grounds for appeal and full evidence/case
  - The EPD's evidence/case
  - Any further representations made by those who originally commented on the planning application
  - Any further comments by the appellant and EPD
  - Any additional comments by the Planning and Building Committee
9. Executive Council will then consider the appeal. If you wish to make oral representations to this meeting, please refer to the separate public speaking guidance notes



## Part 2

### Public Guidance

#### 1. Guideline on Public Speaking at Executive Council on planning applications

The Government supports greater public involvement in the planning process and believes that people may be able to make their views known more effectively if they are able to speak on planning applications as well as making comments in writing.

Occasionally it is the Governor in Executive Council rather than the Planning and Building Committee that is empowered to determine planning applications. These are either when the Committee is minded to approve an application which is considered to be contrary to the Development Plan or when the Committee is minded refuse an application by the Crown. In both cases the Committee will consider the application first.

This note explains how the scheme to allow public speaking on planning applications considered by Executive Council will work.

Separate notes have been prepared for speaking at Executive Council in relation to planning appeals and also for speaking at Planning and Building Committee on planning applications or draft planning policy documents.

#### **Does the Right to Speak scheme change the way planning applications are publicised?**

No. Neighbouring properties will still be notified by letter. A notice in the local press will also advertise proposals. You will need to get your written comments to the Environmental Planning Department by the date given in the letter or notice. All communications will be acknowledged by the Department. If the application goes to Executive Council a copy of your written comments will be included in the agenda and a summary of the comments received will be included in any report prepared by the planning officer.

#### **Can anyone speak at Executive Council?**

Speaking will only be allowed if the application goes to the Executive Council for a decision because the Planning and Building Committee is unable to determine it.

The following can speak at Executive Council:

- (i) An objector (or their representative), when:
  - (a) they have submitted a written comment to the Environmental Planning Department on the application setting out the reasons for the objection;
  - (b) the grounds of objection are based on relevant planning considerations; and
  - (c) the objector has given notice of a wish to speak.
- (ii) A supporter (or their representative), when:



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- (a) they have submitted a written comment on the application to the Environmental Planning Department setting out the reasons for supporting the proposal;
  - (b) the grounds of support are based on relevant planning considerations;
  - and
  - (c) the supporter has given notice of a wish to speak.
- (iii) An applicant (or agent appointed on their behalf). They will be informed when their application is going to Executive Council and what the views of the Committee and planning officer are on the application.

Where a request to speak has been received in support of, or objecting to, an application, the applicant (or agent) will be informed and given an opportunity to speak. This will be the case whether or not they have already made a request to speak.

**If I comment on a proposal do I have to speak at Executive Council?**

No, as your interest in the proposal will be reported to Council anyway. It is up to you to decide whether to speak or not.

**If I want to speak what should I do?**

Agendas are finalised about two weeks before Executive Council meets. The Clerk of the Legislative Assembly will contact all those eligible to speak in advance of the meeting to check whether you wish to speak and, if so, to inform you of the arrangements and timings for the application. The Clerk will also advise when there are more than one objector and or more than one supporter wishing to speak as it is the responsibility of all those with common cause to decide who will speak on their behalf.

**Who attends Executive Council?**

Executive Council comprises three Members of the Legislative Assembly (MLA's), the Chief Executive, the Financial Secretary and is chaired by the Governor. Also in attendance are the Attorney General and Commander British Forces South Atlantic Islands (CBFSAI). Any MLA who was involved in the recommendation made by Planning and Building Committee is not allowed to consider the application. For planning applications a Planning Officer will normally be present and occasionally a member of the Planning and Building Committee may also attend and speak.

**How often does the Executive Council meet?**

The Council generally meets twice a month at Government House. The application is likely to be heard about three weeks after the matter was considered by the Planning and Building Committee.

**What are the arrangements for speaking?**

- (i) Speakers are allowed a maximum of three minutes in which to address the Council. Where there is more than one objector and or more than one supporter who have made a request to speak and no agreement can be reached on who shall address the Council, the time limit will be divided equally among the all objectors and all supporters. This provision also applies where both the applicant and agent wish to speak.



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

- (ii) No written submissions or other material will be accepted from speakers at the Council meeting.
- (iii) Speakers may only raise issues which are relevant to planning and to the item to be considered. Examples of relevant and non-relevant issues are given below.
- (iv) Only one opportunity to speak is allowed. If a decision on the application is deferred, no further opportunity to speak will be given unless the application is considered to have been the subject of subsequent, significant amendment.

**What procedure will be followed?**

- (i) The Chair (normally the Governor) will announce each application in turn. Those with speakers are normally heard first.
- (ii) The planning officer will introduce the application, summarise the views of consultees and written representations received from the public. He or she will then present their assessment of the proposal and also relay the views of Planning and Building Committee.
- (iii) The Chair will then invite those wishing to speak to make their case. The order of speakers will be objectors, supporters and then the applicant (and or agent).
- (iv) Speakers will have up to three minutes to state their interest. This time should be shared where more than one supporter or objector wishes to speak in favour or against an application.
- (v) Speakers must speak on matters related to planning and should not introduce significant new information.
- (vi) Members of Executive Council may ask questions of speakers for clarification but speakers will not be able to ask questions of Council or other parties. Members may also ask the planning officer or the representative of the Committee to comment on what they have heard.
- (vii) After all speakers have had their say they will normally be asked to leave the room.
- (viii) The Chair will sum up and invite Executive Council to debate the merits of the application and determine it.
- (ix) Applications will not be deferred because of the absence of any person who has indicated a wish to speak.
- (x) The above procedures for public speaking can be amended during Council meetings at the discretion of the Chair.

**Can I ask questions?**

You may include questions in your submission but other speakers cannot be compelled to answer them. If you have a question that officers could answer it would be best to let



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

the Environmental Planning Department know the question before the meeting so that relevant information can be gathered. You will not be allowed to interrupt someone else or take part in the Members' debate.

**In preparing my statement which issues are relevant?**

Relevant planning considerations include comments about Stanley Town Plan or Structure Plan policies, highway safety and traffic, noise disturbance and smells, design, wildlife and trees, impact on privacy and also previous planning decisions.

**Which issues are not relevant?**

Matters covered by other laws, private property disputes, the developer's background, and the loss of private views or loss of value to property are not relevant planning considerations. If you are unsure you can always check with the Environmental Planning Department.

Please do not present any new material or comments at the Council meeting. All comments regarding a development proposal should be submitted formally in writing to the Environmental Planning Department in advance of the earlier Planning and Building Committee meeting in order for them to be fully considered. It is not normally possible for representations to be considered at the Council meeting unless they have been submitted during the formal consultation process.

**If the application is refused can the applicant still appeal?**

No. Unlike applications decided by Planning and Building Committee, there is no right of appeal for an application determined by Executive Council.

**If you have any queries about speaking at Executive Council, please contact:**

Clerk of the Legislative Assembly  
Gilbert House  
Ross Road  
Stanley

Telephone: 27451

E-mail: [clerkofassembly@sec.gov.fk](mailto:clerkofassembly@sec.gov.fk)

---

ENDS



**FALKLAND ISLANDS  
EXECUTIVE COUNCIL COMMITTEES**

(Standing Order 19 and Appendix K.  
Committee Terms of Reference paragraph 7.4)

**NOTIFICATION OF COMMITTEE MEMBER INTERESTS**

*Please read the following documents:*

- *Your letter of appointment*
- *Your Committee's Terms of Reference*
- *Any guidance issued by the Clerk of the Councils Office*

*This notification must be completed and returned to the Clerk of Councils as soon as possible after your appointment and when there is any notifiable change in the interests.*

**In compliance with the terms my appointment and the Terms of Reference of the Committee, I provide the following notification of my declarable interests relating to the work of the Committee:**

**Offices and roles relevant to the work of the Committee:**

1. Remunerated directorships, whether or not in companies incorporated in the Falkland Islands, (including directorships which are unremunerated, but where remuneration is paid through another company in the same group)

.....

.....

.....

.....

.....

2. Remunerated employment, office or profession

.....

.....

.....

.....

.....

3. Clients in respect of whom the Committee member holds a general retainer or in respect of whom he has in the last 12 months, or expects in the next 12 months, to provide services for payment where a Committee

member of the public might reasonably think that the Committee member's conduct in or in relation to the business of the Committee might have been or might be influenced by the client's interests

.....  
.....  
.....  
.....  
.....

4. Sponsorships. Any form of sponsorship or financial or material support of a Committee member which involves any payment, benefit or advantage whether to the Committee member or any other person with whom the Committee member is closely connected

.....  
.....  
.....  
.....  
.....

**Gifts, Hospitality and other benefits**

5. Gifts, benefits and hospitality in connection with your role on the Committee

.....  
.....  
.....  
.....  
.....

6. Any gifts or material benefits or advantages received by the Committee member or the Committee member's spouse or partner from or on behalf of overseas Governments, organisations or persons

.....  
.....  
.....  
.....  
.....

7. Detail of any Land, shareholding or other assets held by you or a family member which the value of which might be effected by the Committee's decisions.

.....  
.....  
.....  
.....  
.....

8. Any relevant interest not covered by one of the main categories above which creates or might create a benefit which the Committee member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes or other actions taken in his or her capacity as a Committee member.

.....  
.....  
.....  
.....  
.....

Name of Committee member: .....

Signature of Committee member: .....

Date: .....



## **APPENDIX K**

### **Part 1**

#### **Policy and Procedure on committee appointment processes**

##### **Policy**

Executive Council supports the policy whereby all lay members of Committees are appointed following an open and transparent appointment process.

##### **Procedure**

It is anticipated that the appointment will be advertised in the local newspaper, local radio and on the Government's website as appropriate. The advertising period will usually be no less than two weeks before the closing date for applications. Applications will be invited in writing and, once shortlisted, it is anticipated that a small number of candidates will be invited for interview. The purpose of the interview will be to undertake a review of each candidate's suitability for the job including their understanding of the required code of conduct for those in public service including understanding the requirements for avoiding and declaring interests and for handling the questions of gifts and hospitality and similar conduct matters. Whilst the form of appointment will be in the usual short form and signed by the Governor, the Clerk of Councils will also issue an appointment letter in the form of the attached setting out the post holder's responsibilities.



## APPENDIX K

### Part 2

#### Template letter of appointment of committee members (and terms and conditions)

Dear

**Letter of Appointment as lay Member of the [\_\_\_\_\_].**

On behalf of the Falkland Islands Government, I would like to thank you for your application and for attending the recent interview.

I am pleased to invite you to become a member of the [\_\_\_\_\_] (the 'Committee'). The terms of reference of the Committee are attached. Also attached is the formal appointment making you a member of the Committee and the MLAs members' code of Conduct which applies to your office on this committee.

The terms of your appointment are set out below:

#### **Appointment**

The Government is appointing you as a member of the Committee. Your membership will commence on [date] for a duration of [two years] [at the end of this period you [will/will not] be eligible to reapply for a further term].

#### **Acknowledgement of Public Office**

Membership of the committee is a public office and holders of public office have additional responsibilities to citizens of the Falkland Islands, who they serve.

In recognition of this public service specific obligations fall to Committee members in relation to their work on the Committee. Some of these responsibilities arise from local Ordinances and some from recognised national and international standards.

#### **Obligations as a Member of the Committee**

During your membership of the Committee you shall provide such advice and assistance to the Government as the Committee may reasonably require in relation to the management and conduct of the business carried on by the Committee and in particular shall:

1. use all best endeavours to attend and contribute to such meetings of the Committee (or such other meetings of the Government) as may be notified to you;
2. bring an independent and broad view to the proposed or existing activities of the Committee;



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

3. exhibit such degree of skill as may be reasonably expected from a person with your knowledge and experience;
4. act only within those powers (if any) granted to you from time to time and to exercise such powers in good faith and for the benefit, or intended benefit, of the Government and the public interest people of the Falkland Islands as a whole;
5. declare any personal interests in the activities of the Committee or the Government to the Chair of the Committee and provide a record to the secretary to the Committee;
6. read and comply with the provisions of [code of conduct in the Legislative Assembly standing rules and orders] ; and
7. comply with all Committee rules, procedures and directions of the Government from time to time in relation to the conduct of the Committee including but not limited to the Committee (access to Information) Ordinance to the extent that it applies to the Committee.

During the Term you shall not:

1. allow your personal interests to conflict with your fiduciary duties to the Government and the public interest of the people of the Falkland Islands;
2. exceed the scope of those powers (if any) granted to you from time to time; or
3. make a secret profit from your membership of the Committee and shall notify and account to the Government for any such profit made.

You are not an employee of the Government. Nothing in your formal appointment or this letter shall render you an officer, employee, agent or partner of the Government and you will not hold yourself out as such.

**Remuneration**

[This office is not remunerated]

**Expenses**

The Government shall reimburse you for all disbursements and other reasonable expenses incurred by you during each Month provided that such expenditure is reasonably and necessarily incurred for the proper performance of your obligations under this Letter of Appointment.

The Government shall not be obliged to reimburse such disbursements or other expenses in respect of which you have not produced vouchers or other evidence verifying such expenditure to the reasonable satisfaction of the Government.

**Confidential Information**

You shall not, during the Term of your membership or at any time thereafter, use for your own purposes or benefit or divulge or communicate to any person (other than as authorised by the Government or as required for the purposes of complying with your obligations under your formal appointment or this letter) any Confidential Information, but this obligation shall not extend to information or knowledge which is for the time



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

being in the public domain (otherwise than by reason of its wrongful disclosure) or which is required to be disclosed by law or court order.

**Duration and termination**

Your membership shall commence on the date set out in the accompanying formal instrument of appointment (and is subject to any conditions detailed in that instrument) and will continue unless and until terminated by either Party giving to the other not less than [one Month's] notice in writing at any time.

However, the Government may by giving you prior written notice terminate your membership forthwith where in any of the following circumstances (which are considered inconsistent with public office):

1. you have committed any act or omission (whether or not in connection with your membership of the Committee) which would entitle the Government to dismiss you summarily if you were employed by the Government;
2. you have (in the absolute discretion of the Government) conducted yourself in a manner prejudicial to the interests of the Government and or the public interest; or
3. you are guilty of dishonesty or convicted of a criminal offence, other than a motoring offence not resulting in imprisonment (whether or not in connection with your membership of the Committee).

**Conditions following Termination**

Upon the expiry or termination of this Letter of Appointment for whatever reason you shall promptly resign from any offices of the Government accepted by you during the Term if requested by the Government and deliver to the Government all Confidential Information and data in whatever form (including any copies of the same produced by or for you during the Term) or other items which are in your possession or under your control relating to the Government and/or the Government's business affairs.

Upon the expiry or termination of your membership you shall not be entitled to any compensation for loss of membership of the Committee.

**Authority**

Neither Party shall have the authority and shall take no action or purport to take such action to commit the other Party to any legally binding commitments or contracts or to interfere in the running of the other Party's affairs or business.

**Personal agreement**

This Letter of Appointment is personal between the Parties, and neither may sell, assign or transfer any duties, rights or interests without the prior written consent of the other.

**Variations**

This Letter of Appointment may not be changed by oral agreement but only in writing, signed by both Parties and in the case of the Government no such agreement shall be binding upon it unless signed by both parties



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

As witness the hands of the Parties or their duly authorised representatives on the date set out above.

Signed by

**[Committee Chair/ Exco]** .....

Signed by **New Member** .....

\_\_\_\_\_  
ENDS



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**



# Falkland Islands Government

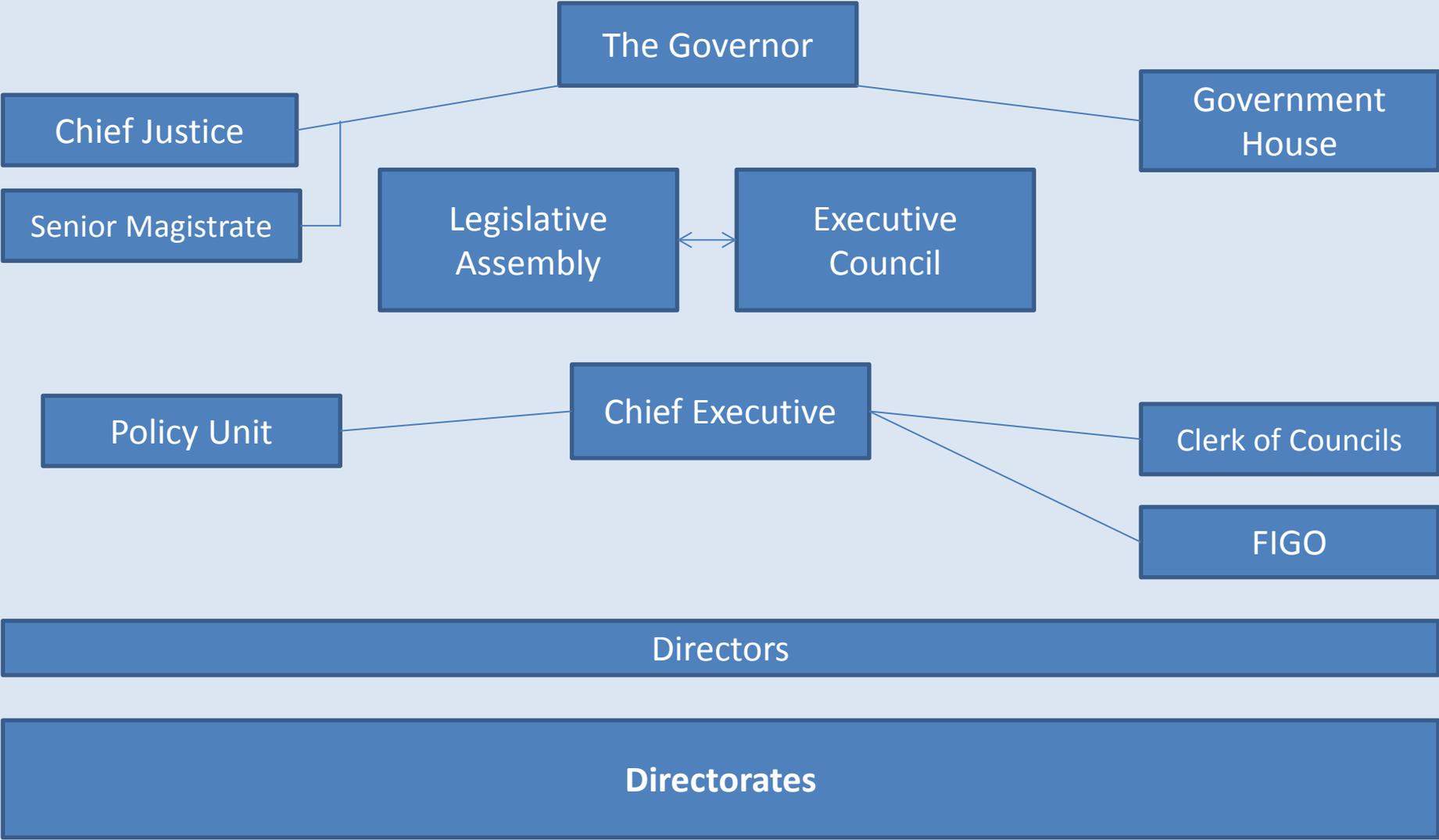
## Governance induction for members of Executive Council and Committees

**Executive Council Standing Orders Appendix L**

# Objective

- To provide guidance on good governance including reference to ethical behaviour in the public service.
- Audiences:
  - elected Members,
  - Officers Committee members

**Simplified FIG Structure**





Legislation



Regulation



Guidance & Interpretation

Legislature

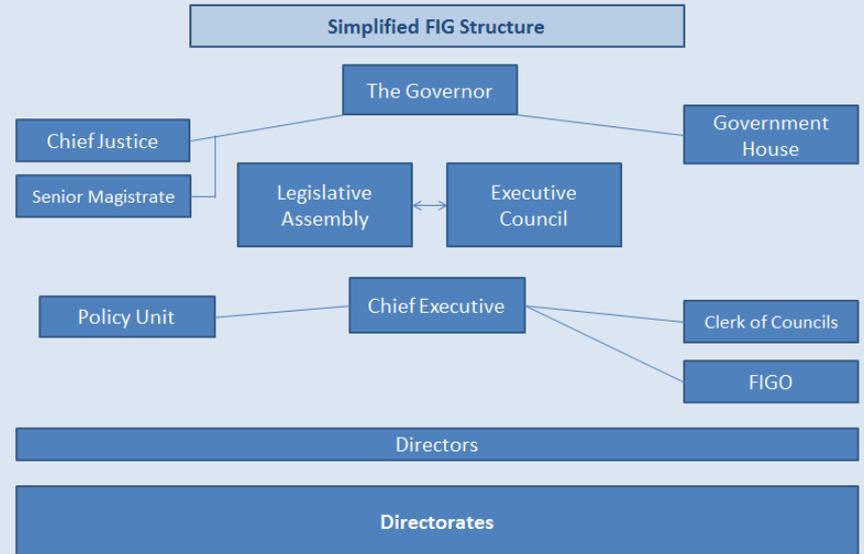
Executive

Judiciary

## Without this



## This won't work



...and assurance systems demonstrate that it is working.

# Assurance systems

## Lines of defence

- **First line of defence** – people delivering roles in accordance with agreed procedures

- **Second line of defence** – structures of governance and management

- **Third line of defence** – oversight and assurance

## Role

- Delivering roles in accordance with job descriptions and authority

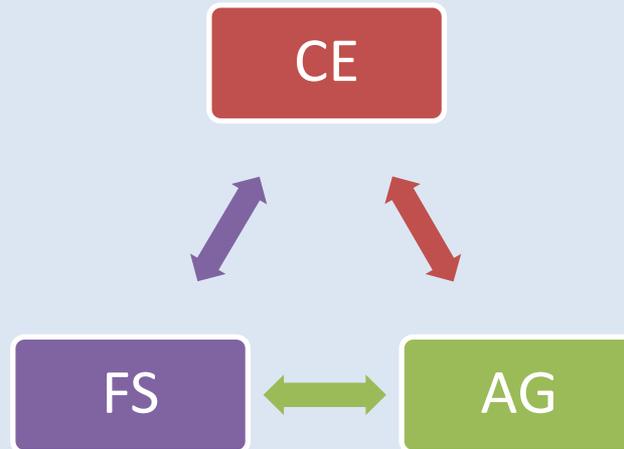
- Checking role delivery and appropriate use of authority. Management check.

- Setting a framework and providing independent assurance (through internal and external audit) or other check (Complaints Commissioner, PAC)



**You are here!**

# Executive assurance structures



CE – Scheme of delegation and leadership of the public service

FS – Financial Instructions and financial monitoring

AG – Monitoring Officer, independent Prosecutor, proper elections

Overseen by Executive Council

Audit arrangements constitutionally separate

# Ethics

## **Legislation**

- Legislative Assembly Standing Rules and Orders
- Members Code of Conduct
- Member/Officer protocol
- Criminal and Civil Law
- Constitutional protections

# Ethics

## Regulation

- FIG Management Code, Chapter 4, Conduct, Capability and Discipline (December 2008)
- FIG Financial Instructions. (July 2014) In themselves Financial Instructions do not cover ethical behaviour as a single issue but they do set out a number of areas where ethics are implicit. For example, Section 10 covers Tenders and Contracts and covers the issue of “inducements”.
- FIG Anti-Fraud and Anti-Corruption Policy. (February 2015)

# Ethics

## **Guidance & Interpretation**

Speaker and AG – Members Code of Conduct

Other sources of guidance:

- FIG – Management Code, Policies etc.
- UK – Parliament, Regulatory Bodies etc.
- Other governments, international organisations – UN, OECD etc.

# Ethics

## Guidance & Interpretation (useful sources)

- The UK Corporate Governance Code 2014 (*Financial Reporting Council, September 2014*)
- The Civil Service Code (*Cabinet Office, November 2010*)
- The Ministerial Code (*Cabinet Office, May 2010*)
- Colonial Regulations, Part 1 Public Officers (*FCO, 1977*)
- Putting Ethics to Work – A Guide for UN Staff (*United Nations, September 2012*)
- Good Practice Guide on Internal Controls, Ethics and Compliance (*OECD, February 2010*)

# Ethics: all about behaviour

- Selflessness,
- Integrity,
- Objectivity and impartiality
- accountability,
- openness,
- honesty and
- leadership.
- respect for human rights

# Gifts & Hospitality

## Regulation

- FIG Policy. *(Management Code Chapter 4, para 16(f))*

### **Acceptance of gifts or hospitality**

In the course of their duties, officers and their families should not, without the express written permission of the Chief Executive, give or receive gifts or hospitality of any kind, in excess of a value of £25, which might reasonably be seen to compromise their personal judgement or integrity. This includes money, goods, services or other personal benefits. Any gifts so received must be declared to the Chief Executive. The Chief Executive should declare to the Governor any gifts the Chief Executive may receive.

# Gifts & Hospitality: all about perception

- ...officers and their families should not ... give or receive gifts or hospitality of any kind ... which might reasonably be seen to compromise their personal judgement or integrity. *(Management Code, FIG)*
- You must not accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity. *(Civil Service Code, Cabinet Office)*
- It is a well established and recognised rule that no Minister should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc. are offered to a member of their family. *(Ministerial Code, Cabinet Office)*

# Public money

## Regulation

- Financial Instructions, Chapter 10, issued by the Financial Secretary under the Finance & Audit Ordinance 1988.

The Financial Secretary may give such directions and instructions as may appear to him to be necessary and expedient for the advantage, economy and safety of public moneys and public property and shall give special accounting instructions to be known as Financial Instructions; (*Finance & Audit Ordinance, 1988, Section 16*)

# Public money - accountabilities

## Regulation

Every accounting officer and every accountable officer shall comply with Financial Instructions, shall obey all regulations made and directions or instructions given by the Financial Secretary under section 16. or under powers delegated by him under that section and all instructions that may from time to time be given by the Treasurer under section 17. (*Finance & Audit Ordinance, 1988, Section 18*)

# Public money - procurement

## Regulation

- value for money should be achieved in all transactions;
- encouragement of a competitive and non-discriminatory process;
- clear objectives/contract requirements;
- decisions made in an accountable and transparent manner;
- consideration of risk;
- compliance with policies & legislation; and
- planning.

# Procurement

- **Guidance & Interpretation**

Requirement that value for money is achieved in all transactions, encouragement of a competitive and non-discriminatory process, clear objectives/contract requirements , decisions made in an accountable and transparent manner, consideration of risk, compliance with policies & legislation, and Planning.

# Protecting public money: all about ethical practices

- Transparency
- Fairness
- Value for money
- Responsibility
- Perception
- Regulation

Etc.

# Conduct / Misconduct in Public Office

## Regulation

- Falkland Islands Crimes
- The FIG disciplinary procedure is in Chapter 4 of the Management Code and has backing from the Constitution.

**85.—(1)** Disciplinary control of public officers, and the removal from office of any public officer, shall be in accordance with the Management Code for the time being in operation. *(Falkland Islands Constitution Order, 2008)*

# Conduct / Misconduct in Public Office

## Guidance & Interpretation

### Falkland Islands Crimes

### Members' Code of Conduct

Chapter 4 of the Management Code currently includes:—

- the Public Service Code of Conduct;
- Rules and Policy on the Use of Computer Hardware and Software and emails;
- Mobile Phone Policy;
- Policy on the Use of Government Vehicles;
- a list of statutorily barred posts;
- the Confidential Reporting ('Whistle Blowing') Policy;
- the Disciplinary and Capability Procedure; and
- the Grievance Procedure.

# What if...

- You think you may have a conflict of interest?
- You think someone else has a conflict of interest?
- You're offered a gift?
- You're involved in procurement?

# What next?

## Suggested reading:

- Members' Code of Conduct
- Member/Officer protocol
- Scheme of Delegations (ExCo Standing Orders)
- Terms of Reference for your Committee
- The Management Code
- Financial Instructions
- Other sources eg
  - UK Ministerial Code
  - Ethics in Practice: Promoting Ethical Conduct in Public Life (Committee on Standards in Public Life, July 2014)

## **APPENDIX M**

### **ExCo Policy and Procedure on review of effectiveness**

#### **Policy**

Executive Council supports the policy of all boards and committees regularly reviewing their effectiveness through a combination of individual and collective self-assessment. This exercise is undertaken by each Committee member (ex-officio and attendees included) completing self-assessment questionnaire. A questionnaire such as that set out below may be used. Response to the questionnaires can be discussed by the committee (collective self-assessment) and in one to one meeting between the chair of the committee and each member (individual self-assessment).

#### **Procedure**

1. It is proposed that the exercise is undertaken once in the life of each Assembly unless Executive Council decides it wishes to undertake the exercise more frequently. It is anticipated that it will take place at the end of the first year after an election.
2. A questionnaire would be sent out to all members to be completed and returned to the Secretary.
3. The Secretary then produces a report which is discussed by members in closed session.
4. The Chair will ensure that the outcome of the effectiveness review is recorded and sent to the Clerk of Councils at Gilbert House. This report will be in outline terms including the broad outcome of the review and any learning points or good practice examples for wider use or consideration.
5. It is not anticipated that individual self-assessments will be made available. The specifics of members' views or copies of views expressed in self-assessment will be made available and adequate arrangement must be made for them to be held in confidence and anonymised.
6. Executive Council may request that a consolidated review of the self- assessment exercises are reported by the Secretary to Executive Council each year.

**Falkland Islands Government**



**[Executive Council/ Committee]**

**Effectiveness**

**Self-Assessment Questionnaire 2017/18**



## **Contents**

1. Executive Council Function and Position
2. Fitness for Purpose
3. Effective Executive Council Leadership
4. Effective Decision Making
5. The Executive Council's Relationships
6. Evaluating Executive Council Member Performance
7. Information and Risk Management
8. Other Comments

## 1. EXECUTIVE COUNCIL FUNCTION AND POSITION

**Aim: Executive Council's responsibilities and objectives are clear and the Executive Council is best placed both to set policy and strategy and to monitor the performance of the Government**

		RATING					COMMENTS
1.1	Executive Council understands its responsibilities.	0	1	2	3	4	
1.2	Executive Council has clear, deliverable objectives that in large part flow from the objectives of the Government and the Islands Plan and include governance.	0	1	2	3	4	
1.3	Elected Executive Council members are fully informed about the Government and its business while remaining independent.	0	1	2	3	4	
1.4	Executive Council has clear relationships with the Government Executive Management team and key stakeholders.	0	1	2	3	4	

## 2. FITNESS FOR PURPOSE

**Aim: The Executive Council is composed of the right set of skills, knowledge and aptitudes to enable it to meet its objectives, manage change and deal with unexpected events**

		RATING					COMMENTS
2.1	The collection of skills, knowledge and aptitudes required for Executive Council to function properly are clear.	0	1	2	3	4	
2.2	Executive Council demonstrates the necessary skills, knowledge and aptitude to discharge their functions appropriately.	0	1	2	3	4	
2.3	Executive Council members are offered appropriate training and development to assist them to fulfill their role on Executive Council and to understand their responsibilities.	0	1	2	3	4	
2.4	Executive Council retains good Executive Council Members.	0	1	2	3	4	

<p>2.5 Executive Council Members have clear objectives which flow from those of the Executive Council.</p>	<p>0 1 2 3 4</p>	
<p>2.6 Any deficits in the composition of the Executive Council are quickly identified and addressed.</p>	<p>0 1 2 3 4</p>	
<p>2.7 The key decisions of Executive Council are clearly informed by and aligned with the FIG's strategic priorities in accordance with its Islands Plan.</p>	<p>0 1 2 3 4</p>	



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

<b>3. EFFECTIVE EXECUTIVE COUNCIL LEADERSHIP</b>							
<b>Aim: FIG and its sponsor department, together with key stakeholders, are always clear about the FIG's remit and its position within the overall aims of the sponsor department and key stakeholders</b>							
		<b>RATING</b>					<b>COMMENTS</b>
3.1	The Governor takes responsibility for the management of the full range of the Executive Council's performance.	0	1	2	3	4	
3.2	The Governor fosters good relationships with Executive Council, the Executive Management Team and the sponsor department.	0	1	2	3	4	
3.3	Executive Council works together as a single corporate unit.	0	1	2	3	4	
3.4	Executive Council Members express their opinions openly and constructively.	0	1	2	3	4	
3.5	Executive Council meetings are well managed and organised.	0	1	2	3	4	



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

3.6	Executive Council Meetings are efficient and productive.	0	1	2	3	4	
-----	--	---	---	---	---	---	--

<b>4. EFFECTIVE DECISION MAKING</b>							
<b>Aim: The Executive Council steers the FIG through well-informed and corporately owned decisions</b>							
		<b>RATING</b>					<b>COMMENTS</b>
4.1	Discussions at Executive Council meetings are focused and constructive.	0	1	2	3	4	
4.2	Executive Council papers are clear and appropriately concise and facilitate effective decision-making.	0	1	2	3	4	
4.3	Decisions take into account the wider implications for the Government and are auditable.	0	1	2	3	4	
4.4	Executive Council meetings deliver the best possible decisions based on the information that is presented to them.	0	1	2	3	4	



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

4.5	Executive Council powers are delegated appropriately.	0	1	2	3	4	
4.6	Sub-committees operate effectively to support the business of the Executive Council.	0	1	2	3	4	
	Attendees: CBF and the AG contribute appropriately to Executive Council meetings.	0	1	2	3	4	
<b>5. EXECUTIVE COUNCIL'S RELATIONSHIPS</b>							
<b>Aim: Executive Council, Executive Management Team and stakeholders understand their respective roles and foster constructive relationships</b>							
		<b>RATING</b>					<b>COMMENTS</b>
5.1	FIG's Executive Management Team is effective at assisting the Executive Council to understand the FIG and at implementing the Executive Council's decisions.	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

5.2	Executive Council is well informed about all aspects of FIG.	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	
5.3	FIG understands and is well informed about the actions and aims of Executive Council.	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	
5.4	Key stakeholders and partners understand the actions and aims of Executive Council.	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	

**6. INFORMATION AND RISK MANAGEMENT**

**Aim: Executive Council members are satisfied that the information presented to them is of sufficient quality to be a basis for their decision-making, and that collectively they have the skills to understand that information and to manage risks**

	<b>RATING</b>	<b>COMMENTS</b>
6.1		
6.1.1		



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

6.1.2	non-financial information.	0	1	2	3	4	
		0	1	2	3	4	
6.2	Information is presented in a way that is easily understood by the Executive Council, in relation to:						
6.2.1	financial information;	0	1	2	3	4	
6.2.2	non-financial information.	0	1	2	3	4	
6.3	Information presented to the Executive Council is of an appropriate level of detail to enable the Executive Council to monitor the organisation effectively, in relation to:						
6.3.1	financial information;	0	1	2	3	4	
6.3.2	non-financial information.	0	1	2	3	4	



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

6.4	Presentations made to Executive Council are useful and effective.	0	1	2	3	4	
6.5	Executive Council members have a clear picture of the key financial drivers of the organisation and of the Government's financial risks.	0	1	2	3	4	
6.6	Executive Council members have a clear picture of FIG's internal controls and risk management systems.	0	1	2	3	4	
6.7	Executive Council members possess the knowledge to enable them to understand and effectively challenge financial information presented to them.	0	1	2	3	4	
<b>7. OTHER COMMENTS</b>							



FALKLAND ISLANDS  
**EXECUTIVE COUNCIL STANDING ORDERS**

Any other comments or suggestions for improvement?	
--	--



## APPENDIX O

### Procedure for the settling of draft Executive Council Minutes

#### Part I – Layout of ExCo minutes

The minute of each item discussed by Executive Council meetings will be set out as follows:

1. **Purpose** – a concise statement of the objective(s) of the paper or report and introduced by the officer presiding.
2. **Debate** – a summary of the views expressed. The names or posts of the persons who make particular comments are to be recorded when the secretary considers it appropriate or a participant specifically requests it.
3. **Agreed actions** – a list of the agreed tasks that are to be performed following the meeting, identifying who is expected to perform each task. The deadline for completion of each should also be recorded.
4. **Resolution** – a clear and definitive statement of the decisions taken by Executive Council on each of the matters discussed. This segment should record collective rather than individual decisions. If a decision on a particular matter has been deferred to a later date, this should be clearly stated along with any contingencies on which the taking of a decision will be dependent.
5. **Publication and Distribution** – in relation to each minute, this segment will record the decision on whether the minute will be made available to the public in whole, in part, or at all. It will also record the persons to whom copies of the minute are to be distributed and the format (i.e. hard or electronic copy) in which it is to be distributed to each listed person. The content of this segment must be in keeping with the protective marking scheme set out in Appendix P, and a decision as to the appropriate mark must have been taken at the meeting.



## APPENDIX O

### Part II – Timescales for settling of draft minutes

<b>DAYS IMMEDIATELY FOLLOWING EXCO MEETING (USUALLY WEDNESDAY)</b>	<b>ACTOR</b>	<b>ACTION</b>	<b>PURPOSE</b>
<b>3 working days</b> <i>(usually Monday by 12:00 pm)</i>	Clerk	Complete first draft of minutes and send to Financial Secretary and Attorney General for review	To allow the Financial Secretary and the Attorney General to have an input when the events of the meeting are still fresh in their minds.
<b>1 working day</b> <i>(usually between Monday 12:00 pm and Tuesday 12:00 pm)</i>	Financial Secretary and Attorney General	Review draft and return with tracked changes (if any) to Clerk	To enable the Clerk to easily identify areas in respect of which corrections are required.
<b>½ of a working day</b> <i>(usually Tuesday, 12:00 – 3:00 pm)</i>	Clerk	Send second draft (incorporating any changes suggested by Financial Secretary and Attorney General) to Governor	To enable the Financial Secretary and the Attorney General to comment on the draft minutes for transmission to the Governor.
<b>1 working day</b> <i>(usually between Tuesday 3:00 pm and Wednesday 3:00 pm)</i>	Governor	Review draft and return with tracked changes (if any) to Clerk	To enable the Governor to give definitive approval to the minutes, subject to any changes the Governor may direct for the purpose of accurately recording the proceedings.
<b>½ of a working day</b> <i>(usually between Wednesday 3:00 pm and Thursday 12:00 pm)</i>	Clerk	Distribute minutes and action memos	To facilitate timely compliance with directives arising from meeting.



## APPENDIX O

### Part III - Next Steps

1. Unless otherwise specified in each case, minutes of meetings of Executive Council are not intended for public dissemination. Their distribution will therefore normally be limited to government officials and elected members, with specific persons being entitled to receive copies of the minutes depending on the extent of their expected involvement in a matter or matters which were discussed at the meeting to which the minute relates.
2. The following officials are, however, entitled to copies of all minutes once they have sworn the Executive Council Oath of Secrecy:
  - The Attorney General
  - The Chief Executive
  - The FIG Representative, FIGO, London
  - The Financial Secretary
3. These copies are to be furnished in electronic format. These copies are to be protectively marked with a watermark “**Confidential – Not for Onward Distribution**”
4. HE the Governor and other members and formal attendees of Executive Council are entitled, on request, to be furnished with electronic copies of the minutes.
5. Corporate directors are to be furnished with hard copies of extracts of minutes where the Clerk determines that the minutes are relevant to their work. Protective markings are to be made on the hard copies in accordance with decision taken in the meeting as to the appropriate mark for the particular minute.