

Shetland Islands Marine Planning Partnership Advisory Group (SIMAG)

Governance Arrangements

Name

1. The name of the advisory group is the Shetland Islands Marine Planning Partnership Advisory Group (SIMAG).
2. The Delegate for the Shetland Islands Marine Region are the Shetland Islands Council (SIC) and the Shetland Fisheries Training Trust, trading is the NAFC Marine Centre (NAFC) as detailed in the Delegation of Functions in the 'Regional Marine Plan for the Scottish Marine Region for the Shetland Isles Direction 2016'
3. Advisory group members are listed in Appendix 1 and comprise organisations who have expertise and experience in either commercial, environmental, community or recreational interests relevant to the Shetland marine area
4. Interest groups are listed in Appendix 2 and comprise organisations who are not members of the advisory group but have expressed an interest in receiving regular updates on the development of the regional plan and who may be consulted on specific issues relevant to their expertise

Advisory Group Functions

5. To provide advice and feedback on the development of a regional marine plan which meets the legal requirements of the Marine (Scotland) Act 2010 for the Scottish Marine Region for the Shetland Islands as defined by the Scottish Marine Regions Order 2015, in compliance with the Delegation of Functions in relation to the Regional Marine Plan for the Scottish Marine Region for the Shetland Isles Direction 2016.
6. Help ensure effective stakeholder and public participation in developing a Regional Marine Plan for the Shetland Isles
7. When required, provide information and feedback to support the Delegate to carry out any further functions as directed and delegated to the Delegate by the Scottish Ministers under the Marine (Scotland) Act 2010 and associated legislation

Objectives

The SIMAG objectives are:

8. To collaborate in developing integrated, sustainable and co-ordinated planning and management of the Shetland Islands' environmental, economic and community resources

9. To provide guidance for projects, activities and further research which seek to inform the development of regional marine planning in the Shetland Islands.
10. To ensure effective and fully integrated terrestrial and marine planning across the Shetland Islands.

Terms of Reference

Responsibilities

Delegate:

11. The delegate will be responsible for developing a regional marine plan for the Shetland Isles as directed by Scottish Ministers and in accordance with the Marine (Scotland) Act
12. The delegate will provide the roles of Chair and Vice-Chair of the SIMAG and co-ordinate advisory group meetings and activities.
13. Represent the Shetland Islands marine region both locally and nationally, and act as point of contact
14. Provide the Scottish Government with regular updates on the progress and activity of the marine region
15. Respond to relevant consultation documents where appropriate in accordance with any agreed policies for the marine region
16. Ensure that all interest groups and the general public have the opportunity to engage in the development of a regional marine plan via public consultation, liaising with stakeholders and to produce a statement of public participation (SPP)
17. Undertake formal consultation with statutory consultees, the community and stakeholders to develop a regional marine plan
18. When required, attend and provide advice or comment when consulted during pre-application consultation under the Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013
19. When required, provide comment to Marine Scotland when acting as a statutory consultee in the marine licensing processes under the Marine Licensing (Consultees) (Scotland) Order 2011.

Decision arrangements by the Delegate

20. If consensus of opinion cannot be achieved between the NAFC and the SIC on the regional marine plan the advisory group will be consulted to provide advice.
21. When submitting formal consultation responses as the Shetland Marine Region Delegate, the NAFC and SIC shall ensure a joint consensus of opinion prior to responding

22. Except in the case of staff absence the NAFC Marine Centre will provide the agreed written responses

Advisory Group Members:

23. Use expertise and experience to provide advice to the Delegate to develop a regional marine plan for the Shetland Islands
24. Contribute to the development of a regional marine plan through feedback and input into the development of new policy and reconsideration of existing policy
25. Where required, work with other advisory group members and invited experts to form focused sub-groups to examine specific marine planning issues
26. Advisory members will have the right to vote, with one vote per organisation listed in Appendix 1

Interest Groups:

27. Contribute to the development of a regional marine plan through feedback and input into the development of new policy and reconsideration of existing policy
28. Where required work with other advisory group members and invited experts to form focused sub-groups to examine specific marine planning issues
29. Interest group members will not have the right to vote on matters where consensus by the Delegate cannot be reached, but will be able to attend all advisory group meetings

Meeting Procedures

30. Either the Chair or Vice-Chair must be present at the meetings.
31. Where possible recommendations of SIMAG shall be reached, by consensus. If consensus cannot be achieved voting by advisory group members may be used either by a show of hands or a secret ballot.
32. At least one advisory group member representative of each interest group (environment, commercial, community, recreation) must be present to conduct the business and for any decisions to be passed. The meeting will be considered quorate with 50% or more members in attendance.
33. Although each organisation listed in Appendix 1 is permitted to have more than one representative in attendance, each organisation shall have only one vote. If an advisory group member cannot attend they can delegate their vote to another person with prior notice to the Chair.

34. The Delegate will not have voting power except in the case of equal numbers of votes for and against any resolution, where the Chair will be entitled to a casting vote.
35. Advisory group members should make all reasonable efforts to attend meetings. Should attendance not be possible the advisory group members can nominate another person to speak or vote on their behalf or provide a written representation to the Chair.
36. Organisations represented on the advisory group should ensure continuity of representation at the meeting either through attendance or through thorough briefs to representatives attending in their place to enable them to make decisions.
37. The group does not exist in isolation. It will make full use of links with other groups that deal with related issues; and where required, refer matters arising to other groups for their attention.
38. Where appropriate the Delegate and the advisory group will enter into dialogue with and consider the perspective of other management organisations and groups, adjacent marine region partnerships and local groups where necessary.
39. The advisory group will operate flexibly with external attendance, where appropriate and may invite other experts, subject to the agreement of members of the group to discuss specific agenda items. Invited speakers will not have voting rights.
40. The advisory group may discuss matters on a commercial and in confidence basis and will retain such information on that basis.
41. Agreement of the SIMAG must be sought prior to any information being passed to a third party to ensure information of a sensitive nature is not knowingly released.
42. An advisory group member may resign from SIMAG, by advising the Chair in writing
43. Any individual or organisation wishing to become a member of the SIMAG must submit a written application to the Delegate detailing their specific expertise and experience and how it would add value to the development of the RMP. Applications will be considered at the first meeting of the Advisory Group following receipt of any application with the applicant being notified of the Group's decision thereafter with the reasons for an unsuccessful application should this be the case.
44. The terms of reference and focus of the advisory group will be subject to review on a regular basis by agreement of the members.

Personal Interest

45. A member of the advisory group who has a personal interest in any transaction or other agreement which the advisory group is proposing to enter into, must declare that interest at a meeting. In such circumstance that a conflict of interest is established they will be debarred from voting on the topic.
46. A personal interest in any arrangement is defined as any partner or other close relative of his/ hers or any firm of which he/ she is a partner or any limited company of which

he/ she is a substantial shareholder, director, or employee has a personal interest in that arrangement.

Register of members

47. A register of advisory group members and interest groups will be publically available via the NAFC Marine Centre, Shetland Islands Council and Marine Scotland websites.

Secretariat

48. The secretariat will be provided by the NAFC Marine Centre and will be responsible for:

- a. Organising and arranging the meeting, including liaison with the chair.
- b. At least 2 weeks prior to the meeting the secretariat will circulate an agenda and any relevant papers for the meeting to all SIMAG members.
- c. Within 2 weeks from the date of the meeting draft minutes of meetings will be prepared and circulated to members of the SIMAG; with a timeline for their review and finalisation.
- d. Final versions of the minutes will be made available for publishing on the NAFC Marine Centre, Shetland Islands Council and Marine Scotland websites.

Appendix 1- Membership

Type	Organisation
Environment	Scottish Environment Protection Agency (SEPA)
	Scottish Natural Heritage (SNH)
	Shetland Amenity Trust (SAT)
	Royal Society for the Protection of Birds (RSPB)
Commercial	Shetland Fishermen's Association (SFA)
	Shetland Shellfish Management Organisation (SSMO)
	Seafood Shetland
	Scottish Salmon Producers Organisation (SSPO)
	Shetland Islands Council Port and harbours
	BP
Community	Shetland Islands Council Development Planning
	Community Council Chair
	Community Planning
Recreation	Visit Scotland

Interest groups

Type	Organisation
Environment	Shetland River Basin Management Planning Advisory Group
Environment	Shetland oil terminal environmental advisory group (SOTEAG)
Environment	Shetland Islands Council Heritage Officer
Commercial	Lerwick Port Authority (LPA)

Community	Fair Isle marine environment and tourism initiative (FIMETI)
Recreation	Shetland Islands Council Outdoor Access Officer