

Agenda Item	<b>12</b>
Report No	<b>EDI/24/18</b>

## **HIGHLAND COUNCIL**

**Committee:** Environment, Development and Infrastructure

**Date:** 17 May 2018

**Report Title:** KIMO – re-establishing membership

**Report By:** Director of Development and Infrastructure

### **1 Purpose/Executive Summary**

- 1.1 This report provides background and an up to date summary of the work of KIMO International and KIMO UK and seeks Committee support for re-establishing membership of KIMO UK, national network under the auspices of KIMO International.

### **2 Recommendations**

2.1 Members are asked to:

- note the contents of the report;
- agree to re-establish the Highland Council's membership of KIMO; and
- agree the nomination of three delegate members to represent the Highland Council on the UK KIMO board.

## **1 Background**

1.1 KIMO International (Kommunenenes Internasjonale Miljøorganisasjon) is an association of local authorities, founded in 1990 whose primary aim is to eliminate pollution from the Northern Seas. The organisations key objectives are:

- exchange information on pollution prevention, clean up and sustainable development;
- lead by example in improving regional marine environments;
- lobby national Governments , the European Commission, and others to take effective action on issues affecting Northern Seas;
- make joint representations against proposals which threaten the quality of the marine environment; and
- undertake demonstration projects.

## **2 Current position**

2.1 There are currently more than 70 member authorities participating in KIMO International across the UK, Denmark, Belgium, Germany, Sweden, the Netherlands, Lithuania and the Faeroe islands. National networks also exist in each country. KIMO UK currently has 6 UK (Scottish) member authorities; Aberdeenshire Council, Aberdeen City Council, Argyll and Bute, Comhairlie nan Eilean Siar, Orkney and Shetland Islands Councils.

2.2 KIMO UK is currently involved in the following initiatives:

- member of Scottish Marine Litter Strategy, influencing Scottish Marine Litter strategy and its implementation;
- lobbying for retention of emergency towing vessels (ETVs) in Scotland - secured retention of last remaining ETV for a further 5 years and continues to lobby to ensure appropriate ETV provision for Scotland;
- Fishing for Litter (FFL); encouraging fishermen to land litter caught in nets – no cost to fishermen. From 2014 -2017 FFL collected 337.3 tonnes of litter, 50% of which came from Highland's harbours (Ullapool, Scrabster, Kinlochbervie and Mallaig);
- undertake education and awareness events e.g. 'Pick up 3 pieces' - encouraging beach visitors to take away 3 pieces of litter at each visit plus a range of other activities - talks, schools visits and beach cleans; and
- net recycling – pilot project explored recycling of end of life fishing nets into plastic pellets.

## **3. Membership**

3.1 Membership of KIMO is open to Local Authorities and organisations whose main objective is in sympathy with those of KIMO UK. Each UK member Authority is entitled to elect three delegates to the UK Board of KIMO. Delegates are supported by a National Co-ordinator and secretariat is provided by Aberdeenshire Council. Further details can be found at Appendix 1: Constitutions for KIMO international/KIMO UK.

3.2 The Highland Council was previously a member of KIMO, with funding support drawn from the European team budget. Budget savings in 2017 resulted in membership being discontinued as part of wider EU network savings.

3.3 The Highland Council has the longest coastline of any UK Council and has been involved

with KIMO, specifically the Fishing for Litter and ETV provision from the outset. Renewed interest in the marine environment particularly issues associated with marine litter has resulted in members and officers being approached by constituents, KIMO UK, Moray Firth Partnership and Highland Environment Forum to reconsider membership in recognition of the need to protect the marine environment and take action on marine litter, particularly plastics.

- 3.4 Should the Highland Council decide to re-establish its membership of KIMO, an annual subscription fee will need to be paid, which is currently £2,700 per annum. Community Services has agreed in principle to meet the annual subscription fee from its harbours budget should Members agree to the recommendation. In addition, the Council will also need to nominate three delegate members to represent the Highland Council on the UK KIMO board.

#### **4 Implications**

- 4.1 Resource – The costs of membership have been detailed above. In addition there will be costs of travel for attending meetings KIMO UK meets quarterly (includes a national convention) and as such members would need to allocate time to attend these meetings. KIMO UK has secured funds from European Marine Fisheries Fund (EMFF) to continue to run the FFL initiative until 2020. Over this intervening period of time it is estimated that £58,000 will be spent on waste disposal in the Highland region. In addition positive discussions are taking place between KIMO UK, Crown Estate Scotland and Marine Scotland in respect of future funding.
- 4.2 Legal – Should the Council decide to re-establish membership, it will need to sign up to the KIMO UK constitution (**Appendix 1**). There are no other legal implications
- 4.3 Community (Equality, Poverty and Rural) – Membership of KIMO will enable the Council to respond to the growing local demand for action to be taken on marine pollution and litter. It will provide an opportunity for wider engagement across the region and an opportunity to influence local, national and international conventions and organisations in terms of the marine environment.
- 4.4 Climate Change/Carbon CLEVER – safeguarding the marine environment, reducing and recycling marine plastics will all contribute to reducing the region’s carbon footprint.
- 4.5 Risk – no implications arising from this report
- 4.6 Gaelic – no implications arising from this report.

Designation: Director of Development and Infrastructure

Date: 26 April 2018

Author: Nicole Wallace, Environment Manager

# **KIMO United Kingdom - Constitution**

## **Article 1**

The name of the organisation is: KIMO UK ("the Organisation") that operates as a formal National Network under the auspices of Kommunenenes Internationale Miljøorganisasjon (KIMO) Local Authorities International Environmental Organisation and therefore is subject to the rules and regulations of the KIMO International Constitution.

## **Article 2**

The objectives of KIMO UK are to:

- (a) Exchange information on effective pollution prevention and cleaning up operations and sustainable development.
- (b) Lead by example by improving regional marine environments.
- (c) Lobby national Governments, the European Commission and others to take effective actions on issues affecting Northern Seas.
- (d) Make joint representations against threatening proposals.
- (e) Undertake demonstrative environmental projects.

## **Article 3**

Each member of "the organisation" shall undertake to meet the objectives outlined in Article (2).

## **Article 4**

Full Membership of KIMO UK shall be open to:

Local government bodies in the United Kingdom, whether or not their area has a Northern Seas coastline.

Local government is as defined by UK National law.

Organisations whose main objectives are in sympathy with those of KIMO UK are able to affiliate as associate members subject to the approval of the UK Board of Directors ("the UK Board").

## **Article 5**

Membership will be offered to organisations as outlined in 'Article 4'.

## **Article 6**

The highest authority of KIMO shall be the KIMO "International Assembly of Delegates" ("the Assembly"), which shall be responsible for determining matters of policy for KIMO and shall be held annually. KIMO UK shall be invited to send delegates to "the Assembly".

## **Article 7**

A delegate need not be an elected member of a Local Authority or an organisation, but on ceasing to be an elected member of their respective organisation, they shall resign from KIMO within one calendar month of leaving office.

#### **Article 8**

Each UK Member Authority is entitled to elect three delegates or their substitutes to "the UK Board" who will serve for as long as he/she has been nominated by their authority, a Chairman who will be elected by "the UK Board" for a two-year term and a representative or member from the authority who holds the UK Secretariat.

#### **Article 9**

Directors of "the UK Board" can co-opt to the Board up to three individuals, who will give specialist advice when required but who will have no voting rights.

#### **Article 10**

"The UK Board" shall meet whenever requested by the Chairman or the UK Co-ordinator, or as determined by a majority of UK Directors. The UK Co-ordinator should forward minutes of these meetings to the International Board of Directors and all UK members.

#### **Article 11**

The responsibilities and duties of the Chairman of "the UK Board", the Directors, and the UK Co-ordinator shall be governed as determined by these articles.

#### **Article 12**

Responsibility for appointing the UK Co-ordinator of "the organisation" lies with "the UK Board", who shall also decide the location of the UK Co-ordinator. A period of six months' notice shall be required should the UK Co-ordinator be changed.

The UK Co-ordinator shall have voice but no vote at:

- (i) Meetings of the International Assembly of Delegates;
- (ii) Meetings of "The UK Board";
- (iii) National Conventions and Meetings.

#### **Article 13**

Each local Authority that affiliates with "the organisation" shall pay an annual subscription fee to both KIMO International and KIMO UK as laid down in a schedule of membership fees that is agreed on a regular basis. The UK Co-ordinator shall be responsible for collecting and administering membership ensuring that the international subscription is forwarded to the International Secretariat yearly.

#### **Article 14**

The UK financial year will run from 1st April to 31st March of the following year.

#### **Article 15**

The UK Co-ordinator is authorised to hold and operate any Bank Accounts that are necessary for the organisation to perform tasks in furtherance of its objectives. The UK Co-ordinator is required to submit audited accounts annually as required by UK law to

"the UK Board". Signatories to all KIMO accounts must be authorised by "the UK Board" prior to their names being submitted to the relevant banks.

**Article 16**

Amendment of Constitution - This Constitution once adopted may be changed only at a regular UK Board of Directors Meeting or at a Special General Meeting of UK Board of Directors and by a majority of not less than two-thirds of the voters present and entitled to vote. Notice of any proposed amendment must be given to the UK Co-ordinator not less than 21 days before a UK Board of Directors Meeting.

**Article 17**

Any local authority member may give 3 months notice to the UK Co-ordinator of their intention to cease membership of "the Organisation". Cessation of membership during the financial year does not entitle the member to any refund of Membership fees already paid for the year of cessation.

**Article 18**

In the event of "the Organisation" being dissolved any funds remaining after its debts and liabilities have been settled will be applied to a purpose or organisation whose objects correspond with those of "the Organisation", as determined by a final, Exceptional Meeting of the Board/ Assembly

# The KIMO Constitution

## The spine of our organisation

### Article 1

The name of the organisation is:

Kommunenenes Internasjonale Miljøorganisasjon (KIMO)

Local Authorities International Environmental Organisation

### Article 2

The objectives of KIMO are to:

- (a) Provide a viable and financially sustainable organisation.
- (b) Increase the influence of the organisation both nationally and internationally.
- (c) Exchange information on effective pollution prevention and cleaning up operations and sustainable development.
- (d) Lobby national Governments, the European Commission and others to take effective actions on issues affecting Northern Seas.
- (e) Lead by example by improving regional marine environments.
- (f) Make joint representations against threatening proposals.
- (g) Develop best practice on coastal issues
- (h) Undertake demonstrative environmental projects.
- (i) Disseminate information.

### Article 3

Each member of the organisation shall undertake to meet the objectives outlined in Article (2).

### Article 4

Full "Memberships" of the organisation shall be;

local governments in the Northern Seas countries, whether or not their areas have a Northern Seas coastline. "The Northern Seas Countries" are as defined in Article (5).

Local governments are as defined by national law in each of the member countries; organisations whose main objectives are in sympathy to those of KIMO can affiliate as associate members subject to the Board's approval.

### Article 5

Membership will be extended to organisations as outlined in 'Article 4' in the following countries (areas hereafter referred to as "member countries"):

Sweden, Denmark, United Kingdom, Federal Republic of Germany, The Netherlands, Belgium, France, Norway, Faeroes, Iceland, Republic of Ireland, Finland, Russia, Estonia, Latvia, Lithuania, Poland, Spain, Portugal.

### Article 6

The highest authority of the organisation shall be "The Assembly of Delegates" which shall be convened once a year.

### Article 7

Full Members of KIMO in each "member country" as defined in Article 5 will, subject to Article 21, be entitled to elect up to 3 delegates and their substitutes from their Local Authority to (The Assembly). These delegates and their substitutes shall have voting

rights at (The Assembly) and national business meetings. Members of organisations who have associated membership of KIMO will be members of KIMO but without voting rights. The Association that represents them will be entitled to elect one delegate to (The Assembly) with voting rights.

#### **Article 8**

A delegate need not be an elected member of a Local Authority or an organisation, but on ceasing to be an elected member of their respective organisation, they shall resign from KIMO within one calendar month of leaving office.

#### **Article 9**

That the International Board of Directors will consist of 1 (one) member appointed from each "member country" who will be elected for 2 (two) years, a President and two Vice Presidents who will be elected by (The Assembly) and a representative or member from the authority who holds the International Secretariat. The President will be Chairman of the International Board of Directors and (The Assembly). The Senior Vice President will assume these responsibilities in his/her absence. Directors can be re-elected.

#### **Article 10**

(The Assembly) will elect a President for a period of two years. The President can be re-elected but only after an absence of two years, but can be re-elected as a Director.

#### **Article 10.1**

(The Assembly) will elect two Vice Presidents for a period of two years. The Senior Vice President should be the retiring President. The Junior Vice President should become President after two years. Both appointments are subject to the agreement of (The Assembly).

#### **Article 10.2**

The Vice Presidents should be members of the International Board of Directors.

#### **Article 10.3**

The Vice Presidents can be re-elected but only after an absence of two years, but can be re-elected as a Director.

#### **Article 11**

The Board of Directors shall co-opt to the Board up to 3 individuals, who will give specialist advice when required but who will have no voting rights.

#### **Article 12**

The Board of Directors shall meet whenever requested by the President or the Secretary, or as determined by a majority of Directors.

#### **Article 13**

The responsibilities and duties of the President of the Board, the Board of Directors, and the Secretary shall be governed as determined by these articles.

#### **Article 14**

The Assembly of Delegates shall at its annual meeting:

- (i) Deal with the audited accounts for the last year.
- (ii) Approve the budget and the international and national membership subscription for the following year.



- (iii) Appoint an auditor.
- (iv) Elect the President, Vice Presidents and/or Directors as required.
- (v) Deal with such other matters as required.
- (vi) Discuss and approve the Action Plan.

#### **Article 15**

The Secretariat of the Organisation shall be appointed and dismissed by the Board of Directors, who shall also decide the location of the Secretary. A period of six months' notice shall be required should the Secretariat be changed.

The Secretary shall have voice but no vote at:

- (i) Meetings of The Assembly of Delegates;
- (ii) Meetings of The Board of Directors;
- (iii) National Conventions and Meetings.

#### **Article 16.1**

The national co-ordinators shall arrange a national convention once a year to promote and discuss KIMO.

#### **Article 16.2**

The national co-ordinators shall be responsible for collecting and administering membership for their respective "member countries" and ensuring that the international subscription is forwarded to the Secretariat yearly.

#### **Article 16.3**

The national co-ordinators shall organise a minimum of three business meetings of their members per year. Minutes of these meetings should be forwarded to the Board of Directors and all members by the Secretariat.

#### **Article 17.1**

The organisation's International financial year will run from 1st April to 31st March of the following year, however, the financial years within each member country may vary and shall operate according to local accepted practice.

#### **Article 17.2**

The Secretariat is authorised to hold and operate any Bank Accounts which are required with authorised signatories as approved by the Board of Directors.

#### **Article 17.3**

The national co-ordinators will be authorised to hold and operate a Bank Account in their respective "member countries" and will be required to submit audited accounts as required by law in each member country to the Board of Directors once a year.

#### **Article 18**

Amendment of Constitution - This Constitution once adopted may be changed only at the Annual General Meeting or at a Special General Meeting of The Assembly of Delegates and by a majority of not less than two-thirds of the voters present and entitled to vote. Notice of any proposed amendment must be given to the Secretary not less than 21 days before the Annual Meeting.

#### **Article 19**

Any local authority member may give 3 months notice to the National Co-ordinator of their intention to cease membership of the Organisation. Cessation of membership

during the financial year should not entitle the member to a refund for the remainder of that year.

**Article 20**

In the event of the Organisation being dissolved any funds remaining after its debts and liabilities have been settled will be applied to some purpose or Organisation whose objects correspond with those of the Organisation.

**Article 21**

Vagsøy Kommune, Esbjerg Kommune, Shetland Islands Council and Grampian Regional Council, and its three immediate successors, in recognition of their status as founder members of the Organisation will at all times be entitled to appoint one representative each to The Assembly of Delegates in addition to the three delegates as described in Article 7.

**Article 22**

Every member has the right to approach the International Board of Directors directly.

**Article 23**

The travel and accommodation expenses required for The President of the International Board to undertake his/her duties will be reimbursed by the International Board. Board of Director expenses will be the responsibility of their own Local Authority.