

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Minutes of the Authority Meeting
held on 14 June 2018 at Exeter Race Course, Exeter**

Present: Elaine Hayes (Chair)
Cllrs. Rufus Gilbert (Devon), Stuart Hughes (Devon), Linda Hellyer (Devon), Jonathan Hawkins (Devon), Cllr Vic Ellery (Torbay), Robert Griffin (South Gloucestershire), Peter Bryant (North Somerset), Will Windsor-Clive (Gloucestershire), Pam Buchan (Plymouth) Natasha Bradshaw, John Butterwith, Michael Cominetti, John May, Richard White, David Murphy, Jim Portus, James Marsden, Mike Williams, Dave Cuthbert, Stephen Gledhill, David Morgan, Simon Pollentine,
Andrew Knights (NE), Rachel Irish (MMO), Simon Toms (EA)

Also Present: Mat Mander (Acting Chief Officer) Angela Stirland (DCC Finance)
Sarah Clark (D&S IFCA) Simon Excell
Hazel Mitchell (D&S IFCA) Alison Heimann
Neil Townsend (D&S IFCA)
Libby West (D&S IFCA)

Apologies: Cllr Ian Hall (Devon), Cllr Terry Napper (Somerset), Kaya Curry, Kathy Derrick, Cllr Christine Channon (Devon) who was going to stand in for Cllr Ian Hall (Devon)

The Chair opened the meeting by giving tribute to David Rowe, MMO General Member and Chair of the Byelaw and Permitting Sub Committee, who passed away in April. Her personal opinion was that David was a great advisor, good counsellor, a warm and genuine person and friend. The floor was opened for any person who wished to say a few words.

John Butterwith – Believing David to be particularly known for his strong leadership John expressed his honour and pleasure at supporting David and learnt from his guidance on obtaining results and recognition. He will be a hard act to follow.

Simon Pollentine – Long term memories of David organising Angling competitions/events providing leadership to recreational anglers. Being thankful for his wise council.

Dave Cuthbert – Respected his sense of fairness, made his judgements on listening to people's opinions. An easy person to work with.

John May – Lengthy history of recreational competitions organised by David, even being awarded a cup from him, enjoyed his banter. Appreciated his help and support on the B & P Sub Committee, confirming he will be a hard act to follow.

The Acting Chief Officer believes it was evident when the Authority made the decision to name the new patrol vessel after David on the respect and feeling held by the members. David and his family took the news with fantastic honour and gratitude as acknowledgement to the amount of work David had contributed to the Authority. He believes this support from the Authority members is helping the family to deal with their grief.

The Chair made a proposal to commit a vote of thanks for the work that David did:

Proposed: Mike Williams Seconded: Jim Portus

All in favour.

1. Declarations of Interest

There were no declarations of Interest

2. Welcome to new members and apologies for absence

Apologies were noted.

A welcome was made to Cllr Pam Buchan who replaced Cllr Nick Kelly and was now the elected council representative for Plymouth City Council.

3. Minutes of the meeting held on 15 March 2018

- Para 3, item 1 – Considered rewording on Page 4, Item 9, Para 3 of Dec 17 minutes not amended in as much detail as requested.
- To be noted that David Lucas attended from the MMO due to apologies given by Rachel Irish

That the minutes be approved and agreed as a true and accurate record.

Proposed: Cllr Stuart Hughes Seconded: Cllr Vic Ellery

All in favour

Resolved

4. Matters Arising

- 2. Libby West confirmed she would contact Cllr Terry Napper on the Hinkley Point HPC Focused Task and Finish Group with an update.
- 3a The Chair met with the Chief Officer and Chair of Cornwall IFCA and it was decided that there was no appetite to change the current Boundary Line between the IFCAs though joint working would continue for consistency in regulation. Decided no further action would be taken at this time.
- 3d Papers/minutes of the Part II AIFCA Membership agenda item from the Dec17 quarterly meeting to NWIFCA had been provided.
- 8. Fixed Administrative Penalties update would be given at Agenda Item 16
- 9. Update on Non Payment of Fines Policy is still in discussion at IFCA NIMEG Meeting.
- 16. The definition/criteria on how the 2016 ICES Recreational Landing figures were obtained was given to John May
- 18. The request for the presentation by Tom Stamp from Dec17 quarterly meeting to be put on the website has been actioned.

5. Report on the F & GP Committee meeting held on 14 June 2018

The Chair provided a summary of matters discussed at the morning meeting which were:

- Statement of Accounts would be provided at agenda item 8

- Costing of current PhD and the decision that a review would be undertaken on the future allocation of Research project money and a more stringent contract setup prior to start.
- Amendment to Standing Orders and Financial Regulations which would be discussed at agenda item 11
- Fixed Administrative Penalties which would be discussed at agenda item 16
- iVMS would be discussed at agenda item 13.

6. Election of Chair

The Acting Chief Officer took over as Chair of the meeting for agenda item 5.

Elaine Hayes was happy to continue the appointment as Chair for a further 12 months. The Acting Chief Officer received no other expressions of interest to stand for the role.

All members were happy for Elaine to continue for a further 12 months.

7. Election of Vice Chairs

Mike Williams and James Marsden had expressed a wish to the Acting Chief Officer that they were both happy to continue their appointments for a further 12 months. No interest was received by any other members for the positions and the Authority members were happy for both Mike and James to continue for a further 12 months.

The Chair reported that the MMO were looking at the MMO General Members appointment end dates as there is concern over continuity due to a large number of members due to leave at the same time in 2020 due to fulfilling their maximum appointment time allowed. This will be happening across all the IFCA's and any update provided by the MMO will be passed to the Authority members.

James Marsden commented that this could be an opportunity for considering reducing the size of the Authority membership in light of budget restraints, number of officers/staff, to be more proportionate. Natasha Bradshaw acknowledged these concerns but added that the District covers a large geographical area and sufficient and balanced in the Severn Estuary. If consideration to pursue this road maybe an IFCA that covered the Severn which included Wales should be discussed. The Chair concluded that this complicated topic should be discussed on another occasion.

8. Matters brought forward by Chair

There were no matters brought forward by the Chair.

9. Statement of Accounts

The end of financial year 2017/2018 resulted in the Authority showing an overall underspend of £7,220 which was predominantly due to Secondments not being appointed and periods of time when full staff strength were not in place.

Though showing an underspend there was areas where expenditure was higher than the original budget set and income was higher than predicted. Legal fees in relation to current court cases but in particular, the Authority's broadband and phone rental charges, mainly due to the Landlord increasing the charges, was highlighted as an area that should be looked at for an alternative supplier option.

The balance of the General Reserve Account as at 31 March 2018 was £508,633 with Capital Receipts of £170,077. Total reserves of £678,710.

A recommendation to note the outturn for 2017/2018 and acknowledge the Accounting Statement Appendix was made:

Proposed: Stephen Gledhill Seconded: Dave Morgan
All in favour, 1 against.

10. **Appointment of the Finance and General Purposes Committee and review Terms of Reference**

Current members of the Finance & General Purposes Committee: Cllr Stuart Hughes, Cllr Terry Napper, Cllr Rufus Gilbert, Elaine Hayes, John Butterwith, Simon Toms, Andrew Knights, Simon Pollentine and Mike Williams have agreed to continue as part of the Committee. A request for a volunteer to join the Committee following the death of David Rowe was made and Richard White volunteered his services.

No changes to the current agreed Terms of Reference for the F&GP Committee were made.

A recommendation for an en bloc proposal to re-appoint all current members for the next 12 months was proposed.

Proposed: James Marsden Seconded: Michael Cominetti

All in favour, none against

11. **Appointment of the Byelaw and Permitting Sub Committee and review Terms of Reference**

The following current members of the Byelaw & Permitting Sub Committee: Simon Toms, David Morgan, Stephen Gledhill, Rachel Irish, John May, Dave Cuthbert, Richard White, John Butterwith and Jim Portus have agreed to continue as part of the Sub Committee for the next 12 months. Andrew Knights has attended most meetings during the last 12 months and should be added as a member to be voted on as part of the en bloc. Elaine Hayes, Mike Williams and James Marsden are ex officio members. Following local elections in May 2018 Cllr Nick Kelly is no longer appointed to the Authority.

Cllr Vic Ellery who volunteered his services when available has had to withdraw his services due to increased work commitments. A request for elected members to be part of the Sub Committee was made and Cllr Linda Hellyer and Cllr Jonathan Hawkins offered their services if available within their current work commitments. Natasha Bradshaw would try and get involved again with the Sub Committee if sufficient notice of meeting dates was given.

A recommendation for an en bloc proposal to re-appoint all current members and the two new elected members for the next 12 months was proposed.

Proposed: Michael Cominetti Seconded: Jim Portus

All in favour, none against

Terms of Reference - No clear understanding recorded from previous minutes/documentation that a clear mandate on specific items within the Terms of Reference for the Byelaw and Permitting Sub Committee were in place. Though the understanding that the Terms of Reference were agreed last year and have been worked against a formal request to accept them is needed to be documented. The following recommendations were put for approval by the Authority:

- a. That the Byelaw and Permitting Sub Committee membership is comprised of 14 members, including 2 elected members and 2 statutory Appointees (Natural England and Environment Agency).
- b. That 8 members from the total membership are required at any meeting of the Byelaw and Permitting Sub Committee for it to be quorate and allow voting to take place.
- c. That delegated powers are retained by the Byelaw and Permitting Sub Committee to complete the functions describe in the Terms of Reference

Proposed: Mike Williams

Seconded: Cllr Vic Ellery

All in favour, none against.

12. **Review of Standing Orders and Financial Regulations**

Paragraph 2 – Authority for Expenditure - Clarification was being sought in the Financial and Administrative Regulations, Paragraph 2, in particular to which member of staff qualifies as the ‘Authorised Principal Officer’. It was proposed that the other 2 signatories on the account: The Finance and Administration Manager and Deputy Chief Officer should replace the wording for Authorised Principal Officer. A recommendation to update paragraph 2a, b and d to reflect the change of name was made:

A recommendation to change any reference to Chairman or Vice Chairman throughout to be replaced with Chair or Vice Chair where applicable was made.

Paragraph 15 – Disposal of Assets - During the recent process to dispose of 3 fleet vehicles, trying to obtain the best price, it was recognised that at least 2 of the vehicles would have to be put to auction to comply with Regulation 15b as they were considered of a higher value than £1,000. It was estimated that a loss of £1,410 from a better alternative on selling these vehicles was incurred due to this regulatory restriction.

A recommendation to remove Paragraph 15b and reword Paragraph 15a to read was made:

‘Assets estimated to exceed £1,000 in value shall be disposed of after notice has been placed on the Authority’s website for a period of 14 days by such method as the Chief Officer considers will achieve the best price reasonably obtainable’.

All recommendations were put to the Authority for approval:

Proposed: Cllr Vic Ellery

Seconded: Cllr Robert Griffin

All in Favour

13. **Approve Annual Plan**

The current Draft Annual Plan presented, a concept rather than a finished article which was still being worked on with the aim to set out in more detail what the major streams of work are with completion dates associated as a document to aid not only the Authority but the Officers doing the work. The aim to bring a more up to date version incorporating relevant topics on an Ecosystem based approach and to always consider what the national drivers are in terms of how the IFCA fulfils its duties. Success Criteria will still be incorporated but as a mandatory Annex.

The anomaly that an Annual Report has never been produced will be remedied by reflecting the work laid out in the Annual Plan, with both documents working alongside each other.

Feedback from the Chair and 2 Vice Chairs have been incorporated into the draft plan sent out to members and a Version 2 has been created and focuses more on making the tasks, actions and outcomes far clearer, more comprehensive and understandable. An overview of this version was shown to the members and endorsement of the approach outlined and new structure was accepted.

A request that at the half year stage a traffic light progress report is brought back to the Authority identifying if targets/objectives are being met with results feeding into the Annual Report.

John May raised the point that at the last meeting there was nothing specifically directed at Recreational Sea Anglers. The Acting Chief Officer provided reassurance that recreational sea anglers have been included in the Annual Plan. They fall within the primary duties under 153d which is to balance the needs of different users. In the Annual Plan for 2018-19 focus on reviewing effectiveness of angling zones is a core piece of work. Outcomes and communication will be fed back through the Annual Report.

A push to incorporate a license fee for sea anglers was requested again. As this would come under an activity based byelaw with current workload and timescale it is not envisaged that this area would be looked at for another 18 months to 2 years.

Libby West was able to reassure Jim Portus in regard to Technical issues of aggregate extraction or issues surrounding the Severn Estuary, the IFCA does have an active part to play and the Annual Plan does capture elements of IFCA involvement in areas where there may be a knock-on effect.

A recommendation that Version 2 of the Annual Plan 2018-19 be adopted was made:

Proposed: Michael Cominetti Seconded: Mike Williams

All in favour

14. **Consider the Authority's responsibilities for the national role out of iVMS**

The situation within our district is that iVMS units are currently being fitted to 84 under 12m vessels who have a mobile fishing permit and it is envisaged to introduce the permit conditions in August for all vessels that operate mobile fishing gear in our district to be reporting remotely.

The D&S IFCA's pilot scheme to introduce iVMS to all vessels under 12m who are engaged in the towing gear fishery has been helping to inform the national iVMS project. There is an intention by DEFRA to consult shortly on the proposal to introduce a Statutory Instrument (SI) that would require iVMS to be fitted on all English registered fishing vessels under 12m where ever they operate in English waters.

It is envisaged that IFCA's will support the national iVMS project by applying to the European Maritime and Fisheries Fund (EMFF) for funding to purchase and install the units. The requirement for a funding bid for this has to be done by all 10 IFCA's and by the deadline of end of June 2018. In the anticipated 3 year planned roll out it would involve 2,700 vessels at a total cost of approximately £700,000. (The figures provided on page 2, line 6 of the breakdown should be ignored as they are incorrect). This could cause a potential financial risk as the units are required to be purchased in advance but at this stage there is no commitment financially only the necessity in timescale to submit an application bid to see if we qualify for the funds. Assurance that the Acting Chief Officer would continue to keep the Authority up to date with the progress of the bid, when a decision is available and advise in detail what/if any financial implications or commitment entered into by the IFCA are to the Authority before a decision is made.

A recommendation that the Authority continue to promote the use of technology in fisheries and conservation management and support the national iVMS project by agreeing to submit the necessary EMFF bids outlined in the report was made:

Proposed: Cllr Robert Griffin Seconded: Richard White

All in Favour

15. Consider the proposal to set up a Charitable Incorporated Organisation (CIO)

The Chair would like the Authority to consider the IFCA set up a Charitable Incorporated Organisation (CIO) as a vehicle to enable them to continue to seek additional funding and for them to access funds that are currently not available due to the constraints of the current budget. As a public body this restricts funding opportunities, and concern that after BREXIT EU funds will cease to be available which would constrain the projects undertaken, where currently there is no clarity on how the gaps are going to be filled by National Government was expressed.

Since the paper went out Devon County Council has asked that the IFCA widen this option to look at other alternative funding sources. The Chair intends to go back to DCC to ask what alternative funding sources they can recommend.

The intention of bringing this paper to the Authority is to try and set up a working group To look at this and the wider opportunities to see if we can put together another structure to draw down funds from other sources which will help us perform the regulatory work of the Authority.

James Marsden still believes that a more strategic look on how the Authority is funded should be undertaken from the original settlement that was set up by DEFRA at the start of the IFCA when it transitioned from being Devon Sea Fisheries but this topic was considered so big that it requires separate consideration and not incorporated within these discussions at this time as suggested.

There appeared to be a large support for a working group to be set up and volunteers were asked for. Along with the Chair, Richard White, Natasha Bradshaw, Cllr Rufus Gilbert and as a substitute Cllr Stuart Hughes volunteered to be form a working group. Devon County Council would be kept informed of the work of the working group.

A recommendation that members consider whether a CIO or alternative funding streams that would be beneficial to the IFCA and agree to a small working group was made:

Proposed: Cllr Rufus Gilbert Seconded: Richard White

All in favour

16. Consider the Disclosure of Papers to outside members

It is believed increased transparency for all stakeholders helps to demonstrate the extent of the work being conducted by the IFCA and potentially improve the reputation of the Authority. Increased engagement and improving communications forms part of the D&S IFCA communications strategy.

As our meetings are public meetings there is interest on how we operate and how decisions are reached. The Byelaw and Permitting Sub Committee have agreed and would also like the main Authority to consider being more open on how we present our work and to provide information specifically about the papers for our meetings by making them available prior to the event. Publication would be made after members had received the papers themselves.

James Marsden reassured members that publishing in this context is for all items other than Part 2 papers which will continue to be posted on a secure area of the D&S IFCA website. He suggested they be published 5 days in advance of the meeting. Jim Portus expressed his support for the increased transparency but highlighted that officers' draft papers should take into consideration future proof for Freedom of Information requests.

A recommendation that the officer papers for all D&S IFCA full Authority and Sub Committee meetings are published (unless exempted) as soon as possible and before the next meeting.

Proposed: Cllr Pam Buchan Seconded: Stephen Gledhill

All in favour, none against.

17. Fixed Administrative Penalty Update

Currently over £20,000 is being held by the IFCA for money received from the issue of Fixed Administrative Penalties (FAPs) as no decision had been received from the Treasury on how this money was to be used. The Chief Officer wrote to DEFRA in 2017 seeking clarification on whether the Authority could use the monies received to offset the legal costs incurred during the investigation. In May 2019 DEFRA responded by saying that all monies should be paid into the Consolidated Fund under section 1 Civil List Act 1952.

Disappointment was expressed by this decision and as legal costs are an inevitable occurrence with each case 2 options of possible action were discussed. Firstly, whether to explore seeking an amendment to The Sea Fishing (Penalty Notices) (England) Order

2011 or secondly to pay the money back as required but approach DEFRA highlighting the amount paid over and try to get money back through a new burden payment for that amount.

As under current regulations there is a legal requirement to return the money a recommendation that the Acting Chief Officer would write to DEFRA and George Eustace MP accepting this decision but request information on the mechanism to repay this and any future FAP money received. A further request within the letter would be for their considerations on the 2 options discussed by the Committee was made.

18. **‘North Devon Marine Pioneer’ presentation by Chrissie Ingle.**

A presentation by Chrissie Ingle, North Devon Marine Pioneer Coordinator was welcomed by Authority members. Information shown on the 4 pioneer groups and how they operated. Slides demonstrated the background and rationale for the work and how it would be achieved.

19. **Byelaw Update**

The Acting Chief Officer summarised the information paper provided to the Authority of the current situation on the Byelaw work in progress. No questions were asked.

20. **Presentation by Senior Environment Officer on work carried out in the Severn District**

Libby West made a presentation on the work carried out in the Severn District, the last similar presentation being in 2014. A history of the research work conducted in the Severn Area was displayed along with newer work being conducted and planned. As an important nursery area for several species, the new fin fish research and the need to collect more data was highlighted. Members were given an overview of the Hinkley Point C Power Station with some accompanying statistics of fish mortality and were informed that the Severn Area is considered to be the “Ultimate test of the Ecosystem Approach”.

21. **Quarterly Report**

No points raised or questions asked over this information report.

22. **Minutes of the F & GP Committee meeting of 15 March 2018**

The minutes were included for information and no questions were asked.

23. **Communications Quarterly Report**

No points raised or questions asked over the information reports produced.

24. **Any Other Business**

Simon Pollentine enquired whether a discussion would be held over the hot topic of ‘Plastic in the Sea’.

David Morgan requested reassurance that the IFCA was addressing the issue of inappropriate marking of static gear as he had received reports from piers and others of this taking place despite the rules being clear in the Byelaw. The Acting Chief Officer

is looking at the options of the practicalities of bringing this issue to the attention of the fishermen more clearly having reminded all permit holders of the regulations and bringing it to charge.

Dave Cuthbert reported a huge influx of small Crawfish in the district and was enquiring if management measures should be considered prior to their maturity. The Environment team are currently trying to gain as much information and the data set will then be used to decide what management measures, working with the industry, should be considered. Initially approach will be made to fishermen to ask their opinion on how the industry could be managed.

Cllr Buchan asked if at some point she could be given a brief update on what the discussions relating to the Devon/Cornwall boundary issue were.

25. Date of next meeting

Thursday 13 September 2018 - Ferne Animal Sanctuary, Chard

AGENDA ITEM	ACTION	RESPONSIBLE
3	Page 4, Item 9, Para 3 of Dec 17 Quarterly Minutes to have wording reviewed and amended	Acting Chief Officer
3	Update on Non Payment of Fines Policy	Acting Chief Officer
4.2	Follow up request by Cllr Napper on the Hinkley Point HPC Focused Task and Finish Group	Dr Libby West
17	Letter to DEFRA/George Eustace on mechanism to pay back Fixed Administrative Penalty income and options to receive compensation	Acting Chief Officer
24	Update to Cllr Buchan on the boundary line discussions between Devon and Cornwall IFCA	Acting Chief Officer