

D&S IFCA's Delivery of Statutory Duties

Indication from the D&S IFCA's Local Authorities is that an increase of 3% may be proposed for the FY2022/23 Revenue Budget. This would see the Revenue Budget rise from £740,000 to £762,200. This would mean that D&S IFCA would continue as the most poorly funded mainland IFCA and would only cover forecast inflation and staff spinal point increase. No additional money would be provided to recruit additional staff. At best this will merely maintain the current operational capabilities of D&S IFCA. More probably it will further erode the current operational capabilities of D&S IFCA.

The recent Defra RPA/ABP Mer 'Evaluation of IFCAs' report shows that D&S IFCA is a significant outlier on most key metrics in the report.

Resource breakdown for FY2022/23

Staff: D&S IFCA will employ 11.76 Staff (FTE) - lowest in for mainland IFCAs, (reduced in 2020 by making DCO Enforcement role redundant) to meet revenue budget.

Vessels: D&S IFCA operates one 7.8m RIB, one 6.4m RIB, - lowest vessel capacity in mainland IFCAs (IoS IFCA operate a 7.8m RIB). D&S IFCA sold its main patrol vessel in 2014 and sold its research vessel in 2021 to meet Revenue Budget.

Operational Budget: Boat operation (incl. fuel) and maintenance budget (£25,600) – equivalent to just two MMO vessel patrol days (£12,500/day)

Offices: All staff working from Brixham Office or from home – the Somerset office was closed in 2020 to meet Revenue Budget.

Delivery of Statutory Duties based on a Revenue Budget of £762,200

Officers have identified below where they believe D&S IFCA will deliver, only partially deliver and will not deliver its Statutory Duties.

Undeliverable Statutory Duties

1. Highly Protected Marine Areas (HPMAs)

Duty: MaCAA S154

Officers understand that HPMAs will be designated through the Marine and Coastal Access Act 2009 and IFCAs will be expected to bring in the required management to remove fishing activity from HPMAs within their districts and deliver effective monitoring and enforcement.

It will not be possible for D&S IFCA to provide the resources necessary to deliver these actions if any HPMAs are designated within the District.

2. Management of Intertidal Fisheries

Duty: MaCAA S.153 (2) (a) & (d). MaCAA S.154 in designated areas

D&S IFCA has some significant intertidal fisheries that are exploited by both commercial and recreational fishers. D&S IFCA's Handworking Permit byelaw development has been suspended due to lack of staff resources. D&S IFCA is unable to meet expectations of local stakeholders, including District Councils, to manage shellfish gathering. This is particularly true of the Teign and Exe Estuaries, where the Police have been called to public disturbances relating to intertidal fisheries.

3. Marine Licence Applications (MLAs)

Duty: MaCAA S.153(2)(c)

D&S IFCA currently directs considerable staff resource to respond to MLAs including Hinkley Power Station C and marine disposal applications.

D&S IFCA will not be able to advise on how fisheries and the marine environment will be impacted by these proposed activities in the future, and therefore not support informed sustainable development.

4. Development of Recreational Sea Angling (RSA)

Duty: MaCAA S.153(2)(d)

D&S IFCA has significant RSA activity within its District. D&S IFCA has developed a RSA strategy to support the development opportunities for this sector

D&S IFCA will not be able to complete its review of the three Angling Zones that it introduced or develop other opportunities for this sector.

5. Analysis of fisheries data

Duty: MaCAA S.153 (2) (a) & (b)

D&S IFCA has significant crustacea fisheries within its District, both on the south and north coasts.

D&S IFCA will not be able to undertake analysis of catches and landings of crustacea fisheries to inform management and stock assessments and Fisheries Management Plans.

Partial Delivery of Statutory Duties

Development of Mariculture

Duty: MaCAA S.153(2)(c)

D&S IFCA has one of the largest and most diverse mariculture industry. D&S IFCA has developed a Mariculture Strategy to support the sustainable development of the activities whilst balancing the needs of existing commercial and recreational fisheries.

D&S IFCA will not be able to fully implement its Mariculture Strategy and will only be able to progress the development of the Taw / Torridge intertidal and sublittoral fisheries. Reduction of opportunity for development of seaweed and molluscan farming

Monitoring and enforcement of shellfisheries

Duty: MaCAA S.153 (1)

D&S IFCA has nationally significant fisheries within its District, both on the south and north coasts. D&S IFCA has introduced flexible management for many of the commercial and recreational fisheries through activity-based permit byelaws. D&S IFCA has issued 888 valid recreational permits (diving, potting and netting) and 508 commercial permits (mobile, potting netting and diving)

D&S IFCA's resources to undertake inspections and patrols are only 4 FTE Enforcement Officers and two small RIBs. Consequently, only an extremely low number of inspections of landings (14) and premises (3) was achieved in FY2019/20. In the same period only a total of 59 patrols were undertaken with 47 vessels boarded. D&S IFCA is constantly criticised by local stakeholders that it provides insufficient enforcement presence on the south and north coast.

Despite operating an intelligence led approach to enforcement, D&S IFCA does not have an effective monitoring and enforcement approach to many recreational fishing activities (rod and line, shellfish) and commercial shellfisheries. Defra's Evaluation of IFCA's report 2021 highlights that the number of inspections undertaken by D&S IFCA are low compared to other IFCA's.

Review of Mobile Fishing Permit Byelaw and Permit Conditions

D&S IFCA is currently reviewing its Mobile Fishing Permit Byelaw that came into force in 2014. Although the review of the Byelaw and its associated permit conditions commenced in 2019, formal consultation on the reviewed Byelaw and Permit Conditions will not take place until 2022. By any yardstick this is an excessive and unacceptable timescale.

Delivery of Statutory Duties

Existing MPA network - Monitoring and Enforcement

D&S IFCA has the largest mobile fishing fleet in England (125 permits currently issued) operating in its District and has 22 MPAs covering 1,354 km². 1,100 km² of MPA is closed to mobile fishing. D&S IFCA prioritises this work due to the ecosystems services delivered from the MPA network and the socio-economic and environmental impact created by illegal demersal towed gear activities. Officers estimate that two thirds of the staff and asset resources are directed at delivering effective management and monitoring of MPAs.

In 2018, through its Mobile Fishing Permit Byelaw, D&S IFCA introduced a requirement for all mobile fishing vessels (at sea and over 6.99 metres) to report, through vessel monitoring, every ten minutes when operating in its District and every three minutes when operating within MPAs. This has allowed D&S IFCA to have a relatively effective monitoring and enforcement approach to MPAs. Since 2014, D&S IFCA has prosecuted or fined (FAPs) the owners and masters of 20 vessels for incursions into MPAs. In the same period, the MMO prosecuted the owners and masters of two vessels for similar offences.

D&S IFCA intends to continue to prioritise its REM work and extend its current pilot project on the feasibility of cameras and sensors on mobile gear fishing vessels.

Since 2012 and Defra's Revised Approach to MPAs, D&S IFCA has undertaken 181 Habitat Regulations Assessments of 1,295 fishing interactions, 38 MCZ Assessments (Tranche 1 and 2) of 1,215 fishing interactions and introduced 5 Monitoring and Control Plans (M&CPs).

The review of the existing activity-based byelaws and permit conditions will require further formal assessments of Tranche 3 MCZs and introduction of two additional (M&CPs)

Review of Existing Permit-based Byelaws

D&S IFCA will commence the formal review of its Diving, Potting and Netting Permit based Byelaws and the associated permit conditions in 2022. The review work (including extensive consultation with stakeholders) and the decision making is fully documented to meet the Authority's approach to transparency with information.

The review of the netting and potting permit byelaws will include a review of the impact on the increase wheel size and impact of closing all estuaries to netting (except seine netting for sandeels).

Review of inherited Byelaws

D&S IFCA will complete its review of the inherited Size of Vessel Byelaw and intends to revoke and replace this Byelaw in 2022.

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Summary

Annual Reports & Plans

D&S IFCA's Annual Reports have continued to document the failure of D&S IFCA to fulfil all of the activities set out in the respective Annual Plans.

The Annual Plans have been reduced to recognise the level of funding that is available and only looks to fulfil Statutory duties or essential internal organisational functions.

In recent years the organisational work has been drawn back to release additional resources to deliver Statutory Duties, but this is not sustainable.

D&S IFCA's Local Authorities are unwilling to provide forecasted budgets for future years so it is impossible to set out a Five Year Strategy for the organisation. An Asset Replacement Strategy was created but not supported by the Revenue Budget settlement beyond the initial year.

Mental Health and Wellbeing of Employees

D&S IFCA, as an employer, has a duty of care to its Officers. Defra's 2010 report 'Allocating New Burdens Funding to Inshore Fisheries and Conservation Authorities and their Funding Local Authorities' identified that D&S IFCA should have 25.63 FTE Enforcement Officers. (members of staff)

- Currently D&S IFCA has 11.76 FTE members of staff and a Revenue Budget of £0.74M for FY 2021/22.
- Eastern IFCA, the third largest IFCA by District, employs 24 members of staff and has a Revenue Budget of £1.71M for FY2021/22.

Officers are concerned that the workload expected of Officers is too high and is leading to some suffering from work related mental health issues, as evidenced by Exit Interviews. Exit Interviews consistently reveal that the excessive workload and non-competitive pay were the main reasons for nine employees leaving D&S IFCA in the last 36 months. This level of turnover is extremely disruptive and creates additional workload for the remaining officers, particularly the experienced ones, thereby creating a self-sustaining negative feedback loop in terms of staff resource.

The Authority has recognised a need for a Job Evaluation Exercise; however, a Revenue Budget of £762K is insufficient to recognise any potential salary increases as a result of the exercise.

Achievements

Where funding has allowed, Officers believe that D&S IFCA has amply demonstrated that it and its officers have been able to deliver, adaptive, innovative and effective management and monitoring of marine fisheries and conservation in its District.

The lack of staff and operational resources is why Officers believe that D&S IFCA will not fulfil all its Statutory duties in FY2022/23.