



Authority Meeting

Draft Minutes from 17th
March 2022

Version Control and Drafting

Version & Date	Comments
Version 0.1 24 th March 2022	1 st set of draft minutes from 17 th March 2022 circulated internally for additions/amendments.
Version 0.2 4 th April 2022	Edits and amendments – Version 0.2 of the draft minutes circulated to Members for review/comments by 18 th April 2022.
Version 0.3 5 th May 2022	Edits and amendments to recognise feedback from Members. Version 0.3 published as “draft minutes” on public areas of website.

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Minutes of the Authority Meeting

Held at Exeter Racecourse on 17th March 2022 (start at 12.30 hrs)

Present:

Chair: Professor Mike Williams
Vice Chair: Dr Pamela Buchan

Cllrs:

Alistair Dewhirst (Devon County Council), Paul Crabb (Devon County Council), Stuart Hughes (Devon County Council), Phillip Twiss (Devon County Council), Ron Peart (Devon County Council), Alan Preest (Gloucestershire County Council).

General Members/Statutory Members:

Dr Emma Bean, David Murphy, Felicity Sylvester, Dave Saunders, Jon Dornom, Wayne Thomas, Jay Boyle (Natural England).

Officers:

Jessica Maunder (Devon County Council Finance), Amy Booth (Devon County Council Finance), Simon Excell (Gloucestershire County Council), Simon Bunn (North Somerset County Council), Jessica Bishop (Devon County Council).

D&S IFCA:

Mat Mander (Chief Officer - CO), Sarah Clark (Deputy Chief Officer - DCO),
Neil Townsend (Principal Policy Officer - PPO) Olga Pepper (Finance & Administration Manager – F&AM).

Public:

None.

Welcome

The Chair formally welcomed Authority Members to the meeting and thanked them for their attendance. The Chair announced that David Murphy would be attending his last meeting as a Member of the Authority and was thanked by the Members. The Chair asked that all members briefly introduce themselves before moving onto the first Agenda Item.

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Action Items:

1. Apologies for Absence

The Chair asked F&AM Pepper to read out the list of apologies and absentees. The names called out were as follows:

Cllr Terry Napper (Somerset County Council), Cllr Nicole Amil (Torbay Council), Cllr Nick Kelly (Plymouth City Council), Cllr Bridget Petty (North Somerset Council), Cllr Paul Goggin (Bristol City Council), Cllr Keith Burchell (South Gloucestershire Council), Rachel Irish (Marine Management Organisation), Carley Elson (Marine Management Organisation), Caroline Acton, Simon Toms (Environment Agency), James Marsden, David Morgan, Andy Wray, Sarah Jackson, Rob Parsons, Tom Birbeck.

Natasha Bradshaw and Anthony McDowell were recorded as absent.

2. Declarations of Interest

The Chair asked Members to declare any interests. There were no declarations of interest announced at the meeting. The Chair asked that all Members review their own declarations of interest and send them to D&S IFCA Officers.

3. To Consider and Approve the Draft Minutes of the Authority Meeting held on 16th December 2021

The draft minutes from 16th December 2021 were examined page by page and the Chair asked the Members to highlight any inaccuracies. Jon Dornom said that he had spotted an error on page 5 regarding the appointment of Angie Sinclair and suggested that the word “is” be replaced by the word “it”. The Chair highlighted minor single word changes on pages 7 and 8. The three corrections were noted by PPO Townsend. The Chair reminded Members that only Members who had attended the Authority meeting on 16th December 2021 were being asked to vote.

That the draft minutes of the Authority meeting held on 16th December 2021 (subject to the amendments) are a true and accurate record.

Proposed: Jon Dornom **Seconded:** Pamela Buchan

In favour: 12
Abstain 1
Against 0

4. Matters Requiring Urgent Attention

The Chair briefly consulted with CO Mander, and it was established that there were no matters that required urgent attention.

5. Questions from the Public

The Chair briefly consulted with CO Mander, and it was established that there were no questions from the public that the Members needed to consider.

6. To note Budget Monitoring 2021/2022 – Month 10

Presentation:

The Chair asked Jessica Maunder (Devon County Council Finance), to present this agenda item. Jessica Maunder reported that there was a projected underspend against the budget for FY 2021-22 and then went through the Officers’ paper in detail. The list of underspends was reported to include employees, transport and supplies and services. It was explained to Members that there was an overspend in boat costs which were due to increases in servicing and maintenance costs as well as the cost of fitting an Automatic Identification System (AIS) to the patrol vessel “David Rowe”. Jessica Maunder then went through each table in the Officers’ report, explained variances (for items over £1000) and ended her presentation by reporting the projected balance of the General Reserves to be £524,512.

Comments & Questions:

The Chair thanked Jessica Maunder for her presentation. CO Mander added that Members should be made aware that receipts from Financial Administrative Penalties are not treated as income and Jessica Maunder confirmed that they are not included in the outturn figure. Regarding Financial Administrative Penalties, the Chair asked when they would be paid to HM Treasury. CO Mander explained that despite asking Defra on many occasions, a mechanism to pay the money to HM Treasury has still not been identified.

Wayne Thomas commented that Covid 19 would have had an impact on expenditure and that the underspends in different categories, such as transport, may not arise when working arrangements change. CO Mander added that zoom meetings had helped to lower costs on fuel (travelling to meetings); however, it was inevitable that some costs would rise as some working practices change as the impacts of Covid-19 continue to reduce. CO Mander informed Members that a Capital Assets Replacement Strategy would be presented in June 2022 for their approval.

With no other comments or questions, the Chair announced that the Budget Monitoring 2021/2022 - Month 10 – Report, was noted by Members.

7. To receive the Internal Annual Report for FY 2021/2022

Presentation:

CO Mander explained that it was important that all Members and stakeholders understand how D&S IFCA is using its resources to deliver different workstreams, coupled with a need to identify what workstreams would become key tasks in the 2022/2023 Annual Plan. CO Mander said that Officers were satisfied that the Internal Annual Report achieved both objectives and then provided Members with a detailed overview of how the report had been constructed. CO Mander explained that the use of codes for different workstreams provided the foundation for more detailed reporting compared to past Internal Annual Reports. CO Mander described how this increased accountability during FY 2021/2022 had enabled Officers to examine time spent across many tasks, as set out in a series of graphs. The analysis showed the relatively high percentages of time spent by Officers on case files (enforcement) and work devoted to Marine Protected Areas (research and enforcement). CO Mander reminded Members that D&S IFCA has 22 MPAs in the District and a very large demersal mobile fishing gear fleet that requires high levels of monitoring to ensure compliance with the restrictions associated with the MPAs. CO Mander informed Members that some feedback, via email, on the Internal Annual Report had been received prior to the meeting and that this will be used to develop the Internal Annual Report into the formal Annual Report that will be submitted to Defra later in 2022.

Comments & Questions:

Cllr Dewhirst commented that the graphs were of great use for determining how time had been spent on different workstreams; however, the rationale for the prioritising of Officer time for different tasks was not so clear. Cllr Dewhirst said that he was surprised that workstream accountability had equated to about 3% of Officer time and questioned why the work on wrasse took up more time than some other workstreams.

CO Mander acknowledged that there were elements of the report that could be improved including the reasons why some tasks had either taken longer than others or had been prioritised compared to others. CO Mander explained that ideally the Internal Annual Report should be read in conjunction with the Annual Plan which provides detail on the rationale for the task and actions required. Regarding time spent on accountability, CO Mander said that he expected a reduction from 3% in FY 2022/23 as Officers have now become more familiar with the time recording requirement. DCO Clark added that it is likely that Defra will be requesting more detailed data from the Authority as it introduces comparative Key Performance Indicators

across all IFCA's, and the data now at the disposal of Officers will be of great value for any such request. PPO Townsend explained to members that the 3% figure included setting up the new system of codes and refining them throughout the year and this is likely to be less of a burden in FY 2022/2023.

Cllr Twiss referred to the Investigations Table on pages 11 and 12 and said, in his view, that it could potentially provide more detail. Cllr Twiss commented that many of the investigations related to spatial incursions and asked why this was. Cllr Twiss also pointed out that many of the investigations had not resulted in prosecution or a fine. Cllr Twiss added that he was more familiar with reports that include a full traffic light system, rather than just red or green for complete or incomplete work.

Cllr Dewhurst commented that a better explanation of what tasks coloured red were being taken forward would be a good addition to the Report. Pamela Buchan agreed, and informed Members that she had suggested (via email) that the Annual Report could be amended to include an additional column to enable all readers to better visualise what work had been selected to be carried forward and why.

CO Mander responded and said that all feedback will help Officers reconsider the layout of the official Annual Report to be sent to Defra and the level of detail that it would contain in both the narrative sections and the tables. Regarding the detail presented in the enforcement section of the Internal Annual Report, CO Mander said that Officers could consider amendments to explain the status of investigations and what is involved in the investigations. CO Mander explained that the types of enforcement and investigation work being undertaken, and where it is being conducted, is driven by an intelligence-led approach to enforcement in combination with what resources the organisation must work with. CO Mander highlighted that the number of boardings conducted by D&S IFCA Enforcement Officers is low, when compared to some other IFCA's; however, a new project in the Annual Plan is to improve compliance with gear marking. CO Mander explained that the gear marking initiative will include engagement with fishers and will require the boarding of static gear vessels, which in turn will provide an increase in the total numbers of boardings (and inspections) during 2022/2023. As for the red and green approach to reporting, CO Mander explained that there was an argument that Officers had potentially been too harsh reporting work as incomplete. Even though many elements of a workstream may have been completed, CO Mander said that ultimately the task in question (the main action) was not completed and therefore had been highlighted as red.

In terms of prioritising work to be carried forward into the Annual Plan for 2022/2023, CO Mander explained that, on reflection, this could have been better explained in the Annual Report. CO Mander informed Members that the Annual Plan does include those workstreams that Officers have determined to be the most important workstreams to complete. CO Mander reminded Members that the recent Annual Plans only contained essential work and no "nice to do" tasks had been included. CO Mander informed Members that during 2022/2023, a six-month progress report will be presented that includes detail (and a colour code system) that will explain what tasks are potentially behind schedule or at risk of not being completed within 2022/2023. This approach, said CO Mander, may help Members to debate what tasks should potentially be suspended in favour of concentrating more effort on other tasks.

Felicity Sylvester highlighted the Investigation Tables on pages 11 and 12 and said that it was not clear what "on-going" represented in terms of non-functioning IVMS and if fishers were replacing units that did not function. CO Mander explained that there may have been several reasons for the failure of units to transmit the required information and that the table showed that an investigation is still on-going and had not been resolved. CO Mander provided members with a short update on the progress of the national roll out of IVMS and explained the complication surrounding the past use of European Maritime and Fisheries Fund (EMFF).

CO Mander explained that he had been informed by the UK Managing Authority for the EMFF that despite the D&S IFCA project being subject to national type approval requirements and helping to shape and inform the national roll out of IVMS on the under 12 metre fleet, it was not formally recognised as a Pilot project. The consequence of this determination was that D&S IFCA would have to repay some of the money awarded under EMFF to allow vessel owners with IVMS devices on board the same opportunity to participate in the national roll out of IVMS for under 12 metre vessels. The amount that would need to be repaid would depend on how many vessels owners chose to change their devices and when the installation of the new device occurred. It was estimated that the maximum amount that D&S IFCA would have to repay was between £20,000 - £25,000.

CO Mander said that this was disappointing news but, reflecting on the importance of the data generated by the IVMS devices since August 2018 for both fisheries management and conservation protection, he was of the opinion that the project had delivered considerable value for money.

Emma Bean highlighted a spelling error on page 15 (KT001 – the word “Potting” to be inserted instead of “Netting”) and asked about the legal risks associated with not completing the reviews of the Byelaws within identified periods. CO Mander clarified that there was no legal requirement for every Byelaw to be reviewed within five years; however regular reviews of Byelaws are a legitimate stakeholder expectation. PPO Townsend added that review cycles for permit conditions are a mandatory requirement as the requirement is set within the Permit Byelaws; however, there is no requirement relating to how long each review may take to complete.

The Chair thanked Officers for preparing the Internal Annual Report and thanked the Members for their feedback.

Decision Making

A formal vote was not required for this agenda item.

8. To receive and approve the Annual Plan for FY 2022/2023

Presentation:

CO Mander presented the Annual Plan to Members and said that it was important to set the scene for the next twelve months including the drivers for the different work that would be undertaken. CO Mander explained that there are unknown factors that may influence work in 2022/2023, but it is impossible to plan for all potential variables. CO Mander highlighted the on-going importance of work directed towards MPAs undertaken by the Environment and Enforcement Teams. Although D&S IFCA is not equipped to manage a potential new Highly Protected Marine Area (HPMA) within its District; regarding the already designated sites, CO Mander said that in his view D&S IFCA was performing well in protecting the sites and managing fishing activity within them. CO Mander highlighted the huge difference between designating a site for protection and ensuring that it is protected by effective enforcement work. This, said CO Mander, is why focus on MPAs remains such an important part of D&S IFCA's work.

CO Mander explained that Officers had not wanted D&S IFCA's funding difficulties to dominate the content; however, it was vital that efforts continue to resolve this issue. CO Mander reminded Members about the past papers they had received regarding which Statutory Duties D&S IFCA could or could not meet given its resources. CO Mander confirmed that the increase in the Revenue Budget, as set out in the Annual Plan, would be used to employ some new staff which help reduce, but not eliminate, the risks associated with not meeting the Statutory Duties. CO Mander highlighted that issuing permits, responding to marine licence

applications and additional related work associated with Hinkley Point C power station are all tasks expected to be undertaken by the new Marine Development Officer. Regarding the two new Enforcement Officers, CO Mander explained how this will help boost D&S IFCA's capability to ensure compliance with legislation.

Comments & Questions:

Felicity Sylvester asked if D&S IFCA would have an HPMA in its District, to which CO Mander replied that he could not be certain. Cllr Dewhirst said that given D&S IFCA's financial crisis, he was surprised that the Annual Plan, as a public facing document, did not highlight this issue far more. It was the view of Cllr Dewhirst that adequate funding underpins everything, and all readers should be completely aware of the funding issues faced by D&S IFCA.

Regarding the workstreams in the Annual Plan, Cllr Dewhirst enquired why and how some had been selected in preference to others, including incomplete tasks, and used the example of developing a Taw Torridge Mussel Fishery Management Strategy as compared to potentially introducing a Hand Working Permit Byelaw. CO Mander explained that input from Members regarding prioritisation of tasks in the Annual Plan would be welcomed. CO Mander clarified that the development of a Hand Working Permit Byelaw (District wide) had not been abandoned but it was a case of what could or could not be achieved in the next 12 months. DCO Clark added that the development of the Taw Torridge Mussel Fishery Management Strategy was required to manage the largest public mussel resource within the District.

Simon Excell referenced page four of the Annual Plan and wanted the Members to be fully aware of the present budgetary situation for D&S IFCA and how using the General Reserves to support the core Revenue Budget is not sustainable. Simon Excell pointed out the importance of determining a collective change in the approach to end the repeating cycle of budget discussions, which includes opposition from the Severn Councils to potential budget increases. From Gloucestershire County Council's perspective, Simon Excell said that the Council will welcome further discussions with Defra on how to potentially resolve the funding difficulties; however, getting Defra to engage with D&S IFCA and the Local Authorities has proved to be challenging to date. A quick fix, said Simon Excell, is not possible and it appears that a change in the Order¹ is the most logical solution; however changing legislation will take time and most certainly more than 12 months.

The Chair thanked all the Local Authorities for their support in his attempts to engage with Defra and discuss potential solutions to the funding issue, and informed Members that Defra is aware that D&S IFCA is now using its General Reserves to support its core Revenue Budget. The Chair said that he remained optimistic that the Order could be amended but conceded that work to make a change had not begun, and furthermore no date had been set for the next meeting with Defra.

Cllr Twiss commented that there is a strained relationship between Local and Central Government, but that he was in contact with Neil Parish (Member of Parliament) and would provide him with briefing papers. CO Mander commented that Neil Parish MP was included in the past circulation of information but agreed to forward relevant information to Cllr Twiss to then pass on.

The Chair asked if Members had questions on any other topic. Simon Bunn asked questions on the extent of D&S IFCA's evidence base and the gathering of information. DCO Clark explained that gaps do exist, however, much of the data are collected in different ways and for specific work as when required. DCO Clark

¹ The Devon and Severn Inshore Fisheries and Conservation Order 2010 (2010 No.2212)

reminded Members that the research vessel had been sold but that D&S IFCA continues to work collaboratively with other IFCAs and Agencies.

The Chair informed Members that he had asked a series of questions in advance of the meeting and had asked DCO Clark to respond to those questions.

Q1. Do we yet in effect have Protected Site Strategies or Species Conservation Areas or Strategies by way of existing policies on MPAs and /or particular species - in other words is this fully or partially a relabelling of what we have / do already?

A1. Natural England has the power to create the Protected Site Strategies and Species Conservation Strategies and a whole new system for biodiversity Net Gain, but these are yet to be produced. These strategies are likely to include European Marine Site and Marine Conservation Zones within the D&S IFCA's District. Authorities prescribed by the Secretary of State, such as D&S IFCA, must co-operate with Natural England in the preparation and implementation of such strategies and must have regard to them when exercising its functions. NE will consult widely on these strategies and include D&S IFCA in the consultation, especially if such a strategy impacts the sea fisheries resources, conservation, or management of a protected site within D&S IFCA's District. In a sense this is a relabelling exercise away from the EU Habitats and Birds Directives. D&S IFCA has had regard for these directives and other environmental legislation in the work it undertakes, and this is evident in the MPA assessments completed, Monitoring and Control Plans developed, and the management introduced under Defra's Revised Approach to Commercial Fishing Activities in MPAs.

Q2. Is it worth having an explanatory presentation on the implications of the Environment Act 2021 for D&S IFCA? It seemed to me it was, in effect, to a greater or lesser extent replicating what we have to do already, so it was difficult for me to discern what was perhaps the UK relabelling what the EU said we had to do what might be new, additional requirements being imposed by the UK.

A2. S.102 Environment Act 2021 describes that a Public Authority must consider what actions it can take to further the general biodiversity objective, as set out in Section 40 Natural Environment and Rural Communities Act (NERC) 2006. Therefore, D&S IFCA must determine what policies, specific objectives and actions it considers that may be appropriate to further the general biodiversity objective. D&S IFCA has been fulfilling this biodiversity objective through its assessment of fishing activities on features, habitats, and species within MPAs and through the implementation of management measures to protect those features and ensure the conservation objectives of sites are met. D&S IFCA's management measures introduced, assessments undertaken and plans already in place can count and feed into the objectives and actions determined.

Q3. Am I correct in thinking D&S IFCA has to consider & formulate actions for furthering biodiversity by 9th November 2022 but much of our existing environmental work does this already, so there is no, or little additional work involved?

A3. NE is developing targets and drafting statutory guidance that underpins the NERC Act 2006 (biodiversity reporting) which places a duty on Public Authorities. Under S.120 (3) Environment Act 2021 it states that a consideration on furthering biodiversity must be undertaken by 9th November 2022. Much of the existing work D&S IFCA undertakes meet these objectives through its environmental assessments and through the timely and appropriate development and introduction of changes in Permit conditions. A subsequent consideration on furthering biodiversity, through the work of D&S IFCA to fulfil this duty, must be made within five years of the initial consideration.

- Q4. What is the relationship of FRMPs to FMPs - it seems to me it is also a relabelling exercise or that FRMP are simply an early version of FMPs? Or have I missed something?
- A4. Fisheries Research and Management Plans (FRMPs) have been produced through a funded FRMP Officer post that was hosted by D&S IFCA, initially under the Defra funded North Devon Marine Pioneer project. These were developed prior to the publication of the Fisheries Act 2020. The first five were completed for North Devon and included bass, herrings, whelks, skates and rays and squid. Progress has been made in extending these first five across the whole of D&S IFCA's District. However, work has stopped whilst the development of National Fisheries Management Plans under the Fisheries Act is progressed and D&S IFCA can determine, through attendance at national meetings, how the FRMPs can feed into the development of FMPs.

Felicity Sylvester raised some concern regarding the development, and extension of Fisheries Research and Management Plans (FRMP) to the whole District and in particular the plan that had been developed in the North of the District for herring. Felicity Sylvester explained how the catches of herring in the Clovelly area had declined to very low levels and that nothing was being done to address social and economic issues. Felicity Sylvester informed members she had attended multiple meetings of "Marine Pioneer" and had helped with engagement work with local fishers which had identified relevant issues associated with herring. In addition, Felicity Sylvester highlighted that many recommendations had been established, such as improving markets and the development of a local smokery; however there seemed to be no progress with these recommendations, fishers cannot catch a fish and that the Clovelly Festival is now effectively a non-event.

DCO Clark responded and informed Members that the Marine Pioneer programme had been established by Defra and that D&S IFCA did not lead on all the work. If stocks of herring had declined as reported, DCO Clark said that this would be a concern for D&S IFCA as the Authority that manages fishing activity; however, not all the recommendations in FRMPs are for D&S IFCA to take forward. DCO Clark suggested that Felicity Sylvester discuss some of her concerns regarding the development of a local smokery and quayside facilities with Andy Bell (Co-ordinator for the North Devon Biosphere) who also sat on the Marine Pioneer Project. CO Mander added that although he recognised the concerns raised about the North Devon herring fishery, several of the points raised by Felicity Sylvester are not issues that D&S IFCA can address. CO Mander reminded all Members that D&S IFCA's remit does not extend to topics such as regulating Health and Safety or the establishment of marketing plans for fishers or the development of infrastructure.

With no further questions or comments, the Chair asked that a formal vote be conducted.

Decision Making:

That the Annual Plan for FY 2022/2023, subject to amendment, is approved.

Proposed:	Cllr Twiss	Seconded: Cllr Dewhirst
In favour:	13	
Against	0	
Abstain	1	

Information Items:

9. To receive a presentation by Dr Pamela Buchan – “Motion for the Ocean”

Dr Pamela Buchan gave the presentation to Members. At the conclusion of the presentation Dr Pamela Buchan was thanked by the Chair, Officers, and Members. Cllr Twiss commented that he expected Devon County Council to adopt the Motion soon.

10. Byelaw and Permitting Sub-Committee Report

The Chair explained that the Officers’ paper was for information only and that if Members had questions they could contact Officers after the meeting and raise issues that may then become future agenda items.

11. Date of Next Meeting

The Chair informed Members that the next Authority meeting would be held on 16th June 2022 at Newton Abbot Racecourse.

Close of Meeting

The Chair thanked everyone for attending the meeting. The Chair announced that long standing Member James Marsden had resigned from the Authority so that he could focus on other matters. The Chair, on behalf of all Members and Officers, thanked James Marsden for his contribution to the work of the Authority.

End