



Authority Meeting

Draft Minutes
15th June 2023

Version Control and Drafting

Version & Date	Comments
Version 0.1 23/06/2023	1st set of draft minutes from 15 th June 2023, prepared by F&AM Pepper for internal review.
Version 0.2 07/07/2023	Review and amendments by Officers. Circulated to Members for review.

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Minutes of the Authority Meeting
Brixham Laboratory 15/06/2023

Present:

Chair: Professor Mike Williams

Councillors: Phil Twiss (Devon County Council), Stuart Hughes (Devon County Council), Andrew Strang (Torbay Council), Tony Williams (South Gloucestershire Council), Tom Briars – Delve (Plymouth City Council).

General/ Statutory Members: Dr Emma Bean, Felicity Sylvester, Wayne Thomas, Rachel Irish (Marine Management Organisation), Dr Pamela Buchan (Vice Chair), Jay Boyle (Natural England), Mark Day, Simon Thomas, David Saunders, Natasha Bradshaw, Tom Birbeck, Caroline Acton, Charlie Ziemann,

Officers: Simon Excell (Gloucestershire County Council)

D&S IFCA Officers: Mat Mander (Chief Officer – CO), Sarah Clark (Deputy Chief Officer – DCO), Olga Pepper (Finance & Administration Manager – F&AM), Ben Mitson (Enforcement Officer), Dr James Stewart (Senior Environment Officer)

Public: 1 Member of Public present.

Welcome

The Chair formally welcomed all to the meeting and thanked them for their attendance.

Action Items:

1. Election of the Chair

Current Chair handed over this Agenda Item to CO Mander who invited the members to put forward their nominations, in accordance with the Standing Orders. Cllr Twiss wished to nominate Prof. Mike Williams – the current Chair - upon the condition that Prof. Williams agrees to remain the Chair of the Authority. There were no other nominations.

That Prof. Mike Williams is elected as the Chair of the Authority

Proposed: Cllr Twiss **Seconded:** Cllr Hughes

In favour: 18

Against: 0

Abstain: 1

CO Mander, on behalf of all D&S IFCA's Officers, thanked Prof. Mike Williams for his services as Chair. Prof. Williams was grateful for the kind words and accepted the role.

2. Election of the Vice Chair

The members were invited to put forward their nominations for the Vice Chair, in accordance with the Standing Orders. The Chair nominated Pamela Buchan – the current Vice Chair. There were no other nominations. Pamela Buchan accepted the nomination.

That the Authority elects Pamela Buchan as Vice Chair

Proposed: Mike Williams Seconded: Rachel Irish

In favour: 18
Against 0
Abstain 1

The Chair thanked Pamela Buchan and Emma Bean as Chair of the B&PSC for their support and efforts on behalf of the Authority.

3. Apologies for absence

The Chair asked F&AM Pepper to read out the list of apologies. The names called out were as follows: Cllr Alistair Dewhirst, Cllr Alan Preest, Peter Lappin, Rob Parsons, Kathy Derrick, Cllr Ron Peart, David Morgan, Jon Dornom, Guy Baker, Simon Toms, Jessica Maunder, Jessica Bishop, Simon Bunn, Cllr Paul Crabb, Bristol City Council, PPO Neil Townsend.

4. Declarations of Interest

The Chair invited all to bring forward any declarations of interest. There were none. Members were reminded to review their declarations regularly. New members were reminder to submit their declarations.

5. To consider and approve the Draft Minutes of the Authority Meeting held on 16th March 2023

The draft minutes from 16th March 2023 were examined page by page with a correction by Pamela Buchan to be actioned by F&AM Pepper.

That the minutes from the Authority Meeting held on 16th March 2023 are a true and accurate record.

Proposed: Pamela Buchan Seconded: Cllr Hughes

In favour: 15
Against: 0
Abstain: 4

6. Matters Requiring Urgent Attention

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

7. Questions from the Public

The Chair briefly consulted with CO Mander, and it was established that there were no questions from the Public.

8. Terms of Reference for the Byelaw and Permitting Sub-Committee

The Chair wished to suggest one correction to the Terms of Reference (ToR), regarding wording. Cllr Twiss sought clarification regarding the wording of the Officer paper to ensure it was clear whether there was a change to the B&PSC Terms of Reference (ToR) or not as he found the paper was unclear in this respect. CO Mander explained that the ToR had been reviewed by the Officers and the ToR are recommended to be taken as read as they correctly reflect the requirements currently in place. Cllr Twiss wished for any changes to be highlighted and marked as 'no change from 2022'.

Byelaw and Permitting Sub-Committee's (B&PSC) Chair, Emma Bean wanted to discuss whether the requirement for two representatives should remain. A change to the wording had been suggested to state that all General Members were invited, and that the membership may include two Elected Members and two Statutory Members. The Chair quoted an example of the Ministry of Defence which must only operate if certain representation has been secured which means that when a change within any represented bodies occurs, there may be a disruption in operations until a new representative has been appointed. After some deliberations, Members decided that, in support of the operations and inclusivity of the Byelaw and Permitting Sub-Committee, the word "may" was to be added/ to the ToR which resulted in a recommendation:

That the Terms of Reference for the B&PSC, as set out in this Officers' paper, should be accepted with the following amendment.

"The B&PSC may invite all General Members to attend, and membership may include representatives of the funding Authorities and Statutory Appointees. "

Proposed Emma Bean Seconded Cllr Twiss

In favour: All (19)

Against: 0

Abstain: 0

9. Appointment of the Byelaw and Permitting Sub-Committee

CO Mander introduced this Agenda Item. The B&PSC is vital to drive much of the Authority's work forward and has delegated powers for decision making. In the current ToR, at least six members must be present for the B&PSC meeting to be quorate. The Members were invited to vote.

That all existing Members of the B&PSC stand for a further twelve months and should therefore be re-appointed en bloc.

Proposed Cllr Twiss Seconded Wayne Thomas

In favour: All (19)

Against: 0

Abstain: 0

Members were reminded that a replacement for Cllr Nicole Amil (Torbay Council) needed to be considered. Cllr Twiss wished to nominate Cllr Strang from Torbay Council. Cllr Strang accepted the nomination.

That Cllr Strang joins the Byelaw and Permitting Sub-Committee

Proposed Cllr Twiss Seconded Wayne Thomas

In favour: 18

Against: 0

Abstain: 1

The Chair invited all to join the B&PSC which can be described as the engine of the Authority. All are welcome and any Members who wish to become part of the Sub-Committee should contact CO Mander.

General Member Charlie Ziemann expressed a wish to become part of the B&PSC.

That Charlie Ziemann joins the Byelaw and Permitting Sub-Committee

Proposed Emma Bean Seconded Caroline Acton

In favour: 18

Against: 0

Abstain: 1

The Chair explained to Members that the running order of the following agenda items had changed. The Chair explained that he wanted to ensure that there was sufficient time to discuss the finance related issues.

10.To approve the Outturn Statement of Accounts Report 2022/2023

CO Mander introduced this Agenda Item in the absence of Jessica Maunder from the Devon County Council Finance Team who was unable to attend. For 2022/23, the Authority agreed to the use of reserves of £65,500 in December 2021 to balance the budget. There have been additional items of expenditure for the year leading to variances against budget, which were listed within the Officer Paper and included: £9,972 in reference to the job evaluation project; £17,100 towards the GIS project and £20,000 being paid back for the EMFF IVMS Grant. CO Mander is hoping to reduce the repayment of the EMFF IVMS Grant but was not able to confirm this at the time of meeting. The Authority received additional grant funding of £150,000 from DEFRA for the Fisheries Management Plan Programme, MPA work and Marine Spatial Prioritisation Programme which resulted in a net transfer from general reserves of £3,383. CO Mander reminded the members about the ongoing financial pressure due to the additional Defra funding not being able to continue past this financial year. CO Mander opened the floor for questions and comments. Cllr Twiss enquired about the minimum level of General Reserve funds required for the Authority and, whether the current fund had been allocated to any future projects. CO Mander provided a response – the Authority is required to hold 25% of its budget as General Reserve at any time. CO Mander reminded the attendees that without the Defra's additional funding, the General Reserves would suffer a decrease of about £100,000 from the current level of £528,134. In response to Cllr Twiss' second question CO Mander informed that the Authority's General Reserves funds are not assigned to projects and that capital reserves can only be used for capital expenditure.

CO Mander completed his report by explaining that the external Audit of the accounts had come back very favourably and wanted to thank F&AM Pepper for her hard work.

With no further questions, the Members voted

That members note the outturn for 2022/23 and acknowledge Accounting Statement Appendix A.

Proposed Pamela Buchan

Seconded Caroline Acton

In favour: All (19)

Against: 0

Abstain: 0

11. To review D&SIFCA's Financial Probity and Financial and Administrative Regulations

CO Mander introduced this Agenda Item. The Financial Probity and Financial and Administrative Regulations have been recently thoroughly reviewed and amended by the Officers with the assistance of Devon County Council Finance Team. CO Mander invited questions and comments. There were none. The Members voted:

That the Financial Probity and Financial Administrative Regulations are approved with no amendments

Proposed Cllr Strang

Seconded Emma Bean

In favour: All (19)

Against: 0

Abstain: 0

12. To review D&SIFCA's Standing Orders

CO Mander introduced this Agenda Item. The Standing Orders have been thoroughly reviewed by the Officers and approved by the Members in September 2021. CO Mander invited questions and comments. There were none. The Members voted:

That the Standing Orders are approved with no amendments

Proposed Pamela Buchan

Seconded Wayne Thomas

In favour: All (19)

Against: 0

Abstain: 0

13. To approve D&SIFCA's Capital Asset Replacement Strategy

CO Mander introduced this Agenda Item. Currently, the Authority has two patrol vessels – PV David Rowe a 7.4 metres RIB (Rigid Inflatable Boat), and PV Enforcer, a 6.4 metres RIB. PV Enforcer is 19 years old and it's nearing the end of her useful life. Cost versus benefit of maintaining PV Enforcer has been considered by the Officers and, as a result it has been decided that to replace PV Enforcer would be the recommended solution. To purchase PV David Rowe, external funds were used. It is the Officers' recommendations, that only if sufficient external funding could be secured, PV Enforcer would be replaced as only a modest amount is available via the Authority's Capital Replacement funds. Should a replacement be not possible to obtain, the Officers will maintain and use PV Enforcer as effectively as possible. CO Mander invited questions and comments. Natasha Bradshaw wanted to ensure that the larger RIB is suitable to access Estuaries' shallow waters. CO Mander reassured that a 7.4m RIB can comfortably use waters 1 metre deep. Cllr Strang explored a possibility of refurbishing or selling PV Enforcer. CO Mander explained that the vessel's only residual value are its engines and that, due to its age, a refurbishment cannot be deemed a good investment. Mark Day suggested, that in 5 years' time (when the Capital Asset Replacement Strategy is next reviewed), hybrid electric vessels are considered. CO Mander was supportive of this idea.

Tom Birbeck enquired if two vessels are required and if KPIs (key performance indicator) for the use of the patrol vessels (such as when patrols take place, how many patrols undertaken and when both vessels are used at the same time) were available. CO Mander confirmed that two boats are a minimum need from the Enforcement team. CO Mander explained that if Officers continue to have the use of a second patrol vessel that more enforcement could be achieved and undertaken simultaneously. In terms of KPI, this is not straightforward to provide due to the work being intel led. Tom Birbeck suggested that it would be useful to know what particularly the officers could achieve with two vessels. CO Mander agreed that this is a matter which the Governance Working Group would be able to consider. The Chair highlighted that vessel David Rowe is currently not available to use due to issues with equipment on board (Radar failure). Natasha Bradshaw reminded Members that when David Rowe was purchased, a discussion was held about new possibilities to access the North of the District. She was doubtful if this had been achieved and asked if this should be explored. Natasha Bradshaw suggested that a smaller RIB, being easier to transport, is more suited for visiting the North of the District. CO Mander agreed regarding the ease of transportation but highlighted that not a vast amount of time can be saved via this approach. D&S IFCA has been in a process of arranging for one of the Environment Agency's vessel's to be chartered but this has not yet been finalised. The Members wished to know if there was a sufficient need for the vessel replacement. Natasha requested maps of the enforcement activity that has taken place in the North and the South of the District. CO Mander confirmed that prior to any decisions being made Officers will prepare a more detailed paper regarding the matter of the patrol vessels' purpose and requirements. The purpose of the paper currently under discussion, was to determine whether, in principle, Members agreed to the purchase of a new Patrol vessel if sufficient external funding could be secured.

It is recommended that the Authority should consider replacing the 6.4m RIB with another 7.8m RIB in the next five years, only if sufficient external funding can be secured.

Proposed Mark Day Seconded Pamela Buchan

In favour: 17

Against: 1

Abstain: 0

The Members moved on to discuss the potential sale of one the Authority's pool vehicles. CO Mander introduced this Agenda Item. The Authority currently owns five vehicles. The use of these vehicles has changed. The two Officers who used vehicles exclusively are no longer with the Authority. Changes in the Officers' contracts and the reduced need to travel means that the use of vehicles in 2022 has not returned to pre-pandemic levels. There is an opportunity to reduce the number of the vehicles, and the cost associated with maintenance, without impacting Officers' ability to undertake their work. The Skoda Fabia is the oldest of the fleet cars and has the smallest cab and boot space. If agreed, the sales of Fabia would be conducted via auction for transparency. Wayne Thomas noted the need to consider electric vehicles in future.

It is recommended that the Authority sells the Fabia pool vehicle and reduces the number of pool vehicles to four.

Proposed Dave Saunders

Seconded Rachel Irish

In favour: 18

Against: 0

Abstain: 1

14. To consider D&SIFCA's recruitment policy

CO Mander introduced this Agenda Item. D&S IFCA has recently had two resignations – one full-time Enforcement Officer and a part-time Environment Officer. The number of Enforcement Team Officers was increased from four to six in 2022 with the cost regarding the additional posts funded from General Reserve. The Treasurer, the CO and Devon County Council Finance Team approved this decision in the expectation that the financial risk would be mitigated by a future increase in the level of funding levies. This was not the case and with no increase in Budget for year 2023/2024, D&S IFCA is suffering a significant deficit of funds. With no further savings to be made, the only alternative to respond to the financial crisis is to reduce employees related cost. This could mean the very severe option of imposed redundancies whereas the two recently departed staff members have chosen to leave. The Members were informed that all the Enforcement Officers are now warranted to perform all duties required although, regrettably, a reduction in the number of Officers would mean a reduced presence of the D&S IFCA around the District. In reference to the staffing changes within the Environment Team, although the Marine Development Officer had agreed to help with any survey related work, the Annual Plan 2024/25 will need to reflect the reduction in Officers. There will be a cost to the Authority due to a maternity cover for the remaining part time Environment Officer. CO Mander invited the Members to discuss future recruitment plans.

Tom Birbeck suggested sub-contracting employees via external projects. CO Mander responded by pointing out that this is not the most cost-effective solution. DCO Clark explained that D&S IFCA works in cooperation with external agencies (e.g., Fishing Industry Science Partnership funded research assistant via Bangor University) and always looks to expand on partnership work where possible and appropriate. Regarding the current workload, the survey work is scheduled to go ahead as per the 2023/2024 Annual Plan, with the adjustment to the work of the Marine Development Officer and the funded Research Assistant. MDO Hanlon and DCO Clark will be involved in the survey work. In addition, DCO Clark informed Members that there was no interest in uptake of projects by students as part of the Plymouth University MSc in Conservation

programme this year. Dave Saunders expressed concerned regarding reducing the number of Enforcement Officers. Considering the need to increase D&S IFCA's presence in the North of the region, this will be more difficult to achieve with a reduced number of Officers. CO Mander agreed with this point and reminded that the situation is difficult. Natasha Bradshaw wished to discuss a possibility of a bonus scheme for the Officers to keep staff members motivated and in recognition of their work. CO Mander explained that another Agenda Item (number 16) was better suited for this subject. Cllr Twiss suspected that it may be inappropriate to discuss those matters in the presence of D&S IFCA's Officers as the comments have a direct impact on them. Any further options should be suggested via Agenda Papers. CO Mander agreed to move to the vote but highlighted that all Officers have access to any Officer papers presented to the Authority.

That Members agree:

- 1) not to replace the Enforcement Officer position***
- 2) not to replace the part-time (18.5hrs) Environment Officer position***
- 3) to recruit a part-time (22.5hrs) Environment Officer to cover maternity leave.***

Proposed Cllr Twiss

Seconded Cllr Hughes

In favour: 18

Against: 0

Abstain: 1

15. To consider D&SIFCA's Funding Structure review developments

The Chair introduced this Agenda Item. Since 2018, the Chair of D&S IFCA has worked intensively with the Chief Officer to address the funding crisis. The Chair notified the Secretary of State in March 2021 regarding the funding challenge faced by D&S IFCA. In September 2022, at Defra's request, D&S IFCA held a meeting with its funding Local Authorities to consider options for restructuring the funding of the organisation. It is disappointing that since the meeting, Defra's officials failed to engage with the Local Authorities despite the list of contacts provided by D&S IFCA's Officers. The Chair and CO Mander felt that it was necessary to write to the Secretary of State and seek prioritisation of this matter. The Chair invited comments and questions.

CO Mander advised that there was an error on page 2 of the paper – the amount received by the AIFCA was £85,000 not £150,000 as stated.

Cllr Williams offered support for D&S IFCA in this matter. Simon Excell expressed a great concern. He reported that there was no response from Defra to the D&S IFCA's report, summarising the outcomes of the meeting that it had received in October 2022. To expect all involved to wait until 2024 regarding a potential consultation for the Local Authorities is unfair. The prognosis of the £150,000 not received past year 2023/2024 means that the Authority would need to use the General Reserve, which is unacceptable. Simon Excell stated that he would happily review the draft letter to the Secretary of State and believes it should be worded strongly to express the concerns outlined.

Pamela Buchan wished to add a second element to the planned communications – to write to the local MPs and give them sight of the letter that the Chair will write to the Secretary of State and include those Local Authorities who pledged their support to the Motion for the Ocean initiative. Natasha Bradshaw expressed disappointment at the matters remaining unresolved since the creation of the D&S IFCA. She felt that the Local Authorities were not consulted in reference to the initial funding arrangements and management and Draft Minutes Authority Meeting 15/06/2023 Version 0.2

pleaded for political attention in the matter. She believed that a cross boarder management of the Bristol Channel should be discussed, as per the paper she wrote on this matter. The Chair suggested to include any correspondence to date as an annex to the letter and also to encourage the Local Authorities to deliver copies to their local MPs. He reminded Members that D&S IFCA cannot arbitrate between the Local Authorities and Defra. The Secretary of State should be fully briefed, and it must be made clear that out of all the IFCAs, Devon and Severn has the largest area and the smallest budget. Simon Thomas was supportive of the idea of by-passing Defra and the Fisheries Minister in this matter, and he deemed this the most effective approach. The Chair suggested that all Members should be invited to comment on the draft of the letter with the Officers leading the task with candour. The Chair invited all to vote upon a recommendation with amended wording as follows.

That Members agree that the Chair writes to the Secretary of State to set out D&S IFCA's funding crisis and request urgent support.

Proposed Pamela Buchan

Seconded Cllr Briars-Delve

In favour: All (19)

Against: 0

Abstain: 0

The Members moved onto discussing a second motion, that the Local Authorities reach out to their Local MPs. Cllr Briar-Delve suggested inviting the MPs to draft the letter and strongly advised it was made clear in the correspondence that it has been written on behalf of the constituents. Pamela Buchan suggested a template should be created for the letter.

That Local Authorities' Representatives contact relevant MPs to seek support.

Proposed Pamela Buchan

Seconded Cllr Strang

In favour: All (19)

Against: 0

Abstain: 0

16. To consider the outcomes from the 2022 Job Evaluation process

CO Mander introduced this Agenda Item. As agreed by the Authority, a Job Evaluation process was undertaken by Cornwall County Council HR team in 2022 to recognise the fact that the job descriptions needed updating to reflect the changes and also the increased level of work expected of Officers. The Cornwall County Council's HR team worked with the Chief Officer to create new Job Profiles and Role Information Questionnaires for each of the ten different types of roles that exist at D&S IFCA. All the Officers were engaged in the process. As a result, the team now has improved job profiles. The final findings of the exercise showed that comparable roles across other IFCAs enjoy higher salaries in comparison to D&S IFCA's Officers. Officers are aware of the Authority's financial constraints meaning that increases in remuneration may not be possible which has had a negative impact at the team's morale. Officers considered other ways to resolve the issue and have asked that a reduction in hours, which would effectively increase hourly rates of pay and improve their work/life balance, becomes a potential option for consideration by the Authority.

The Officers recommended that the Governance Working Group (GWG) looks at what can be achieved and reports back to the Authority in the September's meeting. Caroline Acton suggested that it is important to consider immediate remedies and find short-term solutions, such as a bonus or one-off payment, but the general financial issues should also be addressed. Natasha Bradshaw wished to explore a potential of an award scheme to keep staff motivated in recognition of their work and the potential for the Authority to raise funds. The Chair explained that this, as well as borrowing of funds, is not possible. Pamela Buchan stated that the GWG would explore the matter and reminded that the GWG is an informal group dealing with issues as required and all are welcome to join. Pamela Buchan also requested that expertise from Devon County Council was sought to support the process. On Pamela's request, CO Mander offered that the Officers would provide to GWG background information regarding the Job Evaluation as required.

That Members agree that the Governance Working Group undertakes a review of the Officers' financial package and reports back to the Full Authority meeting to be held on 21st September 2023

Proposed **Cllr Williams**

Seconded Emma Bean

In favour: All (19)

Against: 0

Abstain: 0

17. Byelaw and Permitting Sub-Committee Report

The Chair introduced this Agenda Item by expressing appreciation for Emma Bean's commitment to her role of the Chair of the Byelaw and Permitting Sub-Committee (B&PSC). The Sub-Committee, supported by the Byelaw Technical Working Group, is vital to the operations of the Authority. The Chair welcomed questions and comments. Felicity Sylvester wished to highlight, especially for the benefit of any new Members present, that the Authority is currently engaged in a Consultation (Review of the Netting Permit Byelaw Permit Conditions). Felicity was interested to find out if the stakeholders based in the North of the District have been made aware of the consultation. CO Mander confirmed that, yes, via the usual channels (direct communication to all stakeholders including permit holders on D&S IFCA's mailing list as well as via the website and social media). Unfortunately, due to limited resources, the Officers were unable to engage with the public in person.

18. To note the Health and Safety Audit and internal report

CO Mander introduced this Agenda Item. D&S IFCA's had received a full external Health and Safety Audit. DCO Clark, the Officer responsible, reported positive feedback and talked about innovative approaches to creation and management of internal policies beneficial not only to Devon and Severn, but other IFCA's as well. There is more work to be done in respect to Health and Safety but compared to the previous year the Authority is currently in a good position. The Officers welcomed questions and comments. The Chair praised the efforts of DCO Clark. Pamela Buchan echoed this.

19. To consider dates of future Authority meetings

CO Mander introduced this Agenda Item. D&S IFCA sets its Annual Budget during the Full Authority Meeting each December. The timing of the December Quarterly meeting means that Local Authorities have not received informal guidance from Government on the level of central financial support they will receive in the following year. Due to the uncertainty in the level of Government's financial support, Local Authorities generally agree to increases in D&S IFCA's Revenue Budget that are below the increases that Local Authorities then apply to their annual budgets. The Officers' recommendation to move the meeting was designed to ensure that the Local Authorities had received an indication of the financial settlement from Government before considering D&S IFCA's Revenue Budget. CO Mander invited comments and questions. There were none.

That Members agree to move the December Quarterly meeting to January 2024.

Proposed Cllr Strang Seconded Pamela Buchan

In favour: 18

Against: 0

Abstain: 1

Agenda Items for information

20. AIFCA – The Chief Officer's Report

CO Mander recommended that the Members read the report.

21. Date of the next meeting

The next Authority Meeting is planned for 21st September 2023.

End.