



Authority Meeting

Draft Minutes
13th October 2022

Version Control and Drafting

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Version 0.2 01/11/2022	Edits and amendments – Version 0.2 of the draft minutes circulated to Members for review/comments
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Minutes of the Authority Meeting
Held at Exeter Racecourse on the 13th of October 2022

Present:

Chair: Professor Mike Williams

Councillors: Phillip Twiss (Devon County Council), Cllr Paul Crabb (Devon County Council), Cllr Alistair Dewhurst (Devon County Council), Cllr Alan Preest (Gloucestershire County Council)

General/ Statutory Members: Dr Emma Bean, Felicity Sylvester, Simon Toms (Environment Agency), Wayne Thomas, Mark Day, Rachel Irish (Marine Management Organisation), Guy Baker, Dr Pamela Buchan (Vice Chair), Jon Dornom, Simon Thomas

Officers: Jessica Maunder (Devon County Council Finance), Amy Booth (Devon County Council Finance), Simon Excell (Gloucestershire County Council), Jessica Bishop (Devon County Council)

D&S IFCA Officers: Mat Mander (Chief Officer – CO), Sarah Clark (Deputy Chief Officer – DCO), 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 attendees were reminded that 13th October was a revised date of the Main Authority Meeting, initially scheduled for 15th September but postponed due to the death of HM Queen Elizabeth II. Due to the presence of new members, the Chair asked that all members briefly introduce themselves before moving onto the first Agenda Item.

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 Nicole Amil, Caroline Acton, Simon Bunn, Dave Saunders, Cllr Keith Burchell, Rob Parsons, Peter Lappin, Brian Glasson, Cllr Mike Murphy, Dave Morgan, Cllr Paul Goggin, Cllr Stuart Hughes, Cllr Ron Peart, PPO Neil Townsend, Steve Dury, Tom Birbeck, Cllr Bridget Petty. Apologies were also received from Natasha Bradshaw and Cllr Bill Wakeham.

2. Declarations of Interest

The Chair invited all to bring forward any declarations of interest. There were none. The Chair reminded the Members to update their Declarations of Interest regularly as required.

3. To consider and Approve the Draft Minutes of the Authority Meeting held on 16th of June 2022

The draft minutes from 16th June 2022 were examined page by page. DCC Finance Jessica Maunder highlighted amendment required on page 8 which were noted by F&AM Pepper to action. No other errors or required changes to the draft minutes were highlighted by the members.

That the minutes from the Main Authority Meeting held on 16th June 2022 are a true and accurate record.

Proposed: **Cllr Phil Twiss** **Seconded: Dr Emma Bean**

In favour: **7**
Against **0**
Abstain **5**

4. Matters Requiring Urgent Attention

The Chair introduced this Item in relation to the Court proceedings in the case between Mark Manning and Julian Campbell Baker and D&S IFCA. The Judge determined to stay proceedings due to the ill health of the Master and the time that had already elapsed in the case, nearly six years., D&S IFCA issued a statement on 12th October that had been previously circulated to Members. The Chair highlighted the closing paragraph “D&S IFCA takes seriously its responsibility to be fair but robust in its approach to enforcement in order to preserve inshore fishing resources into the future for the benefit of our coastal community and those working in the fishing industry”. The Chair also pointed out that certain factual inaccuracies were noted in a publication by a weekly magazine “Fishing News” and social media which are being treated seriously and will be addressed. The statement has been sent to the Fishing News. CO Mat Mander together with the D&S IFCA’s legal team will continue with further action and will provide updates in the future. At this stage, the Chair was not in a position to provide any further information and opened the floor to comments. Cllr Twiss (DCC) wished to find out whether the issues relating to the ill health of the defendant were deemed permanent. He also asked to be assured that Officers will continue to monitor and enforce infringements CO Mander reiterated that this will be the case and IVMS will continue to be used as an evidential component. Dr Emma Bean was interested to know more about the communications – was there a policy which would dictate actions to counteract the potential damage to the Authority’s reputation. Dr Pamela Buchan confirmed that communications strategy forms a part of the Governance Working Group work.

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 2022/2023 Month 4

Jessica Maunder from DCC Finance Team read out the information as per the Officer Paper provided. The Budget monitoring at Month 4 indicates there will be an overall net overspend of £15,600 against the budget for the year. Supplies and services have seen an overspend due to the purchase of new laptops, as well as an increase in the AIFCA membership. The overspend in support services is due to the GIS project and HR support for the job evaluation, which will be offset by the transfer from General Reserves as previously agreed. Whilst there is an indication of an overspend, income is higher than expected due to an increase in interest rates. The projected use of the General Reserves has increased by £42,800 (from the budgeted £65,500 to £108,300). In regard to the General Reserves projected balance on 31st March 2023 – this was forecasted at £423,217. Jessica invited questions from the members. Felicity Sylvester was interested to find out how the old laptops had been utilised. CO Mander explained that due to the age of the equipment it had no residual value, but components had been recycled where possible. There were no further questions. CO Mander took the opportunity to remind the Members that as per D&S IFCA's communications to Defra, the current usage of the funds from the General Reserves is a concern and that it would not be long until the funds run out. The Chair reminded Members that a recent (30/09/22) meeting to discuss funding issues had taken place and was attended by Officers, D&S IFCA's Funding Authorities and observed by Defra officials. The meeting notes were being finalised and would be circulated to all who attended. The Chair could not make any further comments at this time. The Chair wished to record thanks to the Somerset County Council for hosting the meeting.

7. Review of the Finance and Probity and Financial Administrative Regulations

Prior to introducing this agenda item, the Chair suggested that voting on any recommendation in reference to the Agenda Items 7, 8, 9 and 10 would be conducted en bloc once Agenda Item 10 has been discussed as they were interlinked. There were no objections to this suggestion.

The Chair invited CO Mander to introduce Agenda Item 7. The Finance and Probity and Financial Administrative Regulations (FPFAR) have been drafted with the assistance of the Devon County Council Finance Team. The headlines include the limit of expenditure to be authorised by the Chief Officer to be increased from £5,000 to £10,000 and adding more clarity to the tendering processes. The FPFAR are linked to the Scheme of Delegation (to be discussed at Agenda Item 8). CO Mander invited question and comments. Cllr Dewhirst noted that the increase in the expenditure approval is a significant one and enquired about the limits adopted by other IFCA's. CO Mander explained that this varies across IFCA's, and, in some cases, the Chief Officers have more autonomy when approving expenditure. Jessica Maunder contributed by stating that based on her research the £10,000 is a relatively low limit. There were no further questions.

8. Adopting the Scheme of Delegation

The Chair invited CO Mander to introduce this agenda Item. Redrafting of the Scheme of Delegation has been a long ongoing process. The main purpose behind this work is to add clarity to how decisions are being made and who amongst the Officers and Members have what authority. The CO invited questions and comments.

Dr Emma Bean observed that most of the responsibilities are to be held by the Chief Officer. CO Mander reassured Members that this is due to the Chief Officer already being a part of those processes. This will simplify the processes and means Officers save time in not having to refer all matters to the Authority. Dr Pam Buchan wished to draw attention to page 8, the responsibilities removed from the F&GP and reassigned to the CO and the Treasurer and was interested to find out who will have the authority. CO Mander responded by setting out that his actions would be overseen by DCC's finance team and expenditure reports were available to the Treasurer via regular purchasing expenditure reports. Cllr Twiss asked if the Scheme of Delegation had been modelled or designed by CO Mander. Dr Buchan provided the answer – the Scheme of Delegation has been drafted through the work of the Governance Working Group drawing from expertise of the Members, some of which were no longer with D&S IFCA – for example, the former General Member James Marsden. Different models were examined and a bespoke, easy to understand one had been designed. There were no further questions.

9. Change to Finance and General Purposes Sub-Committee (F&GPSC)

The Chair invited CO Mander to introduce this agenda item. There has been a radical change in the way that the Finance and General Purposes Sub-Committee (F&GPSC) is utilised. Although it can make recommendations to the Full Authority Members, it has no delegated decision-making powers. Previously, the F&GPSC would meet in the morning prior to the Full Authority Meeting taking place on the same day, and this was not satisfactory as it caused the recommendations of the Sub-Committee to be implemented without much further discussions by the Full Authority. Currently, the Sub-Committee meets once a year, approximately a fortnight prior to the Full Authority meeting when the Annual Budget is discussed, and its main function is to scrutinise the proposed Revenue Budget. In 2021 the annual F&GPSC meeting had extremely low attendance and due to it not being quorate, no formal recommendations were made. D&S IFCA's Officers recommend moving away from the current arrangement and create a Finance Working Group (FWG) in place of the F&GPSC. The CO listed the following benefits of this approach which included the fact that the working group will meet remotely which means no venue related costs and ease of attendance in comparison to travelling to the meeting in person. Following a meeting, the FWG would report back to the Full Authority in the same way as the F&GPSC had done in the past. CO Mander opened the floor to questions and comments. Cllr Dewhirst enquired about a possibility to arrange for meetings in exceptional circumstances, aside from the annual pre-budget setting one. CO Mander informed that the FWG can meet remotely any time and there is flexibility in the new approach which was previously absent. Cllr Preest welcomed the suggested approach and was keen to find out if the F&GPSC meeting scheduled for 15th November would have the potential to be conducted in the new format. CO Mander confirmed that yes, this would be the case should the recommendation gain support of the Authority. The Chair reminded Members that due to the removal of the voting on recommendations, the FWG would not be bound by being quorate in order to deliver work. Upon enquiry by Dr Pam Buchan, CO Mander confirmed that the General Members would be entitled to the attendance allowance. With no further questions the Chair invited Cllr Dewhirst to suggest an amendment to the recommendation in order to include the possibility of special meetings to be arranged as required. The precise wording will be quoted at the time of the vote following the end of Agenda Item 10 as previously agreed. There were no further comments.

10. Changes to Governance Working Group (GWG) Terms of Reference

Prior to the introduction of this agenda item, the Chair reminded the Members that any voting in reference to the Agenda Items 7, 8, 9 and 10 would take place at the end of Agenda Item 10.

The Chair invited CO Mander to introduce this agenda item. The Terms of Reference of the Governance Working Group (GWG) had been updated to reflect the role of the Group which will be to support the officers rather than to deliver the work, as this carries too much responsibility and workload. Dr Buchan invited all to join the GWG. All Members are welcome to join the GWG and it may be that Members chose to dip in and out of the meetings depending on what subject is being discussed and where their skills and experience can be most valuable. The meetings are conducted remotely (which was welcomed by Felicity Sylvester), and the next meeting's date will be established by conducting a Doodle Poll. Dr Buchan reminded that the GWG currently has no appointed Chair, and this needed to be addressed. Felicity Sylvester suggested that it would be useful to increase the involvement of the Authority Members in order to utilise their expertise and aid already overworked Officers. Felicity Sylvester was concerned that the enthusiasm amongst the Members is diminishing which has resulted in the lack of engagement in the affairs of the Authority and she was worried that this is also true for the members of the public. Felicity felt the Members have the responsibility to contribute more to the work of the GWG. Dr Buchan expressed hope and expectation that Members will come forward otherwise delivery of the tasks may not be feasible; Dr Buchan highlighted the busy workload. Dr Buchan will circulate communication regarding upcoming meetings to all Members of the Authority. The Chair noted an omission of the subject of the Chair of the GWG within the Paper and suggested that Chair and the Vice Chair of the GWG would be appointed during the group's inaugural (AGM) and annually thereafter. There were no further questions.

The Chair moved on the voting in reference to the Agenda Items 7-10 as previously agreed.

Agenda Item 7

That the proposed changes to the Finance and Probity and Financial and Administrative Regulations as set out below are approved by the Full Authority

Proposed: Cllr Alistair Dewhirst

Seconded: Rachel Irish

<i>In favour:</i>	<i>14</i>
<i>Against</i>	<i>0</i>
<i>Abstain</i>	<i>1</i>

Agenda Item 8

That the Scheme of Delegation (Annex 1) is adopted by the Authority

Proposed: Dr Pamela Buchan

Seconded: Cllr Alistair Dewhirst

<i>In favour:</i>	14
<i>Against</i>	0
<i>Abstain</i>	1

Agenda Item 9

That the Finance and General Purposes Sub-Committee is disbanded and replaced with a Finance Working Group & the Terms of Reference are accepted as written in the Officer Paper with the addition of the wording “Special Meeting will be called as required”

Proposed: Dr Emma Bean

Seconded: Cllr Alistair Dewhirst

<i>In favour:</i>	14
<i>Against</i>	0
<i>Abstain</i>	1

Agenda Item 10

That the Terms of Reference for the GWG, as set out in this Officers’ paper, are agreed by the Authority with the addition of the wording that: “the Chair and the Vice Chair will be elected during the first Annual General Meeting and each year thereafter”.

Proposed: Dr Paul Crabb

Seconded: Cllr Phil Twiss

<i>In favour:</i>	13
<i>Against</i>	0
<i>Abstain</i>	2

Before moving on to the next Agenda Item, the Chair thanked the Devon County Council Finance Team for their ongoing cooperation and support for the D&S IFCA’s Senior Management Team.

11. Secretary of State’s Decision on Hinkley Point C

The Chair invited CO Mander to introduce this agenda Item. The energy company EDF plans to use water from the Severn Estuary to cool the nuclear reactors at Hinkley Point C. This requires a Water Discharge Activity (WDA) permit from the Environment Agency. The WDA permit was previously granted on the condition that an Acoustic Fish Deterrent is installed at each of the cooling water intake heads, as part of a suite of mitigation measures designed to reduce fish killed by this system. EDF sought to remove the

requirement to install the Acoustic Fish Deterrent. D&S IFCA alongside Environment Agency, the Severn Estuary Interests group and Natural Resources Wales is supportive of the requirement for the Acoustic Fish Deterrent. D&S IFCA's Senior Environment Officer Dr James Stewart delivered written and oral evidence during the full Public Inquiry (looking into EDF's appeal against the installation of the deterrents) in June 2021. It has been noted that the Planning Inspectorate (PINS) singled out the evidence provided by Dr Stewart as crucial to the decision making. Following the enquiry, a report has been delivered to the Secretary of State (SoS) George Eustace who, based on the conclusions and recommendations of the PINS Inspector, had dismissed the appeal; consequently, EDF's Water Discharge Activity permit retains the requirement to install a functioning Acoustic Fish Deterrent on the cooling water intake heads at HPC. There are no further actions for D&S IFCA's Officers in this matter although D&S IFCA will continue to monitor the progress of the proceedings.

CO Mander emphasised the Officers' time invested in the matter as well as the collective strength and resources that D&S IFCA had to participate in such proceedings. The Chair opened the floor for questions. Cllr Alastair Dewhirst voiced that it would be useful to learn more about the Acoustic Fish Deterrents and was interested to know why EDF would be against the installation. CO Mander speculated that the reason that EDF were not being supportive of the idea is the cost of installation and maintenance of the deterrents. DCO Clark stressed the number of fish dying, due to getting caught through the water intakes, is in the region of millions. Cllr Twiss was concerned to find out that this is the EDF's stance. The Chair reminded the Members that although D&S IFCA is not in the position to get involved any further, the Members are. Dr Buchan reminded how lengthy the process had been and mentioned the D&S IFCA's Members involved in the past included: Michael Cominetti.; John May; Natasha Bradshaw and Dr Libby West. Guy Baker suggested an opportunity for a short story in reference to this subject to be published in the January 2023's edition of the Marine Biological Association's magazine 'The Marine Biologist'. The Chair expressed gratitude and suggested that Guy Baker should discuss this with the Officers. Dr Buchan wished to invite Guy Baker to join the Governance Working Group. Jon Dornom reminded Members about the amount of fish perishing in the cooling water intakes – he quoted from memory, as once discussed with Dr Libby West, 20 tonnes per 24 hours. Jon was interested to know if D&S IFCA would be able to commit to monitoring this. The Chair reassured that D&S IFCA intends to engage at any opportunity. The Members contemplated the number of fish dying as discussed versus the number of fish caught by commercial fishers. Jon Dornom concluded by encouraging the Officers to continue their work in terms of this subject and to return to the Authority with any specific information available. DCO Clark reassured that Dr Stewart will continue to be a participant in any future conversations and suggested that the Environment Agency (EA) may have an update. Simon Toms from EA provided a comment suggesting that the EA is monitoring the situation closely. Wayne Thomas was keen to find out the effectiveness of the deterrents and the response from Simon Toms was that they are quite effective, especially in reference to pelagic species e.g., herring. Felicity Sylvester wished that Dr James Stewart was present to speak to the Members on this subject. CO Mander explained that although it would be desirable for Dr Stewart to join, it was not possible at this time due to previous arrangements. Felicity wanted to highlight the benefits of the D&S IFCA's Officers' (responsible for delivering of the work) attendance at the Authority Meeting generally; CO Mander agreed. Mark Day expressed concerns that in the current climate of the Government actively seeking alternative energy sources, there may be less appetite for scrutiny in reference to the projects such as Hinkley C. The Chair found this concern realistic. There were no further questions.

12. Progress Report on D&S IFCA's Annual Plan 2022/2023

The Chair invited CO Mander to introduce this agenda item. The Progress Report is an update on the delivery of the tasks as per the Annual Plan agreed by the Authority Members. It shows which tasks have been completed but will also aid the Members' decision making on which tasks should discontinue and which should be prioritised. For clarity of reporting and future reference, D&S IFCA's Officers continue to record their time with details available to view within the Progress Report. CO Mander invited feedback and questions. The following points regarding the time recording were noted.

Dr Buchan felt that the reports provided too much detail. The preference would be for more consolidated report corresponding to the Annual Plan. Wayne Thomas observed that 0% of Officers' time was spent on the subject of Angling. CO Mander responded that this has been noted elsewhere in the report under enforcement activity and reminded that 2022 will bring a review of the Skerries Bank Angling Zone, however the direct work, including Enforcement and Research Teams in regard to Angling, was limited.

Dr Buchan suggested recording the time in two formats – one for the Authority Members' benefit and ease of reference and one for internal reporting as needed. CO Mander emphasised that the time recording project is still in its early days and is sure to undergo further developments but aimed to simplify the process due to 3% of Officer time currently being spent recording time.

Mark Day observed that Officers' Job Descriptions are not included in the spreadsheets. He would welcome timesheets based on job descriptions. CO responded that the aim was to divide up reporting by teams.

Rachel Irish was interested to know how the Officers' respond to the time recording system. CO Mander provided a comment that not all the officers welcome the implementation of the system, however there is a consensus that clarity needs to be shown. Understandably some Officers see the task as challenging, but all see value it brings and understand that the process can be amended as needed. DCO Clark seconded this.

Dr Bean suggested that more sophisticated software could aid by making the task of time recording easier to cope with. CO Mander was interested in continuing this conversation outside of the meeting. Dr Bean was also interested in the particular time coding reference – KT119 "review strategy and compliance" CO Mander confirmed that it was part of the planned GWG work to review the Authority's Enforcement and Compliance Strategy. CO Mander set out that most IFCA's adopted similar approaches and used the same strategy template document, but its review would be useful. On the point raised in the appeal case regarding interview processes, CO Mander confirmed that the Police and Criminal Evidence Act had been updated in 2018 after the interviews had taken place and the interviews had been conducted in line with the legislation in place at the time.

Dr Buchan reported that Enforcement and Compliance Strategy is on the list to be reviewed by the GWG. However, it is not due to be dealt with before the subject of Communications. She offered the Members an option to change this order if they so wish. The work on Communications is expected to take approximately 12 months. An annual review of the GWG's work can be conducted and order of business updated.

Agenda Items for Information

13. To receive a presentation on D&S IFCA's Remote Electronic Monitoring Project

The Chair invited CO Mander to introduce this information Item. Members watched a presentation regarding a new cost saving technology, currently being trialled on board a fishing vessel operating in D&S IFCA's District.

14. To receive a presentation on Marine Protected Areas

The Chair invited DCO Clark to introduce this information Item. Members watched a presentation regarding Marine Protected Areas within the D&S IFCA's District.

15. Byelaw and Permitting Sub-Committee Report

Members received the Byelaw and Permitting Sub- Committee Report as part of the meeting Officer Papers.

16. AIFCA Report

Members received the AIFCA Report as part of the meeting Officer Papers.

17. Date of next meeting

The Chair informed Members that the next Authority meeting would be held on 15th December 2022

End.