



Authority Meeting

Final Minutes from 23rd January 2020

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Version Control and Drafting

Date	Comments
31 st January 2020	1 st Draft of minutes completed for circulation to officer's present at the meeting for potential internal amendment and or additions.
10 th February 2020	Comments received and applied.
27 th March 2020	Amendments being made to reflect the comments of members at the meeting held on 12 th March 2020

Minutes of the Authority Meeting Held on 23rd January 2020 at Exeter Racecourse

Present:

Professor Mike Williams (Chair)

Cllrs. Stuart Hughes (Devon), Ian Hall (Devon), Rufus Gilbert (Devon), Nicole Amil (Torrey), Pam Buchan (Pymouth), Cllr Terry Napper (Somerset), Robert Griffin (South Gloucestershire), Linda Hellyer (Devon), Cllr Stuart Hughes (Devon)*

James Marsden, David Murphy, Dave Saunders, Andy Wray, Felicity Sylvester, David Morgan, Jim Masters, Stephen Gledhill, Sangeeta McNair, Rachel Irish, Richard White, Jon Dormon, Simon Pollentine, Dave Cuthbert

Also Present: D&S IFCA: (Mat Mander, Sarah Clark, Neil Townsend, Olga Pepper)
Adam Parnell (Torrey), Martin Hutchings (Devon), Simon Excell (Gloucestershire),
Angela Stirland (DCC Finance), Jessica Maunder (DCC Finance)

*Cllr Hughes arrived at 2pm.

1. Introductions & Welcome

The Chair welcomed everyone to the meeting and thanked them for their attendance. It was noted that new Authority members Felicity Sylvester, Andy Wray and Jim Masters were attending their first meeting. The Chair highlighted to the new members that they had the opportunity to join the D&S IFCA Byelaw and Permitting Sub-Committee (B&PSC) and were encouraged to consider the invitation and correspond with officers in due course. The Chair then explained that Hazel Mitchell (D&S IFCA) had resigned before Christmas and that Olga Pepper was now the acting Finance and Administration Officer for D&S IFCA. All attendees introduced themselves around the table and the attendance register was circulated. The Chair concluded the introductions with details about fire drills.

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2. Chair's Announcements and Apologies for Absence

ACO Mander read out the list of apologies which were noted as follows:

Apologies: Cllr Jonathan Hawkins (Devon), Cllr Will Windsor-Clive (Gloucestershire), Cllr Bridget Petty (North Somerset), Simon Toms (EA), Jim Portus, Natasha Barker Bradshaw, Stephen Dury (Somerset), Jessica Bishop

The Chair began by highlighting concern regarding the workload of all D&S IFCA Officers. Although a recommendation had been formulated at the last Authority meeting for all D&S IFCA staff to undergo a job evaluation exercise, the Chair reported that this action had been suspended in the short term. It was highlighted that in between the last Authority meeting and this meeting, the Chair, Vice Chairs and the Acting Chief Officer (ACO) had discussed the duty of care to D&S IFCA staff and mental health considerations. As Vice-Chair Cllr Hall had conducted considerable research on the topic, the Chair invited him to present more information to the members.

Cllr Hall highlighted an initiative called "Every Mind Matters", which is being driven by Public Health England. The campaign has the aim of recognising mental health issues and the support needed by employees of Devon County Council. Although not ratified by the Council yet, it was his view that it would be soon as it

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continues to gain national recognition. Cllr Hall explained that in his view, D&S IFCA staff should be included in the awareness training. James Marsden (also a Vice Chair) commented that the risks to staff wellbeing were linked to and intensified by the budgetary pressures faced by the Authority and this scheme is one small way of mitigating some of the risks to D&S IFCA staff at a minimum of cost. Cllr Griffin commented that he would be supportive of this approach and that South Gloucestershire Council had already adopted the scheme. Cllr Napper was also supportive in principle but was uncertain if Somerset Council had signed up and felt that some more information may inform members further. Cllr Buchan enquired about the future commitments in terms of how and when it could be put into place. Cllr Hall explained that Public Health England had a website which members could explore to gain additional information. Cllr Gilbert said he would support action in principle; however, the cost of the exercise was of importance and asked if the money could come from the D&S IFCA reserves. Cllr Hall confirmed that it would be a relatively inexpensive exercise. Cllr Gilbert asked that a paper be created in preparation for the March Authority meeting that sets out the details and the financial costs associated with it. The Chair asked that this be noted as an action.

Action

1	Cllr Hall & ACO Mander	To prepare a paper relating to the “Every Mind Matters” campaign/training to include details and financial costs associated with it.
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3. To consider and approve minutes of the Authority meeting held on 12th September 2019.

The Chair invited those who were present at the last meeting to raise any issues associated with the accuracy of the draft minutes. The minutes were examined page by page. A minor grammatical error was noted on page 3.

That the minutes (as amended) provide a true and accurate record.

Proposed: **Cllr Napper** **Seconded: Stephen Gledhill**

In favour: **20**

Abstain: **4**

4. Business Arising

a) Short analysis of implementation of recommendations for the AIFCA.

For the benefit of the new Authority members, the Chair provided some background information about the Association of Inshore Fisheries and Conservation Authorities (AIFCA) and the subscription that D&S IFCA used to pay to be part of the AIFCA. ACO Mander then added that it had been a long-standing view of the Authority that the AIFCA needed change and as a result D&S IFCA had terminated its membership and cancelled its subscription. ACO Mander informed members that a more detailed written report could be produced in preparation for the March 2020 Authority meeting, but in summary he updated members regarding a review of the AIFCA that was now complete. The ACO reassured members that he was now confident that past issues identified in several officers' reports had been addressed and in due course members could consider re-joining the AIFCA. Cllr Napper thanked ACO Mander for the update and added

that in his view it would be beneficial for D&S IFCA to become part of the AIFCA once again providing the conditions were right.

Action

2	ACO Mander	To prepare an officer paper for the March Authority meeting so members can consider re-joining the AIFCA
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The Chair then asked for an update on items b and c as follows:

- b) Password to access Members' area of the website to be resent to Cllr Buchan.
- c) Members Code of Conduct Booklet to be sent to Cllr Buchan and any member not previously returning one.

Cllr Buchan confirmed that she had now been given details for the D&S IFCA website login and had received a revised Members Code of Conduct Booklet which had been recently circulated by officers to herself and three new members. Cllr Gilbert commented that the member handbooks incorporate return slips but as he and other councillors already had to declare interests to represent their different councils, D&S IFCA should refer to these rather than requesting duplicated information.

Other matters arising included an update on repairs undertaken to the Enforcer Rigid Inflatable Boat (RIB) and its relocation to Salcombe so it could be stored and operated from this alternative location. Cllr Napper enquired if D&S IFCA had considered offering the use of the Enforcer to D&S Fire Authority. The Chair confirmed that it had not but welcomed the idea and said it would be explored. ACO Mander confirmed that he would conduct the required correspondence. Members were grateful for the support offered by Salcombe Harbour to store the vessel and asked that this was recorded in the minutes.

Serious Crimes Misconduct Allegations

The Chair provided an update regarding this matter that began in July 2019. It was explained that the matter had been referred to the Police, but the Police had not considered it necessary to investigate the IFCA based on the complaint. As a result, the matter was now closed and the person who made the allegation had now been informed of the outcome. The Chair informed members that the incident had led to a series of Environmental Information Regulations (EIR) requests, which are similar to Freedom of Information (FOI) requests. It was reported that after managing many of these requests, advice had been sought which concluded that it would be inappropriate for D&S IFCA to respond to others of a similar nature. ACO Mander explained that the record of time and costs attributed to that staff time managing the EIR requests was one of the triggers that had led D&S IFCA to seek advice and subsequently end responding to the requests. ACO Mander clarified that following the advice received, he had personally done his own public interest test and had taken this decision on behalf of the Authority now that the requests had become manifestly unreasonable. Cllr Napper enquired if it was possible to re-coupe costs. ACO Mander explained that this was not possible as the provision to charge for managing EIR requests is different to FOI requests.

Court Cases

The Chair provided a generalised update regarding the status of court cases without revealing any sensitive information.

Authority Membership

The Chair explained that there was concern across the country regarding the 10-year limitation on IFCA membership (MMO Appointees). A submission to Defra from the AIFCA has highlighted concerns regarding the potentially large numbers of members that would have to stand down and D&S IFCA had been used as one example. Extension periods for membership had been suggested; however; it will be for Defra and ultimately the Secretary of State to provide a potential solution to the issue. It was noted that ACO Mander will update members at the next meeting.

Action

2	ACO Mander	To update Authority members regarding any updates from Defra associated with IFCA 10-year membership limitation.
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5. Matters brought forward by Chairman including further correspondence with Gloucestershire County Council

The Chair wished to thank Simon Excell (representing Gloucestershire County Council) for his patience as this matter had been on-going for a lengthy period. The Chair explained that all correspondence had been collated to form part of their papers for the meeting. Simon Excell thanked the Chair for his work responding to the concerns raised and explained that although there were differences in opinion relating to many issues, Gloucestershire County Council were in full agreement with D&S IFCA that a Defra led funding review is needed and will be supported.

6. Budget Monitoring Report

Before members referred to the Agenda Item 6 (Officers' Month 9 Budget Report), the Chair provided a verbal update on a teleconference that he, the Vice Chairs and the Acting Chief Officer had had with Defra. It is hoped that Defra, subject to the consent of the Minister, will review both the IFCA funding model and the governance for all IFCA's. Rachel Muckle, from Defra, had been invited to visit D&S IFCA and has also been encouraged to attend an Authority meeting. James Marsden commented that the size of the D&S IFCA budget as compared to the total membership of around 30 is a major flaw and hoped it would be addressed in the review. Drawing on his own experience of such reviews, James Marsden referred to a National Park with a budget of £7 Million being reduced from a membership of 24 to 18 with representation of 2/3 Local Authority Councillors to 1/3 Welsh Government appointees.

It was expected that a report produced by ABPmer will be used to inform the funding review on all IFCAs, and it was thought that this report is expected to be published before April 2020. Cllr Buchan commented that Plymouth City Council had also passed a motion and requested a Defra funding review. The Chair had the view that Defra is now very aware about D&S IFCA's funding difficulties, as well as those experienced by other IFCA's.

The Chair reported that in the longer term there is uncertainty regarding funding; however, the budget for 2020/21 needs setting and the decision making relating to agenda item 9 will have an impact on staff structuring and the delivery of D&S IFCA work. The Chair then asked that Angela Stirland (DCC Finance) to guide members through the Month 9 Budget Monitoring Report.

Angela Stirland reported that there had been a £14,500 underspend with variances mainly due to two employees leaving D&S IFCA. The overspends (over £1000) were also highlighted along with the D&S IFCA reserves which stood at £537,899. Cllr Gilbert commented that the reserves are excessive and must be utilised. The Chair thanked Angela Stirland for the verbal update and informed members that there would be more discussions on finance, including the level of reserves during Agenda Item 9.

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7. Purchase of a Replacement 4x4 Vehicle Report

For the benefit of new members, the Chair highlighted the background information set out in the multi-page report. The revised report had been prepared to reflect the decision making of members in September 2019 where an officer recommendation to purchase a Mercedes X Class vehicle had not been favoured.

ACO Mander also highlighted parts of the report and explained that Devon County Council (DCC) had originally recommended a Toyota Hilux but with the assistance of the DCC Procurement Manager other options had been explored. The purchase of a Nissan Navara Tenka (Auto) was now the preferred option as it meets specific needs such as the torque required to tow the 3.5 Ton Patrol Vessel David Rowe.

Cllr Gilbert commented that his idea to involve the DCC Procurement team had resulted in a large potential saving to the Authority and was happy to support a proposal for the purchase. It was also noted that members wished to thank the DCC Procurement Manager and have their gratitude recorded in the minutes.

That the Authority purchases a Nissan Navara Tenka vehicle as set out as a recommendation in the report.

Proposed:	Cllr Gilbert	Seconded: Cllr Hall
In favour:	23	
Against	0	
Abstain:	1	

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8. D&S IFCA Somerset Office Report

The Chair advised members that this agenda item would be considered in Part II of the meeting and moved on to agenda item 9.

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9. Budget Setting 2020/2021 Report

The Chair explained that the members' bundle for this agenda item contained two items; a paper containing budget statistics and a narrative report including some recommendations. Members firstly referred to the detailed narrative report and ACO Mander informed members that the Finance and General Purposes Committee (F&GP) had considered different budget options which are complicated further by the resignation of the Chief Officer following a period of secondment with Defra. ACO Mander explained that he would prefer a budget of £776,800 as anything less would not allow for a return of the staff structure that was in place in March 2018. In addition, ACO Mander explained that that structuring was already not considered sufficient to resolve the underlying operational difficulties the Authority faces and an annual budget of £776,800 was not the overall goal when put in context of a Defra spending review. It was reported that elected members could not support an increase in base levy above £740,000 (2.2% increase) and agreed that £42,600 of D&S

IFCA reserves would need to be used to achieve a budget of £776,800. ACO Mander explained that the D&S IFCA Finance and Administration Manager had resigned and this had highlighted the lack of resilience the present staffing structure has to accommodate with the loss of a key position or to cope with any long-term absence. ACO Mander informed members that there would be some scope within a budget of £740,000 to do some minor re-structuring of staff roles and would support a decision to make the Finance and Administration post full-time rather than part time. It would also support the upgrading of the Permitting Officers role to add to her responsibilities and re-numeration subject to limitation as per a job evaluation exercise. The £740,000 budget would also support a decision to increase the salary of the Acting Chief Officer (or replacement) at the same level as the departing Chief Officer. The Chair commented that the budget setting for the forthcoming financial year simply puts D&S IFCA in a holding pattern, and the spending review would be key for longer term planning and the delivery of statutory duties. Simon Excell recognised the concerns raised and felt that the report, section 3, was of interest. He agreed with several sections of the report that highlighted the flaws in the funding model and explained that a Defra spending review would appear to be the only way forward to resolve the issues.

James Marsden accepted that the spending review may be beneficial in the longer term, but in his view, it would not be completed in the near future. Focussing on the shorter term, James Marsden highlighted the metrics within the budget report and in his view the continuing levels of funding whether it is £740,000 or £776,000 was just not enough to meet the ever-increasing workload for the Authority and D&S IFCA staff. James Marsden commented that this on-going funding issue is a result of the budget being originally set more in keeping with a Sea Fisheries Committee and not establishing a budget of around £950,000 which was originally anticipated coupled with a failure by Defra to ring fence new burdens funding. James Marsden highlighted that when staff costs are stripped away, the operational budget had fallen significantly over many years from around £290,000 to £41,000 which equates to an 86% reduction. In his view the metrics are a clear demonstration of how efficiently and effectively the organisation is being run, with no scope whatsoever for further reductions in funding if it is to continue functioning. James Marsden said he would vote against a budget of £740,000.

Cllr Hall inquired which members could vote on the budget setting. It was explained that all members could vote and that there is a Local Government Statutory provision that Elected members can veto, but not impose a budget. Cllr Hall accepted that D&S IFCA is being run in a lean way and in his view the reserves held by D&S IFCA should be examined with a view to being used to support the base line budget.

Cllr Gilbert agreed that the D&S IFCA reserves were far too high at this time and must be utilised where possible. In his view, not only would excessive levels of reserves be of significance to Defra in any spending review, they should also be used to offset parts of the annual budget. Cllr Buchan enquired about the scope to use reserves to fund operations and recommended that the reserve policy be reviewed. Cllr Griffin commented that a minimum amount of reserves would be needed to be maintained and ACO Mander and Angela Stirland confirmed that the current reserve policy requires that D&S IFCA maintain 25% of its annual budget. ACO Mander informed members that the Standing Orders, which should include the reserves policy, is set for a review in June 2020. This was noted as an action item as follows:

Action

3	ACO Mander	To provide members with a paper in June 2020 for the review of the Standing Orders to include the Reserves Policy.
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The Chair added that members should also consider the statutory prohibition for D&S IFCA to borrow money and therefore adequate reserves must be maintained.

Cllr Buchan and James Marsden commented that the production of the Annual Plan is interlinked with the budget to complete the tasks set. James Marsden suggested that a vote on the budget was deferred until officers have had time to prepare the 2020-21 Annual Plan. Members would have the opportunity to examine the Annual Plan and then consider which elements of work should be dropped and what consequences this will have. Cllrs Hall and Napper could see the rationale for the suggestion to defer a decision; however, it was their view that a delay would complicate matters significantly. Cllr Napper also explained that the Elected Members could veto the budget, but this would also present significant complications for D&S IFCA. ACO Mander explained that he would need some clarity on how to proceed regarding the level of budgetary commitment, with discussions on the use of reserves potentially addressed in due course. Different potential proposals were briefly discussed and then Cllr Hall proposed the following:

That the Authority approves a budget of £740,000 for 2020/21

Proposed: Cllr Hall Seconded: Cllr Gilbert

In favour: 14
Against 7
Abstain: 2

The Chair then asked members to consider the remaining considerations and recommendations as set out in the written report. ACO Mander explained that past minutes indicated that the intention of the Authority was to have Tim Robbins (Chief Officer) returning to his position after a period of secondment with Defra or to appoint a new Chief Officer. James Marsden highlighted that with a budget now set at £740,000 provides a significant barrier to reinstating the staff structuring in place as of March 2018.

Cllr Buchan commented that the recommendations as set out in the report were presented in the wrong order. James Marsden commented that it would not in his view be appropriate for D&S IFCA reserves to be used for additional salaries and the Chair raised his concern that to do so may present legal risks to D&S IFCA. Several members were concerned about a staff structure only including one Deputy Chief Officer, highlighting the significant pressure that this places on all staff with one senior staff member missing from the previous staff structure set in March 2018. James Marsden suggested that to appoint a permanent Chief Officer via an open and inclusive recruitment process risks the loss of a Deputy Chief Officer. Members were agreed that the decision to appoint a permanent Chief Officer should be deferred, with the present Acting Chief Officer continuing in the role of Acting Chief Officer until a decision is reached.

That a decision to appoint a permanent Chief Officer is deferred until the March 2020 Authority meeting.

Proposed: Mike Williams Seconded: Cllr Napper

All in favour

ACO Mander then introduced a recommendation relating to the appointment of a fulltime Finance and Administration Manager. It was explained that the post was until now filled on a part-time basis which had been recognised to be insufficient to manage this area of D&S IFCA working. The matter was also now more urgent due to the resignation of Hazel Mitchell in December 2019. Members were concerned regarding the

affordability of a full-time post and enquired if the budget could accommodate the full-time position. When it was confirmed that required funds were available a proposal was put forward as follows:

That the Authority creates a full-time Finance and Administration post

Proposed: ***Cllr Napper*** ***Seconded: Jon Dornom***

In favour: **22**

Abstain: **1**

The Chair asked members to consider the final recommendation relating to the post of the Permitting Officer and a potential upgrading of this role to deputise for the Finance and Administration Manager. Olga Pepper agreed to leave the room. It was explained that there was a need to have cover for Finance and Administration and that Olga Pepper had increased her working hours. Cllr Buchan enquired about the potential remuneration of the Permitting Officer post and to what level of potential increased salary the budget could accommodate if the job evaluation highlighted a salary increase was appropriate. With the financial information provided, members were supportive of the proposal as set out in the report.

That the Authority upgrades the part-time Permitting Officer post (payment subject to Job Evaluation outcome).

Proposed: ***David Murphy*** ***Seconded: Richard White***

In favour: **22**

Abstain: **1**

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Meeting Protocol

Before the Chair moved on to the next agenda item, several members highlighted that there was potentially some confusion relating to establishing proposals, amending proposals and then voting on proposals. Sangeeta McNair highlighted that it may be possible for all members to attend training on meeting protocol. To source potential training was noted as an action.

Action

4	ACO Mander	To explore potential training opportunities for meeting protocol and report back to members
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10. Quarterly Report

Members examined the quarterly report that had been prepared for the meeting. Members including Richard White and Jon Dornom commented that the quarterly report is easy to read and understand. Cllr Buchan commented that she liked the traffic light system being used but would prefer if some of the engagement work could be explained in a bit more detail. DCO Clark responded and explained that due to the large variation in the engagement work conducted by officers, this is a challenge, but officers will take the feedback on board. The Chair also remarked that the volume of byelaw related work is not always that apparent within a quarterly report, but reassured members that it was a major workstream and involved lots of different working. Cllr Griffin congratulated officers for production of the quarterly report which meets his expectations as a quick and easy overview to pass on to follow Council members.

11. Byelaw Update (including the Exemptions Byelaw 2019)

With no questions or comments raised, the update was taken as read.

12. Any Other Business

Cllr Buchan highlighted a recent coastal futures conference which included representation from Southern IFCA. A further meeting was being arranged and Cllr Buchan asked if D&S IFCA would be involved. ACO Mander said that he was not aware of the event but that it may be possible for D&S IFCA to be involved. Jim Masters explained that he was aware of some of the detail and will liaise with D&S IFCA staff.

Felicity Sylvester highlighted a Marine Climate Change Partnership document which was presented to staff and is also available to read on-line.

James Marsden commented that different fisheries events and forums are often of benefit to the Authority, but members should be understanding regarding attendance by D&S IFCA staff, especially considering the budgetary pressure they are under as a result of decision making.

Members discussed arranging a governance meeting involving Vice Chair James Marsden, Cllr Pam Buchan and the Acting Chief Officer. This was noted as an action.

Action

5	ACO Mander	To arrange a meeting to discuss the governance of D&S IFCA.
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Part II Meeting

8. D&S IFCA Somerset Office Report (discussions)

The formalities of introducing this Part II agenda item were addressed by the Chair and members.

Following discussions relating to the officer paper two proposals were formulated as follows:

That the Authority seeks to find alternative accommodation with parking at alternative site, in Somerset or elsewhere

Proposed: Rachel Irish **Seconded:** Cllr Napper

In favour: 22

Abstain: 1

The second proposal was as follows:

That the Authority refers the matter relating to the use of a pool vehicle to HMRC

Proposed: Cllr Hall **Seconded:** Cllr Napper

All in favour

13. Date of Next Meeting

The date of the next meeting was reported as being:

Thursday 12th March 2020 at the D&S IFCA Offices, Brixham

End.