

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Minutes of the Authority Meeting
held on 12 September 2019 at Taunton Racecourse, Taunton**

Present: Mike Williams (Chair)
Cllrs: Stuart Hughes (Devon), Ian Hall (Devon), Rufus Gilbert (Devon), Jonathan Hawkins (Devon), Terry Napper (Somerset), Pam Buchan (Plymouth), Bridget Petty (North Somerset), Robert Griffin (South Gloucestershire), Nicole Amil (Torbay), Natasha Bradshaw, Simon Pollentine, David Murphy, Jim Portus, James Marsden, Simon Toms (EA), Rachel Irish (MMO)

Also Present: Mat Mander (Acting Chief Officer)
Sarah Clark (D&S IFCA) Adam Parnell (Torbay)
Hazel Mitchell (D&S IFCA) Steve Dury (Somerset)
Neil Townsend (D&S IFCA) Simon Excell (Gloucestershire)
Angela Stirland (DCC Finance) Martin Hutchings (Devon)
Jessica Maunder (DCC Finance)

Apologies: **Cllrs:** Will Windsor-Clive (Gloucestershire), Linda Hellyer (Devon), Jon Dornom, Dave Cuthbert, Stephen Gledhill, Richard White, Dave Morgan, Dave Saunders, Kathy Derrick, Brian Glasson, Andrew Knights (NE)

1. Welcome to new members and apologies for absence

A welcome was made to Cllr Nicole Amil (Torbay) who has replaced Cllr Vic Ellery and Cllr Bridget Petty (North Somerset) who has replaced Cllr Peter Bryant.

Apologies were noted.

2. Declarations of Interest

Cllr Terry Napper declared a potential interest against item 4b
Jim Portus declared an interest against item 6 in respect that he knew the person who had lodged the complaint, but the details of the news was not known to him.

3. Minutes of the main Authority meeting held on 13 June 2019

Accuracy correction: Page 5, Item 10, Paragraph 2, Line 3 – should read ‘Jon Dornom and Dave Saunders joined the Sub Committee in December 2018’ not 2019.

That the minutes be approved and agreed as a true and accurate record.

Proposed: Cllr Ian Hall Seconded: Cllr Pam Buchan

All in favour, 2 Abstentions

Resolved

4. Matters Arising

- a. The Chair advised that due to work pressures which would be explained in Agenda Item 5 no response had been provided to Gloucestershire County Council from their statement presented at the March 2019 quarterly meeting. The Chair had contacted Simon Excell twice to apologise and appreciated his understanding. Though accepting the unavoidable delay Simon Excell expressed his ongoing concerns that he was still unable to provide feedback to his cabinet members 6 months after the statement. Despite the Chair offering to contact the cabinet members by either letter or email explaining the reason for the delay Mr Excell preferred to hold out to receive an actual response.
- b. The DCO informed the Authority that EDF do not have a 'working model' but do have a very technical 'engineering model'. This model is a protective closed document and no further information could be obtained/provided other than the two illustrative models provided at Agenda Item 11a.
- c. The feedback on Hinkley Point C provided by Simon Toms on behalf of the Environment Agency was that a variation on an existing permit to remove a fish protection measure had gone out to formal consultation. D&S IFCA had submitted a response to the consultation. The responses would be considered as part of a new Habitat Regulatory Assessment by the end of December 2019 which would then be open to further consultation before a final decision was made
- d. The DCO confirmed that the live landings of Wrasse recorded by the MMO had been used by the D&S IFCA and were included as part of the data analysis.
- e. A report on the utilisation and future for Black Jack was discussed at Agenda Item 7b.

5. Matters brought forward by the Chair

The matters brought forward by the Chair were all discussed under Item 6.

6. Complaint against the D&S IFCA

The Chair informed the Authority of three matters that were currently ongoing that were sub judice, so he was limited as to what he was able to relay to members and what was able to be discussed in the meeting. In addition, Devon & Cornwall Constabulary had been contacted by the Chair and the details of a serious allegation made against the Authority and its officers were provided. The Chair had asked the Police to investigate the matter.

The Chair provided a chronological summary of the matters relating to all three issues without prejudicing court proceedings or the police enquiry in order to give other members a broad understanding of the current events.

Connected with the above matters, five Environmental Information Regulation requests had been received. Members supported the action of the ACO to seek external advice in order to properly respond to the requests.

The Chair informed members that one of his main priorities on taking on the role was to try and address the original funding model and financial situation of the IFCA. Having originally been modelled on the Devon Sea Fisheries area, the financial arrangements had not considered the additional area and additional responsibilities. The Chair has contacted DEFRA advising them that he may have to write to the Secretary of State to inform him that the Authority could no longer perform its statutory duties.

A tentative date of 7 October 2019 has been earmarked for the Chair and ACO to meet DEFRA in Plymouth to discuss the financial situation of D&S IFCA.

Due to the unstable political situation the current spending review will be continued for the next 12 months but during that period a comprehensive review will be undertaken to setting a public spending structure for the following three or five years. DEFRA have agreed to look at the current funding structure of D&S IFCA, but it was unclear if the review would be part of an overall review of all IFCAs or specific to the Authority.

7. Report from F&GP meeting of 12 September 2019

a. Purchase of Fleet Vehicle

Cllr Rufus Gilbert informed members that he and other Devon CC members did not consider the purchase choice of vehicle recommended in the report as best value for money and offered the services of Devon CC Procurement to undergo the process. It was agreed that the IFCA Officers provide the specification required and work alongside the Procurement Team. The outcome of the collaboration would be brought back to the Authority for discussion and approval.

A suggestion was made that when assessing future purchases of fleet vehicles that electric or more environmentally friendly models be considered. It was acknowledged that at present no suitable electric 4x4s were obtainable.

A recommendation to engage in a joint procurement exercise between Devon CC Procurement Team and IFCA Officers to purchase a new vehicle was proposed.

Proposed: Cllr Ian Hall

Seconded: Cllr Terry Napper

All in favour, 1 abstention

b. Fleet Vessels

i. Enforcer

The Enforcer had undergone an MCA inspection in September 2019 but the Surveyor's report was not yet available and was needed before a

decision on whether to undertake the proposed electrical work could be considered.

A recommendation to wait for the findings of the MCA survey report before deciding on what future expenditure work should be carried out was proposed

Proposed: James Marsden Seconded: Cllr Ian Hall

All in favour

ii **Endeavour**

An offer by EA/DEFRA Fleet Services to use the vessel Endeavour, based in North Devon, for shared access at a cost of £3,000 per year was proposed. This cost did not include fuel or repair costs for any damage incurred whilst operated by D&SIFCA staff.

A recommendation to accept the EA\DEFRA offer for the use of Endeavour at a cost of £3,000 per year was proposed:

Proposed: Cllr Ian Hall Seconded: Cllr Terry Napper

All in favour

The ACHO was complimented upon his negotiations with the EA/DEFRA Fleet Services, which resulted in a favourable financial outcome.

iii. **Black Jack**

Due to the uncertain knowledge of what survey work or requirement the vessel may be needed for it was suggested to keep the options open and for Black Jack to remain in dry storage and winterise the vessel until more detailed information was known. For this reason, an MCA coding inspection which was due to take place on the vessel in September 2019 would not be undertaken.

A paper would be presented to the Authority once more information had been established to decide on the future of this vessel to the organisation.

A recommendation to winterise Black Jack and keep in dry storage until a more informed idea of its potential use requirements are established was proposed:

Proposed: Cllr Ian Hall Seconded: Rachel Irish

All in favour

c. **Staff Structure & Operation**

- i. The F&GP Committee recommended that until a decision from the Chief Officer was received a decision on the staff structure could

not be made. In the meantime, a job evaluation should be carried out on all staff. The ACO welcomed the recognition by members of the impact that the secondment of the CO was having but reiterated that in his opinion the current staffing structure was not sustainable.

The Chair confirmed, following an enquiry from Simon Excell, that the recommendation in the papers to the full Authority that if the recommendation to approve job evaluations for the two members of staff mentioned took place that any remuneration be subsequently back dated to April 2019 would not take place as it had not been discussed or approved in the F&GP meeting. This was due to the decision that all staff undergo the job evaluation exercise and not just the two officers stated. How this could affect the budget was not known at this stage. There was an underspend (£10,000) showing on employee salary as at month 4 but until the results of any evaluation process was completed any financial impact cannot be predicted.

A full costing against the budget and its implications of any increase in staff salaries from the results of the evaluation process should be made clear to the Authority.

Cllr Petty suggested that if any matter brought to the Authority required a decision then any associated cost should be clearly set out in the papers.

A recommendation that a job evaluation of all staff be carried out was proposed:

Proposed: Cllr Terry Napper Seconded: Cllr Robert Griffin

All in favour, 1 abstention

ii. **A recommendation that the 2-year fixed part time Environment Officer post which is due to finish in May 2020 be made permanent at the end of this period was proposed:**

Proposed: Cllr Ian Hall Seconded: Cllr Bridget Petty

All in favour

A recommendation that the 2-year fixed part time Permitting Officer post which is due to finish in June 2020 be made permanent at the end of this period was proposed:

Proposed: Cllr Ian Hall Seconded: Cllr Stuart Hughes

All in favour

iii. A request for maternity cover for the Senior Environment Officer from December 2019 until September 2020 was discussed by the F&GP Committee. The potential secondment of an officer from another IFCA had fallen through but it was suggested that other

external agencies should be approached before externally recruiting.

A recommendation that maternity cover for the senior environment Officer be agreed for a period of 10.5 months either from external agencies or recruitment was proposed:

Proposed: James Marsden Seconded: Natasha Bradshaw

All in favour

8. Skerries Bank Angling Zone Report and Recommendations

The findings of the recreational sea angling research project were presented in the Skerries Angling Zone report.

The following 5 recommendations were put to the Authority for approval and voted en-bloc.

- To repeat the engagement work which took place in 2014 to compare each user group's perception about the current activity levels of different sectors against the baseline recorded in the Skerries Bank Angling Zone Report. This is the next phase of work by D&S IFCA.

- To consider further monitoring work to overcome some of the limitations of the data e.g.: a more in-depth consideration of temporal differentiation in sectoral use of the site.

- To review the status of the key stocks (only possible over broad geographic scales) and local landings of the same species to understand the conflict on a broader spatial scale.

- To undertake a more in-depth review of the success of other spatial/temporal management systems, introduced for the development of one or multiple user groups. This will aid decisions on the future management of the site.

- To complete an additional short report on the use of Hallsands and Beesands and adjacent waters by each sector.

Proposed: Cllr Rufus Gilbert Seconded: Cllr Ian Hall

All in favour

9. Spiny Lobster presentation by DCO Sarah Clark

Due to time constraints and the heavy agenda items discussed this presentation was postponed until the next meeting.

10. Byelaw Review Update

The update was taken as read and no questions were asked.

11. Hinkley Point C update August 2019

The update was taken as read and no questions asked.

Hinkley Point C would be discussed at the next national IFCA Technical Advisory Group meeting and the Senior Environment Officer would be presenting at the meeting. The purpose of the discussions would be to determine whether a joint IFCA position on nuclear power station development could be reached.

12. AIFCA Summary Report

This report was taken as read and no questions were asked.

The Chair informed members that it was agreed that the membership of the AIFCA by D&S IFCA would be reviewed annually. The next scheduled discussion was December 2019, but this review date is flexible. Re-joining is also dependent on whether the recommendations of the 3KQ, independent review of the organisation recommendations have been put in place and the reasons the D&S IFCA withdrew membership have been addressed.

A short analysis of facts to inform whether conditions requested have been met to advise Authority members on whether to consider re-joining as members or not was requested for the December meeting.

13. Quarterly Report

In general, the new format of the quarterly report was accepted favourably but any feedback on content, requirements, etc should be directed back to the ACO.

- The ACO confirmed to Cllr Buchan that the Financial Reputational Risk around prosecutions generally was on the risk register. As she was unable to get onto the Members' Area a request for the password to be sent to her was made.
- Cllr Buchan was not aware of seeing a Members' Code of Conduct Booklet. It was confirmed that this would be sent to her and any members' who had not previously returned one.
- A general request was made that it would be helpful when commenting on a type of work, i.e.: Bait Digging, if the area in question where the event is taking place be named.

14. Update on 10-year membership for MMO General Members

The maximum length of appointment to the Authority for MMO General Members is currently 10 years, though this is not written into the 2009 Act. These criteria came from ministerial guidance and is a policy, not a legal requirement.

The AIFCA has become very concerned as across the 10 IFCA's there has been difficulty in recruiting volunteer members. There is also the problem that next year will be the 10th Anniversary and a large number of Members appointments will come to an end.

The D&S IFCA has also raised this independently with the MMO and the feedback received was that for current members with a particular skill set which it is difficult to replace an extension beyond the 10 years would be considered. The AIFCA believes this condition is too restrictive and that a more general extension should be put in place. The AIFCA believes each IFCA should independently put forward names of members they wish to retain to the MMO with the reasoning for extension. An update on this situation will be given when more details/process is confirmed.

James Marsden announced that he would be a member for a total of 7 years by his own choice.

15. Draft minutes of the F&GP Committee meeting held on 13 June 2019

The update was taken as read and no questions asked.

16. Response to DEFRA following announcement of Spending Review 2019

This item was discussed and dealt with by the Chair under matters brought forward by the Chair.

17. Any Other Business

The Chair announced that he currently held the position of Chair of the Authority, F&GP Committee and B&P Sub Committee Meeting. His intention had been to stand down from the B&P Sub Committee, but no volunteers came forward to take over. The Chair tried to encourage any member who would like to take up the position and announced he would not be taking up the £400.00 remuneration for this position, but his decision was a personal waiver and did not bind any successor to the Chair of B&PSC.

18. Date of next meeting

Thursday 12 December 2019 - Exeter Racecourse, Exeter

AGENDA ITEM	ACTION	RESPONSIBLE
12	Short analysis of implementation of recommendations for the AIFCA	ACO
13	Password to access members' area of website to be resent to Cllr Buchan	PPO
13	Members' Code of Conduct Booklet to be sent to Cllr Buchan and any member not previously returned one.	ACO