



Authority Meeting

Final Minutes from 12th March 2020

Version 1.2

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Version Control and Drafting

Date	Comments
3 rd April 2020	1 st Draft of minutes completed for circulation to officer's present at the meeting for potential internal amendment and or additions.
8 th April 2020	Minor additions from the notes taken by the Finance & Administration Manager
17 th April 2020	MM amendments.
22 nd April 2020	SC amendments
Version 1.1 14 th May 2020	Further minor amendments to recognise comments received from members.
20 th October 2020	Minor amendments applied to recognise comments of members at the meeting held on 19 th October,

Minutes of the Authority Meeting Held on 12th March 2020 at Brixham Laboratory

Present:

Professor Mike Williams (Chair)

Cllrs. Stuart Hughes (Devon), Ian Hall (Devon), Rufus Gilbert (Devon), Nicole Amil (Torbay), Pam Buchan (Plymouth), Christine Channon (Devon)

James Marsden, David Murphy, Dave Saunders, Andy Wray, Felicity Sylvester, David Morgan, Stephen Gledhill, Sangeeta McNair, Jon Meek, Jon Dornom, Simon Pollentine, Jim Portus

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

Introductions & Welcome

The Chair welcomed everyone to the meeting and thanked them for their attendance. All attendees introduced themselves around the table and the attendance register was circulated. The Chair highlighted the potential impact that COVID-19 may have on future scheduled meetings for the Authority and the Byelaw and Permitting Sub-Committee.

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1. Chair's Announcements and Apologies for Absence

Acting Finance and Administration Manager Olga Pepper read out the list of apologies which were noted as follows:

Apologies: Cllr Jonathan Hawkins (Devon), Cllr Linda Hellyer (Devon), Richard White, Simon Toms (EA), Jim Masters, Natasha Barker Bradshaw, David Cuthbert, Cllr Terry Napper (Somerset), Cllr Will Windsor -Clive (Gloucestershire), Bridget Petty (North Somerset), Cllr Robert Griffin (South Gloucestershire), Rachel Irish, Kaja Curry, Steve Dury, Jessica Bishop

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2. To consider and approve minutes of the Authority meeting held on 23rd January 2020.

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. Minor grammatical errors and suggested changes to paragraphs on pages 4, 6, 8 and 10 were raised by Mike Williams, Simon Excel, James Marsden and Cllr Buchan. These amendments were noted.

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

Proposed:	Cllr Buchan	Seconded: Cllr Hughes
In favour:	11	
Against:	0	
Abstain:	2	

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3. Business Arising

a) Update on the “Every Mind Matters” campaign

Cllr Hall was invited to introduce this item. It was explained to members that there had been some correspondence with a training provider, and it is now for the ACO to determine what training requirements will suit D&S IFCA officers, with the use of the reserves available to fund the training. Cllr Hall confirmed that he would provide ACO Mander with details of the training provider. ACO Mander added that IFCO Cresswell had already completed a two-day Mental Health First Aid (MHFA) course which for him was a natural progression from a four-year therapeutic counselling course he had already completed. Although IFCO Cresswell can't provide counselling to staff, he can provide advice to staff that require it. Members were informed that the “Every Mind Matters” training would potentially cost over the amount that the ACO can independently authorise and this prompted discussions regarding governance. James Marsden suggested a scheme for delegation is needed based on the example of the £1100 expenditure for the training in materials that needs authorisation. Members concluded that issues involving governance would need to be resolved in 2020 and an action item was noted as follows:

Action

1	ACO Mander	To prepare an officer paper for the June Authority meeting to update members on Governance Issues and any required decision making
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b) Update on General Members' 10-year service

The Chair reported that correspondence had taken place with the Marine Management Organisation (MMO) regarding the proposal to extend the maximum 10-year appointment of General members to D&S IFCA. Although there had not yet been a decision by the MMO, the indications were that an extension for members, that wish to continue, may be granted for a period of up to three years. The Chair had the expectation that members would be contacted directly by the MMO to seek their views on any such extension. In addition; the Chair reported that there are plans to establish a reserve list of members that will help to provide a smoother transition when members can no longer serve on the Authority. It was stressed in the correspondence that a decision is needed by the MMO before the next Authority meeting, scheduled for June 2020.

c) Training for General Members in the Authority's meeting procedures

ACO Mander informed members that it was envisaged that the training would form part of a larger package related to governance and focus would be placed on the Standing Orders, which would also be subject to a review. ACO Mander had been in contact with Cornwall IFCA who had arranged training for their own members via Cornwall County Council. Devon County Council had also been approached to assist in the review of Standing Orders and to facilitate the training.

ACO Mander explained that he would provide more information as and when he received it.

Action

2	ACO Mander	To update members as soon as possible on the training arrangements for members relating to governance and standing orders
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4. Matters brought forward by Chairman

The Chair highlighted the report that was completed by consultants ABP Mer, to inform Defra about the evaluation of all the IFCAs, had not yet been published. It was reported that Defra has informed the Chair that the report is expected to be published shortly, but that no date had yet been agreed. Regarding the review of the IFCA funding model, after no response to his first email, the Chair had received a statement in response to his second email. The statement was read out to members, and Simon Excel requested that the statement be recorded in the minutes. PPO Townsend noted the statement as follows:

Defra is proceeding to obtain Ministerial guidance and, if deemed appropriate, approval in respect of a possible review of IFCA funding models and there is no further news at present. This hasn't progressed because Defra has had significant changes of ministers, which means all approvals are heavily prioritised.

There were no further questions about the statement.

Covid-19 and Impacts on D&S IFCA regarding Chair & Vice Chairs

The Chair explained that the outbreak of Covid-19 was likely to have an impact on D&S IFCA's work and future meetings including the June Authority Meeting which is the Annual General Meeting (AGM). Members were informed that the election or re-election of the Chair and Vice Chairs would be held at the AGM, however this meeting may be delayed, and contingency needed to be discussed.

The Chair, Vice Chair Cllr Hall and Vice Chair James Marsden informed members that they were prepared to stay in office until the AGM, even in the eventuality that this meeting is delayed until later in 2020. A question was asked why D&S IFCA has two Vice Chairs and ACO Mander explained that to the best of his knowledge this was due to succession planning and to share the workload. Jim Portus added that some past Vice Chairs also had indicated that they had no wish to be a candidate for the position of Chairman. Cllr Hughes felt that having a councillor appointed as one of the two Vice Chairs was beneficial to the Authority and other members agreed. All members had the expectation that the AGM should be held at the earliest opportunity, if it is cancelled in June 2020. A proposal was formulated as follows:

That if the AGM meeting needs to be deferred, it should be held as soon as possible after June 2020 and in the interim period the current Chair and Vice Chairs should continue in their respective positions.

Proposed:	Cllr Buchan	Seconded: Cllr Amil
In favour:	15	
Against	0	
Abstain:	3	

Governance

The Chair informed members that he had been involved in a briefing meeting with ACO Mander prior to the meeting. Vice Chair Cllr Hall was frustrated that he was not able to attend the briefing meeting and the Chair commented that although this was unfortunate, best attempts had been made including trying to arrange

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weekend meetings. The Chair commented that he fully respected the importance of the Vice Chair position and the value of having both Vice Chairs present at any such meeting. The Chair suggested that in the future every attempt will be made to provide greater notice for any such meeting.

Cllr Buchan raised some points regarding governance which was interlinked with the training for members discussed in Agenda item 3 (c). Key areas for review should include:

- Standing Orders
- Delegation of decision making
- Training and induction process

Cllr Buchan suggested that external expertise and the potential expenditure required to address these key factors would be of benefit to the Authority. ACO Mander added that early indications from Devon County Council was that some of the issues may be initially addressed with an “in kind” type of arrangement, however, it was likely that charges may apply eventually for some elements of the required work and review. Members were supportive of action and a proposal was formulated as follows:

That Corporate Services (Devon County Council) undertake an “in kind” examination of the governance issues.

Proposed:	Cllr Buchan	Seconded: James Marsden
In favour:	18	
Against:	0	
Abstain:	0	

4. (a) To receive and note the Budget monitoring report (month 11)

Angela Stirland guided members through the report explaining details regarding overspend, underspend and variances. It was explained that the reserves stood at £527,000

James Marsden highlighted that use of the reserves in the report amounts to an overspend as compared to the baseline budget. Angela Stirland accepted that using month 11 expenditure, reserves would need to be used to cover a small overspend. The accounts would be updated after month 12. Cllr Gilbert commented that finance would be an additional discussion point in relation to Agenda Item 13 (appointment of a permanent Chief Officer).

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5. To receive and consider the 2019-2020 Internal Annual Report

The Chair introduced this item and explained that members had been invited to send officers any comments or suggestions for amendments in the same way that he had done himself. In addition, this agenda item provided the opportunity to consider the content and raise any discussion points.

ACO Mander explained that an Annual Report must be produced for Defra by November 2020 to meet the requirements set out in Section 178 of the Marine and Coastal Access Act (MaCAA); however, the internal Annual Report as presented does not serve that purpose. It was envisaged that the final edition for Defra can reflect any additional input from members and will include some case studies that will add depth to the green, red and grey tables of completed, incomplete/ongoing workstreams and additional workstreams. ACO

Mander added that creation of the 2019-20 Annual Report is key to inform elements of the 2020-21 Annual Plan.

Cllr Buchan commented that she would send some written comments to officers via email but wanted to highlight some key points and observations during the meeting. It was the view of Cllr Buchan that the use of grey tables was not totally clear, and more detail could be added to engagement reporting. A question was asked why officers had not used amber colours for work nearly complete and it was suggested that more could have been done to explain how different work had been prioritised.

ACO Mander explained that officers had concluded that workstreams should be reported as compared to deadlines set in the 2019-20 Annual Plan up to the end of the financial year (unless specified), and by default tasks would be either complete (green) or incomplete (red). It was the view of officers that there was little value in reporting near complete tasks; however, several incomplete tasks would have informed the 2020-21 Annual Plan. ACO Mander explained that all tasks set in the 2019-20 Annual Plan were priority tasks and the Additional Workstreams tables (grey colour) had not been planned for but had become essential work on top of the other planned work. ACO Mander explained how the additional workstreams had impacted on the delivery of planned tasks and cited large volumes of Marine Licence Application response work as an example. ACO Mander explained how officers have added tasks such as responding to Marine Licence Applications as planned work in the 2020-21 Annual Plan.

James Marsden thanked officers for their efforts producing the report. He commented that the number of incomplete tasks reported in the Annual Report was disappointing; but is a reality check of how limited resource and budget can impact on the delivery of work. To reflect the potential that D&S IFCA is failing in its duties, he urged the Chair to write to the Minister to explain why specific tasks had not been completed. Cllr Hall added that as external factors and influences effect D&S IFCA's ability to complete tasks, this should also be explained in more detail.

Other members highlighted some minor errors. Jim Portus referenced an error regarding the Inshore Potting Agreement in Table 1 (c) on page 12 and suggested the text is amended to state "nationally and internationally praised". Sangeeta McNair referenced Monitoring & Control Plan reporting on page 11 and clarified that the delay in the habitat mapping/report is now with Cefas rather than the Environment Agency or Natural England. Sangeeta McNair explained that Cefas is being requested to release the raw data to D&S IFCA.

Jon Dornom commented that in his view the report was clear, easy to read and felt that praise for officers should be recorded in the minutes. Other members agreed and there was an expectation that an amended Annual Report (including Case Studies) could be re-presented to members in September before it is sent to Defra.

6. To receive and approve the 2020-2021 Annual Plan

The Chair introduced the agenda item and reported that members had the opportunity to provide comments and suggestions for potential amendments to the 2020-21 Annual Plan. ACO Mander confirmed receipt of some written feedback from both the Chair and James Marsden that had already been submitted.

James Marsden reported than on reflection he now favoured a change to the structure to the Annual Plan. Whilst not being overly critical of the Plan as presented, he suggested the content could be expanded to include what could be achieved with an increase in the base line budget of differing amounts such as a 10% or 20% increase. Although the report should not act as a mechanism to criticise the Government and the Final Authority Minutes Version 1.2 (from the meeting held on 12th March 2020)

present funding model, in his view more could be done to demonstrate the impact of D&S IFCA not receiving the full amount of new burdens funding from funding Councils. The additional use of text or Annexes including the potential use of graphs may be of benefit to the final version to be submitted to Defra. James Marsden commented that the Annual Plan is a corporate paper setting out delivery aims for 12 months; however, a strategic plan for a five- or ten-year period would be of benefit.

Cllr Buchan informed members and officers that she would submit some written feedback in due course, but also wished to raise some immediate points at this meeting. Regarding Annex 4 (Risk Register) it was highlighted that in her view the financial risks should be examined once again and be increased. Regarding the IFCA Success Criterion (1), Cllr Buchan was surprised that Local Government was not included amongst the list of key stakeholders and felt this should be highlighted to Defra.

ACO Mander informed members that the IFCA Success Criteria were developed by Defra when all IFCAs were established and have been included in previous Annual Plans. Although they are broad in nature, they have helped IFCAs identify Defra's expectations regarding core work areas. The D&S IFCA's 2020-21 Annual Plan and the Annual Plan from the year before had recognised the Success Criteria but had gone further to set out the specific work areas for D&S IFCA that are aligned to the definitions, outcomes and indicators as set out within the guidance. It was recognised that success or failure as compared to these high-level objectives is ultimately for Defra to decide.

In response to James Marsden, ACO Mander explained that the Annual Plan, as drafted, is focussed on work that can or not be completed using the current budget and potential use of reserves. PPO Townsend added that in the view of officers, every task within the Annual Plan was essential, but the orange areas were simply to highlight to members which of those tasks were more suited for use of the General Reserves. ACO Mander informed members that in his view the organisation could benefit from providing Defra with more detail on what could be achieved with more funding; but limiting that to a budget increase of 10% or even 20%, would have limited value. It would potentially be more beneficial to set out delivery expectations with closer comparisons to other similar size IFCA's such as Cornwall which has a budget of over £1 million.

Simon Excell commented that there is insufficient evidence to suggest that D&S IFCA is underfunded and clarified that new burdens funding was not ring fenced by Defra. Simon Excell commented that the subject of inadequate finance is a recurring theme, along with statements of D&S IFCA potentially failing in its Statutory Duties. Simon Excell highlighted that past reporting had indicated many successful outcomes for the delivery of D&S IFCA's work whilst operating with an underspend each year. James Marsden responded by highlighting the failed or incomplete workstreams within the Annual Report, with many of them being transposed into the 2020-21 Annual Plan. James Marsden commented that without enough numbers of staff, not all work can be conducted and where work has and will be completed, it comes at a risk to staff wellbeing due to increased workloads.

ACO Mander informed members that not all failings have been reported fully to members in the same way as they are now and whether these failings equate to D&S IFCA failing in its Statutory Duties, is not beyond doubt. It is subjective and is ultimately a judgement call for Defra. Past reporting has not been so open and transparent or included such detailed Annual Reports. On several occasions workstreams failing or not being completed by required deadlines have been due to shortage of staff. Recruitment and retention of staff has been an ongoing issue, and this can distort the annual budget statistics and highlight an underspend on salaries.

DCO Clark added that there is time pressure in publishing the Annual Plan by 1st April (or as close as possible) to meet the requirements of Section 177 of MaCAA. For this reason and to produce the required information

(as suggested by James Marsden) in sufficient detail and quality, a separate paper/report would be the favoured option for officers. Cllr Hall favoured this approach as to re-write the Annual Report with a tight deadline would add pressure to staff workload. James Marsden accepted that two separate documents could be produced but on condition that Defra should be informed, by letter, that the basis of the 2020-21 Annual Plan does involve drawing from the General Reserves, and that it is not sustainable in the longer term. The Annual Report can be submitted to demonstrate failings from 2019-20 and the Annual Report from 2020-21 can potentially demonstrate failings relating to the 2020-21 Annual Plan.

Simon Excell returned to the issue of wording within the Annual Plan that in his view lacked clarity. Simon Excell cited page 4 of the Annual Plan regarding the set budget of £740,000 and the use of specific words as follows:

*“It was accepted that setting such a budget **may not be sufficient** for D&S IFCA to carry out all the tasks required to fulfil its statutory duties”.*

James Marsden commented that uncertainties regarding the amount of work associated with Highly Protected Marine Areas and having to potentially use the general reserves for work already documented in the Plan should make it obvious that risks exist in failing in the statutory duties. To avoid confusion, in his view the wording on page 4 should be changed to **“is not sufficient”**.

Felicity Sylvester enquired about the minimum level of General Reserves that must remain. Angela Stirland reported that 25% of the current year budget must remain. Adam Parnell asked if there was scope to add more detail to the exact amounts of money that will be required for differing tasks and to assign it as required. ACO Mander explained that in some cases an estimate of costs could be established, but this would be difficult for every task and for work that has an unknown element, such as the Highly Protected Marine Areas.

Cllr Gilbert highlighted that previous annual underspends by D&S IFCA have added to the General Reserves and the time is now right to use the money. Subject to minor amendments highlighted by the other members he was prepared to offer a proposal to support the adoption of the 2020-21 Annual Plan.

Cllr Buchan commented that on-going governance meetings may help determine what levels of expenditure from the reserves can be sanctioned independently by the ACO and therefore a section on the review of governance should be added to the tables within the Annual Plan. Members were agreed that the Chair should produce the covering letter to accompany the Annual Plan when it is submitted to Defra.

Action was noted for Officers as follows:

Action

3	D&S IFCA Officers & Chair	To apply amendments to the 2020-21 Annual Plan and for the Chair to prepare a covering letter to accompany the submission of the Annual Plan to Defra.
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Members formulated a proposal as follows:

That, subject to minor amendments, the 2020-21 D&S IFCA Annual Plan is approved.

Proposed:	Cllr Gilbert	Seconded: Cllr Buchan
In favour:	14	
Against:	0	
Abstain:	4	

7. To receive and approve the Mariculture Strategy

DCO Clark introduced the Mariculture Strategy and guided members through the aims and actions set out on pages 11 and 12. DCO Clark explained that past work will be revisited to establish improved baseline data and, as set out in the Annual Plan, it is envisaged that the general reserves could be utilised to employ a suitable contractor to undertake identified actions. Members were invited to comment on the report.

Cllr Gilbert cited page 4 of the report and inquired about pacific oyster production in Salcombe. DCO Clark explained that there is currently no pacific oyster farming in the Salcombe Estuary. Cllr Buchan asked if there was an estimated date of publication of the report from Natural England. This report will assess the trials being undertaken on the eradication of pacific oyster's that have taken place in Devon estuaries, and involved Natural England, South Hams AONB Estuaries' Officer and Tamar estuaries Consultative Forum.

DCO Clark explained that there has been a lot of activity with volunteers working with South Hams AONB, TECF and NE to destroy and remove wild oysters from various estuaries in Devon but she had concerns regarding this work in areas where there is commercial pacific oyster production, due to Biosecurity issues. Sangeeta McNair referred to the EMFF pacific oyster project involved these partners and the data collection is currently being finalise and the data will be analysed to compare the density of pacific oysters around Devon and Cornwall to show the effectiveness of culling methods for population control. The trial has used a case by case tool kit approach. Sangeeta McNair also mentioned that there are some European Marine Sites that have been assessed as unfavourable due to pacific oysters, including the Plymouth Sound and Estuaries SAC. There was also a discussion on the long awaited pacific oyster policy from Defra. This is currently in development and NE has been chasing this. This Defra policy will provide clarity to all concerned on pacific oysters and their status as an Invasive Non-Native Species.

DCO Clark described how D&S IFCA want to support mariculture shellfishers in the District. Part of the Mariculture strategy will be to review the Waddeton Regulating Order, which D&S IFCA holds, to see if it is still fit for purpose.

Cllr Pam Buchan asked if there was the intention to employ an officer to undertake the action of mapping coastal use, as described in the Mariculture Strategy. DCO Clark confirmed that there is a proposal for a position/contract outlined in the Annual Plan, to come from reserves.

James Marsden provided comments on the Mariculture Strategy. He requested more clarity within the plan on the external environmental and societal costs and impacts of mariculture, which he felt was missing in the Strategy. He also requested that an annex is included in the Strategy, providing a regulatory framework for those wishing to participate in mariculture in the District, which would also include all the agencies and players involved, such as Cefas, NE and MMO.

There was also a discussion on water quality issues and Mike Williams raised concerns about run-off from fields impacting water quality. DCO explained that in the past there was catchment sensitive farming initiative, which look at farm management and run-off but she was not sure if this was continuing.

Action

4	D&S IFCA Environment Officers	To provide more information within the Mariculture Strategy on the external impacts of mariculture and include an annex that details the regulatory framework for those wishing to participate in mariculture in D&S IFCA's District
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Following the discussions, a proposal was formulated as follows:

That, subject to additions, amendment the Mariculture Strategy is approved.

Proposed:	Jon Dornom	Seconded: David Morgan
In favour:	18	
Against:	0	
Abstain:	0	

8. Byelaw Update (including the Exemptions Byelaw 2019)

The Chair introduced this item and guided members through the officer paper. There were no questions or comments raised.

9. Any Other Business

Cllr Buchan mentioned that she had attended a Defra sponsored workshop on co-designing the principles for defining low impact fishing and was willing to share her notes from the event. The ACO confirmed that he too had attended the event with many local fishers but suggested that that Cllr Buchan reported the outcomes following the second event that was scheduled to take place on 18th March

10. Date of next meeting

Subject to the impact of Covid-19, the date of the next meeting was set as:

- **Thursday 18th June 2020, with the venue to be confirmed.**

Part II Meeting

DCO Clark, PPO Townsend and Acting Finance and Administration Officer Pepper left the room.

11. Exclusion of the Public

The formalities of introducing the Part II agenda items were addressed by the ACO, Chair and members.

12. To consider whether to rejoin the Association of IFCA's

Members discussed the reforms made to AIFCA during the review. Members were satisfied that the issues previously identified by the Authority had been addressed and a proposal was formulated as follows:

That the Authority rejoin the Association of IFCA's

Proposed:	James Marsden	Seconded: Cllr Ian Hall
In favour:	18	
Abstain:	0	
Against:	0	

13.To consider whether to appoint a permanent Chief Officer

ACO Mander left the room.

Following discussions relating to the issue a proposal was formulated as follows:

To proceed with an internal and external appointment process to appoint an Acting Chief Officer for a period of 18 months.

<i>Proposed:</i>	<i>James Marsden</i>	<i>Seconded: Stephen Gledhill</i>
<i>In favour:</i>	<i>9</i>	
<i>Abstain:</i>	<i>0</i>	
<i>Against</i>	<i>8</i>	

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14.To consider whether to provide employees with parking permits

Members discussed the issue, and had it confirmed that parking permits would be exempt from being a taxable benefit. As some members had to leave during the discussions, it was decided to defer any decision making until the next meeting and move the item higher up on the agenda.

The Chair thanked members for their attendance and brought the meeting to a close.

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End.