



Authority Meeting

Final Minutes from 19th October 2020

Version 1.0

Version Control and Drafting

Version/Date	Comments
Version 0.1 23 rd October 2020	1 st Draft of minutes completed for circulation to officer's present at the meeting for potential internal amendment and or additions.
4 th November 2020	Amendments applied.
Version 0.2 24 th November 2020	Amendments applied following comments received from Angela Stirland and Mike Williams.
Final Version 1.0 Published on 21 st December 2020.	Draft Minutes from October Authority meeting presented on 17 th December at Authority meeting. No amendments required. Minutes published on website.

Contents

1. Election of Chair	3
2. Welcome & Apologies for Absence.....	3
3. Declarations of Interest	4
4. Election of Vice Chairs	4
5. Minutes of the Full Authority Meeting held on 12th March 2020	4
6. Minutes of the Special Full Authority Meeting held on 4th August 2020	4
Public Address.....	5
7. Appointment of the Finance and General Purposes Sub-Committee (F&GPSC) and Review the Terms of Reference	5
8. Appointment of the Byelaw and permitting Sub-Committee (B&PSC) and Review the Terms of Reference	6
9. Outturn Report and Statement of Accounts 2019-20.....	7
10. Budget Monitoring 2020-21 – Month Six	7
11. Shaping D&S IFCA's Future Work.....	8
12. Review of Standing Orders.....	8
13. D&S IFCA Future Funding Report	9
14. Byelaw Review Update	10
15. Quarterly Report.....	10
16. Date of Next Meeting	10

Minutes of the Authority Meeting
Held virtually on 19th October 2020 on Zoom

Present:

Professor Mike Williams (Chair)

Cllrs. Jonathan Hawkins (Devon), Rufus Gilbert (Devon), Ian Hall (Devon), Linda Hellyer (Devon), Stuart Hughes (Devon), Nicole Amil (Torbay), Pam Buchan (Plymouth), Robert Griffin (South Gloucestershire).

Jon Dornom, Stephen Gledhill, James Marsden, David Morgan, David Murphy, Jim Portus (MBE), Felicity Sylvester, Andrew Wray, Jim Masters, Rachel Irish, Natasha Bradshaw, Sangeeta McNair, Dave Saunders, Angela Stirland, Jess Maunder, Kaja Curry, Stephen Dury, Simon Excell, Martin Hutchings, Sarah Jackson (substitute for Kathy Derrick).

D&S IFCA:

Mat Mander (Chief Officer), Sarah Clark (Deputy Chief Officer),
Neil Townsend (Principal Policy Officer) Olga Pepper (Finance & Administration Manager).

Public:

Emma Bean, Alex Pearson Ross, Mandelai Wolfe.

1. Election of Chair

Chief Officer Mander briefly welcomed everyone to the meeting and explained that although delayed until October, the meeting was the Annual General Meeting (AGM) of the Authority which had been postponed since June due to the Covid-19 pandemic. As this was the AGM, the first item on the agenda would be to elect a Chair to proceed with the remainder of the meeting. The chosen candidate would serve as Chair until the next AGM which was expected to take place in June 2021. Cllr Gilbert nominated Professor Mike Williams, and this was supported by Cllr Buchan. With no other nominations, this was put to the vote.

That Professor Mike Williams is to continue in the role of Chair for the Authority.

Proposed: Cllr Gilbert Seconded: Cllr Buchan

To save time, it was suggested that all non-contentious items would be taken as all in favour unless anyone wished to vote against or abstain.

In favour: All

Professor Mike Williams thanked members for their support and confirmed that he would accept the role of Chair.

2. Welcome & Apologies for Absence

The re-appointed Chair now formally welcomed members to the virtual meeting and thanked them for their attendance. It was noted that some present at the meeting were connected via telephone. The Chair highlighted that three members of the public were in attendance and introduced them to members as Emma Bean (University of the West of England), Alex Pearson Ross (Marine Management Organisation) and Mandelai Wolfe (Blue Marine Foundation). It was explained that Mandelai Wolfe would like to address members later in the meeting and this was set for the end of agenda item six.

The Chair asked Finance and Administration Manager (F&AM) Olga Pepper to read out the list of apologies which were noted as follows:

Cllr Bridget Petty, Adam Parnell, Cllr Will Windsor-Clive, Jessica Bishop, Simon Toms

3. Declarations of Interest

The Chair highlighted that the D&S IFCA patrol vessel “David Rowe” had recently been berthed at the Mayflower Marina, Plymouth. The Chair explained that his wife, Mrs. Julie A. Williams is a Non-Executive Director of Sailport plc, which owns the Marina and that he is a shareholder of this business. It was further explained that he would re-refresh his declarations of interest and encouraged other members to do the same by contacting F&AM Pepper or the Chief Officer if their own circumstances had changed.

4. Election of Vice Chairs

The Chair explained that D&S IFCA currently has two Vice-Chairs. It was the view of the Chair that this is of benefit to the Authority and preferably this should continue. Cllr Hall had expressed an interest to continue as one of the Vice-Chairs and this was recognised and supported by the other members.

That Cllr Ian Hall is to continue in the role of Vice-Chair for the Authority.

Proposed: **Mike Williams** **Seconded: Cllr Hughes**

It was suggested that it would be taken as all in favour unless anyone wished to vote against or abstain.
In favour: **All**

The Chair reported that James Marsden had stepped down as the second Vice-Chair and that Cllr Buchan had expressed an interest in the vacant position. Members thanked James Marsden for his services in the role of Vice-Chair and then voted as follows:

That Cllr Pam Buchan is to become a Vice-Chair for the Authority.

Proposed: **Mike Williams** **Seconded: Natasha Bradshaw**

It was suggested that it would be taken as all in favour unless anyone wished to vote against or abstain.
In favour: **All**

5. Minutes of the Full Authority Meeting held on 12th March 2020

The minutes from 12th March 2020 were examined page by page. Some spelling errors and a word change on page seven was noted by PPO Townsend.

That the minutes (as amended) from 12th March 2020 are a true and accurate record.

Proposed: **Cllr Hall** **Seconded: Cllr Hawkins**

It was suggested that it would be taken as all in favour unless anyone wished to vote against or abstain.
In favour: **All**

6. Minutes of the Special Full Authority Meeting held on 4th August 2020

The two pages of minutes from 4th August 2020 were examined. No suggestions were made for any amendments.

That the minutes from 4th August 2020 are a true and accurate record.

Proposed: **Cllr Hellyer** **Seconded: Cllr Hall**

It was suggested that it would be taken as all in favour unless anyone wished to vote against or abstain.
In favour: **All**

Public Address

The Chair invited Mandelai Wolfe to introduce herself and address members with her comments and questions. Mandelai Wolfe explained that she had been co-ordinating work for the Blue Marine Foundation for three years which includes areas within D&S IFCA's District. Members or D&S IFCA Officers were encouraged to attend relevant meetings hosted by the Blue Marine Foundation. Concern was raised regarding a lack of consistency with management between D&S IFCA and Southern IFCA (SIFCA). From her own perspective, and that of fishers working close to the border between the two separate IFCA Districts, it was difficult to see why regulations (byelaws) differed so much and how this situation had arisen. Regarding the fishing activity of diving for scallops, it was the view of Mandelai Wolfe (and the fishers that had approached her) that the activity is low impact as compared to mobile fishing. This difference between methods should be recognised by the Authority and alternatives to the existing scallop closed season (a permit condition for commercial divers and mobile fishers operating at sea) should be explored with a view to change. Finally, it was suggested that D&S IFCA should be more proactive discussing issues and potential solutions with fishers working in the East Devon area.

The Chair thanked Mandelai Wolfe for her statement. It was explained that a similar complication regarding cross boundary management is evident in the Plymouth area. The Chair suggested that it would be beneficial for specific points and questions raised in the verbal statement to be put in writing and then sent to the Chief Officer for a response. This course of action was accepted by Mandelai Wolfe.

7. Appointment of the Finance and General Purposes Sub-Committee (F&GPSC) and Review the Terms of Reference

CO Mander introduced the paper, previously circulated, and highlighted the invitation for all Elected Members of the funding Authorities to join the F&GPSC. The Chair asked members for comments or to raise discussion points before moving onto the recommendations as set out.

James Marsden raised concern regarding the number and mix of representation forming the total membership. It was his view that the potential increase in Elected Members would result in adding to the difficulty approving an adequate budget for the Authority to function. CO Mander highlighted that the opportunity for General Members to attend F&GPS meetings would still be available; however the proposed change in membership of the F&GPSC, was intended to provide an opportunity for more of the Elected Members to be directly involved in the work of the Authority and become more familiar with the detailed issues behind the financial matters of D&S IFCA in particular. James Marsden suggested that the membership be better balanced between Elected and General Members. Although the disadvantage would be a bigger meeting, this was preferable to mitigate the higher risk of voting for a de minimis budget. CO Mander highlighted that in practice it may be difficult for General members to commit in enough numbers to attend the F&GPS meetings to achieve this balance. Cllr Gilbert sought some clarity that regardless of membership, representation, and recommendations formed by the F&GPSC, the Local Authorities would still reserve the right to veto the budget. The Chair confirmed that this was the case and discussions began on forming an amendment to recommendation (2) as set out. Cllr Buchan formulated an amendment that was read out by the Chair and then subjected to a vote:

That all eight Funding Authorities are invited to send a representative to sit on the F&GPSC for a period of twelve months, and that where possible the number of elected members is matched by General Members.

Proposed: Cllr Buchan **Seconded:** James Marsden

When prompted, each member in turn confirmed how they wished to vote on the amendment.

In favour: 12
Against: 6
Abstain: 3

CO Mander confirmed that the amendment was carried, and it had become the substantive motion. With no further amendments being proposed the substantive motion was put to the vote.

Each member was asked in turn how they wished to vote.

In favour: 16
Against: 5
Abstain: 1

Discussion now returned to recommendation (1) as set out in the officers' paper. It was recognised that additional members would be sought to join the F&GPSC; however, there was no objection to existing members to stand for a further twelve months (or until the next AGM).

That the current members of the F&GPS are willing to stand for a further twelve months and should therefore be re-appointed en bloc.

Proposed: James Marsden **Seconded:** David Murphy

In favour: 16
Against: 5
Abstain: 1

The Chair moved onto recommendation (3) that related to the Terms of Reference for the F&GPSC. Discussions continued regarding the makeup of membership and the numbers required to be quorate. Kaja Curry stated that some additional clarity would be useful within the Terms of Reference regarding the meaning of "Authority Members". David Morgan agreed and suggested that Statutory Members should not be excluded from the membership. James Marsden added that in his view the votes taken at F&GPSC meetings should be more detailed. The naming of individuals would not be required; however, the type of representative should be included within the minutes.

CO Mander explained that without prejudging the outcome of agenda item (11), the establishment of a Governance Working Group could be tasked with amending the Terms of Reference and reporting back to the Authority. This approach was favoured by members and a proposal was formulated and put to the vote.

That the Terms of Reference for the F&GPS are to be referred to a Governance Working Group for refinement with the outcome reported back to the Authority.

Proposed: Cllr Gilbert **Seconded:** James Marsden

In favour: All

8. Appointment of the Byelaw and permitting Sub-Committee (B&PSC) and Review the Terms of Reference

The Chair asked members for any comments regarding the officers' paper and the recommendations set out. Stephen Gledhill highlighted that whilst he was pleased to remain a member of the B&PSC, his own membership of the Authority will end in April 2021. The Chair explained that the ten-year cycle of membership

is a concern to all IFCA's and had been discussed by the AIFCA. The MMO are aware of the issue and, in his view, it will hopefully be resolved. With no other comments being raised, CO Mander suggested that both the recommendations could be considered as a single item. This was agreed and a vote was taken.

That all the current members of the Byelaw and Permitting Sub-Committee are willing to stand for a further twelve months and should therefore be re-appointed en bloc; and

That all other MMO appointed General Members are invited to sit on the B&PSC for a period of twelve months.

Proposed: Cllr Buchan **Seconded:** David Morgan

In favour: All

Regarding the third recommendation relating to the Terms of Reference, the Chair suggested that the Governance Working Group could review them and report back to the Authority. This was agreed by the members and put to the vote.

That the Terms of Reference are reviewed by the Governance Working Group and the findings reported back to the Authority.

Proposed: Cllr Hellyer **Seconded:** Jim Portus

In favour: All

Hope Cove Harbour Commission

As discussions had been focussed on appointments, the Chair highlighted that an opportunity exists for the Authority to have representation on the Hope Cove Harbour Commission. David Murphy expressed an interest and was thanked by the Chair.

9. Outturn Report and Statement of Accounts 2019-20

Angela Stirland was invited to present this item. Angela Stirland commented that the presentation would be provided instead by her colleague Jess Maunder as it formed the final aspects of her finance training. Jess Maunder provided the members with a detailed overview of the information presented in the officers' paper and then invited questions or observations. Simon Excell commented that the financial data demonstrates an underspend for the period and that this had occurred in eight of the last ten years. It was Simon Excell's view that the frequency of underspending since D&S IFCA's inception was evidence that the Annual Budgets were being set too high. CO Mander responded by explaining that although underspends had been frequent, the raw data as presented can be misleading. When other factors are considered and filtered into the end of year accounts, the overall budget is not enough. CO Mander explained that resignations and operating with reduced numbers of staff is a major concern and impacts significantly on the overall budgetary figures. Recruitment of new staff had been challenging and the reduced numbers of staff is having a negative impact on D&S IFCA's ability to function as evidenced by Annual Reporting. The Chair informed members that the information presented was to be noted and no voting was required.

10. Budget Monitoring 2020-21 – Month Six

Jess Maunder introduced the officers' paper and explained the accounts to members. No questions were asked by members and the information was noted.

11. Shaping D&S IFCA's Future Work

The Chair explained that a significant amount of time and thought had been applied to the D&S IFCA Vision that was set out on the paper. The Chair thanked officers, James Marsden and Cllr Buchan for their contribution. Cllr Buchan expanded on the officers' report and stated that the Vision will hopefully be of benefit for D&S IFCA in its further discussions with Defra regarding funding difficulties and will hopefully be supported by all members. Jim Portus raised an issue relating to the explanation provided in the paper and the reference "At the heart of the Vision is the marine environment". In the view of Jim Portus care would also be needed when considering the relationship with the Fisheries Bill that had not yet been passed. Jim Portus wanted to make sure that D&S IFCA's Vision would reflect Government Policy. Cllr Buchan explained that the wording within the Vision as it stands is quite broad; however, there would still be the opportunity to review it. CO Mander explained that he had drafted the text and set out his opinion that fishers among many others all rely on the ecosystem benefits that are derived from a healthy marine environment.

Natasha Bradshaw reminded members about some IFCA work of approximately eighteen months ago to explore alternative approaches to community involvement and project delivery that would support the work of the Authority. James Marsden responded by reassuring Natasha Bradshaw that there was nothing in the Terms of Reference that would prevent those ideas being reviewed again. Cllr Buchan said that she was a relatively new member and was not aware of the specific work referred to by Natasha Bradshaw; however, the scope of the Governance Working Group was broad and extends to developing improved communications and dialogue.

The Chair encouraged Natasha Bradshaw to utilise her skills by joining the Governance Working Group and the offer was accepted. The Chair also invited all members that had an interest to contact the Chief Officer. Sangeeta McNair immediately offered to join and added that in her view a healthy marine environment acts as the basis for commercial fishing. Cllr Gilbert commented that there was potential for all three of the recommendations to be voted on at once. With agreement from members the Chair supported this suggestion; however, the Chair explained that as this is a fundamental step for D&S IFCA the voting should be conducted by asking each member in turn to register their choice.

That Members agree to adopt the Vision for D&S IFCA;

That Members agree to the establishment of the Governance Working Group and the Groups Terms of Reference; and

That Members agree to the decision timeline as set out in the report.

Proposed: Cllr Buchan **Seconded: Cllr Gilbert**

In favour: 21

Against: 0

Abstain: 1

At this time Sangeeta McNair had to leave the meeting due to other commitments.

12. Review of Standing Orders

CO Mander explained that the newly formed Governance Working Group would now be able to examine the Standing Orders in more detail; however, the officers' paper highlighted some of the key suggested changes. It was explained to members that Karen Strahan (Head of Democratic Services, Devon County Council) had contributed significantly to the revised Standing Orders as presented and there was confidence that the suggested changes were acceptable as written. CO Mander conceded that there may be some minor errors associated with numbering which can be addressed, but the key matter at this stage was to consider the changes, which if adopted, would make future work easier. Cllr Buchan highlighted a potential omission

relating to the holding of on-line meetings and the association with the Covid-19 Act. The Chair clarified that the position is that this is emergency legislation to allow deviation from the Local Government Act which is the basis of D&S IFCA's Standing Orders. Rachel Irish highlighted Section Two – Members' Attendance and Rights to Vote at Meetings. Rachel Irish asked if paragraph 2.5 (MMO deputies have no right to vote) was correct or possibly a new addition to the revised Standing Orders. The Chair commented that this right to vote had not changed; however, this and other paragraphs can be scrutinised by the Governance Working Group. James Marsden also raised an issue associated with paragraph 2.4 (Named deputies for Council Members and their right to vote); but accepted that this and other issues can be explored in more depth by the Governance Working Group rather than prolonging the debate at this time. Members were informed that if they have noted any minor errors, then these could be passed to the Chair and the Chief Officer. CO Mander informed members that he would circulate a word version of the Standing Orders to all members to assist them with their critique. This was noted as an action.

Action Item 1

CO Mander	To circulate a word version of Standing Orders (version 1.3) to all members
------------------	--

That the Standing Orders are to be adopted in principle subject to refinement by the Governance Working Group.

Proposed: ***Cllr Hellyer*** **Seconded:** ***Stephen Gledhill***

It was suggested that it would be taken as all in favour unless anyone wished to vote against or abstain.

In favour: All

At this time, members including Cllr Hawkins and Jim Masters had to leave the meeting due to other commitments.

13. D&S IFCA Future Funding Report

CO Mander introduced the officers' paper that was intended to attempt to resolve some of the funding issues for D&S IFCA by seeking a change in how it is funded. With approximately 55% of the annual budget already being received from Defra via new burdens funding, it may now be beneficial to seek all funding from central government. This step would be in line with the call from two Local Authorities for this change and the use of section 31 (Local Government Act 2003) grants to pay for five of the Local Authorities entire contributions to the D&S IFCA budget demonstrates that there is a viable mechanism to achieve this goal. In the light of the additional pressures on local government finances caused by Covid-19 this course of action may be attractive to Local Authorities around England. With the involvement of the AIFCA discussing funding with Defra, this step by D&S IFCA may be the catalyst for a change for all IFCA's with these organisations then being funded in the same way as the Marine Management Organisation and Natural England. CO Mander conceded that this may result in a loss of independence; however, it was of overall benefit to potentially resolve funding difficulties that have been apparent for the organisation since its inception. Cllr Gilbert asked for some clarity on the current funding arrangement as he was under the impression that the Marine and Coastal Access Act would need to be amended for this to be possible. CO Mander explained that to receive money directly from Defra would require a change to statute; however, the Section 31 system is an alternative mechanism. Discussions continued about the current new burdens funding and the monies not being paid in full to D&S IFCA. A question was asked regarding 100% contributions and if this would result in the Local Authorities not receiving new burdens money having to contribute additional funding. Angela Stirland clarified that all Local Authorities would still have to pay their contributions and DCC would have to contribute more if all Local

Authorities paid all of the new burden money. CO Mander confirmed that this matter had been set out in detail in the paper presented to the Authority in January 2020.

Simon Excell commented that the subject matter had serious financial implications and that a more detailed officers' paper would be required in the future. CO Mander commented that different papers of different levels of detail had been provided in the past, but this had still not solved the core issues. The recommendations as presented are intended to achieve a stronger position for D&S IFCA to move forward with discussions with Defra. Members raised concern that there was insufficient time left to discuss the recommendations thoroughly enough in the time remaining for the meeting and the Chair agreed that the item be deferred until the next Authority that was expected to take place in December 2020.

At this time, Cllr Buchan had to leave the meeting due to other commitments.

14. Byelaw Review Update

CO Mander explained that many stakeholders are concerned about hand gathering activity being conducted primarily on the Teign and Exe Estuaries. CO Mander explained that there is often an expectation that D&S IFCA will react immediately; however, when balanced against other enforcement work and the resources available, D&S IFCA is unable to react as it may want to. The employment of only four enforcement officers is a serious obstacle and D&S IFCA must take a risk-based approach to its enforcement duties. The Chair reminded members that Defra's assessment was that D&S IFCA should ideally have in the region of twenty-three enforcement officers. The Chair highlighted the detailed officers' paper and asked if members had any comments or questions. There were none.

15. Quarterly Report

This item was taken as read with no comments or questions arising.

Close of Meeting

The Chair reflected on what had been a difficult year due to Covid-19 and thanked members and officers for their work and attendance at meetings. The Chair also thanked Angela Stirland and Jess Maunder for all their support and expertise with the finances. Cllr Ian Hall congratulated Mat Mander on his promotion to the post of Chief Officer and this was echoed by other members. David Murphy made all officers and members aware that Jim Portus has been awarded an MBE for services to the fishing industry. Jim Portus (MBE) was congratulated by everyone present for this outstanding achievement.

16. Date of Next Meeting

The date of the next meeting will be confirmed in due course.

End.

A handwritten signature in black ink, appearing to read 'Mr Williams', on a white rectangular background.

Professor Mike Williams, Chair of D&S IFCA.