

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

**Minutes of the Authority Meeting
held on 14th December 2018 at County Hall, Exeter**

Present: Elaine Hayes (Chair)
Cllrs. Stuart Hughes (Devon), Ian Hall (Devon), Rufus Gilbert (Devon), Christine Channon (Devon) deputising for Linda Hellyer, Paul Crabb (Devon) deputising for Jonathan Hawkins, Terry Napper (Somerset), Pam Buchan (Plymouth), Natasha Bradshaw, Michael Cominetti, John May, Richard White, Dave Cuthbert, Stephen Gledhill, David Morgan, Jon Dornom, Dave Saunders, Simon Pollentine
Andrew Knights (NE), Rachel Irish (MMO),

Also Present: Mat Mander (Acting Chief Officer)
Sarah Clark (D&S IFCA)
Hazel Mitchell (D&S IFCA) Steve Dury (Somerset)
Libby West (D&S IFCA) Adam Parnell (Torbay)
Neil Townsend (D&S IFCA) Simon Excell (Gloucestershire)
Angela Stirland (DCC Finance) Kaja Curry (Plymouth)

Apologies: **Cllrs:** Jonathan Hawkins (Devon), Linda Hellyer (Devon), Vic Ellery (Torbay), Will Windsor-Clive (Gloucestershire), Robert Griffin (South Gloucestershire),
Simon Toms (EA), Jim Portus, Mike Williams, Dave Murphy, James Marsden, Martin Hutchings

Part I

1. Welcome to new members and apologies for absence

The Chair welcomed new MMO General Members Dave Saunders and Jon Dornom to the Authority, who each provided a brief introduction of their background.

A welcome was made to Cllrs Crabb and Channon who were attending as deputies to Cllrs Hellyer and Hawkins.

Apologies were noted.

2. Declarations of Interest

There were no declarations of Interest

3. Minutes of the main Authority meeting held on 13th September 2018

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

Proposed: Terry Napper Seconded: Richard White

All in favour

Resolved

4. **Matters Arising**

- a. Approval of rewording by Mat Mander of comments by John May in Dec 17 Authority minutes had been received by John May. It is to be noted that the Dec 17 minuted paragraph below has not been changed but it must be recognised that it does not reflect the position of the Authority accurately. D&S IFCA has the power to introduce measures that further restricts fishing opportunities for bass in the District.
“Though sympathetic to the views of John May the IFCA has no power to change the situation that conflicts with the ruling being implemented by the EU. Data evidence, opinion and guidance have been provided locally and nationally but with no power to change policy.”
- b. No response from DEFRA had been received as yet on the mechanism on how to repay Financial Administrative Penalty Fines.
- c. Monies received by Cornwall IFCA in error have now been received and three letters of court action has been sent to individuals who have defaulted on payment of court costs.
- d. An AIFCA update will be addressed in Part II of the meeting
- e. The outcome of the offence on 8 Jul 18 unidentified in Sep 18 Quarterly Report was given as ‘the issue of a £250.00 Financial Administrative Penalty for a Recreational Fisher without a valid permit and using too many pots.
- f. The presentation by D&S IFCA at the MCS meeting requested by James Marsden had been sent.
- g. In response to John May’s question on environmental effects on the reef due to the Wrasse Fishery, a paper had been produced and circulated to members of the Sub-Committee and was also available on the members’ area of the website.
- h. The request to provide the legal advice relating to the Crown Court case in June was made to the Solicitor who advised it would not be appropriate in order to maintain legal privilege.

5. **Matters brought forward by the Chair**

The Chair provided the following updates:

- a. The Quadrennial Review has been published which contained a section on the Devon & Severn IFCA and IFCAs generally.
- b. The EAC Report has been published which talks about the IFCAs, performance effectiveness and future funding.
- c. Passed on the news that £37 million boost to the UK’s EMFF fund had been awarded by Defra though no further details were known on how this would take shape.
- d. Agenda items 9 and 10 could not be addressed at this meeting as the main Authority could not make decisions on behalf of the Byelaw & Permitting Sub Committee as it is under delegated powers and there were insufficient members of the Sub Committee to action these two

items. In place of agenda items 9 and 10 the issue of how the Byelaw & Permitting Sub Committee could be quorate would be discussed.

6. Budget Monitoring Report

Indications at the end of month 7 show a projected underspend at year end of £43,900. This is mainly due to currently receiving salary costs from DEFRA of the Chief Officers' secondment, but this is being offset by the increase in legal fees that have been incurred due to the Crown Court case and increase in investigation case assessments.

The projected balance of the General Reserve Account at 31 March 2019 is £521,134.

7. Budget Setting 2019/2020

The budget paper presented to the Authority for 2019/2020 was for £715,000, a decrease of 2.54% on the 2017/2018 budget. The Finance & General Purposes Committee were aware that the reason the decrease in budget was possible was due to the secondment of the Chief Officer as his wages were being reimbursed in full. Significant financial difficulty would occur to maintain the budget if the same organisational structure was maintained

The budget setting paper delivered was as per the paper presented to the Finance & General Purposes Committee at the meeting on 9 November but with an amendment and an item to be discussed.

- i. The paper now reflects the decision to keep Black Jack with the cost originally allocated to Salcombe Security to do this and to keep the cost down for Black Jack to be put in dry storage until required for survey work in the summer. This would also enable the new RIB to use her current mooring in Brixham marina.
- ii. Since the November meeting a member of staff had announced that she was pregnant and would be taking maternity leave from May 2019. An estimated cost to employ a part time Environment Officer for pay, uniform and advertising to cover this maternity leave is £9,000.

A proposal to increase the budget to £724,000 was recommended for approval by the Finance & General Purposes Committee to the main Authority.

It was acknowledged that the proposed budget increase figure in legal fees was based on what the average cost over the last 7 years had been, to try and reflect more appropriately and realistically on actual spend. It was confirmed that if another Crown Court Case was to occur then additional costs would be taken from the General Reserve.

Simon Excell, on behalf of Gloucestershire Council, referring to Page 3, Paragraph 3 – Comparison of Levy with New Burdens Funding where it shows factual variance figures. Mr Excell quoting from the DEFRA report into the IFCA's conduct and operation in relation to this issue where the report states 'that the Devon & Severn IFCA has been under severe budgetary pressure since invested in 2011' also stating 'that the withholding of some of the IFCA's New Burdens Funding by several of its constituent local Authorities has further exasperated this severe budgetary pressure'. The Gloucestershire Council

believes this is a false and unfair statement within a DEFRA document, that monies have not been 'withheld' and that each council accepts the amount due, as a statutory obligation, as per the budget setting process.

A request for the IFCA to raise this point with DEFRA was made and if this would not be done the Council, as a funding Authority, would do so.

The Chair reiterated that the Devon & Severn IFCA had been under pressure with funding since the inauguration of the IFCA and for the IFCA to fulfil its statutory requirements but hopefully the spending review would look at the funding formula currently in place. A recommendation that Gloucestershire Council raise their concerns with DEFRA independently and the Devon & Severn IFCA would provide clarification if approached was given.

A recommendation that the Authority approve a budget of £724,000 for 2019/2020 was proposed:

Proposed: Stuart Hughes

Seconded: Terry Napper

All in favour, none against

Resolved

The Chair informed the members that the budget had been looked at closely by both the Acting Chief Officer and Devon CC Finance. The 2019/2020 budget was only able to be reduced due to the secondment of the Chief Officer until April 2020. This was an exception and future budgets would not be able to be set like this again. A paper will be brought to the March meeting showing what increase in budget the IFCA will need over the next 3 years projections to fulfil its statutory obligations. An awareness and understanding that there will be an inevitable rise must be absorbed. Offers to meet with funding Authorities once this information has been provided was offered.

Notification that the Chief Officer' secondment had been confirmed until 31 March 2020 was given.

8. AIFCA Membership

This agenda item had been removed to be discussed at Part II of the meeting.

9. Draft minutes of the Byelaw and Permitting Sub Committee meetings held on 11 October and 20 November 2018

These minutes could not be approved as the main Authority could not make decisions on behalf of the Byelaw & Permitting Sub Committee as it is under delegated powers. There were insufficient members of the Sub Committee attending the quarterly meeting to approve these two sets of minutes or recommendations.

The Chair took the opportunity to discuss the impact and implications of the Byelaw & Permitting Sub Committee not having a full meeting, not meeting quorate (which is currently 8, to encompass varied specialist expertise), its effect on decision making and how this problem can possibly be resolved.

Possible scenarios put forward to go back to the Sub Committee for consideration were:

- a. Current members make more effort to attend
- b. Other Authority members consider joining the Committee
- c. Consider a different time of day to meet, ie: Evening
- d. Change the Terms of Reference to delegate decisions back to the main Authority if non quorate after two meetings
- e. To consider named representatives for core members to target general members for expertise against agenda items
- f. Revisit the quorate number
- g. Consider teleconferencing for single issues
- h. Book meeting dates in advance and encourage commitment and continuity

Dave Saunders and Jon Dornom who had expressed an interest to join the Sub Committee were formally asked to be members and both agreed.

The suggestions would be taken away and discussed.

10. **Update on Hinkley Point**

Even though the IFCA's have no statutory or formal role in the regulation of Nuclear Power Stations the Environment Agency and the Marine Management Organisation do and the IFCA is working closely with these agencies. The Devon & Severn IFCA do sit on the Hinkley Point Marine Technical Forum (a group of statutory regulators along with EDF Technical Specialists) which allows everyone to discuss the regulatory process and protection of fish. EDF had previously announced to the Forum that they were going to apply to remove the Acoustic Fish deterrent, or not actually build it in the first place, mainly due to safety concerns. This would cause a big change to the legal process in that they would have to reapply for all the permits, licenses, etc they had already obtained.

Officer Libby West advised there would be a public consultation starting in January 2019, though the final documents have not yet been submitted to go with this. CEFAS are the consultants on behalf of EDF Energy providing the fisheries and scientific advice. They have reached the conclusion that removing the Acoustic Fish Deterrent would kill less fish. The IFCA does not agree with this and concerns and unanswered issues would be put into the responses to the three public consultations about to start.

Meetings held between Libby West and certain Authority members has occurred and would continue to discuss the concerns and help in submitting a detailed response to the public consultations for Hinkley Point C. Individual members would also be submitting responses and it was encouraged that other members consider doing the same.

A provisional date of 11 January 2019 was earmarked for IFCA members to meet again and Cllr Napper advised he would be trying to get an EDF representative to attend the meeting.

11. Presentation by John May

Mr John May presented his views and concerns regarding the Bridgwater Bay area of the Bristol Channel. John May set out that since 2000 there had been a gradual decrease in fish, fish numbers and sizes, even more so in recent years. He considered by 2018 the situation was desperate for both shore and boat fishing. He believed that more measures should be taken to protect the bass stock in our area.

The Chair suggested consideration should be given to organising a working group to consider bass management. This, it was suggested, could either be through the Byelaw & Permitting Sub Committee or have a separate meeting to discuss what further measures might be possible. If the later meeting took place the outcomes would still need to be reported through the Sub Committee.

12. Six monthly progress report on 2018/19 Annual Plan

The formulation of a traffic light system through the Annual Plan was proving successful. Generally good progress was being made and most actions were on track to be completed within the specified periods. It was suggested that the reporting system could be refined further on the Amber coding as they were considered too vague

13. Report of the F&GP Committee meeting held on 14 December 2018

The meeting primarily discussed the budget setting with the decision that Angela Stirland would produce a graph showing the next three years projected budgets, true cost budget forecast as to what the IFCA would need so that elected members in particular could take the information back to their authorities to make them aware of the future challenges. This graph would be produced and provided to members at the March 2019 meeting.

14. Draft minutes of the F&GP Committee meeting held on 13 September and 9 November 2018

Both minutes were taken as read and no comments were made.

15. New RIB Update

The new build was progressing well and was near completion with sea trials due to commence in the start of the New Year. It was hoped that the naming ceremony could be arranged to tie in with the quarterly meeting on 14 March 2019 at Brixham.

Notification was given that EMFF had been agreed for the FLIR camera to be fitted and the manufacturers had supplied an upgraded version at no extra cost.

Clarification was also given that officers would be trained adequately by the manufacturers in the use of the equipment..

16. Vessel Monitoring System Update

The Devon & Severn IFCA iVMS project is now complete and up and running with all boats with units fully functioning. All costs have been invoiced and submitted to the MMO for reimbursement. All information transmitted is

supporting investigations and helping towards the future management of the fishery.

A commitment to review access to certain closed areas when the process of introducing iVMS on the towed gear section was started would now be put back to the Authority and to Natural England to discuss in the following year.

The six weeks consultation period for the National iVMS Project to introduce iVMS on all licensed British fishing vessels operating in English waters has now closed and DEFRA are understood to be aiming to release the consultation report by February 2019. Information gained from the pilot project run by the Devon & Severn IFCA has contributed significantly towards the report.

The introduction of gear in gear out technology (when gear is deployed on/off board a vessel by use of sensors) to build on the benefits delivered using iVMS has started to be trialled by a local boat.

17. Quarterly Report

The Acting Chief Officer provided an update on a court case from 15 November 2018 relating to a towed gear offence that was based on circumstantial evidence with iVMS at the centre. The magistrates returned guilty verdicts on all 16 counts that were put forward. It was led to believe that an appeal had been lodged against the conviction and sentence but at the time of the quarterly meeting that appeal had not been formally acknowledged by the courts. An update would be provided at the next quarterly meeting.

The Acting Chief Officer also made the members aware that the Isles of Scilly IFCA with a similar case against a crabber primarily using iVMS data received a guilty verdict.

Assurance was given by the Acting Chief Officer that with the secondment of the Chief Officer enforcement work was not being compromised as the level of patrols within the report seemed quite low. He admitted that the team were struggling with the reduced manpower and were relying more heavily on intel and iVMS. Ultimately the staffing level was too low, and this hopefully will get picked up by DEFRA in the spending review in 2019. Members were reminded that using DEFRA's own assessment in 2010, the Authority should have had 23 enforcement officers. Currently enforcement work is delivered using a small team of four full-time officers.

18. Communications/Social Media Reports by A Heimann

These reports were taken as read and no comments were made.

22. Any Other Business

Michael Cominetti had produced a briefing paper on Hinkley Point C which he asked for circulation to members

25. Date of next meeting

Thursday 14th March 2019 - Brixham Laboratory, Brixham

Part II meeting operated under Section 100(A)(4) of the Local Government Act 1972, the public excluded from this part of the meeting on the grounds that it involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

AGENDA ITEM	ACTION	RESPONSIBLE
17	Update of outcome on the court case of 15 November 2018	Acting Chief Officer
22	Circulation of Hinkley Point C briefing paper by M Cominetti	Acting Chief Officer