

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

**Minutes of the Authority Meeting
held on 14th March 2019 at Brixham Laboratory, Brixham**

- Present:** Elaine Hayes (Chair)
Cllrs. Stuart Hughes (Devon), Ian Hall (Devon), Jonathan Hawkins (Devon), Linda Hellyer (Devon), Terry Napper (Somerset), Margaret Corvid (Plymouth) deputising for Cllr Pam Buchan, Nick Bye (Torbay), Robert Griffin (South Gloucestershire)
John May, Dave Cuthbert, David Morgan, Simon Pollentine, Dave Murphy, Jim Portus, James Marsden, Mike Williams, Jon Dornom
Andrew Knights (NE), Rachel Irish (MMO), Simon Toms (EA),
- Also Present:** Mat Mander (Acting Chief Officer)
Sarah Clark (D&S IFCA)
Hazel Mitchell (D&S IFCA) Steve Dury (Somerset)
Neil Townsend (D&S IFCA) Adam Parnell (Torbay)
Angela Stirland (DCC Finance) Martin Hutchings (Devon)
- Apologies:** **Cllrs:** Rufus Gilbert (Devon), Peter Bryant (North Somerset)
Pam Buchan (Plymouth), Will Windsor-Clive (Gloucestershire),
Natasha Bradshaw, Stephen Gledhill, Richard White, Dave Saunders, Simon Excell, Kaja Curry

1. Chair Announcements and Apologies for Absence

The Chair opened the meeting asking Cllr Terry Napper to say a few words on the death of General Member Michael Cominetti. Cllr Napper expressed his view that Michael, an articulate, conscientious and fantastic member of the D&S IFCA and would be sorely missed. This was followed by a minutes silence.

The Chair welcomed Cllr Ray Hill (Torbay), Cllr Nick Bye (Torbay) and Cllr Margaret Corvid who was attending as deputy for Cllr Pam Buchan (Plymouth).

Apologies were noted.

2. Declarations of Interest

There were no declarations of Interest

3. Minutes of the main Authority meeting held on 14th December 2018

Page 7, Item 17, Paragraph 3, Line 1, 'Assurance was requested by the Acting Chief Officer' should be changed to 'Assurance was given by the Acting Chief Officer'.

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

Proposed: Cllr Terry Napper Seconded: Cllr Stuart Hughes

All in favour

Resolved

4. Matters Arising

- a. The update on the court case of 15 November 2018 was that the defendant was found guilty on all 16 charges. Notification from the defence has been given that an appeal has been lodged with the Crown Court to appeal both the convictions and sentence. A pretrial hearing has been arranged for 22 March 2019 where more information on how the appeal will be progressed will be known.
- b. The briefing paper on Hinkley Point C by Michael Cominetti was circulated to all members

Sarah Clark read out an update provided by Libby West on Hinkley Point C. The main key points were:

- The first 2 consultations processes for the material change to Hinkley Point C's development consent order to remove the requirement to install Acoustic Fish Deterrents are not yet live
- EDF recently announced a plan to hold 3 local drop in information sessions at Stogursey, Bridgwater and Cannington in late March/April but as yet no further clarification had been provided. On receipt details would be shared with Authority members.
- Once the consultation is live D&S IFCA, and information read, officers would arrange a meeting with the Nuclear Working Group to discuss D&S IFCA consultation responses.

Cllr Napper requested it be noted that he wanted to register his interest because as a Somerset County Councillor there could potentially be a conflict.

5. Matters brought forward by the Chair

There were no matters brought forward by the Chair.

6. 3 year Budget Forecast

The budget process setting for 2019/2020 had been very difficult but it became apparent that the level set would be unsustainable. Angela Stirland, Devon CC Finance, was tasked to produce a three year budget projection of the cost to run the IFCA for the years 2020/2021 to 2022/2023, with the intention to provide an understanding to Funding Authorities and Authority members what the basic liabilities costs of running the D&S IFCA are.

The Chair distributed a table showing the standard metrics across all the IFCAs highlighting that the D&S IFCA is doing the job with half the funding of some of the other IFCAs and it is risking not fulfilling its statutory requirements. It was to be noted that all other IFCAs had received a 2% increase in their budgets for 2019/2020.

Two budget forecast scenarios were provided to the Authority

Scenario 1 – The calculations were based on the Chief Officer, Tim Robbins, returning to his post at the end of his secondment period and the staffing structure would revert back to prior his departure. Though all figures, ie: inflation, etc could not be accurately predicted assumptions were taken in producing the Medium Term Financial Plan. A 2% increase in levy was deemed appropriate to apply, but it would still mean the D&S IFCA would need to provide the recurrent savings to be found of £78,920 for 2020/2021 and future financial years. This is to maintain a bare bones budget only.

Scenario 2 – The calculations were based on the Chief Officer, Tim Robbins, not returning to his post and the current staffing structure continuing. No obvious savings would be envisaged or required, but this puts immense pressure on staffing levels already under strain with the current secondment of the Chief Officer.

Opinion that in effect the D&S IFCA would be taking a 'cut' in trying to make this saving was expressed and that action to receive the full New Burdens funding given to all funding Authorities should be targeted by a more robust approach, especially in light of the extra statutory work involved with the Tranche 3, MCZ work about to be required and heavy byelaw review programme. The money awarded would fund much needed staff.

A statement sent by Gloucestershire County Council on D&S IFCA finances was distributed to all members prior to the meeting and had been discussed by the F&GP Committee at their meeting in the morning. The Chair opened up discussions by expressing her disappointment that there was no representative from Gloucestershire County Council to present their case and explain how they reached this position. Though she acknowledged that it was true New Burdens funding was not ring fenced to the IFCA, however, she believed the intention was and always would be that the money given by DEFRA was for the IFCA.

Though sensitive to budgetary pressures to local Authorities the Chair pointed out that every other IFCA had been granted a 2% increase in their 2019/2020 budget to help with its additional costs where as the D&S IFCA had taken a reduction by 1.57% in its budget. This is now considered the lowest potential budget the D&S IFCA could cope with where it could still fulfil its statutory functions.

The Chair distributed a table showing the standard metrics and budget across all the IFCAs highlighting that the D&S IFCA is doing the job with half the funding of one of the other IFCAs and it is risking not fulfilling its statutory requirements. Funding Authorities needed to understand that the pinch point had been reached and this paper was brought to the Authority in advance to provide awareness of this in plenty of time before the next budget setting exercise.

Before asking the Authority members for comment on the statement from Gloucestershire County Council the Chair highlighted the following points:

- The D&S IFCA has consistently worked to keep its annual budget as low as possible to support the expectations of all its funding Authorities which has in turn reflected in a financial net benefit from New Burdens Funding into their budget for which no recognition or thanks have been received.
- Though aware all funding Authorities are under financial strain the IFCA has a statutory duty, not discretionary, to perform/discharge its legal

responsibilities and if it feels it gets to the point where they cannot do this the situation becomes very difficult.

- The annual underspends can be related to never having for a full calendar year a full complement of staff which has resulted in savings on the budget during the transitional period of resignation and recruiting. The money saved has been put back into the General Reserve to boost the balance to aid the IFCA going forward.
- The level of the General Reserve Account needs sufficient cash reserves to operate and to cover costs if the IFCA was dissolved. The D&S IFCA has no ability to raise money through loans, it is used for cash flow to cover expenditure not immediately covered from income due, ie: levy regularity of payments and to operate. It was to be noted that £460,000 of the General Reserve Account came across from Devon Sea Fisheries Committee when it transitioned into the D&S IFCA. Only £43,000 had been added to the account since that inception.
- The Chair disagrees with the contents of the statement on how the D&S IFCA is being run and challenges Gloucestershire County Council to evidence that the D&S IFCA is not efficient, fair and effective regulator.
- If Gloucestershire County Council has the view that the budget setting and forecasting continues to be unfavourable to them it is an issue that they should put to central Government and not through the D&S IFCA, effectively punishing the D&S IFCA for the fact it does not like National Legislation and the National Funding Formula, something out of D&S IFCA's control.

In response to the comment that the northern counties provide 45% of the budget, Devon County Council wished it to be noted that they alone contributed 47% of the total IFCA budget.

A request was made for the Chair to formally write on behalf of the Authority to Gloucestershire County Council setting out the position of the D&S IFCA as per her comments and points raised, refuting the comments made within the statement.

7. Draft Interim Annual Report

The draft Internal Annual Report was presented to Members and was designed to inform the Authority and the wider audience of what work had been done, what had not been achieved and what would be taken forward into the next Annual Plan. It also showed how susceptible the IFCA was to not achieving its planned work when an unexpected event requiring attention occurs forcing planned work to be delayed/re-evaluated.

The report will be edited into an annual report which will be sent to DEFRA. Scenarios or case studies will be picked out that best represent the work of the D&S IFCA in those particular fields.

8. Draft Annual Plan

The document is focused primarily on what the D&S IFCA is going to deliver by workstreams, recognising the number of national drivers we deliver and support on behalf of DEFRA and others and how much work is done in terms of managing fisheries directly. Because it is a living document, reviewed at six

months, members were encouraged to provide comment, feedback and direction.

Plymouth City Council asked whether any work was to be undertaken on Potting close to the Sea Grass beds off Plymouth Sound, Wrasse Fishery and Shad and where information could be found. It was Recommended that Cllr Buchan sends an email to Sarah Clark with all her specific questions.

James Marsden requested the table of showing the metrics and budget across all the IFCA's be added as an Annex to the document

Proposal to formally approve the draft Annual Plan was made:

Proposed: James Marsden Seconded: Cllr Robert Griffin

All in favour, none against

9. Byelaw Review Update

An update was provided on the diverse range and progress of work looked at by the Byelaw & Permitting Sub Committee.

10. Quarterly Report

An update was provided on the case that was heard in the lower courts in November where it was understood that an appeal was going to be lodged by the Defence to the Crown Court. Where defendants are convicted in Magistrates' Courts they have the right to appeal either the conviction or sentence or indeed both. In this case the defendants have appealed both conviction and sentence.

11. Communications/Social Media Reports by A Heimann

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

The Acting Chief Officer advised he was continually seeking ways to get information across.

12. Chief Officers' Meeting Jan 19

The Group is designed to inform and shape the delivery of national work done by all the IFCA's, as requested by Members the minutes of the last meeting were provided.

13. Report of the F&GP Committee meeting held on 14 March 2019

A report was produced on Communications on 'how we communicate' and proposals on how to move forward from the preferred starting point that more of the work is taken in house by the officers with a more technical PR support. All funding Authorities were approached by the Acting Chief Officer to enquire whether they would be able to offer external communication support to the IFCA. Only Devon County Council came back with an offer for the Authority to consider. They proposed a retainer fee of £3,000, representing a block of 12 days support. The main purpose of this support is to provide cover for crisis

management, media contact or planned communication projects but were also flexible to use this time for day to day business if required. The offer to undertake a specific project to review the current approach to communications and the Authority's strategy for a set fee of £1,000 has also been given.

Officers have demonstrated that they can organise and deliver effective communications. Emphasis on the high level of work created and already undertaken by Officers inhouse was noted. With the support offered from Devon County Council the aim to deliver communications would be more effective and the need to have support from Grassroots Communications would no longer be required. This would also create a savings to the IFCA of £19,200 per annum. This saving could be reinvested to provide training to existing staff on Health & Safety and Data Protection, areas not covered by existing roles but which presents a significant risk to the IFCA.

Three options were put to the Finance and General Purposes Committee to consider and the following option was agreed to put for recommendation for approval by the main Authority:

Proposal: That the existing contract is terminated, and officers undertake the communication work with Devon CC's support

Proposed: Cllr Stuart Hughes Seconded: Mike Williams

All in favour, none against

14. Draft minutes of the F&GP Committee meeting held on 14 December 2018

Minutes were taken as read and no comments were made.

15. Any Other Business

An excellent launch event was held at Parliament around the management of Marine Protected Areas and their significance. The Chair advised she had written a letter to Teresa Coffey to highlight the D&S IFCA's concerns over New Burdens Funding.

Despite not being a member of AIFCA, the Authority had previously agreed to contribute to the cost of employing Consultants to look at the work of the Association. The Consultants concluded that significant and substantial changes were needed. The Acting Chief Officer is a member of a Task Group created to try and make progress but there appears at this time to be a lack of momentum in the process and a reluctance to set metrics.

D&S IFCA did contribute to the Consultants investigation which resulted in a good report in terms of what was not right with the Association. They came up with 13 clear recommendations. The suggested future structure and role for the AIFCA would be presented to the Members for their consideration. In the meantime the Chair was keen to push that the D&S IFCA is heard by DEFRA in the absence of not being a member.

The report by the Consultants would be available to members in a weeks' time.

James Marsden recommended that at least bi-annual meetings be held with AIFCA to continuously review their progress against the requests D&S IFCA put to them and to report back to the Authority.

16. **Date of next meeting**

Thursday 13 June 2019 - Exeter Race Course, Exeter

AGENDA ITEM	ACTION	RESPONSIBLE
6	Letter to Gloucestershire Council in response to statement issued.	Chair
8	Table showing district and budgets across IFCAs to be added as an Annex to the Annual Plan	Acting Chief Officer
15	Report by the Consultants on a review of the AIFCA to all members	Acting Chief Officer