



**5. Election of Chair**

The Chief Officer took over as Chair of the meeting for agenda items 4 and 5.

Elaine Hayes was happy to continue the appointment of Chair for a further 12 months. No other applications to stand were received by the Chief Officer.

Proposed: Cllr Vic Ellery                      Seconded: Cllr Eileen Wragg

All in favour, none against

**6. Election of Vice Chairs**

Mike Williams and John Butterwith were both happy to continue their appointments as Vice Chairs for a further 12 months. No other applications to stand were received by the Chief Officer.

Proposed: Cllr Vic Ellery                      Seconded: Cllr Eileen Wragg

All in favour, none against

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

There were no matters brought forward by the Chair

**8. Statement of Accounts**

From 2015/16 there is no longer a requirement to produce a Small Bodies Return for those with an annual turnover of no more than £6.5m. Mrs Stirland provided a detailed explanation of how the final state of accounts for 2015/2016 was reached with a request that all members acknowledge the Accounting statement at Appendix A. It was agreed that it would be informative and helpful for the Accounting statement to continue being provided annually.

As at 31 March 2015 there was an overall underspend of £4,677 but as a commitment to the Skate (Ray) Project of £9,020 was agreed previously by the Authority, a transfer of £4,343 from the General Reserve to cover the difference was required.

It was to be noted that the DEFRA MPA Project credit of £28,467 was funds restricted to the DEFRA Special Project only and was money awarded which overlapped 2 financial years. This money was already earmarked and being used to fund the employment of the Research Officer Stephanie Davies until March 2017 to do this work.

The total balance of the General Reserve Account as at 31 March 2016 was £734,685 which included £28,467 DEFRA Special Projects and Capital Receipts of £170,777.

A recommendation that the figures in Appendix A be acknowledged was proposed.

Proposed: Mike Williams                      Seconded: Cllr Eileen Wragg

All in favour

9. **Appointment of the Finance and General Purposes Committee and review Terms of Reference**

Current members of the Finance & General Purposes Committee: Cllr Stuart Hughes, Cllr Jim Knight, Cllr Peter Bryant, Elaine Hayes, David Rowe, John Butterwith, Simon Toms, Andrew Knights, Simon Pollentine and Mike Williams have agreed to continue as part of the Committee.

Concerns were raised that the Severn Councils were not consistently represented on the Committee with the continual absence of Cllr Bryant. This instigated a proposal that Cllr Napper replace Cllr Bryant as the representative for the Severn Councils. It was also requested that a named deputy be provided in the case of any possible absence by Cllr Napper.

Proposed: Cllr Stan Waddington                      Seconded: Natasha Barker Bradshaw

All in favour

An en bloc proposal to re-appoint and stand for the next 12 months all current members with the exception of Cllr Peter Bryant who would now be replaced by Cllr Terry Napper

Proposed: Cllr Stan Waddington                      Seconded: Natasha Barker Bradshaw

All in favour

The Terms of Reference for the Finance & General Purposes Committee were to be amended to change the Attendance conditions as the current criteria was conserved too lenient. It was recommended that the wording should be changed to:

*'If a member of the group fails to attend 2 consecutive meetings without nominating a named substitute then the member can be removed from the group by a simple majority vote of the group and approval by the main Authority'*

Proposed: Cllr Stan Waddington                      Seconded: Natasha Barker Bradshaw

All in favour

10. **Appointment of the Byelaw and Permitting Sub Committee and review Terms of Reference**

Mr Roger Furniss, Secretary of the South West Rivers Association obtained prior permission from the Chair to speak on this item. He talked about the proposed Byelaws, particularly how Stakeholder involvement has been managed in the process and the Terms of Reference of the Sub Committee that were related to this.

The following current members of the Byelaw & Permitting Sub Committee: David Rowe, Mike Williams, Simon Toms, David Morgan, Stephen Gledhill, Rachel Irish, John May, Dave Cuthbert, James Marsden, Richard White and Cllr Chris Clarence have agreed to continue as part of the Sub Committee for the next 12 months. Elaine Hayes and John Butterwith are ex officio members.

Jim Portus was reappointed onto the Sub Committee on re-joining the Authority as a General Member in August 2015.

An en bloc proposal to re-appoint and stand for the next 12 months all current members:

Proposed: Stephen Gledhill                      Seconded: Vic Ellery

All in favour

New Terms of Reference that was submitted incorporating changes to voting rights, functions of the Sub Committee and also the ability for members of the public to attend meetings, make representation and how that is subsequently managed were submitted for approval.

Due to external factors and availability of acquiring necessary information it sometimes makes it difficult to plan meetings. Lack of adequate notice has made it difficult for some members to attend. A more structured formalised approach by setting quarterly meeting dates with short notice ad hoc meetings occurring if required in between was decided. It was suggested that the Attendance criteria for the quarterly meetings should be the same as the Finance & General Purposes Committee.

Recommendation to approve the new Terms of Reference incorporating the suggested amendments and insert attendance criteria was made:

Proposed: Mike Williams                      Seconded: Cllr Terry Napper

All in favour

#### 11. **Review of Standing Orders and Financial Regulations**

The Standing Orders and Financial Regulation were still in the processes of being reviewed and would be brought to the meeting in September 2016 for approval by the full Authority with any updates or changes.

#### 12. **Seconded Staff Report** – Showing as item 15 on the agenda

The Authority was updated with the news that the use of Salcombe Security Services who covered the Salcombe Estuary were no longer in business and with the Environment Agency staff cuts we no longer had cover on the North Coast. This was putting tremendous pressure on our current resources and the IFCA's ability to fulfil its statutory duties. A budget of £20,000 was already earmarked and agreed for 2016/17 to cover their work. Various options were put forward for discussion and consideration.

The option posed to recruit 2 new Enforcement Officers to be situated on the North Coast of the district at a projected total cost of £76,000 (this figure does not take into consideration the £20,000 already budgeted for 2016/17) was favourable. This would involve approaching the funding authorities to contribute to this expenditure.

Natasha Barker Bradshaw recommended approaching the Welsh Government to engage in discussions to consider the option of joint funding a position that would cover both sides of the Severn and offered her help.

Cllr Ellery proposed as it was indicated that we were not fulfilling our statutory duties and could be challenged in the courts for not doing so that 3 new officers should be considered to cover our district, with the recommendation that the Chief Officer provide details on options how to finance these positions at the next quarterly meeting as there currently is no surplus funds available within the budget which ultimately would affect the funding Authorities.

Proposed: Cllr Vic Ellery

Seconded: Michael Cominetti

17 in favour, 2 against

### 13. **Making Netting Byelaw**

Cllr Philip Hackett, lead member for internal resources in Torridge District Council obtained prior permission from the Chair to address the Authority in relation to this agenda item representing the views of the fishermen of North Devon. Cllr Hackett wished to transmit their concerns to the Authority that they were not being heard, had no representation on the IFCA, that the netting byelaw was a flawed consultation exercise and that they were against introducing a ban on drift and fixed netting in the Taw and Torridge estuary. Cllr Hackett believed that the removal of any opportunity to net in the estuary would not only see the end of a fishery that had been undertaken for many generations but also lead to the end of commercial fishing from Appledore. Cllr Hackett went on to explain that without the income generated from the estuary during the winter months when the vessels could not get to sea the fishermen would not have enough money to continue.

DCO Mander explained that there was no formalised process for the IFCA to follow during the pre-consultation phase of the byelaw making process. DCO Mander reminded members that the Authority had nevertheless undertaken an extensive pre-consultation exercise to obtain the evidence used to inform the Members' consideration of the draft Netting Permit Byelaw. DCO Mander reminded Members that if it was agreed to make the Netting Permit Byelaw this would signal the start of the formal public consultation and provide everyone with an opportunity to submit written objections to the confirmation of the Byelaw. The Authority was required to consider the written objections before deciding whether to seek confirmation of the Byelaw by the secretary of State.

Devon & Severn and Cornwall IFCA had received Counsel's advice relating to the technical question of what the duties with respect to Salmon and Sea Trout under the Marine and Coastal Access Act the Authority had. Although an executive summary from the Counsel has not been received by the time of the meeting DCO Mander was able to summarise the advice relating to the central question asked. The advice was that the Authority had a duty to consider balancing the importance of protecting the marine environment (including salmon and sea trout) with the social and economic benefits of exploiting the sea fisheries resources in the district. This was consistent with the approach that the Authority had taken during the development of the Netting Permit Byelaw.

The key management measures that were proposed were:

- Any person netting (with nets defined by the Byelaw) would require a permit issued under the Netting Permit Byelaw

### Coastal Netting

- maintain the current 3m headline restrictions. (although the authority would reconsider the evidence supporting the EA's proposal to increase the headline restriction to 5m when more information was available)
- reintroduce the Wessex Byelaws that were not transferred automatically when the IFCA was created in 2011 .

### Recreational Netting

- restrict each recreational permit holder to a single net with a maximum length of 25m in coastal areas of the district.
- introduce a bag limit similar to the other Permit Byelaws but include bass.

### Estuaries

- Ban all netting except for seine nets used to target sandeels

Some members were concerned that the 28 days consultation period after the two consecutive weeks advertising of the public notices set out in Defra's IFCA Byelaw Making Guidance was not sufficiently long to ensure that those opposed to the Byelaw to gather the necessary evidence to support their written objections.

After some further discussion the Members consider the recommendation to agree to the make the Netting Permit Byelaw.

Proposed: David Rowe                      Seconded: Mike Williams

All in favour

Members then considered the recommendation that the consultation period following the two consecutive weeks of advertising be extended from 28 days to 56 days to provide sufficient time to receive formal written response:

Propose: Cllr Vic Ellery                      Seconded: Cllr Chris Clarence

13 in favour, 4 against, 3 abstentions

#### **14. Patrol Vessel Update**

The Chief Officer reported that a paper with various options for a replacement vessel had been produced but as no clarity on the funding could be provided he thought it was inappropriate to ask the Authority to approve any recommendations until the funding was clear. He had attended several meetings recently regarding European Maritime Fisheries Funding (EMFF) but the details were changeable and unclear exactly on how this money could be used.

A paper would be put to the Authority at the September 2016 meeting once the funding issue had been determined.

15. **Quarterly Report**

Concern over the apparent loss of mussel stock was made. The Chief Officer advised that funding for research into looking into why this has occurred was being sought.

16. **DEFRA Marine Review Update**

Reported that Phase 1 had been completed and 4 Advisory Groups had been set up. Information requested by the Group had been completed by the IFCA's and returned. No issues on the way DEFRA were currently running it came to light and no areas highlighted where money could be saved by cut backs. Phase 2 on how tweaks to working can be made to improve efficiency within DEFRA are now being looked at was just about to commence. This includes the area of joint working with the MMO.

17. **Report on the F & GP Committee meeting and minutes of the previous meeting of 17 March 2016**

- a. It was agreed that a Working Group would be set up to put together a patrol vessel specification. It was requested that any member who was interested in being part of the Group should contact the Chief Officer direct.
- b. It was approved for recommendation by the Authority that Mary Davis, County Treasurer for Devon County Council continue as Treasurer to the D&S IFCA for the next 12 months.

Proposed: Cllr Vic Ellery                      Seconded: Cllr Eileen Wragg

All in favour

- c. It was approved for recommendation by the Authority that the £100 Attendance Allowance paid to General Members for attending meetings and a motor mileage allowance of 0.45p per mile be continued:

Proposed: Cllr Vic Ellery                      Seconded: Cllr Robert Griffin

All in favour

- d. It was approved for recommendation by the Authority that the current Chair Allowance of £2,743 be increased to £4,000.

Proposed: Cllr Eileen Wragg                      Seconded: Jim Portus

All in favour, 2 Abstentions

- e. It was approved for recommendation by the Authority that the Vice Chairs receive a payment of £400 per year in recognition of having to take on Chairing duties.

Proposed: Jim Portus                              Seconded: Cllr Eileen Wragg

All in favour, 2 Abstentions

18. **Any Other Business**

There was no further business raised.

19. **Date of next meeting**

**Thursday 15 September 2015 – Bristol Port, Avonmouth**

<b>AGENDA ITEM</b>	<b>ACTION</b>	<b>RESPONSIBLE</b>
10	Review of Standing Orders and Financial Regulations	Chief Officer
11	Approach Welsh Government to consider joint funding an Enforcement Officer	Chief Officer
11	Funding options to employ 3 new Enforcement Officers	Chief Officer