

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

**Minutes of the Authority Meeting
held on 9 December 2016 at Exeter Race Course, Exeter**

Present: Elaine Hayes (Chair)
Cllrs. Chris Clarence (Devon), Eileen Wragg (Devon), Jim Knight (Devon), Stuart Hughes (Devon), Terry Napper (Somerset), Vic Ellery (Torbay), Stan Waddington (Gloucestershire), Rufus Gilbert (Devon) substituting for Jonathan Hawkins, Nick Kelly (Plymouth), Peter Bryant (North Somerset)
Natasha Barker-Bradshaw, John Butterwith, Michael Cominetti, David Morgan, John May, David Rowe, Mike Williams, Jim Portus, Richard White, Simon Pollentine, Dave Cuthbert, Stephen Gledhill, James Marsden,
Simon Toms (EA), Andrew Knights (NE) Rachel Irish (MMO)

Also Present: Tim Robbins, Chief Officer Peter Lappin (DCC)
Sarah Clark (D&S IFCA) Angela Stirland (DCC Finance)
Mat Mander (D&S IFCA) Simon Excell
Hazel Mitchell (D&S IFCA) Phil Higgingbottom
Laura Bullock (D&S IFCA) Kevin Mowat
Neil Townsend (D&S IFCA) Martin Hutchings

Apologies: Cllrs: Jonathan Hawkins (Devon), Fi Hance (Bristol) Robert Griffin (South Gloucestershire), Kathy Derrick, Kaja Curry, Brian Glasson

1. Declarations of Interest

There were no declarations of Interest

2. Apologies for Absence

Apologies were noted

3. Minutes of the last meeting held on 15 September 2016

James Marsden to be added to attendance list at meeting.

John May wished to correct that in paragraph 8b, he was not aggrieved with the D&S IFCA. His focus was concern with the management above the IFCA. Europe and the Fisheries Minister, seemed to lack the rules to implement their declared intent on wanting to reduce the bass landings by 80%. He had also expected to see his notes from the meeting published in the minutes. As these were quite lengthy the notes would be sent out to all members separately for their information.

That the minutes be approved

Resolved

4. **Business Arising**

Review of Financial Regulations and Standing Orders - This matter would be covered at agenda item 9.

5. **Matters brought forward by Chair**

An item on the change of management plan for Lundy SAC would be raised and discussed within Agenda Item 10

6. **Consideration of Netting Permit Byelaw following public consultation**

The Chair introduced this agenda item by describing the process that would be followed. The call for information and evidence to put together a coherent case and assess the information appropriately had been a challenge. Members were asked to ratify what was in the paperwork or provide alternative suggestions.

Mike Williams summarised the Decision Making & Administrative Law paper (Information B) that was part of the papers to make members aware of the important implications for decision making by public bodies, including the D&S IFCA and of the developing principles of Judicial Review. The Chair reminded members that any amendments to the recommendations needed to be justified and meet expectations as described within the content of this paper.

DCO Mat Mander began a detailed PowerPoint presentation explaining the background and process to the proposed Netting Permit Byelaw which started in 2015. Steps taken with the progress through the different stages of its development, communications, and deliberations to forming recommendations to the Authority by the Byelaw and Permitting Sub Committee.

In total within the public consultation period, which had been extended to 56 days, 329 responses were received, of which there were 66 objections (or elements of) and 263 supporting. There were 21 responses from commercial nets men but only 2 of these provided economic information. The data the IFCA had to work with was reliant on MMO landing figures.

Five members of the public/stakeholders had made a request to speak at the meeting: Mrs Felicity Sylvester, Mr Remo Rossi, Mr John Dornom, Mr Roger Furniss and Cllr Hackett. The Chair invited these people to address the Authority and offered 5 minutes in which to make their address and in the interest of time and management that what is brought to the Authority was new information and not something already logged through the consultation period. This would then be given consideration by the Authority.

After each address DCO Mat Mander responded to any points raised or points needing clarification but he considered at the end of the deliberations that no new evidence had been provided which could affect the recommendations for approval. For information attached at Annex A is a brief of what each speaker presented to the Authority.

Before each recommendation a slide presentation on each by Mat Mander was provided to assist/work alongside the 'Response and recommendations report for stakeholders' sent to members with their papers. Twelve recommendations were put to the Authority with the proposal that the Authority accepts the recommendations set out

it should be looked at and treated separately and not part of a one fits all policy. He offered an amendment to the proposal that netting within the estuaries is by permit only and recommendation be brought to the Authority to be discussed and considered

Cllr Clarence's opinion that the byelaw could still be passed but that we should not penalise responsible fisherman on their traditional way of life. The option of putting conditions within a permit to fit certain estuaries should be reconsidered. Mat Mander explained that the process taken to reach the proposals laid out to the Authority, if the Authority were not happy with this process they had every right to change it.

Cllr Kelly was uncomfortable voting for something that impacts people's livelihood. He was keen to preserve an historical life long tradition that the fish taken that does not have a huge impact on what is trying to be achieved, limiting through the quota system, would appease a way of life to families where it is important. Refreshed by Mat Mander that the 18 month process had absolutely considered the impacts of what the decisions are.

Officers had produced a report in Nov 15 to the Byelaw and Permitting Sub Committee that included exploring the option of a restricted access fishery. The minutes recorded that the options and the ability to regulate management levels applied to a permit was on balance considered not a credible alternative to closing estuaries to fixed and drift netting.

Despite all the information that had been provided an element of the Authority increasingly expressed their confusion over what exactly was being asked of them and were particularly anxious after the presentations by the public that their views had not been considered in enough detail.

Natasha Barker Bradshaw asked whether the Social obligations impacts had been assessed by the IFCA. Mat Mander confirmed that both the social and economic aspects were covered in the Impact Assessment which had been sent to members in Jun 15.

The Chair emphasized that it was crucial to make sure members made confident, competent decisions. More details could be brought back to the Authority if the members were still not comfortable that they had enough detail about whether a permitting approach would or would not work, but with the proviso that members had gone through all the details that has gone before because what has gone before has a direct bearing on what has been talked about during the meeting. Confirmed that a reminder would also be provided on what has already been approved during the process by the IFCA with a refresher on the decisions that have already been made, to help form a view as to whether the Authority is to go forward to formally make the byelaw.

As recommendation 5 needs to be looked at again and could impact on the subsequent recommendations, recommendations 6 – 12 will be brought back to the Authority for discussion and approval at the next quarterly meeting.

James Marsden requested that when officers bring back a reworking of the proposition they provide an annex that shows an audit trail of the papers, and decision points of both the Byelaw and Permitting Sub Committee and full Authority as much of the material discussed today has already been seen.

7. **Association of IFCAs**

The major concern still remains as to whether the Devon & Severn IFCA are getting value for money with the financial contribution it makes in the way the AIFCA is currently working and run.

Before a final proposal on how the D&S IFCA would proceed with its membership of the AIFCA to give members an opportunity to air their concerns and ask questions the following recommendation was put to the main Authority for approval:

The CEO or Chair of the AIFCA are invited to present to the full Authority a case for the D&S IFCA to remain a member of the Association for the forthcoming year.

Proposed: David Rowe Seconded: Mike Williams

All in favour, none against

8. **Draft minutes of the F&GP Committee Budget meeting held on 8 November 2016**

The minutes were approved by the F&GP Committee as a true and accurate record at their meeting prior to the main Authority meeting

a. Budget Setting

A proposed budget of £716,900 for 2017/2018 was put to the full Authority. The proposed budget and levy for 2017/2018 represents an increase of 3.42%, the first increase in 4 years and that the levy is still below what it was in 2011/2012 by 2.7%. The cost of the additional enforcement officer is also taken into account with 45% of this being arrived at by cuts on other budget lines.

Page 8, line 41, Environmental Research - Clarification that the comment is misleading in that work expected on Tranche 2 and 3 of MCZ will be undertaken within the current budget by existing Environment Officers.

Page 4, Paragraph 6, Capital Programme - An update was requested reference the EMFF bid for a new Rib. This has been delayed as a figure on what percentage is available has not been announced and the application process by the MMO has not yet been decided. The Chair asked Rachel Irish if she could try and pin down a time table for this happening.

James Marsden was still concerned as to why the D&S IFCA were not receiving the full new burdens funding despite the explanation that the money given to funding Authorities was not ring fenced and was up to them on how much they gave to the IFCA.

A proposal that the Revenue Budget and Capital Programme 2017/2018 be recommended by the main Authority for approval was made:

Proposed: Cllr Jim Knight Seconded: Mike Williams

All in favour, none against

9. **Financial Regulations and Standing Orders Review**

Some minor typing errors and spelling mistakes were highlighted and would be corrected.

Financial Probity, page 3, paragraph 10 – The National Criminal Intelligence Service (NCIS) has changed its name to National Crime Agency (NCA). This will be updated.

Standing Orders, page 3, paragraph 9a - The current standing orders state “The election of the Chairman and Vice-Chairman shall take place annually and the length of continuous tenure of Chair should be limited to four years”. The current Chair Elaine Hayes has been in post for longer than 4 years as despite annual elections no other party has put forward their name to hold this position.

A suggestion that the wording be changed to “The election of the Chairman and Vice-Chairman shall take place annually and the length of continuous tenure of Chair should be ‘**reconsidered after**’ four years”

As no vote was taken on this suggested rewording and content amendments this item will be brought back to the next Authority meeting for approval.

10. **Quarterly Report**

A successful case in the Magistrates Court on the 9 December 2016 against a local fisherman for fishing illegally in a European Marine Site resulted in a £30,000 fine against the owner/skipper and £7,500 costs to the IFCA to cover legal costs and officers’ time.

11. **MPA Update**

Information of work undertaken by the Environment Officers over the last 2 years with the revised approach by DEFRA to look at activities in EMS and also Tranche 1 of MCZ was provided. Under the EMS all Habitat Regulation Assessments have been completed which were to be finalised by end of December 2016.

A paper and additional paper on the MPA work with 4 points for discussion on Torbay MCZ, Wrasse Fishery, Salcombe Scallop Fishery and Lundy Island MCZ were put to the Authority. Time constraints resulted in the following proposal being put to the Authority for approval:

That any changes in permit conditions that come up from the recommendations on the 4 different case studies could be considered by the Byelaw and Permitting Sub Committee under delegated powers from the main Authority.

Proposed: Cllr Jim Knight Seconded: Cllr Terry Napper

All in favour, none against

12. **Bass Update**

An IFCA Bass update paper was circulated to all members during the meeting but with no time to discuss was tabled until the next quarterly meeting. The paper will be sent out to all members electronically after the meeting.

If any decisions on Bass are made by Europe they will be circulated to all members when known.

13. **Report on F&GP Committee meeting and minutes of the previous meeting of 15 September 2016**

The minutes were approved by the Finance & General Purposes Committee prior to this meeting and the recommendations from that meeting for approval by the main Authority have been dealt with in separate agenda items.

14. **Any Other Business**

David Rowe put out an invite out to any Authority member who wished to become a member on the Byelaw and Permitting Sub Committee and to any Authority member who wished to attend any of their meetings. The format and make up of the meeting will be put to the next meeting as a paper for discussion. Dates of the Byelaw and Permitting Sub Committee meetings will be circulated to all members.

19. **Date of next meeting**

Thursday 16 March 2016 – Brixham Laboratory, Brixham

AGENDA ITEM	ACTION	RESPONSIBLE
3	Summary notes from John May on Bass Information to be forwarded to all members	Chief Officer
8	Timetable from MMO of EMFF percentage against a new rib and when/what the application process will be	Rachel Irish
9	Standing Orders and Financial Regulations Amendments	Chief Officer
11	Bass update paper, Nov 16 to be circulated electronically to all members	Chief Officer
AOB	Circulate to all members the dates of the Byelaw and Permitting Sub Committee	Mat Mander