

# Southern Inshore Fisheries and Conservation Authority

## Full Authority Meeting – 5<sup>TH</sup> December 2024

A meeting of the Full Authority was held at 2pm on 5<sup>th</sup> December 2024 at RNLI College, West Quay Road, Poole, Dorset BH15 1HZ

Marked A

### Present

Cllr. Paul Fuller	Isle of Wight Council (Chairman)
Cllr. Rob Hughes	Dorset Council (Vice Chairman)
Cllr. Kate Wheller	Dorset Council
Cllr. Crispin Goodall	BCP Council
Cllr. John Savage	Southampton Council
Cllr. Matthew Winnington	Portsmouth County Council
Cllr. Barry Dunning	Hampshire Council
Cllr. Rod Cooper	Hampshire Council
Dr Antony Jensen	MMO Appointee
Dr Simon Cripps	MMO Appointee
Ms Louise MacCallum	MMO Appointee
Mr Richard Stride	MMO appointee
Ms Elisabeth Bussey-Jones	MMO Appointee
Mr Gary Wordsworth	MMO Appointee
Mr Colin Francis	MMO Appointee
Mr James Morgan	MMO Appointee (deputy)
Dr Richard Morgan	Natural England
Mr Stuart Kingston-Turner	Environmental Agency
Ms Pia Bateman	Chief Executive Officer (CEO)
Mr Sam Dell	Principal Deputy Chief Officer (PDCO)
Dr Sarah Birchenough	Deputy Chief Officer (DCO)
Mrs Jennifer Carr	Chartered Accountant
Ms Maria Chaplin	Office Manager (OM)

Mr Neil Smith the Principal Marine Officer, Brixham (MMO) was present in the public gallery.

### Apologies

23. Apologies for absence were received from Mr Charlie Brock (MMO Appointee) and Mr Neil Hornby (MMO Appointee).

### Declarations of Interest

24. The following non-pecuniary interests were declared: Dr Richard Morgan (9). Mr G Wordsworth (9).

### Minutes

25. The Chairman provided an update on Recommendation 10, in that he had been recently engaged with Mr R Clark of the AIFCA regarding the outstanding 2024/2025 Defra funding payment, and that Mr R Clark was pursuing this matter with Defra on behalf of all of the IFCA's.

Members considered and agreed the Minutes of the meeting held on the 19<sup>th</sup> September 2024.

### Chairman's Announcements

26. The Chairman discussed his recent attendance at the November meeting of the TAC in addition to attending the first Community Drop In Surgery in Lyme Regis, discussing the importance of talking to the fishing communities in his role as Chair. The Chairman also reflected on a trip on FPV Vigilant, alongside the Vice Chair and the TAC Chair.

## **Sub-Committees**

27. Members received signed minutes of the Executive Sub-Committee held on 17<sup>th</sup> September 2024 and the Technical Advisory Sub-Committee held on 22<sup>nd</sup> August 2024.

## **PROGRESS REPORTS**

### **Chief Executive Officer Updates**

28. The CEO provided Members with a brief summary of a debate heard recently in Westminster Hall, led by the Rt Hon Alastair Carmichael which covered an array of topics to include the Trade and Cooperation Agreement, spatial squeeze and FMPs. The Minister, Daniel Zeichner, outlined the government's priorities of growth and food security and the need to balance this with a viable fishing industry and environmental gain via co-design mechanisms, touching on the importance of REM. The Minister concluded the debate with the promise of the introduction of a UK Fisheries Strategy.

The CEO discussed an ongoing Europe wide campaign driven by a coalition of environmental NGOs who were calling for a transformation in demersal trawling in MPAs, delivering a petition to Defra, before taking it to Europe, before submission to the Fisheries Minister in January. The CEO described how this petition was seeking immediate change in BTFG practice in MPAs.

The CEO discussed attendance at a 2 day IFCA Chief Officer Conference in York, where collectively the group focused on strategies to help steer and direct the AIFCA in improved communications at a national level, recognising the need for better national representation in the most appropriate forums, in order to raise the IFCA's profile in Defra and beyond. The discussions were driven in part in response to the AIFCA receiving c.186k from Defra as a back payment for work delivered between 2022-2024. Collectively the Directors of the AIFCA (10x CEOs) supported the use of this money for improved strategic communications, with the money being best spent nationally for the benefit of all.

The CEO discussed the news that the AIFCA were in the process of invoicing Defra 100k to release an accrual of monies for each of the 10 IFCA's for the work that has been delivered relating to aquaculture and recreational fisheries during 2023-2024. Following receipt of this money, AIFCA will recharge each IFCA 10k.

The CEO read an email from Mr R Clark at AIFCA, which, in summary confirmed that there were going to be two stages to the Comprehensive Spending Review, with Stage 1 relevant to 2025-2026 and Stage 2 being 2026-2029. With regard to Stage 1, Defra officials had only just received notification of their total budget allocation last week, and due to this late allocation it's not expected that the internal allocation to programs will be decided until later in December. As Mr R Clark understands it, the marine fisheries function budgets are not expected to be subject to significant cuts, but this cannot be guaranteed.

Mr R Clark conveyed in his conversations with Defra the impossible position that this places IFCA's in; in response he was reminded that IFCA's are not the only organisation that are in the difficult position and uncertain funding situation is shared by all other bodies.

The CEO informed Members that the Audit and Governance Sub-Committee sat after more than a year of not being quorate, which was a reflection of the challenges faced regarding Elected Member attendance during that period. During this hiatus the CEO reassured Members that financial scrutiny was provided by the Executive Sub-Committee (ESC) and thanked Cllr M Winnington for his attendance at the ESC during this time.

The CEO updated Members on the departure of Claire Jeans, the Finance Administrator on the 31<sup>st</sup> October, subsequently being replaced by Mr Paul Savage on the 25<sup>th</sup> October.

The CEO discussed the success of the pilot Community Drop-In Surgery, which took place in Lyme Regis, discussing the time it had taken to reflect on the session and draw down thoughts on how Southern IFCA can seize opportunities to develop areas of work relating to the outputs of these sessions, recognising that work will grow overtime, as we become further informed as more surgeries are held throughout the District.

Dr A Jensen commented that he thought these sessions were really positive, allowing a frank exchange of views. Ms E Bussey-Jones congratulated the CEO on arranging these sessions, discussing the fact that it has been generally recognised that the IFCA's are regulators that hold the greatest level of public trust. Recognising that the sessions are a great way to get fishers to understand issues, which is the most effective way to drive regulation and it is for this reason that the IFCA's are a success story. Ms E Bussey-Jones expressed her interest in attending the Drop-In Surgeries.

The CEO informed Members that Ms L MacCallum had resigned from her position as a General Member, and that a presentation would follow the meeting. The CEO took a brief opportunity to recognise how pivotal Louise had been over the last ten years, in shaping and directing Southern IFCA to achieve and lead the way with inshore fisheries and conservation management. The CEO thanked Mrs L MacCallum, not just on behalf of our staffing body but those who have gone before.

### **29. Budget Control Statement to September 2024**

The CEO described the Budget Control Statement, capturing the period from the 1st April 2024 to 30th September 2024, which showed a deficit of income against the budget of c.64k, a position consistent with that which has been reported throughout the financial year to date. The CEO discussed the main reason for this deficit being the outstanding receipt of Defra grant money.

The CEO provided a summary of the four major budget headers. She discussed the positive variance captured under the Compliance & Enforcement Header (c.37k), which represented c.10k of savings on FPV fuel and maintenance costs which were directly related to the delay of FPV Vigilant entering service. Additionally she discussed a combined saving of c.10k to date on the costs for 2 x REM projects which were anticipated to be realised later this financial year, into the next.

The CEO discussed the positive variance captured under the Research and Policy Header (c.21k), which related to three surveys (c.8.5k) and research (c.1.5k) which were timetabled to be undertaken later in the financial year. She explained that to date, some costs had been incurred for Byelaw advertisement, but none to date for associated legal support at this stage of the year (c.4k). The CEO confirmed that the annual MSC audit of the Poole Harbour dredge fishery was timetabled for September (c.5k) with the invoice imminent.

The CEO discussed the positive variance captured under the Business Services Header (c.51k) being due to a reduction in staff salary and pension contributions (c.46k) as a result of one IFCO currently embarking on a sabbatical, the resignation of an IFCO in April, as well as carrying over a vacancy in the Compliance and Enforcement team that has since been filled. She explained that costs associated with national staff training (c.2k) will be realised later in the financial year and that costs for the annual financial audit are imminent but not yet realised (c.6k).

The CEO discussed the positive variance captured under the Capital Equipment Header (c.30k) reflects an underspend relating to the delay in FPV Vigilant entering service.

The CEO discussed the income and explained to Members that there is a deficit in projected income of c.205k which reflects in part the outstanding payment of project funding from Defra (150k budgeted, 130k anticipated, following a change in Defra's previous commitments during the last financial year). Additionally, 50k relates to the sale of FPV Protector, which was budgeted for prior to experiencing the delays in procurement and delivery of FPV Vigilant. The sale may

not be completed during the current financial year. An amount c.4.5k relates to the anticipated issuing of commercial and recreational permits under the Pot Fishing Byelaw. This Byelaw remains with the MMO quality assurance team. It is likely that this delay is due to the national delivery of FMPs and Tranche 1 outcomes. c.15k relates to a payment from Aquaculture Lease Holders in January 2025.

### **30. FPV Vigilant Procurement Programme Completion**

PDCO Dell began by thanking the relevant Chairs and the Vice Chairs for visiting FPV Vigilant on 7th November and also those Members who joined the Compliance and Enforcement team this morning.

In relation to the final stages of the projects, FPV Vigilant was craned in at Portland on the 17th September, where Officers ran through a comprehensive Vessel Acceptance Program, which provided a framework for the proceeding sea trials. The PDCO discussed that the Vessel Acceptance Document explicitly cross checked the FPV with the contractual specification to ensure alignment. This was followed by three tests focussed on the requirements of the original tender, including a harbour acceptance test, sea acceptance test a coding acceptance test. The fifth element of document was an agreed snagging list.

The PDCO described how the ESC had considered the report earlier in the week, with ownership transferred formally on the 11<sup>th</sup> October 2024, having satisfied that Vessel Acceptance Program and subsequently the FPV had entered service on 15<sup>th</sup> October 2024 and has been busy out carrying out duties across the districts in our fisheries.

PDCO Dell thanked Dorset Council for providing the procurement service which allowed Southern IFCA to progress the project within the budgetary constraint. Additional thanks were given to the former Chairman Mark Roberts.

Cllr J Savage asked if there has been any successful operations that have taken place with FPV Vigilant since its launch. PDCO Dell discussed that, with relevance to Mr J Savage's interests, that it's had been busy in Southampton Water in recent weeks with a number of minor offences detected during boarding inspections.

Cllr K Wheller congratulated the team who were part of drawing up of the specifications, recognising that their knowledge of what was required seems to have been critical in getting such a good vessel which will help do the job going forward, noting that every single penny of our Council tax payers money has been wisely spent.

The CEO thanked Senior Marine Officer A Parry for his work to date.

### **31. Reserves Policy, 2024 Update**

Mrs J Carr provided an in-year status update of the current Authority reserves, in addition to provision of a commentary on an updated 10-year forecast. Mrs J Carr provided a contextual overview, the details of which were provided in the accompanying cover sheet. In summary, a forecast to year end (March 2025) estimates that the General Reserve will hold c.£545k, c.100k lower than the actual amount held in the General Reserve at the end of March 2024.

Looking ahead, Mrs J Carr explained that the ten year forecast describes the projected spends over this period with a full commentary provided in the Annex, which projects that the majority of the reserves will be utilised by 2033 – noting that the 10-year reserve policy is a long period to forecast and that it doesn't forecast consider any additional unforeseen income streams and assumes a balanced budget every year.

## **ITEMS FOR DECISION**

### **32. Budget Forecast 2025-2026**

The CEO described that the budget forecast had primarily been designed to enable the delivery of Southern's legal duties under the Marine and Coastal Access Act, in addition to those under the Conservation Regulations and the Wildlife and Countryside Act, as well as functions under the Poole Harbour Fishery Order. The CEO pointed Members to Part 1 of the Annex, for further details on the Authority's statutory functions.

The CEO provided a summary of the primary elements which shaped the forecast, explaining that the proposed Research and Policy budget forecast allows the Authority to continue to collect data, undertake surveys and carry out stock assessments. She explained that the proposed budget also allows for the undertaking of annual permit byelaw reviews, in addition to the ongoing development of MPA work, in accordance with Defra's requirements under the EIP23.

With regard to the proposed Compliance and Enforcement budget requirements, the CEO discussed that primarily these proposed costs were associated with maintaining the functionality of the marine assets; which includes three FPVs and 2 drones, as well as ensuring the health and safety of our officers when operating at sea and in port.

The CEO also discussed wider costs associated with business services, to include the contractual obligations placed on the Authority, in accordance with the National Joint Council Pay Awards, emphasising to Members that the Government do not help us to meet these costs of c.40k. Additionally, this year, the CEO described a new burden upon the Authority to increase employer National Insurance contributions in line with Government direction, which in monetary terms equates to c.18k annually.

The CEO advised Members that the budget forecast was not extravagant, in the fact that Southern were not seeking to look at introducing new projects, nor to employ new members of staff and increase our footprint. Rather simply trying to ensure we can maintain delivery of our statutory function and in doing so trying to offset some of our growing costs associated with the external fragile economic climate, making financial gains where possible, recognising economies of scale.

The CEO referred Members back to the headline, in that, prior to inflationary projections, and assuming a standstill in levy contributions, that the budget forecast for April 2025 to March 2026 anticipates a loss of c.109k. The CEO ran through the supporting Annex which discussed all of the components of the budget setting process, before inviting the Members to consider the recommendation on the report.

Cllr B Dunning asked the CEO if any representation had been made to the Government to fund the increase in the National Insurance contributions. The CEO informed Cllr B Dunning that Southern IFCA do not fall under the list of Organisations who were exempt from payment.

Dr S Cripps congratulated the CEO on the report and the supporting documentation and asked that the 109k deficit be recorded in the minutes. Dr S Cripps asked if Defra's funding model had kept up with inflation.

The CEO advised that the funding model had not changed since the IFCA's were established and has therefore not taken account inflation over this period of time. The CEO explained that the AIFCA continue to pursue this matter with Defra on behalf of the 10 IFCA's.

The recommendation was proposed by Cllr. P Fuller and seconded by Cllr. R Hughes. All Members were in favour.

### **Resolved**

**33.** That all Members of the Authority approve the principles informing the Budget Forecast for the Financial Year 1<sup>st</sup> April 2025 to 31<sup>st</sup> March 2026.

### **34. Levy Contributions 2025 to 2026**

The CEO discussed the proposed increases in levy contributions on the back of the previous discussions on the projected loss of c.109k.

She described that whilst Southern were able to draw in the short term on our General Reserves to meet the anticipated deficit, it was important to note that c.39k of the projected deficit relates directly to the NJC Pay award, in addition to c.18k for the National Insurance contributions, both of which are matters which remain out of the IFCA's control. The CEO discussed that since 2020/2021, with the exception of the previous year, Southern IFCA have met the costs of nationally agreed pay awards, which in total to date has cost c.120k.

The CEO discussed with Members the continued support that we would be providing to the AIFCA in its national work to explore future funding arrangements with Defra, noting that the AIFCA are working on behalf of the 10 IFCA's to ensure that appropriate funding is received.

The CEO provided some background to the discussion for the newer Elected Members, whereby Paragraph 16 of the Southern Inshore Fisheries and Conservation Amendment Order 2019, states that expenses incurred by Southern IFCA must be defrayed by the relevant Councils. The CEO described the service that Southern IFCA provide on behalf of the six local authorities, noting that the constituent local authorities are levied on an annual basis in accordance with a prescribed formula set by Defra. This formula is based on the size that the coastal footprint of each local authority.

The CEO recognised the financial pressures that the Local Authorities are under, however, that this shouldn't negate the consideration of an increase in levy contributions. The CEO discussed that similar discussions were being replicated across all of the other nine IFCA's where levy increases were being sought which ranged from 3% to 10% increases.

With direct reference to the four recommendations presented, the CEO highlighted that these were framed around the NJC Pay Award and the employees NIC contributions, and did not reflect any operational costs.

Cllr R Hughes suggested that the CEO should have included a fifth option of 8% to cover some of the running costs, overheads, electricity and fuel.

Cllr R Cooper advised the CEO that despite a budget of 1.75 billion at Hampshire, 82% of that budget is taken by health, social, adult social care and children's services, and accordingly he would be proposing a 2.11% increase.

Cllr R Hughes proposed a 6.72% increase, which has been supported by Dorset's Corporate Director, who understand their commitment as a Local Authority.

Cllr J Savage informed Members that he echoed Cllr R Cooper's views, stating that he didn't see any bang for his buck.

Cllr K Wheller informed Members that if we go along 2.11% we're putting ourselves on a disaster track and seconded Cllr R Hughes proposal.

Cllr B Dunning informed Members that prior to attending this meeting they had discussed the recommendations with their finance officers at Hampshire, who did not give any authority to be able to go above a 2.1% increase.

Cllr M Winnington suggested an increase of 4% which is the same as last year. Cllr R Hughes stated that a 4% does not even cover the pay award, suggesting that if Elected Members could

not support a 6.7% increase, then to support the 4.6% increase, recognising all of the work that had gone into the rationale underpinning the four recommendations on the table.

Cllr P Fuller invited Members to consider the first recommendation of a 6.72% increase on levy payments. Cllr R Hughes proposed the increase, which was seconded by Cllr K Wheeler. Cllr P Fuller, Cllr C Goodall and Cllr J Savage were in favour. Cllr B Dunning and Cllr R Cooper voted against the proposal. Cllr M Winnington abstained from the vote. As the majority voted for the increase, the proposal stood.

### **Resolved**

**35.** That Elected Members of the Authority approve that Southern IFCA's six constituent Local Authorities are levied for the financial year 1st April 2025 to 31st March 2026, at a rate of **6.72%** which equates to an increase of **£57k**, a figure reflective of the 2025 NJC Pay Award and additional Employer NICs.

### **36. Shore Gathering Byelaw and Fishing for Cockles (Amendment) Byelaw**

DCO Birchenough presented to Members the outcomes of the Formal Consultation on the Shore Gathering Byelaw and the Fishing for Cockles (Amendment) Byelaw. DCO Birchenough outlined the relevance of these Byelaws to targets set by the Government through the Environmental Improvement Plan 2023 in developing protections for MPAs by the end of 2024 as an interim target to meeting wider targets in line with national and international aims on environmental protection. DCO Birchenough informed Members that following the decision at the meeting on 19<sup>th</sup> September 2024 to 'make' both Byelaws, a period of Formal Consultation had been undertaken, in accordance with Defra IFCA Byelaw Guidance, which concluded on 14<sup>th</sup> November 2024.

DCO Birchenough provided an overview of the Shore Gathering Review which led to the development of the two Byelaws and how the development of management in accordance with agreed Management Principles enable Southern IFCA to meet legal duties under relevant conservation legislation whilst ensuring a consistent, transparent and proportionate approach was taken considering the specific risks posed by the activities subject to the review.

DCO Birchenough informed Members that 4 objections were received during the Formal Consultation and outlined common themes in those objections and summarised the points made in Southern IFCA responses to those objections. DCO Birchenough outlined that where any impacts to industry had been identified through the objections these had been further explored where required and all identified impacts had been included in an update to the Impact Assessment for the Byelaws.

DCO Birchenough informed Members that on consideration of the objections received through the Formal Consultation there were no changes required to either Byelaw.

DCO Birchenough outlined that the Executive Sub-Committee had reviewed the objections and Southern IFCA responses in full at their meeting on 3<sup>rd</sup> December 2024 and that the ESC had approved the dissemination of Southern IFCA responses to the objections and recommended that the Authority submit both Byelaws to the MMO for confirmation by the Secretary of State.

DCO Birchenough outlined that there were 7 additional responses received during the Formal Consultation; 1 providing supplementary information, 4 providing support but seeking additional intervention, 1 providing support and 1 letter of enquiry. DCO Birchenough outlined that these were not put forward as objections but that the content had been reviewed and Southern IFCA responses had been drafted and would be sent to each respondent.

Dr R Morgan referenced additional protections for overwintering birds which had been raised as part of the additional responses to the Formal Consultation and that there was some consistency with points made through Natural England Formal Advice on the Conservation Advice Package

supporting document for the Shore Gathering Review but understood that the IFCA needed to consider management that was proportional to the risk. Dr R Morgan asked for clarification on the review process for the Shore Gathering Byelaw and how new data would be considered. DCO Birchenough responded that the Shore Gathering Byelaw contains a provision for review, in line with Defra IFCA Byelaw Guidance, and that consideration for a review would be based on changes in best available evidence, including statutory advice. DCO Birchenough outlined that the appropriate timing for a review would be based on consideration of the relevant evidence as well as any additional relevant factors and that Southern IFCA will continue to work with partners to ensure that any review or development of management is informed by the current best available evidence.

Dr A Jensen thanked Officers for the work in undertaking the Shore Gathering Review and emphasised the level of work which has been put in by staff and Members to reach this point in line with required timescales. The Chairman added his thanks for the development of this workstream.

All Members voted in favour of the recommendation, with the exception of Mr G Wordsworth who abstained.

### **Resolved**

**37.** That The Authority submits the Shore Gathering Byelaw and Fishing for Cockles (Amendment) Byelaw to the MMO for confirmation by the Secretary of State

## **ITEMS FOR INFORMATION**

### **Compliance and Enforcement Report**

**38.** PDCO Dell provided an overview of work undertaken by Compliance and Enforcement Team for the period of September to December 2024.

### **Behind the Scenes**

**39.** A Behind the Scenes report was provided by all staff at Southern IFCA covering the period of September to December 2024. The Chairman stated his thanks to the officers for producing informative reports and the importance of Members being able to understand the full breadth of work which is undertaken.

### **Marine Licencing**

**40.** DCO Birchenough delivered a report on Marine Licencing for the period August 2024 to November 2024.

### **J.-L. Solandt,, R Clark, S Coulthard, Delivering effective and equitably governed marine protected area networks in the UK: The role of Inshore Fisheries and Conservation Authorities, Marine Policy 171 (2025).**

**41.** The CEO discussed how the article positively endorses the work of the IFCAs, whilst recognising the conflicting pressures that IFCAs are under and recommended the article to anyone who was less familiar with the IFCA function.

### **E Bean, J Lowther, M Williams, Inshore Fisheries and Conservation Authorities: Fisheries regulator or environmental backstop? The complexities of section 153 Marine & Coastal Access Act 2009, Environmental Law Review 1-26 (2024).**

**42.** The Chairman invited Members to note the article and provide any feedback to the AIFCA Law Group.

## **Sector Group Meetings**



**43.** The Chairman invited Members to receive the minutes from recent meetings of The South Coast Fishermen's Council and the Dorset, Hampshire and Isle of Wight Marine Conservation Group.

**Date of Next Meeting**

**44.** That the date of the next Authority meeting be on the Thursday 13<sup>th</sup> March 2025 at The Best Western Royal Wessex Hotel, 32 High Street West, Dorchester DT1 1HF.

The meeting concluded at 17:06