

The Devon and Severn Inshore Fisheries and Conservation Authority
Code of Conduct for Authority Members

Part 1

General Provisions

Scope

1. (1) A member must observe the Devon and Severn Inshore Fisheries and Conservation Authority's Code of Conduct whenever he/she -
 - (a) conducts the business of the Authority¹;
 - (b) conducts the business of the office to which he/she has been elected or appointed by the Authority, or
 - (c) acts, claims to act or gives the impression they are acting as a representative of the Authority and references to their official capacity are construed accordingly.
- (2) This Code of Conduct will not, apart from paragraphs 5 and 6(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.
- (3) Where a member acts as a representative of the Authority
 - (a) on another relevant authority they must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - (b) on any other body, they must, when acting for that other body, comply with this Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (4) In this Code, "member" includes a co-opted member of the Authority.

General Obligations

2. A member must treat others with respect.
3. A member must not -
 - (a) do anything which may cause the authority to breach any equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;

¹ "Authority" means the Devon and Severn Inshore Fisheries and Conservation Authority

- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
in relation to an allegation that a member (including themselves) has failed to comply with his or her authority's code of conduct or
- (d) do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

4. A member must not:-

- (a) disclose information given to them in confidence by anyone, or information acquired which they believe, or ought to be aware, is of a confidential nature, except where:-
 - (i) they have the consent of a person authorised to give it;
 - (ii) they are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest, and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. A member must not in their official capacity, (or any other circumstances,) conduct themselves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute.

6. A member -

- (a) must not in their official capacity, or any other circumstances, use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Authority;
 - (i) act in accordance with the Authority's reasonable requirements; and

- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
7. A member must when reaching decisions have regard to any relevant advice provided to them by:-
- (a) the Authority's Clerk; or
 - (b) the authority's treasurer,
- where the officer is acting pursuant to his or her statutory powers.
8. A member must, if they become aware of any conduct by another member which they reasonably believe involves a failure to comply with the Authority's Code of Conduct, make a written allegation to that effect to the Clerk as soon as it is practicable to do so.

PART 2

Interests

Personal Interests

9. (1) Members have a personal interest in any business of the authority where either –
- (a) it relates to or is likely to affect –
 - (i) any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by the authority;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- of which they are a member or in a position of general control or management;
- (iii) any employment or business carried on by them;
 - (iv) any person or body who employs or has appointed them;

- (v) any person or body, other than a relevant authority; who has made a payment to them in respect of their election or any expenses incurred by them in carrying out their duties;
- (vi) any person or body who has a place of business or land in the authority's area, and in whom they have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between the authority and them or a firm in which they are a partner, a company of which they are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom they received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in their authority's area in which they have a beneficial interest;
- (x) any land where the landlord is the authority and they are, or a firm in which they are a partner, a company of which they are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which they have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting their well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of –

- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of their authority's area.

(2) In sub-paragraph (1)(b), a relevant person is –

- (a) a member of their family or any person with whom they have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of Personal Interests

10. (1) Subject to sub-paragraphs (2) to (7), where Members have a personal interest in any business of the authority and they attend a meeting of the authority at which the business is considered, they must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where Members have a personal interest in any business of the authority which relates to or is likely to affect a person described in paragraph 9(1)(a)(i) or 9(1)(a)(ii)(aa), they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.
- (3) Where Members have a personal interest in any business of the authority of the type mentioned in paragraph 9(1)(a)(viii), they need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where Members are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where Members have a personal interest but, by virtue of paragraph 17, sensitive information relating to it is not registered in the authority's register of members' interests, they must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.

- (6) Subject to paragraph 12(1)(b), where Members have a personal interest in any business of the authority and they have made an executive decision in relation to that business, they must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial Interest Generally

11. (1) Subject to sub-paragraph (2), where Members have a personal interest in any business of the authority they also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.
- (2) Members do not have a prejudicial interest in any business of the authority where that business –
 - (a) does not affect their financial position or the financial position of a person or body described in paragraph 9;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 9; or
 - (c) relates to functions of the authority in respect of –
 - (i) housing, where they are a tenant of the authority provided that those functions do not relate particularly to their tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where they are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment of indemnity given to members;
 - (v) any ceremonial honour given to members; and

- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Effect of Prejudicial Interest on Participation

12. (1) Subject to sub-paragraph (2), where Members have a prejudicial interest in any business of the authority –
 - (a) they must withdraw from the room or chamber where a meeting considering the business is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless they have obtained a dispensation from the authority's standards committee;
 - (b) Members must not exercise executive functions in relation to that business; and
 - (c) Members must not seek improperly to influence a decision about that business.
- (2) Where Members have a prejudicial interest in any business of the authority, they may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

The Register of Members Interests

13. Within 28 days following the provisions of the Authority's Code of Conduct being adopted or within 28 days of their election or appointment a member must register their personal interests when they fall within a category mentioned in paragraph 8(1)(a) in a register maintained by the Authority for this purpose by providing written notification to the Clerk to the Authority.
14. A member must within three months of becoming aware of any change to the interests specified under paragraph 13 above, provide written notification to the Clerk to the Authority of that change.
15. A member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Clerk to the Authority of the existence and nature of that gift or hospitality.

16. (1) The Authority will establish a Standards Committee to whom will be referred all allegations received by the Clerk under paragraph 8 and any other allegations of breach of the Code of Conduct referred to the Clerk or of which he/she becomes aware.
- (2) The Standards Committee will establish procedures for dealing with allegations referred to it and for dealing with dispensations under paragraph 12(1)(a).
- (3) The Standards Committee will be entitled to make recommendations to the Authority for taking action against any member of the Authority against whom the Standards Committee conclude that an allegation is substantiated.

Sensitive Information

17. (1) Where members consider that the information relating to any of their personal interests is sensitive information, and the Clerk agrees, they need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.
- (2) Members must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Clerk asking that the information be included in the authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that they or a person who lives with them may be subjected to violence or intimidation.

DEVON AND SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

REGISTRATION OF MEMBERS' FINANCIAL AND OTHER INTERESTS PURSUANT TO SECTION 81(1) OF THE LOCAL GOVERNMENT ACT 2000

I,

(Print full name)

being a Member of the Devon and Severn Inshore Fisheries and Conservation Authority GIVE NOTICE to the Clerk in accordance with Part 3 of the Authority's Local Code of Conduct that I have the financial and other interests as set out below.

SECTION A – FINANCIAL INTERESTS

(Please state 'None' where appropriate)

(a) [My employment] or [business carried on by me] *(delete whichever does not apply)*

(b) [Name(s) of my employer(s)] [Name(s) of firm(s) in which I am a partner] [Name(s) of company/ies of which I am a remunerated director] *(delete whichever does not apply)*

(c) Name(s) of person(s) (other than a relevant authority) who has/have made any payment to me in respect of my election or any expenses incurred by me in carrying out my duties.

(d) Name(s) of any corporate body/ies having a place of business or land in the Authority's area, and in which I have a beneficial interest in a class of securities of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies

(e) Description of any contract for goods, services or works made between the Authority and myself or a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in (d) above

(f) Address or other description (*sufficient to identify the location*) of any land in which I have a beneficial interest and which is in the area of the Authority.

(g) Address or other description (*sufficient to identify the location*) of any land where the landlord is the Authority and the tenant is a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in (d) above.

(h) Address or other description (*sufficient to identify the location*) of any land in the Authority's area in which I have a licence (alone or jointly with others) to occupy for 28 days or longer

SECTION B – OTHER INTERESTS

I further GIVE NOTICE of the following other interests:

- (a) I am a member or hold a position of general control or management of the following body/ies to which he have been appointed or nominated by the Authority as its representative

- (b) I am a member or hold a position of general control or management of the following public authority/ies exercising functions of a public nature.

- (c) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes;

- (d) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy.

- (e) I am a member or hold a position of general control or management of the following trade union(s) or professional association(s)

Signed.....Date.....

NOTE - A Member must within 28 days of becoming aware of any changes to the interests specified above, provide written notification to the Clerk of that change.

This form when completed should be returned to Mr. T. Robbins, Clerk to the Devon and Severn Fisheries and Conservation Authority, Old Foundary Court, 60A Fore Street, Brixham, Devon, TQ5 8DZ If you have any queries please contact the office -Telephone 01803 854648.

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

STANDING ORDERS

1. Quarterly Meetings and Quorums

The quarterly meetings of the Authority shall be held in the months of January, March, June and October. Business shall not be transacted unless

- (i) eight or more members are present;*
- (ii) at least one of those members is a council member; and*
- (iii) at least one of those members is a general member.*

2. Annual Meeting

The quarterly meeting of the Authority held in June shall also be known as the Annual General Meeting.

3. Places and Times of Meetings

The meetings shall be held within the District at a suitable place and time as determined by the Authority.

4. Minutes

The minutes of each meeting shall be entered in a book to be kept by the Clerk for that purpose, and a printed copy of such minutes shall be forwarded to every member of the Authority. The minutes shall be taken by the Clerk or his nominee.

As soon as the minutes have been read, or taken as read, the Chairman shall put the question that the minutes be signed as a true and correct record; no motion or discussion shall take place on the minutes except upon their accuracy, and any question of accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chairman shall sign the minutes. Declaration of interests by members shall be recorded in the minutes.

5. Special Meetings

The Clerk shall, upon request of the Chairman, or upon requisition in writing signed by at least three members of the Authority, summon a Special Meeting of the Authority, and if he,

for three working days, fails to comply with such request or requisition, the Chairman or three members as the case may be, may summon such a meeting.

6. **Delivery of Agenda**

At least seven clear days before any meeting of the Authority an agenda, specifying the business to be transacted and signed by the Clerk, shall be sent by post to the usual place of residence of each member PROVIDED that the want of service of the agenda on any member shall not affect the validity of the meeting.

7. **Order of Business**

The election of the Chairman shall be the first business transacted at the Annual Meeting to be followed by the election of the Vice-Chairman.

Subject to the above, the order of business at every meeting shall be :-

- (a) to choose a person to preside if the Chairman and Vice-Chairman are absent.
- (b) to confirm the minutes of the last meeting.
- (c) To deal with any business expressly required by Statute to be done at the meeting.
- (d) to deal with any correspondence, communications, or any other business specially brought forward by direction of the Chairman.
- (e) to receive the reports of any sub-committees.
- (f) dispose of business, if any, adjourned from the last meeting.
- (g) to deal with notices of motion in the order in which they have been received.
- (h) other business, if any, specified in the agenda.

Business falling under (a) or (b) above shall not be displaced but subject thereto the Chairman may at his discretion vary the order of business or the Authority may do so by a resolution passed on a motion duly moved and seconded.

8. **Election of Chairman and Vice-Chairman**

- (a) ***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.***
- (b) The election of the Chairman shall be by ballot and nominations for this purpose shall be made orally to the Clerk in open meeting.
- (c) In the event of any equality of votes the Clerk shall decide between the persons nominated for appointment as Chairman by lot.

- (d) The Vice-Chairman shall also be elected likewise by ballot nominations for this purpose being made orally to the Chairman.
- (e) In the absence of a nominee specifically authorised by the Authority, the Authority's representatives for external meetings of other bodies shall be appointed by the Authority or otherwise by the Chairman or his delegated nominee.
- (f) That the Chairman, Vice-Chairman, Clerk, and the Chief Officer or their nominated representatives be the official representatives of the Devon & Severn Inshore Fisheries and Conservation Authority when attending meetings of the Association of Inshore Fisheries and Conservation Authorities.
- (g) If a nominated member is unable to attend any meeting they cannot nominate a deputy to attend on their behalf.

NOTICE OF MOTION

9. Submission of Notice of Motion

Except as provided by Standing Order 15 every notice of motion shall be in writing signed by the member giving notice and delivered at the office of the clerk who shall arrange for it to be included in the agenda of the Authority or the appropriate sub-committee.

10. Inspection of Notices of Motion

Every notice of motion shall be open to inspection by every member of the Authority.

11. Relevance of Motions

Every notice of motion shall be relevant to some power or duty of the Authority.

12. Rescission of Preceding Resolutions

- (a) No motion to rescind any resolution passed by the Authority within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be moved unless the notice thereof given in pursuance of Standing Order 9 bears the names of at least five members.
- (b) When any such motion has been disposed of by the Authority, no member shall move a similar motion within a further period of six months.
- (c) This standing order shall not apply to motions moved in or in respect of the report or recommendation of a sub-committee.

13. Confidential Matters

A member shall not disclose without permission of the Authority or of the appropriate sub-committee

- (a) the contents of any document marked confidential or exempt, and
- (b) any item dealt with as a confidential matter, unless or until it has been made public by the Authority or the sub-committee.

RULES OF DEBATE

14. Motions and Amendments which may be moved without notice

The following motions may be moved without notice:-

- (a) appointment of a Chairman of the meeting at which the motion is moved;
- (b) accuracy of the minutes;
- (c)
 - (i) the question be now put
 - (ii) the debate be now adjourned
 - (iii) the Authority do now adjourn
 - (iv) the Authority proceed to the next business;
- (d) reference to a sub-committee;
- (e) adoption of reports and recommendations of sub-committees or officers and any consequent resolutions;
- (f) leave to withdraw a motion;
- (g) amendment to a motion;
- (h) precedence for an item of business specified in the summons;
- (i) suspension of Standing Orders in accordance with the provision of Standing Order 39;
- (j) giving consent of the Authority where required by these Standing Orders;
- (k) exclusion of the public and press.

15. Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given in accordance with Standing Order 9 it shall, if required by the Chairman, be put in writing and handed to the Chairman before it is further discussed or put to the meeting.

16. **Limit to Number of Speeches**

A member shall be entitled to speak once on any motion, but shall not be entitled to speak more than once except

- (a) to speak on an amendment moved by another member;
- (b) if the motion has been amended since they last spoke, to move a further amendment;
- (c) in exercise of a right of reply given by Standing Order 22;
- (d) by way of personal explanation;
- (e) to ask a question.

17. **Secunder of Motion Reserving Speech**

A member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until later in the debate.

18. **Motions and Amendments Not Seconded**

Motions and amendments not seconded shall not be entered in the minutes.

19. **Withdrawal of Motion or Amendment**

A motion of amendment may be withdrawn by the mover with the consent of his seconder and of the Authority which shall be signified without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless permission has been refused.

20. **Amendments to Motions**

An amendment shall be relevant to the motion and shall be either

- (a) to leave out words; or
- (b) to leave out words and insert or add others; or
- (c) to insert or add words.

Such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.

21. **Order in which Amendments are to be taken**

- (a) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with.
- (b) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

22. **Right of Reply**

- (a) The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. In his reply he shall strictly confine himself to answering previous speakers and shall not introduce any new matter into the debate.
- (b) If an amendment is moved, the mover of the original motion shall also have a right of reply to the debate on his amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.
- (c) A member may, however,
 - (i) explain any material part of his speech which he believes to have been misunderstood;
 - (ii) if he is the Chairman or other member who has presented the report of a sub-committee, with the Chairman's consent, make a statement of the facts at the outset of the debate and also reply generally to the debate; and
 - (iii) if he is the mover of a motion, speak with the leave of the Chairman on the motion or on any amendment thereto at any time during the debate.

23. **Right to Speak on a Point of Order**

- (a) A member may raise a point of order or in personal explanation and shall be entitled to be heard forthwith.
- (b) A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken.
- (c) A personal explanation shall be confined to some material part of his speech which he considers has been misunderstood.
- (d) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

24. **Motions which may be moved during Debate**

When a motion is under debate no other motion shall be moved except

- (a) to amend the motion;
- (b) to postpone consideration of the motion;
- (c) to adjourn the meeting;
- (d) to adjourn the debate;
- (e) to proceed to the next business;
- (f) that the question be now put;
- (g) that a member be not further heard;
- (h) that the subject of debate be referred back to a sub-committee;
- (i) to suspend Standing Orders under Standing Order 39.

25. **Closure Motions**

A member who has spoken in the debate may move without comment at the conclusion of a speech by another member

- (a) "that the Authority proceed to the next business";
- (b) "that the question be now put";
- (c) "that the debate be now adjourned";
- (d) "that the Authority do now adjourn";

on the seconding of which the Chairman shall proceed as follows:-

- (i) on a motion to proceed to the next business

unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business.

- (ii) on a motion that the question be now put

unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under Standing Order 22 before putting his motion to the vote.

- (iii) on a motion to adjourn the debate or the meeting

if in his opinion the matter before the meeting has been insufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his right to reply on that occasion.

QUESTIONS

26. (a) A member of the Authority may ask the Chairman any question upon an item of a report of the Authority when an item is under consideration by the committee.
- (b) A member of the Authority may
- (i) if three clear days' notice in writing has been given to the Clerk, ask the Chairman or the Chairman of any committee any question on any matter relating to which the Authority has powers or duties or which affect the District.
 - (ii) with the permission of the Chairman, put to him or the Chairman of any committee any question relating to urgent business, of which such notice has been given; but a copy of any such question shall, if possible, be delivered to the Clerk not later than ten o'clock in the morning of the day of the meeting.
 - (iii) every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer at that meeting.
 - (iv) an answer may take the form of
 - a direct or answer; or
 - where the desired information is contained in a publication of the Authority, a reference to that publication; or
 - where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Authority.

VOTING

27. (a) Every question shall be determined by a show of hands PROVIDED that if five members present at the meeting so require, the names of the members to be called out and recorded in the minutes.
- (b) In the case of an equality of votes the person presiding at a meeting shall have a second or casting vote.

- (c) Where more than two persons are nominated for any appointment and one of the votes given there is not a majority in favour of one of them, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.
- (d)
 - (i) *Where Natural England has given statutory advice to an Authority, Natural England cannot vote on that issue; and*
 - (ii) *if the Authority departs from Natural England's statutory advice the decision and the justification for doing so must be clearly recorded in the minutes.*

DISTURBANCE

- 28. (a) In the event of a general disturbance which in the opinion of the Chairman renders the orderly dispatch of business impossible, the Chairman in addition to any other power vested in him may, without question put, adjourn the meeting for such period as he in his discretion shall consider expedient.
- (b) If a member of the public interrupts the proceedings of a meeting the Chairman shall warn him. If he continues the interruption the Chairman shall order his removal from the Committee Room. In the case of general disturbance in the part of the Committee Room open to the public, the Chairman shall order that part to be cleared.

SUB-COMMITTEES

29. Appointment of Sub-Committees

The Authority shall appoint any standing sub-committees at the annual meeting.

30. Appointment of Chairman and Vice-Chairman of Sub-Committees

- (a) The Chairman and Vice-Chairman of the Committee shall be ex-officio Chairman and Vice-Chairman respectively of *the General Purposes Sub-Committee*.
- (b) Subject to (a) above, each sub-committee shall, at its first meeting following the annual meeting of the Committee before proceeding to any other business, elect a Chairman and Vice-Chairman.
- (c) Standing Order 8 shall apply for the purpose of electing Chairmen and Vice-Chairmen of sub-committees.

31. Absence of Chairman and Vice-Chairman of Sub-Committees

In the absence from a meeting of a sub-committee of both the Chairman and Vice-Chairman, a Chairman for the meeting shall be appointed.

32. **Ex-Officio Members of Sub-Committees**

The Chairman and Vice-Chairman of the Authority shall be ex-officio members of every sub-committee.

33. **Meetings of Sub-Committees**

A sub-committee shall meet as requested by the Chairman.

34. **Special Meetings**

The Chairman of a sub-committee may request the Clerk to summon a special meeting of the sub-committee at any time.

35. **Quorum of Sub-Committees**

Business shall not be transacted at a meeting of any sub-committee exercising delegated powers unless at least four members of the sub-committee are present *including one council member and one general member*.

36. **Application of Standing Orders to Sub-Committees**

The following Standing Orders

- Minutes (4)
- Rescission of Preceding Resolution (12)
- Rules of Debate (14-25)
- Voting (27)
- Disturbance (28)

shall also apply to the meetings of sub-committees.

37. **Reports of Sub-Committees**

Every sub-committee shall make a report to the Authority of its meetings held in the preceding quarter.

GENERAL PROVISIONS WITH REGARD TO STANDING ORDERS

38. **Variation and Revocation**

Any motion to vary or revoke these Standings Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

39. **Suspension**

Any of the preceding Standing Orders may be suspended by the Authority for any item of business at the meeting where its suspension is moved, but except upon notice of motion

under Standing Order II shall not be suspended unless at least one-half of the whole number of members of the Authority are present.

40. **Record of Attendance**

The Clerk or Deputy Clerk shall record the attendance of members at meetings of the Authority and sub-committees.

41. **Issue to Members**

A copy of these Standing Orders shall be issued to each member.

42. **Interpretation of Standing Orders**

The ruling of the Chairman or, where appropriate, the Chairman of a sub-committee as to the construction or application of any of these Standing Orders, or as to any proceedings at a meeting, shall be final.

DRAFT

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

FINANCIAL AND ADMINISTRATIVE REGULATIONS

1. (a) The Authority shall be responsible for the appointment of the Treasurer. For the time being, this shall be the officer of Devon County Council who holds Section 151 responsibilities under the Local Government Act 1972. It shall be the Treasurer's duty to ensure that safe and efficient arrangements are made for the management of the Authority's financial affairs. The Treasurer shall be the "responsible financial officer" for the purposes of the Accounts and Audit Regulations 1996 and shall be the Authority's principal advisor on financial matters. The Treasurer is responsible to the Authority for the discharge of his duties.
- (b) The Chief Officer and Treasurer shall prepare estimates of expenditure, income budgets and cash flow predictions in consultation with and in such form and at such times as the Authority may require.
- (c) The precept shall be submitted by the Chief Officer and Treasurer to the Authority and after any revisions, it shall approve them for submission to the funding authorities.
- (d) Approval of the budget will authorize the Authority's officer to expend the sums listed within the constraints detailed in paragraph 2. No transfers of funds may take place between the main cost centres of Administration, Patrol Vessels, Vehicles and Travel, New Equipment and Reserve except with the approval of the full Authority, but transfers between sub cost centres may be authorized by the Chief Officer. Any excess funds will be automatically transferred to the Boat Repair Fund at the end of the financial year. All other transfers to this fund are to be approved by the full Authority.
- (e) The Chief Officer and Treasurer shall be responsible for the prompt settlement of all bills incurred and for keeping pay accounts of all Authority employees, ensuring the prompt payment of salaries due, as well as liaison with the various authorities to ensure correct deductions are made and pension contributions paid. With the Authority's approval and where it is expedient and cost effective these financial services may be contracted out to one of the funding authorities.
- (f) No hire purchase/credit/leasing arrangement or other borrowing shall be entered into without the specific approval of the Authority.

- (g) Acquisition of items of a capital nature - real property, boats, vehicles, plant and major items of equipment - shall require the approval of the Authority prior to any acquisition being made.
- (h) Movable and attractive items (e.g. computers) are to be marked as "The property of Devon & Severn IFCA".

2. **Authority for Expenditure**

- (a) The Chief Officer and the authorized Principal Officer are authorized to make payments of up to £500.
- (b) Payments of in excess of £500 which are anticipated expenditure may be authorized in writing by the Chief Officer or the authorized Principal Officer.
- (c) Payments over a value of £500 which are classified as extraordinary expenditure are to have the written authorization of the Chairman or Vice Chairman.
- (d) The Committee shall authorize a petty cash account to a maximum of £100 which will be run by the Admin Officer for cash transactions such as stationery, postage, etc. It is to be accounted for using a cash book supported by receipts/stamp book, checked and countersigned by the Chief Fisheries Officer or the authorized Principal Officer monthly.

3. **Accounting Procedures**

- (a) The Treasurer is responsible for keeping the accounts and financial records of the Authority.
- (b) All financial and appropriate service information is to be available to the Chief Officer.
- (c) Accounting procedures will reflect recommended professional practices, and follow accounting principles determined from time to time by Devon County Council.
- (d) The Treasurer will prepare the Authority's annual accounts, reports and Annual Return to meet statutory requirements.

4. **Audit of the Annual Return and the Accounts**

The audit of the Annual Return shall be carried out by *the Audit Commission* as required by statute.

The audit of the Accounts, the certification of which forms part of the Annual Return, shall be carried out by Devon County Council Internal Audit or such accountants approved by the Authority following tender action.

5. **Income**

- (a) The Chief Officer and Treasurer shall be responsible for approving and supervising arrangements for the collection and banking of all income due to the Authority ensuring that cash held overnight shall not exceed the amount covered by insurance.
- (b) No debtor shall be excused payment due to the Authority other than with the approval of the Authority.
- (c) In order to obtain secure investment interest, the Authority funds shall only be deposited with one of the British Clearing Banks.

6. **Equipment and Stores**

- (a) The Chief Officer shall be responsible for maintaining inventories of the patrol vessel, her equipment and other movable articles on board and all other items of equipment owned by the Authority.
- (b) Personnel should take any necessary precautions to ensure the safety and security of equipment and stores under their control.

7. **Ownership of Patrol Vessel**

The ownership of the patrol vessel "Drumbeat of Devon" is vested in the Authority. However for the purposes of vessel registration the ownership of the vessel is registered in the name of Devon County Council. Reference should be made to Minute 3(a) of the Quarterly Meeting held on 19 January 2007 which states that "ownership of the Committee's patrol vessel is vested in the name of Devon County Council for the purposes of registration. A Memorandum of Understanding had been exchanged and all liability for the vessel would remain with the Committee".

8. **Travel, Subsistence and Financial Loss Allowances**

All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses must be submitted with all relevant receipts in accordance with the terms and conditions of the Devon County Council scheme. The claims must be duly certified and in a form approved by the Treasurer and made up to a specified day of each month within twenty-one days thereof. The names of officers authorized to sign such records must be sent to the Treasurer by the Chief Officer and be amended on the occasion of any change together with specimen signatures. The certification will be taken to mean that the allowances are properly payable.

9. **Imprest Account**

- (a) Advances will be made to appropriate officers on account of imprest expenditure.

- (b) The Admin Officer must maintain a complete record of all transactions. At least once in each month expenditure must be certified by the Chief Officer or the authorized Principal Officer.
- (c) Each cheque must be signed by the Certifying Officer and an Authorised Officer. Single payments must not exceed £500.
- (d) In the interests of expediency and efficiency direct debits may be operated from the imprest account on the authorization of the Chief Officer.

10. Banking Arrangements

The Treasurer and the Chief Officer are authorized to make arrangements regarding the Authority's bank accounts. All such bank accounts will be in the name of Devon & Severn Inshore Fisheries and Conservation Authority.

11. Purchase of Services

All purchasing and service arrangements shall be made through competent and recognised suppliers by the Chief Officer.

- (a) For equipment or services not exceeding £2,500 at least two verbal quotes shall be obtained.
- (b) For equipment or services not exceeding £10,000 at least three written quotes shall be obtained.
- (c) For equipment or services in excess of £10,000 but less than £50,000 at least three formal quotations to be submitted in writing by a specified date and time based on a written specification and evaluation criteria.
- (d) For equipment or services in excess of £50,000 but less than EU thresholds a minimum of four tenders.

Notwithstanding the provisions above, given the specialist nature of the service, it may only be possible to obtain certain equipment from authorized dealers within the South West Region. Therefore in such cases only one quote or tender will be the norm.

12. Disposal of Assets

- (a) Assets estimated to exceed £5,000 in value shall be disposed of after public advertisement by such method as the Chief Officer considers will achieve the best price reasonably obtainable.
- (b) Assets of an estimated value exceeding £1,000 shall be disposed of by public auction or by tender after public advertisement.

- (c) Assets of an estimated value of £1,000 or less shall be disposed of at the discretion and written authority of the Chief Officer.

13. **Insurance**

The Chief Officer shall effect insurances in accordance with the policy of the Authority. The range of cover is to be reviewed annually.

14. **Grants and Subscriptions**

The approval of the Authority is required before payment is made of any grant or subscription.

15. **Capital Expenditure**

The de-minimus limit for capitalizing expenditure is £10,000.

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

FINANCIAL PROBITY

1. Interest of Members in Contracts and Other Matters

If any member of the Authority has a pecuniary interest direct or indirect within the meaning of Section 95 of the Local Government Act 1972 in any contract, proposed contract, or other matter, that member shall withdraw from the meeting and if the meeting is held in a building shall withdraw from the room including the public gallery while the contract, proposed contract, or other matter, is under consideration by the Authority unless

- (a) the disability to discuss that matter imposed upon them has been removed by the Secretary of State under Section 97(1); or
- (b) the contract, proposed contract, or other matter, is under consideration by the Authority as part of the report and is not itself the subject of debate.

2. Pecuniary Interest of Members

If any member of the Authority or any sub-committee thereof has any pecuniary interest in any contract, proposed contract, or other matter, the member shall declare that interest immediately before the item is considered and shall withdraw from the meeting while it is under consideration.

3. Interest of Officers in Contracts

The Clerk shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Authority under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the Authority.

4. Authentication of Documents for Legal Proceedings

Where any document will form a necessary step in legal proceedings on behalf of the Authority it shall be signed by the Chief Officer unless any enactment

otherwise requires or authorizes, or the Authority gives the necessary authority to some other person for the purpose of such proceedings.

5. Conformity with Financial and Administrative Regulations

No contract shall be entered into unless the expenditure involved may properly be incurred under the Authority's Financial and Administrative Regulations.

6. Purchasing Authority

(a) Delegated Purchasing Authority

Where the purchase price does not exceed £5,000 the Chief Officer shall be empowered to arrange procurement in accordance with the Authority's Financial and Administrative Regulations.

(b) Single Quotations and Tenders

The use of single tendering is allowed but will be restricted to items of specialist equipment where competitive tendering is not possible. In the event of a single tender item over £5,000 the Authority will be consulted.

(c) Quotation and Tender Acceptance

The Authority does not bind itself to accept the lowest quote, but will seek best value.

7. Tendering Procedure over £5,000

(a) Whenever a tender is invited, the invitations shall state that each tender shall be delivered to the Chief Officer not later than a specified date and time, enclosed in a sealed envelope bearing the word "tender" followed by the subject to which it relates.

(b) Tenders shall be opened at one and the same time in the presence of the Chairman or a responsible member designated by him and of the Chief Officer, or a responsible officer designated for the purpose. A record shall be maintained showing the number of tenders received and all tenders shall be kept for two years.

(c) The envelope of any tender received after the latest date and time for receipt shall be endorsed by the Chief Officer or his designated officer, with a note of the date and time of receipt. He shall open the late tender and inform the person who submitted it that it was received too late for consideration.

8. **Compliance with British Standards**

Where, in the opinion of the Chief Officer, a British Standard Specification, British Standard Code of Practice issued by the British Standards Institution or an EEC Standard is appropriate, the contract shall require compliance therewith.

9. **Cancellation of Contract**

In every written contract a clause shall be inserted to ensure that the Authority shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if any of the terms of the agreement are not met.

DRAFT

DEVON & SEVERN FISHERIES & CONSERVATION AUTHORITY

DRAFT BUSINESS PLAN

FOR THE PERIOD 2011 – 2013

This is an evolving document based on the best information available to date.

Devon Sea Fisheries Committee (DSFC) is currently one of eleven similar bodies established under the Sea Fisheries Regulation Act 1888. The Committee was created in 1892 to enable local government to manage sea fisheries in the estuarine and coastal waters of Devon. Within the Act there is a requirement that it be funded entirely from local government sources.

Although the 1888 Act was superseded by the Sea Fisheries Regulation Act 1966, changes in local government administration required a further change in legislation and S.I. 1211 The Devon Sea Fisheries District (Variation) Order 1998 was introduced in May 1998. This outlines the extent of the District and states that the DSFC shall be a joint committee of the following councils:

Devon County Council
Plymouth City Council
Torbay Council
Cornwall County Council

This situation will continue until the full measures of the Marine and Coastal Access Act 2009 are implemented when Sea Fisheries Committees are to be abolished and replaced by Inshore Fisheries & Conservation Authorities (IFCAs) on 1st April 2011. The new Act reforms the boundaries of the districts. Devon's area of jurisdiction will increase and extend to the east of Foreland Point in Devon to the end of the tidal reaches of the River Severn in England at Maisemore Weir. Also included are the coasts of the Bristol Channel as far as the Welsh border with additional responsibility for sea fisheries in the Taw/Torridge estuary which are currently administered by the Environment Agency.

These changes will include more contributing councils and the new authority to be called the Devon and Severn Inshore Fisheries and Conservation Authority will comprise of the following constituent councils:-

Devon County Council
Plymouth City Council
Torbay Council
Bristol City Council
Gloucestershire County Council
North Somerset Council
Somerset County Council
South Gloucestershire Council

Size of Devon Sea Fisheries District pre 2011

Boundaries	South Devon - Lyme Regis to Rame Head North Devon - Countisbury Cove to Marsland Mouth and including Lundy Island.
District Area	2644 sq. km of sea - 470 km of coastline
Land Area	Devon 6707 square km

Information on Current Operation

Present Location	The office and patrol vessel are based at Brixham
Staff	Eight fishery officers and one office manager (part time)
Present Assets	One 22 metre patrol vessel (Drumbeat of Devon) One 7 metre rigid inflatable boat and trailer. One 12' aluminium dingy and quad bike to service the shellfishery One 4x4 vehicle (leased).

Size of Devon and Severn Inshore Fisheries and Conservation Authority District post 2011

Boundary Increase	North Devon - Hartland Quay to Maisemore Weir
District Area	Additional 1810 sq. km of water –190 km of coastline
Increased land area	Somerset, North Somerset, South Glos, Glos County = additional 7998 square km
Increased area within other estuaries to tidal limits will also contribute to extra responsibilities.	

Information on Additional Operation

Additional Location	An office based on the north Devon Coast possibly Bideford, set up costs funded by DEFRA, with a possible sub-office either based at an officer's home, an EA office or local council office towards the Bristol end of the district.
Staff	An additional 5 full time fisheries officers and an office manager.
Assets	Patrol/Survey boat Estuary boat 1 Vehicle (1 4x4), grant funded by DEFRA

The district will therefore total 4454 sq. km of water and 660 km of coastline.

Note:- Some estuary and coastal area will be lost due to the re-alignment of the District Boundary between Devon & Cornwall but for budgetary purposes this will make little difference as patrols by D&SIFCA will still occur in this area with a cross warranting arrangement with the Cornwall IFCA

The northern landward extent of the District will be 140 miles from the Brixham base. Clearly a satellite base will need to be established for the northern section of the District to be manned by at least four officers and an office manager. The mode of fishing operations taking place in this area is substantially different to anything on the south coast. Bait digging will become a new subject as will the novel way of setting stake nets.

For the Devon Sea Fisheries Committee to extend its operations to the IFCA area a base or even two may have to be established, staff recruited and trained in working with local fisheries. Logistical support must be put into place and all requires ongoing finance.

Management

All operational staff will be run by the Chief Officer based in Brixham. Officers based in the north of the District will initially work under the direction of the Chief Officer. A Principal Officer plus four officers and an office manager will be based there.

Other than the services shown below the majority of management services are provided by the staff:

Personnel Services	contracted	Devon County Council
Finance & Payroll	contracted	Devon County Council
Pensions	contracted	Devon County Council
Legal (prosecutions)	instructions given to a firm of specialist solicitors	

Devon County Council will assume the role of lead authority.

Budget Trend

Over the last five years the Devon Sea Fisheries Committee has approved budget levels that are "standstill in real terms" (i.e. include provision for pay awards and price increases only). This trend will continue.

Given the financial constraints imposed upon local authorities it is anticipated that the Authority will be expected to approve budgets that are the minimum required to discharge its statutory obligation.

Any reduction in this level will involve job losses, which in turn will have a knock on effect on the operational capability of the unit, especially in view of increased health and safety regulations for vessels.

New Burdens

The IFCA will be responsible for inshore fisheries management and the requirement under the Marine and Coastal Access Act for enforcement of legislation protecting habitats within nature conservation areas including Special Areas of Conservation, Special Protection Areas and Marine Conservation Zones. The MMO will be creating nature conservation byelaws within the designated areas but the IFCA will be charged with establishing byelaws within its district for inshore fisheries management. The new IFCA will also be responsible for the enforcement of both sets of regulations within its district.

Officer cover will be required for the existing Devon portion of the district and additionally for the new area. It is envisaged that by working closely with the Environment Agency it may be possible to utilise some of its staff and logistics under an arrangement formalised by an MOU and with appropriate financial adjustment.

Logistics

The additional district area has approximately 190 km of coastline and 1810 square km of sea. This represents an increase in the current district of 26%. The need for a much greater presence in the north of the district is apparent. The office at Brixham is 235 km from the end of the district in Gloucestershire. Officers based along the coast of the new area would be able to specialise in the fisheries and conservation requirements for their district and offer a much better service to the funding authorities. The initial idea is that an office be established within the EA offices at Bideford, which would be an efficient use of resources.

Funding for New Area

A breakdown of the budget for the new district is appended to this plan. The budget has been compiled from the existing Sea Fisheries Committee level with a 3% reduction. Additional costs for the extended area have been established with the tightest of margins which will allow the new Devon and Severn IFCA to operate at a level envisaged by the Marine and Coastal Access Act.

The new D&SIFCA would be able to achieve most of the targets set by the Minister within its high level objectives.

In August 2010 DEFRA initiated a Transitional Funding bid process to offset some expenditure during the transition period. Successful bids totalled £90,324.44 to effect the transition from Sea Fisheries Committee to IFCA and alleviate the burden on the funding authorities.

Advice following the autumn spending review, the results of which were announced on 20th October, indicates that there will be £3m available for New Burdens funding which will be shared between the 10 IFCAs. The mechanism for the distribution of these funds has not yet been formulated but it is envisaged that it will be distributed by the area based grant to the contributing local authorities.

Operation of patrol vessels

The operation and manning of offshore patrol vessels is governed by regulations issued from the Maritime and Coastguard Agency (MCA). Health and Safety Regulations extend to cover operations on board vessels. Action has been taken in the past to minimise risk by identifying a higher level of manning required for certain operations and these measures continue.

For short passages on the present vessel operating on the south coast there has to be a minimum of three officers. For fishery patrols where

boarding operations are planned a minimum crew of five are required to ensure risk of accident is minimised. The operation of a smaller patrol vessel within the Bristol Channel District could allow for a manning ratio of a minimum of 2 officers for steaming the vessel with a possible extra officer required for boarding operations. For inshore and survey work on the north coast this complement could be reduced to two.

Maintaining coverage of all responsibilities both on shore and afloat in Devon is managed within the current complement of personnel. Since 1995 SFC's have had extra environmental responsibilities placed on them and the present level of multifunctional staffing allows the Committee to fulfil its minimum obligations regarding this role. When IFCA's become a reality the fisheries / nature conservation balance will be reversed and it is likely that the service will be spending 70% of its operational effort on matters concerning conservation. With this in mind the balance of expertise and qualifications within the staff of the new IFCA will need to be enhanced.

Sea Patrols

The frequency of patrols undertaken by the patrol vessel is based on fishing activity and intelligence received. Local trends in the fishery lead to extra activity in certain areas owing to pressure exerted elsewhere by the catch quota system. The pattern of patrols is often adversely affected by the weather, and on such occasions priority is given to tasks on shore. The addition of the Geographical Information System (GIS) has proved an effective tool in assessing both the fishing patterns of local vessels and the area coverage achieved by the patrol vessel.

Presence at sea on the fishing grounds is necessary as some of the legislation prohibits "removal from a fishery" of certain species of undersize fish, as well as areas that are prohibited to certain types of fishing activity. The presence of the patrol vessel has a persuasive factor on those who may wish to transgress fisheries legislation. It can be likened to the deterrent effect of a policeman on the beat. The aim is to maintain an acceptable level of compliance with the law.

The closure of 60 sq miles of Lyme Bay to towed gear has lead to displacement of effort to other areas where the patrol vessel has been a particularly effective deterrent. The setting up under the Habitats Directive of offshore SACs as well as Marine Protected Areas under the Marine Bill will require a maintained and possibly enhanced presence on the ground.

Maintenance of Patrol Vessels

The second largest budget cost currently (16.50%) is the patrol vessel. The present vessel Drumbeat of Devon was purpose built in 1991 with the aid of a European Grant. Its planned life is 20 years and apart from routine maintenance carried out by the crew, it undergoes a re-paint and repair period at a local shipyard each year. Moreover from time to time it is necessary to replace certain consumable items such as liferafts, distress flares, lifejackets and navigational equipment. The vessel is now 19 years old and in good condition. The engines underwent a top overhaul Type 'A' service in 2008/9 and should be in a

satisfactory state of maintenance until the end of the period for which this plan relates. The age of the vessel will mean that in years to come more and more downtime may be experienced due to unforeseen equipment failures, but the rolling programme of preventative maintenance will help to reduce this.

Planned Capital Expenditure

2011 Liferafts x 2 (£8,000)
(not now required, life rafts passed survey)

2011 Boarding R-I-B on FPV (£40,000)
(current R-I-B repaired to satisfactory survey standard)

2013 Crane / Electronics (£35,000)
(essential repairs undertaken in 2010 cost £16,400 – crane will need replacing in approx 3 years time)

Revenue Expenditure on Drumbeat of Devon

<u>Item</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Fuel	32,700	33,681	34,691
Servicing	3,600	3,700	3,800
Liferaft servicing	670	690	710
Insurance	10,800	11,100	11,400
Mooring fees	1,650	1,700	1,750
Maintainance	<u>26,000</u>	<u>26,500</u>	<u>27,300</u>
Totals	<u>75,420</u>	<u>77,371</u>	<u>79,651</u>

Revenue Budget - Long-term Implications (2011 and beyond)

It is becoming clear that the role of the IFCA compared to that of the Sea Fisheries Committee will become more conservation orientated and in the case of the extended district it is likely that survey work on the fisheries and conservation areas in the Bristol Channel will be required. In any event staff costs will be enhanced over the coming years.

Common Fisheries Policy

Inshore waters are both environmentally and politically sensitive areas of concern for fisheries management and coastal communities. Within the European Union territorial seas the area between 0-12 nautical miles is the only area where management responsibility is reserved exclusively to the individual nation states. However, national responsibility is granted only through derogation which is, in effect, a temporary stay of execution of the broader principles governing the Common Fisheries Policy, namely non-discrimination and equal access to a common resource. The fate of national rights and responsibilities within the territorial seas in the period after 2012, when the existing derogation comes to an end, is a matter of particular concern to inshore fisheries and the local communities who rely on them. Moreover without the small fishing communities, such as Beer, there would be an adverse knock-on effect to the tourist trade, as their appeal as a tourist attraction would be greatly diminished. If agreement is not reached by member states to maintain the status quo, then vessels from other nations will be able to fish up to the beaches. In such circumstances the only asset

available to local government to police and control such a situation would be IFCA's.

Marine and Coastal Access Act 2009

Managing the marine environment under the new legislation has yet to be fully assessed, not least because a significant proportion of the area lying within the 6 nautical mile limit will, in due course, become designated as Marine Protected Areas (MPAs). Guidelines for the management of marine sensitive areas such as Special Areas of Conservation (SAC) and Special Protection Areas (SPAs) have yet to be issued by DEFRA. The Severn Estuary supports an SAC, SPA and Ramsar Site. Nevertheless pending the publication of these documents it is evident that IFCA's will be both competent and relevant authorities as described by The Conservation (National Habitats, & C.) Regulations 1994. As such the Devon & Severn IFCA will be very much involved with the management of these sites.

Management of these areas involves the implementation of legislation which incurs costs for legal services and advertising of byelaws and additional administration. To give an example, a byelaw will cost approximately £3,500 to draft, consult, implement, advertise and distribute. For a Regulatory Order the costs would be higher, i.e. £2,000 for drafting, £5,000 for consultation, £2,500 for advertising and, if deemed necessary, a public inquiry at £50,000. The establishment of MPAs and the need for local byelaws to assist in their management will result in additional expenditure for the IFCA.

Economics

The County of Devon already encompasses a long coastline with 26 harbours and fishing stations. All these harbours to some extent are involved with fishing and therefore their problems and needs have been addressed by Devon Sea Fisheries Committee. The two main fishing ports of Brixham and Plymouth are relatively simple as there is a well-defined administrative structure within each port. The administration in smaller ports is often poor and therefore requires more time and effort to achieve acceptable solutions. This invariably involves a high level of staff time and travel that is characteristic of a rural district. With the addition of the north Somerset coast an extra 7 ports and harbours will be added to the list.

The small ports and their viability are not only important to the local communities, but are also a vital tourist attraction. Tourism is a multi million pound industry that employs many people. Fishermen and the fish they catch are part of the tourist scene and it is essential that they remain so.

From the table below, it is interesting to note that despite Plymouth and Brixham being the major fishing ports only 58% of fishermen actually operate from them. The remaining 42% of the fishermen still reside and operate from the many other small ports in Devon. All contribute to the total value of the Devon fishing industry that currently is in the region of £44m at first hand sale.

PORTS	Fishermen	Fishing vessels
Brixham	233	87
Plymouth	146	84
Other Devon ports	323	174
Total	702	345

A similar survey of the Somerset coast will be undertaken in due course.

Responsibilities and Efficiencies

The area of the District doubled in 1993 when the sea fisheries seaward limit was extended from 3 to 6 nm. In spite of this huge increase the Devon Sea Fisheries Committee had to operate with the same assets and staff levels owing to budget constraints. Fortunately over recent years through the aid of apprenticeship schemes officer levels have increased to nine and seagoing efficiency has been further enhanced with an additional rigid inflatable.

Whilst the organisation is able to address its present responsibilities, there will be an increase in workload when the District is extended by the new legislation. This will extend to the sustainability and restoration of eco-systems, together with the long-term health of the fishing industry. In addition, recreational sea angling should be supported in view of its economic and social importance.

Protection of the marine environment is important for the tourist trade and the general health of the sea as well as fishing. The complexities of coastal zone management and the need to understand fishing interests necessitates the appointment of fisheries officers trained in marine environmental science.

At present fisheries enforcement tasks are undertaken by officers who have a sound marine background which combined with experience has enabled them to address many of the issues. That will be the minimum standard for any new staff contracted to the Devon & Severn Inshore Fisheries & Conservation Authority.

Revised 3rd November 2010

K Bower

DEVON SEA FISHERIES COMMITTEE

<u>2009/10</u>		<u>2010/11</u>		
Revised (Outturn 09/10) £		Inflation (to Outturn 10/11) £	Changes (Outturn 10/11) £	Budget (Outturn 10/11) £
Spending				
345,500	Employees	(600)	8,400	353,300
27,500	Premises	(300)	700	27,900
10,500	Supplies & Services		(900)	9,600
37,000	Transport & Travel		(3,100)	33,900
77,500	Boat Costs - maintenance, insurance etc		(700)	76,800
49,200	- Renewals Fund contribution			49,200
21,000	Establishment Costs		(400)	20,600
11,300	Miscellaneous Expenses			11,300
<u>579,500</u>	Total spending	<u>(900)</u>	<u>4,000</u>	<u>582,600</u>
Income				
(15,000)	Bank interest		7,900	(7,100)
(12,300)	Other income			(12,300)
<u>(27,300)</u>	Total income	<u>0</u>	<u>7,900</u>	<u>(19,400)</u>
<u>552,200</u>	TOTAL BUDGET	<u>(900)</u>	<u>11,900</u>	<u>563,200</u>

<u>STAFFING</u> (Full-time equivalents numbers)	2009/10 Original	2009/10 Changes	2010/11 Proposals	2010/11 Total
Fisheries Officers				
Full-time	8.00			8.00
Clerical Staff				
Part-time	0.62	0.06		0.68
	<u>8.62</u>	<u>0.06</u>	<u>0.00</u>	<u>8.68</u>