

CITY OF PLYMOUTH

Subject: Devon & Severn Inshore Fisheries and Conservation Authority
Committee: City Council
Date: 31 January 2011
Cabinet Member: Not applicable
CMT Member: Director for Development and Regeneration
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Ref: KC 100106
Key Decision: No
Part: 1

Executive Summary:

This report sets out for members' information details of Plymouth City Council's new duty relating to fisheries management as laid out under the Devon and Severn Inshore Fisheries and Conservation Order 2010.

The report also presents for members' consideration the Draft Code of Conduct, Declaration of Interests, Draft Standing Orders, Draft Financial Regulations and Draft Business Plan and Budget for the Devon and Severn Inshore Fisheries and Conservation Authority and asks that they recommend them to the Authorities' respective councils for adoption. The report also sets out Plymouth City Council's contribution to the Authority as being up to £44,185 for 2011/12 with funding likely to be at a similar level for subsequent years.

Finally, the report describes Plymouth City Council's response to the Department of Food and Rural Affairs' consultation. This relates to how best to allocate New Burdens Funding for the new responsibilities for the Inshore Fisheries and Conservation Authorities (IFCAs).

Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:

No implications arising directly from this report.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Plymouth City Council is one of the 4 local authorities which currently contribute to the Devon Sea Fisheries Committee. With a total budget of £563,200 this equates to a Plymouth City Council contribution level set at £112, 640 (20% of the budget) for the current financial year.

Under the new arrangements, Plymouth City Council will be one of 8 local authorities contributing to the new Devon and Severn Inshore Fisheries and Conservation Authority which will be a much larger organisation which additionally covers the tidal limits of the River Severn. With an indicative budget set at £940,100, this will translate to a Plymouth City Council annual contribution of £44,185 given the Council's support rate being set at 4.70% by

the Statutory Instrument through the application of a formula based on housing figures, population and length of coastline.

This therefore represents a considerable saving to Plymouth City Council of £68,455 per annum which has been taken into account in the 2011/12 budget for Development.

The Government is also seeking views on how best to distribute the New Burdens funding which it has allocated to the establishment of these new IFCA's. However, because Plymouth City Council will be spending less under the new arrangements than it did previously, the Council will not be eligible to receive any of this funding. In providing its response to the consultation, Plymouth City Council has looked for the option that maximises the level of New Burdens funding to the Devon and Severn IFCA as a whole in the most fair and transparent manner.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

None

Recommendations & Reasons for recommended action:

It is recommended that Council:

- i. notes the new duties imposed on the Council by the Devon and Severn Inshore Fisheries and Conservation Order 2010 (SI2010 No. 2212) including the requirement to contribute 4.70% of the budget for the Devon and Severn IFCA.
- ii. approves the Draft Code of Conduct; Declaration of Interests, Draft Standing Orders, Draft Financial Regulations and Draft Business Plan and Budget for the Devon and Severn IFCA. . Also that based on the outline budget, Plymouth City Council agrees to contribute up to £44,185 for 2011/12.
- iii. notes the response submitted to the Department of Food and Rural Affairs consultation, as set out in the background paper. This consultation is on how best to allocate the New Burdens funding to local authorities for the new responsibilities for the Inshore Fisheries and Conservation Authorities (IFCAs).

Alternative options considered and reasons for recommended action:

There are no alternatives at this stage as the Statutory Instrument sets out the legal responsibilities that Plymouth City Council has with regards to financially contributing to the new Devon and Severn IFCA and to agree its standing orders and budget before the 1 April 2011.

Background papers:

- Briefing Report (Part I)
 - Statutory Instrument Devon and Severn Inshore Fisheries and Conservation Order 2010 SI 2212 <http://www.legislation.gov.uk/ukxi/2010/2212/contents/made>
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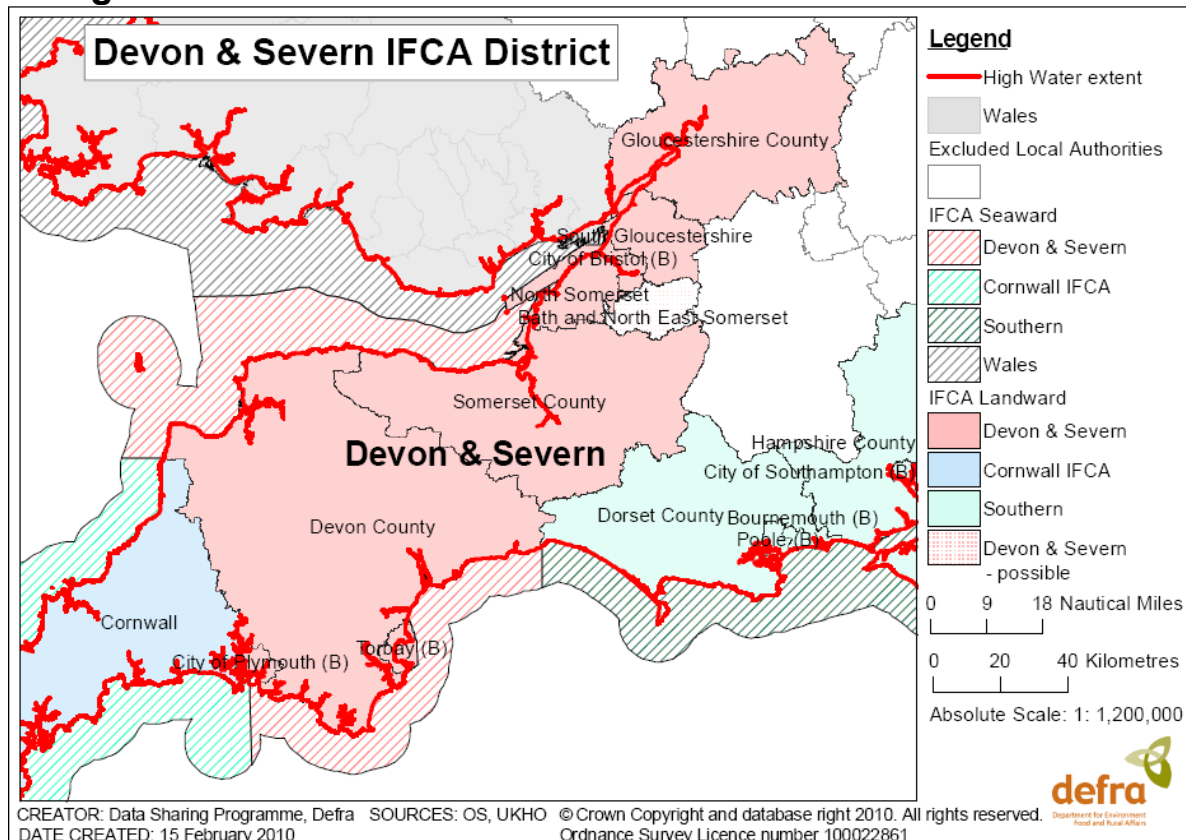
Sign off:

Fin	Dev F10 110 040	Leg	LT1 055 6	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Paul Barnard, Assistant Director for Development and Regeneration (Planning Services)											

Summary

1. Under the Marine and Coastal Access Act 2009, all coastal authorities will be required to work together in order to establish and fund Inshore Fisheries and Conservation Authorities (IFCAs). The new IFCAs will replace the existing Sea Fisheries Committees.
2. This Briefing Note therefore describes the following:
 - A. The Background to establishing the new Devon and Severn Inshore Fisheries and Conservation Authority;
 - B. Brief description of what is included in the Statutory Instrument which established the Devon and Severn IFCA.
 - C. Key points of the key documents which will form the Standing Orders for the Devon and Severn IFCA
 - D. Draft Plymouth City Council response to the DEFRA consultation on how new burdens funding should be allocated.

Background



3. In the South West this means that a new body to be called the Devon and Severn IFCA will be established which will cover the Devon coast, both north and south, as well as the Severn as far as the tide flows. To the west the boundary will run down the middle of the Tamar and out through the western side of Plymouth Sound. This new body will replace the existing Devon Sea Fisheries Committee and will introduce inshore fisheries management to the Severn for the first time.
4. As part of these new arrangements, Devon County Council, Plymouth City Council and Torbay Borough Council are having to transfer from the old Devon Sea Fisheries Committee (DSFC) into a new 'Devon and Severn Inshore Fisheries and Conservation Authority' (IFCA) from 1st April 2011. This new IFCA will also include Bristol CC, Gloucestershire CC, North

Somerset DC, Somerset CC, and South Gloucs DC but exclude Cornwall CC.

5. This new Devon and Severn IFCA was one of ten new IFCAs established on 1 October 2010 through the Statutory Instrument 2010 number 2212. This Shadow organisation has limited powers that enable them to set their budgets for 2011 and prepare their forward looking annual plans in time for 1 April 2011 when they will become fully operational and Sea Fishery Committees will be abolished.

Key Roles of the Devon & Severn IFCA

6. Under the Marine and Coastal Access Act 2009, and subsequent enabling Orders, the Devon & Severn IFCA will have the following key roles:
 - To manage inshore fisheries out to six nautical miles in such a way as to consider environmental, social and economic impacts
 - Creation of byelaws where appropriate and enforcement with maximum penalty for offences of £50,000
 - To carry out its business in a properly and orderly way including publication of accounts and reports;
 - Defray costs of running the body to the constituent local authorities using the funding formula as set out in the establishing Statutory Instrument.
 - Membership of the Devon and Severn IFCA is set out in the creation Order and requires a joint committee of all the coastal local authorities in the Devon and Severn IFCA to be established.

Devon and Severn Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2212).

What it Says

7. The order came into force on 1 October 2010 and defined the waters that the new IFCA would cover. It also identified the relevant local authorities as being Plymouth City Council, North Somerset District Council, Somerset County Council, Bristol City Council, Devon County Council, Torbay Council, South Gloucestershire Council and Gloucestershire County Council and set the proportionate split in funding and the number of representatives for the new IFCA as given in Table 1.

Table 1: Devon & Severn IFCA: membership and percentage contributions

Relevant Council	No of members	Percentage
Plymouth City Council	1	4.70
North Somerset District Council	1	4.63
Somerset County Council	1	15.89
Bristol City Council	1	5.65
Devon County Council	5	47.09
Torbay Council	1	3.49
South Gloucs Council	1	4.08
Gloucs County Council	1	14.47
Total	12	100

8. Whilst the Statutory Instrument set the percentage of IFCA contributions to be defrayed by each constituent local authority, it did not set the total budget of the IFCA. Rather this is the duty of the IFCA itself and under the Order the constituent local authorities have the power to veto the budget by majority vote.
9. The Statutory Instrument also sets out in very broad terms the terms of appointment and removal of the chair, details regarding membership, quorum and general procedures, chairing and allowable expense claims. Again the detail is left to the Shadow IFCA to confirm.

Impact on Plymouth:

10. Plymouth City Council has been a funding partner of the Devon Sea Fishery Committee, contributing £112,640 for the current year and having two member representatives on the board (currently Councillor Delbridge & Councillor Mrs Bowyer).
11. Under the new statutory instrument, Plymouth City Council can allocate one member to the Board and is obliged to contribute 4.7% of the total budget as set through a levy. The contribution levy for Plymouth and each local authority has been calculated using a nationally agreed formula based on its relative population, length of seashore, land area covered and the number of Band D Council Tax properties present.
12. Based on an estimated budget of £940,100, this will generate a significant saving for Plymouth City Council compared to that contributed to the current Devon Sea Fisheries Committee. Plymouth City Council currently contributes £112,640 per year to the Devon Sea Fisheries Committee. Under the calculation and based on the figure identified in the draft Business Plan Plymouth City Council will contribute £44,185 thereby representing a saving of £68,455 which has been taken into account in the 2011/12 budget for Development.
13. Plymouth City Council will have one member representative although the total number of members on the board will increase to 30 of which 12 are local authority representatives. Devon County Council will have 5 members on account of it contributing nearly 50% of the budget.
14. Under the new arrangements, local authority members will have the power to veto the budget by majority.
15. **Recommendation: Plymouth City Council notes the new duties imposed on the Council by the Devon and Severn Inshore Fisheries and Conservation Order 2010 (SI2010 No. 2212) including the requirement to contribute 4.70% of the budget for the Devon and Severn IFCA.**

Standing Orders for Devon and Severn IFCA Inaugural Meeting of Devon and Severn IFCA

16. Plymouth City Council has already nominated Councillor Delbridge as the Council's representative on the Authority and for Cllr Mrs Bowyer as the deputy. At the inaugural meeting of the Devon and Severn Shadow IFCA, member local authorities were asked to agree the following key documents, copies of which are appended:

Draft Code of Conduct for Authority Member

17. This sets out the general provisions and obligations under which members of the IFCA will perform their duties and covers such items as general behaviour, declaring personal interests etc.

Recommendation: approval

Draft Standing Orders

18. These set out the numbers of members that need to be present in order for the Authority to be quorate and also other matters such as taking of minutes, delivery of agenda, election of Chair, notices of motion and rules of debate, questions, voting, disturbance and use of subcommittees.

Recommendation: approval

Draft Financial and Administrative Regulations

19. This sets out such matters as authority of expenditure, accounting procedures, auditing, ownership of patrol vessel, travel and subsistence, purchase of services and disposal of assets.

Recommendation: approval

Draft Financial Probity

20. This sets out the regulations and procedure by which members of the Authority need to declare an interest in any proceeding relating to the Authority.

Recommendation: approval

Draft Business Plan 2011-13

21. The Business Plan is still in very early draft stage and although it goes some way to identifying the key issues and priorities for the new Authority, it still has a long way to go before it is a robust and clear document. The Authority still has some months to complete it before the 1 April 2011 deadline.

Recommendation: Approval in principle although further information will be required on the priorities for Year 1.

Draft Budget 2011-12

22. A draft budget has been prepared that shows a total expenditure cost of £940,100 which given the 4.70% contribution that Plymouth City Council is required to make, equates to a contribution of £44,185 for the first year.

23. It should be noted that much of the transition costs required to establish the new body is being met by a transition budget from DEFRA.

24. DEFRA has also managed to secure some New Burdens funding for the Severn Local Authorities for whom this is a completely new function. Again, negotiations are underway on how best to allocate this funding, but given the reduction in Plymouth's contributions, Plymouth City Council will not be receiving any.

Budget and Finances

25. Whilst the Statutory Instrument sets out the proportions of the total budget that each of the local authority members must contribute, the setting of the actual budget for the IFCA will be left to the IFCA as a whole, although the local authorities will have the power to veto the budget by majority.

26. Negotiations are currently taking place with all the local authorities in order to set the budget but there is still some work to do, not least because the Severn local authorities who are new to inshore fishery management are unwilling to commit any funding not covered by New Burdens. The way in which the New Burdens funding is to be allocated is not yet agreed and is currently being consulted on.

Recommendation: Based on the outline budget, Plymouth City Council agrees to contribute up to £44,185 for 2011/12.

Response to DEFRA's consultation on the allocation and distribution of New Burdens Funding.

Introduction

27. The Government is providing £3 million for three years to support the work of the new IFCA's nationally. The money will be available through area based grant to local authorities from 1 April 2011.

28. The Government is currently examining various options on how this funding will be distributed amongst the 10 new IFCA's and then how it will be allocated to the constituent authorities. As part of this they are seeking views; deadline being 6th January 2011.

Core Principles

29. In order to deliver a fair and transparent system for allocation, the Government has identified a number of core principles:

- i. Allocation has to be through a transparent process;
- ii. Allocation must recognise the differing needs of each IFCA.
- iii. The Government is aiming not to increase local authority costs;
- iv. Local authorities who contribute less under the new arrangements than they did under the old, will not be eligible to receive any new burdens funding.

Options

30. The Government is asking us to consider four options:

- i. Allocation of New Burdens monies to IFCA's based on an equal split between all IFCA's (ie £300k each).
- ii. Allocation of New Burdens monies to each IFCA based on new burdens factors that include the number of Marine Protected Areas, length of seashore and an allocation of new officers to deliver new duties.
- iii. Allocation of New Burdens monies to each IFCA based on a 25% increase in Sea Fishery Committee budgets and the rest of the money being split 10 ways.
- iv. Allocation of New Burdens monies using the same formula used to identify the proportion of local authority contributions as used in the Statutory Instrument.

Plymouth City Council's response

31. Q1. Of the four options, Plymouth City Council would rank them as follows:

Option 4 – 1st ranking

Option 2 – 2nd ranking

Option 3 – 3rd ranking

Option 1 – 4th ranking

Option 4 provides the most consistent method of allocating the funding.

32. In constructing its response, Plymouth City Council has been mindful of the key principles that any allocation should:

- Provide the maximum level of New Burdens funding allocated to the Devon and Severn IFCA;
- Should be fair and transparent;
- Should replicate the factors used in setting the levy for allocating the contribution levels in funding the IFCAs as set out in the Statutory Instrument.

Recommendation: Plymouth City Council's notes the response submitted to the Department of Food and Rural Affairs consultation, as set out in the background paper.