

NWIFCA Quarterly Meeting

13th September 2019; 11.00 a.m.

AGENDA

ITEM

8

CHIEF EXECUTIVE REPORT 1st quarter

Purpose of Report: Information

Recommendations:

- 1. Receive the report**

This report covers:

- I. Personnel, Health & Safety**
- II. Communications**
- III. Association of IFCA**
- IV. Defra**
- V. iVMS**

I. Personnel, Health and Safety, complaints

1. We welcome Tom Brook to the Science team. He started August 12th, after 3 years at the Environmental consultancy APEM in Manchester. Tom has an MSc from University of Leeds in Biodiversity and conservation.
2. There have been no reportable H&S incidents this quarter. Updating the H&S policy continues with advice of our retained H&S consultant.
3. There are no outstanding formal complaints against NWIFCA

II. Member appointments to NWIFCA

4. Mr Mark Oddy has announced his resignation from the Authority after this meeting as he is moving away from the area. The Authority extends thanks to Mark for his period of membership and constructive contributions to deliberations.
5. The Authority now again has 3 vacancies for MMO appointees. Recruitment of new members by MMO has regularly been requested but has not kept pace with resignations in recent years. Following this meeting, MMO will be alerted to the rising number of vacancies and a further request will be made to undertake member recruitment.
6. The question reported in June regarding the appointments of MMO members completing 10 years' service in 2020 which is the maximum permitted service under existing regulations remains to be resolved. This is a problem faced by most if not all IFCA as many of the original members were appointed in 2010. A paper on this matter has been prepared by AIFCA CEO and Chairman to be sent to MMO when finalised. This is attached for comment at Annex B. CEO will feed back to AIFCA any comments from NWIFCA members.
7. The question over renewal of MMO member's appointments has been resolved and all members should have confirmed new appointments as necessary. If any members have

any outstanding queries regarding their appointments they should contact the Clerk or the MMO.

III. Communications

8. One environmental information request was received this period requesting the legal advice the IFCA has taken or used when considering emergency byelaws and correspondence with Defra or lawyers relating to the advice. The request was answered within the statutory time and no further requests have been received relating to it.
9. Byelaw 3 Permit Processing has taken a significant amount of time this quarter and is the busiest time of the year for administration. Card payment is increasing in popularity and allows for faster issuing of the permits.
10. Work has continued on an introductory tour for councilors with IFCOs. The tour will encompass fishing activity within the area, ongoing developments and environmental factors. It will allow councilors to meet in person the officers responsible for their areas. Hopefully, the first will go ahead in the south of the district (Liverpool and Merseyside) in September or October with the incoming new councilors.

IV Association of IFCA

11. Minutes of the Forum and Director meetings on 4th June 2019 are at Annex A.
12. The next meetings of AIFCA are on 24th September in London. Chairman and CEO will attend.

IV Defra

13. **Evaluation of IFCA by Risk Policy Analysts (RPA):** The report of this commercial contract commissioned by Defra has not yet been published. A presentation to the AIFCA on 4th June showing the format and progress with the contract was circulated to members by email on 29th August.
14. The planned 2 day conference in October on the **Future of UK Inshore management** is on 8th – 9th October in London. The main organisers are SEAFISH and NFFO and fishermen are encouraged to attend. Contributors will include Defra, IFCA and MMO. Further details are at: <https://www.seafish.org/article/future-of-our-inshore-fisheries-conference>
15. The Spending review 2019 (SR 19) previously reported as delayed has now been brought forward to first week in September. A roll over of IFCA new burdens funding is likely but not yet formally announced.

Main meetings attended 1st quarter

10 th April	Chief Officers Group London
14 th May	TSB
16 th May	Defra evaluation of IFCA Focus Groups
4 th June	AIFCA London
20 th June	NWIFCA Annual meeting
21 st June	NWIFCA Audit

30 August 2019

ANNEX A

The Association of IFCA's Members Forum Meeting 4th June 2019 – 10:30

Followed by Directors Meeting Fishmongers Hall, London, London Bridge, EC4R 9EL

Attendance for the Meeting: Chair: Tony Tomlinson CEO: Stephen Bolt Andy Guy, Tim Dapling, Mike Hardy, Paul Williams, Robert Clark, Samantha Davis, David McCandless, Paul Skinner, Les Weller, Stephen Atkins

Minutes: Sally Standing

Apologies for absence: Councillor Chris Matthews, Will Wright, Julian Gregory, Tom Hopper, Stewart Harper, John Lamb, John Humphreys, Stephen Axford

TT formally welcomed PS as the new Chairman of EIFCA and wanted to give congratulations to JL on becoming Mayor of Southend. He also wanted to extend his appreciation and thanks to LW for standing in as Chairman at the last members meeting in TT's absence.

1. Minutes of the last meeting (5th March 2019) – taken as read

a. Matters arising

SB's note of EU Exit SB confirmed that SR19, the comprehensive spending review, is likely to be delayed with the change of Prime Minister and the cabinet. The probability of 2020/21 budget will be a one-year budget possibly with a simple roll over of our new burdens funding with a comprehensive funding review likely to follow once the new government has been formed. We have supplied Defra with matrix and narrative and have submitted a bid to increase from £3m to £6m. If we receive £4/5m that will be an appreciated improvement.

SB also confirmed that Defra will be testing the no deal readiness prepared for 31st March between now and October and strengthening plans.

MH asked if anyone had met the new fisheries minister as NIFCA is planning the naming ceremony for it's new Cabin Rib in late July and plan to invite the Minister. DM confirmed that the Minister is already known to him / NEIFCA. In the meantime, SB is happy to arrange a meeting with Michael Gove.

Discussions followed regarding new burdens. TD voiced his concerns as he said that in the new burdens narrative it said in 2020 it may come to an end. SB suggested TD makes this point to Sylvia Blake from Defra, however, SB said in every new burden spending review, Ministers have always put this as a red risk. It had been suggested at this time it may need AIFCA to obtain a legal opinion of where we are with this issue, but TT suggested we take it one step at a time.

3. Finance & Resources

SB has prepared the end of year accounts and has estimated a £34k overspend which includes the rising costs of venues and travel and subsistence. The accounts are now with the accountants for which they have prepared a final draft. When SB has received them, he will send to the Directors for sign off. Paul Williams (PW) has offered to look at the accounts on behalf of the Directors. SB confirmed that he has asked for confirmation from the accountant as to how to roll over money, received from Defra – circa £20k for various projects. TD has suggested that we add income as well as expenditure to the finance and resources report, and add the total spent. He said we

could try and separate it out with specific projects for exceptional items. All agreed this would be more helpful. **Action 1: SS to liaise with Paul Williams in order to make the finance and resources report more specific for the Members and Directors.**

4. Election of Chair and Vice Chair

Nominations for Chair and Vice Chair were received. Nominations for Tony Tomlinson (TT) to continue as chair were unanimous. Nominations received for Les Weller (LW) to continue as Vice Chair were also unanimous. LW wanted it noted that, although he's very happy to continue as Vice Chair, this may very well be his final year and quite possibly TT's too due to the MMO 10-year issue. SB asked all members to let him know how many people they will lose through the 10-year issue. **Action 2: All to liaise with SB on how many people will be affected by the MMO's 10-year issue.**

2. Defra Update – Martina Di Fonza

Updates on Defra structures and roles

- Sylvia Blake is the new IFCA relationship manager, Natalie Bown is leading on SR19, Martina Di Fonza is working on both of these projects.

SR19 updates

- There is no formal commission from HM Treasury to instigate the spending review (SR). Defra is agreeing priorities and themes for the SR.
- Timing on when the SR will be commissioned, and length of the spending period remains uncertain; we are planning for a commission for completion over the summer.
- Internal commissions have been initiated for Capital spend and Resource spend.
- Marine and Fisheries have identified spending proposal themes such as 'Future Funding', 'Science and Monitoring', and 'Control and Enforcement'. IFCA funding is an element of Domestic Fisheries Management. Martina will further investigate under which themes the IFCA's will be assessed in SR19.
- A spending proposal for IFCA funding will be developed, drawing on useful information previously received and considering the Public Value Framework set out in the Barber Review.
- Treasury narrative remains strong on 'find efficiencies and expect to reduce budgets' and a narrative about Reform is beginning to gain significant ground. This is particularly important for functions repatriated from the EU – how will these be undertaken more efficiently and innovatively to reduce financial burdens.
- All cases for investment will need to be very strong on benefits to business and society.

Third Tranche of Marine Conservation Zones Designated

Friday 31st May, Defra announced the designation of the third tranche of Marine Conservation Zones (MCZs). All 41 new sites and the addition of new features to 12 existing MCZs proposed during last summer's consultation are now designated. This third tranche builds on the 50 MCZs already in place and essentially completes our contribution to the ecologically coherent network of Marine Protected Areas in terms of species and habitat representation. In total we now have

175 Marine Protected Areas of different types, conserving 40% of English seas and providing vital protection for a diverse array of wildlife.

MPA project

Defra are pleased with the progress on this so far. We are aware that a project plan has now been developed and the AIFCA is considering how best to make the system adaptable so that MMO byelaws and future management can be added later. Funding will be provided via Hampshire CC to support this year's work.

Marine Strategy consultation now live

On May 9th Defra launched a consultation on the updated UK Marine Strategy Part 1, which implements the UK Marine Strategy Regulations 2010. The consultation is seeking views on the UK's updated assessment of progress towards the achievement of Good Environmental Status for our seas. This is based on 60 indicators and sets out revised targets and indicators that England, Scotland, Wales and Northern Ireland will use over the next 6 years. The consultation is open on gov.uk until 20th June.

Defra commissioned evaluation of the IFCAs.

Fieldwork getting close to entering the final phase, including the four chosen IFCA districts. Defra has received interim results for the national level work encompassing all of the IFCAs, but we will wait for the final report before these results are shared. We have had many reports of people happy to be engaged in the evaluation, which is great to see. Project is on track to complete this summer so we are hopeful we will be able to report soon afterward.

Updates on the IFCA related SIs

Amendment to the North-Western IFCA and amendment to the Southern IFCA

Having worked to successfully lay a number of EU Exit statutory instruments, Defra are now looking more closely at the business-as-usual programme, including these minor amendments to two IFCA orders – one correcting an error in the coordinates of the NWIFCA and one updating local authorities associated with the Southern IFCA as a result of local government restructure. Two separate statutory instruments with suggested laying dates of 17th September. Defra will be sending two separate consultation letters (to fulfill the statutory requirement to consult on any amendments to these SIs) in June. This will go to the stakeholders specified in the Marine and Coastal Access Act 2009. Statutory instruments are currently being drafted and will be attached alongside the consultation letter.

Amendments to the Sea Fishing (Enforcement) Regulations 2018

Defra are currently monitoring the ongoing suite of EU Regulations coming into force between now and Exit day, including the new Technical Conservation measures regime. Some of these Regulations have consequences for the UK's domestic legislation. Defra are aware of the impacts of the new Technical Conservation Regulations on the UK's Sea Fishing (Enforcement) Regulations 2018, and the urgency of making the necessary amendments.

Defra have received legal analysis comparing the previous powers given to IFCOs with the powers contained in the new Technical Conservation Regulation. Defra legal is currently working through the analysis and regulations. It's looking likely that the EU's new measures will come into force in July.

Inshore Vessel Monitoring System (iVMS) progress

Defra ran a public consultation from 14th November 2018 to 14th February 2019. They received 181 responses to this consultation. A Government response to the consultation was published on 2nd April. Following the consultation, the MMO is changing the approach to the introduction of iVMS. The new procurement approach will not affect the project overall as implementation of iVMS nationally was not expected before 2021. An iVMS solution will still be offered free of charge, as originally planned. The policy has not changed but the timetable for introduction will change. Vessel owners and skippers will receive full details of the operational roll-out later this year. The Government's intention is to introduce the Statutory Instrument (SI) prior to the start of the operational roll-out of iVMS, and our indicative timescales are to do this in the Autumn of this year. The SI must undergo a scrutiny process which includes ministerial sign off and consideration by both Houses of Parliament before coming into law. The intent is to introduce the SI prior to the operational roll-out of an iVMS solution. This timescale is subject to change based on the scrutiny process and parliamentary business planning. The principle behind the introduction of iVMS remains the same; working with Defra, the MMO is committed to providing a more accurate picture of fishing location and activity, which will inform sustainable fisheries and support the viability of the fishing business in the future.

EU Exit Update

In the lead up to 31st October, Defra is continuing to make preparations for a range of possible outcomes for the UK's exit from the EU. This includes leaving without a deal on 31st October, as well as making longer term preparations for our departure after an implementation period which is due to end on 31st December 2020. Please refer to the gov.uk for guidance on what business need to do to prepare.

Discussions followed regarding Byelaws, IFCO powers and SI issues for which Martina answered as much as possible. TT has asked Martina for clarity on the structure of the Defra team. She will send an organigram.

3. Elizabeth Daly – Risk and Policy Analysis – update on IFCA evaluation

Elizabeth ran through her presentation and confirmed that the structure of the final draft will go to Defra at the end of this week. She explained that the update on overall progress had been split into 3 parts; the scoping report included the four case studies. Stage 2 included high level evaluations, chief officers, staff and committee members, national stakeholders. The third stage included local level evaluations from local stakeholders. The draft final report will consist of Aims and Objectives, Report the findings, Lessons learnt and best practice and implications for the future. Whilst ED was discussing the implications for the future she did ask if anyone had any suggestions for change for the future to please let her know. SB has asked ED if AIFCA can have insight into the draft report where, hopefully we can input positively. ED will confirm that and let SB know. **Action 3: SS will send Elizabeth's presentation to all members – done**

5. Matters for decision

B. Paper on the review of the Association

Due to JG being unable to attend the AIFCA meeting, a conference call was held with him in support of work that the Task Group has been involved with. Firstly, JG wanted to say that he is fully supportive of the recommendations as set out in SD's report. He also confirmed that he understands SA's point about the mission statement but suggested that the statement should be seen in the context that the AIFCA is not a separate autonomous body and that it actually comprises all of us and it clearly has a role in providing a focal point in dealing with national issues with our collective agreement. Whether particular issues are dealt with by the AIFCA, CEO or an IFCa officer doesn't really matter, the point is that it is done on our collective behalf under the banner of AIFCA. It is important that Defra and other partners see that there is a central point and that we are able to reach consensus on national issues because they really don't want to have to engage with 10 separate IFCAs. It was agreed to change the Mission Statement to; *'The Association aims to actively represent the IFCAs perspective at a national level, communicate effectively and drive information both internally and externally, to help deliver collaboration with partner organisations and support it's members to fulfil their statutory duties'*.

SD continued to go through the report which included high, medium and low-level priorities. Discussions followed with thanks going to the Task Group for their input into the review. LW wanted to thank D&S IFCa and in particular Mat Mander for his part in this review. He was a reluctant member of the Task Group, but has been extremely helpful with the review and D&S. Following the discussion and endorsement of the approach proposed, Task Group members will continue to use a mixture of teleconferences and face to face meetings to drive forwards the next phase of the review. A further report will be presented to the AIFCA forum at its next quarterly meeting in September. An additional expenditure may be incurred if external advice for other work is required which cannot be completed by the task group. Recommendation was approved that any additional expenditure should be capped at £5k. RC proposed that the working group should proceed with the next phase of implementation. This was unanimously accepted.

6. Matters for noting

a. MPA project update SB gave a brief update on the MPA project and confirmed that he has heard from Defra who are very happy with the project so far and is now awaiting confirmation that we can use £9k which is surplus from previous projects, for extra funding. The project aims to attend the next COG and TAG meetings to present developments on databases and request feedback alongside providing information on MPA assessments and case studies. Further work needs to be done but SB extended thanks to Jamie Small and RC. SD confirmed that she will support this and has suggested that this will be an option paper for COG in July.

b. National Training officer update SB confirmed that the proposal is for Ian Jones to attend the next quarterly meeting in September so that a decision can be made on what we do with this project into 20/21. SB asked for this to be minuted that Ian Jones is doing a good job. LW also commented that this is a fantastic report and the AIFCA should seriously consider employing Ian on a full-time basis. MH also agreed that this position should certainly be made permanent. However, Paul Williams (PW) asked for confirmation as there is no item for pension costs. RC will

investigate this issue. Questions on whether we extend or expand Ian's role were asked. There is an ongoing demand for his skills which would also increase our value with Defra. SB and MH will discuss further. SB will raise this with the training subgroup and report back. **Action 4: SB and MH will further discuss the national training officer role. SB will raise this with the training subgroup and report back.**

c. iVMS update Martina gave a brief update from Defra. She confirmed that we are still working to the original timescale, however, JG is now not leading on this project.

d. CEO Meeting log RC thanked SB for attending the NFFO meeting. There will be another chance to meet them again on 26th June. RC stated that the English Fisheries group was suggested at our last meeting and confirmed that this would be good for us to be seated at the table. RC Will look into this and report back. **Action 5: RC to investigate the request for AIFCA to be invited to the English Fisheries group and will report back.**

e. Directors minutes All agreed the training plan – minutes approved.

7. AOB

a. Recreational Sea Angling National Strategy – Les Weller

LW confirmed that he is no longer a member of the Angling trust and said that Fish Legal are the people we need to be made aware of. LW explained that you join the Angling Trust and you have the option to become a member of Fish Legal, who are incredibly successful. Tom Sherwood from the Environment Agency sits on the National Angling Strategy Board and has asked the IFCA's to be involved. SB stated that we are going to be asked more about sea anglers, and it is prudent that we have a seat at the table. If it gets funded nationally it makes sense of us to be there. Adam Brown has asked if we will endorse or support this strategy. Discussions followed; some in support, some voicing concerns. RC said that he's happy in supporting this in principle, but it comes down to communication. DMC would like more information. All agreed that SB circulates the confidential information received from Tom and Adam and will make a decision over the next few days. **Action 6: SB to circulate the confidential information sent by Adam and Tom in order for IFCA's to make a decision.**

RC gave a brief outline of the meeting between himself and Martina regarding statutory instrument EC85098 which has been removed and replaced. A law which relates to the relevant sizes of recreational and sea angling. The EC85098 was going to be amended. The drafts that have been shared does not contain much text. However, at the beginning of May, they were supplied with an amended text and it was picked up in the first line that it repeals EC85098 rather than amends it; which means that in the next four weeks we might lose our powers again. RC continued to confirm that he has now received the latest version of the text and these regulations are very explicit in the sense that he could lose the power to enforce. Therefore, he has asked Martina to put this to the amending lawyers. In summary, in 2018 IFCA enforcement powers were to apply to all fishers. The suggestion has been to seek Defra review. TD suggested to do a draft letter between all CO's to agree to ask for Defra support. TT also said that the Association should delegate it through COG; build this into the letter that some IFCA's may have to go down the

emergency byelaw route. **Action 7: RC to draft a letter and keep chiefs involved. SS will then circulate to chairs and chiefs.**

Close of meeting 16:20

Date of next meeting – Tuesday 24th September 2019 – The Passage, St Vincent’s Centre, Carlisle Place, London SW1P 1NL

Actions from this meeting

Action	Action	By Whom
Action 1	SS to liaise with Paul Williams in order to make the finance and resources report more specific for the Members and Directors.	SS
Action 2	All to liaise with SB on how many people will be affected by the MMO’s 10-year issue.	All
Action 3	SS will send Elizabeth’s presentation to all members	SS - Done

Matters for noting

Action	Action	By Whom
Action 4	SB and MH will further discuss the national training officer role. SB will raise this with the training subgroup and report back.	SB/MH
Action 5	RC to investigate the request for AIFCA to be invited to the English Fisheries group and will report back.	RC
Action 6	SB to circulate the confidential information sent by Adam and Tom in order for IFCAs to make a decision.	SB
Action 7	RC to draft a letter and keep chiefs involved. SS will then circulate to chairs and chiefs.	RC / SS

The Association of IFCAs Directors Meeting 4th June 2019 16:15

Attendance for the Meeting: Chair: Tony Tomlinson CEO: Stephen Bolt Directors: Mike Hardy, Tim Dapling, Stephen Atkins, David McCandless, Samantha Davis, Robert Clark, Les Weller
Minuets: Sally Standring

Apologies for absence: Will Wright, Julian Gregory, Tom Hooper

1. Minutes of the last Association Directors Meeting, Tuesday 5th March 2019 – taken as read and accepted.
 - a. Matters arising not on the agenda
 - b. Formal sign off – budgets – LW proposed and SD seconded, all in favour
2. Items for note/discussion
 - a. Update on 2018/19 accounts. RC asked for it to be noted that, as Directors, they agreed to fund exceptional items with the budget and reserves as discussed in the Members forum and for all exceptional items to be set out separately on the finance and resources report.

RC also formally supports the progress on the review.

Close of meeting: 16:30

Date of next meeting: Tuesday 24th September – Venue – The Passage, St Vincent’s Centre, Carlisle Place, London, SW1P 1NL

Annex B

AIFCA paper on MMO Appointees – criteria for extending beyond 10-year appointments under exceptional circumstances.

Authors Stephen Bolt (AIFCA CEO) & Tony Tomlinson Chairman AIFCA and Chairman Cornwall IFCA

Background:

1. In October 2020, 45 out of 111 MMO appointees will have been in post for the upper limit that the guidance below indicates (two terms or ten years). It is considered that in many cases this will present significant difficulties for the IFCA's going forward as there is a very limited pool of suitable candidates willing to assume this predominantly non-remunerated role. In some cases, such as Devon & Severn IFCA, the Authority would be unable to continue to function as they are due to lose 8 out of 15 appointees with a further 5 vacancies.

IFCA	Oct/Nov 2020 leavers	Current vacancies	Future vacancies	Full Establishment	Potential loss	% loss
Cornwall IFCA	7	0	1	11	8	73
Devon & Severn IFCA	8	3	2	15	13	87
Eastern IFCA	5	0	0	11	5	45
Isles of Scilly IFCA	2	0	0	3	2	67
Kent & Essex IFCA	3	0	0	9	3	33
North East IFCA	4	3	0	14	7	50
North West IFCA	3	2	1	17	6	35
Northumberland IFCA	4	1	0	11	5	45
Southern IFCA	3	0	0	9	3	33
Sussex IFCA	6	0	0	11	6	55
TOTAL	45	9	4	111	58	52

2. In general, the IFCA's face significant challenges in 2020 as maintaining the balance between fishing, conservation, science and angling is essential and finding like for like member replacements is rarely possible. Time, knowledge and experience is not easily replaced in rural coastal areas. In Devon & Severn IFCA a single MMO appointee is Chair of the Authority and is also Chair of its two sub – committees (F&GP and Bylaw & Permitting Sub-Committee) because of the reluctance of MMO appointees to take on additional Authority functions. The MMO also appears to be facing challenges in the ongoing MMO appointment process, best evidenced by the fact that at a number of IFCA's there are long-standing vacancies in membership e.g. one vacancy at Northumberland since January 2019. It will be appreciated that this will be exacerbated if there is a major reduction in the number of IFCA members across the country due to 10-year appointments coming to an end in 2020. The IFCA's would be happy to support recruitment by actively promoting participation in the IFCA's and help identify and encourage people to apply.
3. In addition, self-employed candidates rarely have the time to participate in Authority matters. Given the political climate, swathes of Councillors could also be gone over the next year or two leaving the IFCA's with even less knowledge.
4. In addition, consideration needs to be given to:
 - The posts are, for the majority, non-remunerated

- The adoption of the 10-year principle predates the onset of the current financial environment of austerity and stagnation of disposable income
- Employers are increasingly reluctant to release employees for voluntary public service
- Additionally, for self-employed persons, taking up an IFCA appointment imposes a financial penalty. Although a daily allowance may be paid, at an IFCA's discretion, the amount seldom, if ever, reflects loss of daily income due to attendance at IFCA meetings.
- Consequently, there is a very limited pool of appropriate candidates willing to put themselves forward – highlighted by the severe difficulties encountered in replacing appointees
- There is a need to maintain the balance of expertise and access to required skill sets on the Committees, limiting suitable candidates even further

5. MMO guidance states:

- a. Under s151(1) (b) of the Marine and Coastal Access Act 2009 the Marine Management Organisation is responsible for making appointments of general members to the 10 Inshore Fisheries & Conservation Authorities (IFCA) in England. Under the terms and conditions set for appointees by the MMO appointees may serve for an initial period with an extension of up to a maximum of 10 years, subject to annual written confirmation from the IFCA chair or appointed officer of satisfactory performance. IFCA general members are public appointees, although they are not Ministerial appointees. Defra has set an expectation that the appointments process will follow the three basic principles established by the Code of Practice for Ministerial Appointments to Public Bodies
 - b. *Reappointments 3.4 Reappointments and extensions require the agreement of Ministers. Departments should build sufficient time into their planning for Ministers to decide against making a reappointment or extension and holding a process to appoint a successor. There is no automatic presumption of reappointment; each case should be considered on its own merits, taking in to account a number of factors including, but not restricted to, the diversity of the current board and its balance of skills and experience. 3.5 Ministers may reappoint or extend the terms of public appointees or statutory office holders subject to:*
 - Any such reappointment or extension being made in accordance with the law relating to the particular public body or statutory office; and
 - No reappointment or extension being made without a satisfactory performance appraisal, evidence of which must be made available to the Commissioner on request. Length of tenure 3.6 Subject to any statutory provisions relating to the body to which the appointment is being made, it is for Ministers to decide on length of tenure. However there is a strong presumption that no individual should serve more than two terms or serve in any one post for more than ten years. In exceptional cases, Ministers may decide an individual's skills and expertise is needed beyond such a tenure. Such exceptional reappointments/extension should be notified to the Commissioner for Public Appointments ahead of announcement.
6. As these posts are not Ministerial appointments, any extensions beyond 10 years would not need Ministerial approval.
 7. Nevertheless, it is recognised that difficulties in recruitment in itself does not constitute sufficient justification for extension beyond 10 years, unless combined with additional factors such as skill sets that are difficult to replace, a higher than average commitment to IFCA duties and availability for service
 8. It is useful, therefore, to set out what circumstances might be relevant to extending MMO appointees beyond 10 years recognising that:

9. **Proposed circumstances justifying extension beyond 10 years:**

- Appointee has exceptional skills or skill set that is difficult to procure replacement
- Appointee is using his /her experience to take the Authority forward that would be difficult to replace in the future, for example

- Sector experience, relevant scientific or technical expertise and background, coastal community representation.
- Chairs/vice chairs have relationships with CEO's that have been built up over time and it needs a more planned approach to replacement given the potential loss of members.
- Appointee has demonstrated a higher than normal commitment to the work of the Authority
- Failure to extend the Appointee would materially impair the functioning of his/her Authority
- Appointee is currently holding a key role in the Authority (Chair, Vice Chair, Subcommittee chair) and that they should be retained until relinquishing this role in a timely manner. In addition, the current Chair and Vice Chair of the Association are both MMO appointees approaching 10 years and currently essential for the delivery of the Association Review going forward
- Appointee is currently involved in a project or delivering the IFCA Committee business plan that spans the 10 year guidance.

10. Proposals going forward:

The following solution is therefore proposed: -

- Each IFCA should present a number of appointees that meet the criteria for extension beyond 10-years ranked in importance.
- The periods of extension should range from 2 to 5 years.
- Each IFCA should rank these in order of importance, together with a reasoned statement as why an extension is being sought for each Appointee and what period the extension should be considered for.
- The Association will collate these and present the consolidated listing to the Appointing authority (MMO) for further consultation and implementation.