



Marine Management Organisation

Board Meeting Minutes: 22 December 2020
Held via: Microsoft Teams - video conference

Board

Hilary Florek (HF) – Chair
Belinda Howell (BH) – Board Member
Bill Dickson (BD) – Board member
David Lyall (DL) – Board Member
Peter Judge (PJ) – Board Member
Robert Wilson (RW) – Board member
Terence Jagger (TJ) – Board member
Tony Delahunty (TD) – Board member
William Roberts (WR) – Board member

In Attendance

Tom McCormack (TMc) – Chief Executive Officer
Michelle Willis (MW) – Director of Finance and Resources
Joseph Miller (JM), Litigation Lawyer
Martin Smith (MS) Interim Head of Governance, Risk and Assurance
Paul Errington (PE), Head of Programme Finance and Commercials
Sarah Cullen (SC) – Board Secretariat
Danielle Lee-Moulding (DLM) – Board Support

Apologies

None

Minutes

1. Welcome: Hilary Florek

- 1.1. The Chair, Hilary Florek (HF) welcomed all attendees to the meeting and thanked Joe Miller, Martin Smith and Paul Errington for attending to present to the Board.
- 1.2. HF asked for any new declarations of interest; no new declarations of interest were advised.

2. Fisheries Act 2020 – MMO Functions and Duties

- 2.1. Joseph Miller (JM), MMO Litigation Lawyer, described the effect of the implementation of the Withdrawal Act 2018 and the Fisheries Act 2020 in relation to the functions and duties of the MMO following the end of the Transition Period (TP) at 23:00 on 31 December 2020.
- 2.2. JM advised that the MMO had played an integral role alongside the Defra Legal team on the content of the Fisheries Act which had been the first major change in fisheries legislation for 30 years. The main changes following EU Withdrawal Act 2018 and following the TP would result in

EU legislation becoming UK law. JM advised that the majority of the new legislation was not new to the MMO.

- 2.3. JM noted that the legislation would result in 499 marine and fisheries environmental legislation becoming UK law, and of these, 439 were functions which the MMO had previously been responsible.
- 2.4. JM advised that The Fisheries Act 2020 had received Royal Assent on 23 November 2020 and would result in some initial changes as well as consolidating existing powers for the UK - such as the authority to license vessels in UK waters. Foreign vessels would now be required to obtain individual licenses to fish in UK waters. This work would be conducted through the Single Issuing Authority (SIA) for the whole of the UK. Agreements had already been made with Norway and Faro, though EU negotiations were still underway. In preparation for the conclusion of the negotiations, draft licenses had been prepared and were ready to be issued if an agreement is reached and would be ready to be issued on 31 December.
- 2.5. MS noted that this also required governance changes to the Framework Document (section 3 and annex 1), and which was being led by Michelle Willis (MW) and colleagues in Defra. The Financial and Non-Financial Schemes of Delegation (SoD) also required revision: Financial SoD to include reference to NERC (Natural Environment and Rural Communities Act 2006) as a basis to provide financial assistance to the seafood sector (pending the affirmative SI being laid) and the Non-Financial SoD to reflect the new MMO functions under the Fisheries Act for the SIA, to cover FaSS and the EU Withdrawal Act and note the cross-UK impacts of Catch Certificates. MS asked for Board support for the changes to the Framework Document and the Financial and Non-Financial Scheme of Delegations.
- 2.6. HF referred the Board to the original requests as noted below and the Board were happy to approve:
 - 2.6.1. Note the changed legislative landscape that flows from exiting the EU and the end of the transition period;
 - 2.6.2. Note that the MMO CEO will sign agency agreements/ MOU with three DAs to undertake foreign vessel and UK external waters licensing functions on their behalf (Single Issuing Authority) and to operate the FES, facilitate user support through the call centre and assist with out of office hours decision making (unblocking of catch certs);
 - 2.6.3. Note and agree to the functions that flow from the establishment of the Fisheries and Seafood Scheme (FaSS) as the delivery body for Marine and Fisheries grant funding to replace the existing functions relating to European Maritime and Fisheries Fund (EMFF) and Maritime and Fisheries Fund (MFF);
 - 2.6.4. To note the proposed changes to the Framework Agreement (subject to agreement with Defra Marine and Fisheries Policy), to approve the changes to the scheme of delegation (draft attached at slide 22 with proposed changes) and to authorise MMO CEO to sign the updated s.14 MCAA 2009 agreement with Defra; and
 - 2.6.5. To note that there are potential policy functions coming our way in 2021 and beyond as a result of the Fisheries Act 2020, specifically the enhanced quota allocation functions (2022 or beyond) and the discard prevention scheme (Q2 2021).

3. Budgets 2021/22 – MMO Priorities and Allocations

FASS

- 3.1. This is funding to the seafood sector, it is not a statutory function, it is delegated to MMO which allows the MMO to make administer payments is specific to the relevant fund, s.14 of MCAA restricts this to the activity to the UK marine area, which creates issues for dealing with aquaculture payments.
- 3.2. Changes are needed, with our fallback position to use the powers through a statutory instrument under section 78 and 98 of the Natural Environment and Rural Communities Act (NERC) which will allow Defra to give us the powers to launch the scheme in January. The negative statutory instrument allows the SoS to enter into agreement with the MMO allowing us to make these payments and run the scheme.
- 3.3. From a delivery perspective this means we are able to open up and accept EOI's from January onwards with a look to distribution in April 2021, when funding becomes available.

Budgets and MMO priorities

- 3.4. Board members were asked to note this pack builds on pack sent to previous ARAC. MW advised we are in a business planning process which deals with rollover implications on BAU and EU Exit and additional money for manifesto priorities.

4. Blue Belt – Programme Governance

- 4.1. TMc noted a paper to describe how the delivery, planning, finance and governance of the Blue Belt programme would change following a governance review. TJ advised that the changes were uncontentious and recommended that the Board approve the changes.
 - 4.2. TJ further noted that some straightforward items which were still not include in the Scheme of Delegations (SoD) and that it had been discussed in a recent ARAC. WR confirmed that the requested changes to the SoD were in relation to leaving the EU, though should be regularly reviewed by the Board in consultation with Defra. TMc agreed that the SoD's should be reviewed and revised in line with good governance, however, this should wait until after March 2021 due to capacity issues.
5. HF offered her thanks to everyone across the MMO for their hard work throughout an incredible year and noted her pride in working with the Non-Executives and the Organisation as a whole.