



Joint Nature Conservation Committee 109th Meeting Minutes Confirmed (non-sensitive)

Date: 1 December 2016

Time: 09:10

Venue: David Attenborough Building, Pembroke Street, Cambridge, CB2 3QY

Present

Dr Bob Brown
Independent member

Professor Chris Gilligan
Independent Chair

Dr Madeleine Havard
Natural Resources Wales

Dr Joe Horwood
Natural England

Dr Hilary Kirkpatrick
Council for Nature Conservation and the Countryside

Professor Howard Platt
Council for Nature Conservation and the Countryside

Dr Susan Walker
Scottish Natural Heritage

Professor Ian Bateman
Independent member

Mr Guy Duke
Independent member

Mr Ian Ross
Scottish Natural Heritage

Professor Michel Kaiser
Independent member

In attendance

Dr Steve Gibson
JNCC

Dr John Goold
JNCC

Mrs Tracey Quince
JNCC

Mr Paul Rose
JNCC

Mr Marcus Yeo
JNCC

Ms Sue McQueen
JNCC

Mr Tim Andrews (items 1-8 and 12-17)
Defra

Mr Martin Devine (item 7)
Defra

Dr Chris Cheffings (items 5-7 and 10-17)
JNCC

Dr Karen Webb (items 1-7 and 10-17)
JNCC

Ms Lynn Heeley (items 1-7 and 10-17)
JNCC

Apologies

Professor Colin Galbraith
Independent member

Mr Andrew Bachell
Scottish Natural Heritage

Ms Diane McCrea
Natural Resources Wales

Ms Helen Anderson
DAERA

1 Chairman's opening remarks

- 1.1 Professor Gilligan welcomed Mr Tim Andrews (Defra Sponsorship lead) to the meeting.
- 1.2 Professor Gilligan informed the Committee that six-month extensions had been agreed for the appointments of Dr Brown and Mr Duke, pending confirmation of ministerial approval from all the devolved administrations. The importance of initiating an appointment process to replace Dr Brown and Mr Duke was emphasised for Mr Andrews to take back to Defra.
- 1.3 Professor Gilligan informed the Committee of a recent visit to JNCC's Aberdeen office and the informative presentation he had received from staff. Whilst in Aberdeen, Professor Gilligan and Mr Yeo had taken the opportunity to meet the Head of Science in Marine Scotland (Professor Colin Moffat) to discuss working relationships.
- 1.4 Professor Gilligan reminded members of a number of key tasks going forward for members' involvement, including implementing the new strategy, engaging with sponsors, identifying opportunities for new funding streams, developing new ways of working and creating more effective communications.

2 Declaration of interests

- 2.1 No declarations were made.

3 Confidential minutes of the September 2016 meeting (official-sensitive) (JNCC 16 35)

- 3.1 The minutes of the December meeting were approved with the following amendment:
 - i. Page 1, Mrs McQueen to be added to the list of attendees.

4 Matters arising (JNCC 16 36)

- 4.1 There were no matters arising for this meeting.
- 4.2 On the report of outstanding actions from the September 2016 meeting in Annex 1, members noted the link between action 7.5 (the review of all Committee sub-

groups) and 14.5 (the establishment of an income generation sub-group as part of the review of all Committee sub-groups).

5 Chief Executive's report on topical issues (JNCC 16 37)

- 5.1 Mr Yeo provided the Committee with an overview of important developments, including changes to JNCC's sponsorship arrangements within Defra, work being undertaken to review JNCC's governance documentation and a forthcoming meeting with the Defra minister, Thérèse Coffey.
- 5.2 The Committee asked Professor Gilligan to highlight at his ministerial meeting, the successes of the Committee and the enthusiasm for implementing the recommendations from the recent JNCC Review.

6 Report from ARAC on 30 November

- 6.1 Professor Galbraith was unwell so could not chair the ARAC meeting on 30 November. Mr Duke had stepped in to chair the meeting and gave the Committee a presentation on key issues discussed.
- 6.2 The November meeting had focussed on a number of matters and the Committee was informed that:
 - i. APHA and JNCC had made a commitment to develop a business case to replace the UNICORN system used for CITES licensing;
 - ii. discussion at the recent meeting of Defra ARC Chairs in October had included EU exit, the Defra transformation programme and Defra's new risk framework. In discussion, ARAC agreed the transformation programme was ambitious and required adequate resourcing to be successful;
 - iii. the audit on income generation had concluded that JNCC have adequate systems and processes, but some areas require attention to be fully effective;
 - iv. the external audit strategy has been developed by the new NAO team;
 - v. the timetable for the Annual Report and Accounts was ambitious but achievable;
 - vi. the significant risks register in its new format (with inherent and residual risk ratings) had been discussed;
 - vii. ARAC had discussed the risks and opportunities presented by the UK's exit from the EU; and
 - viii. the process for ARAC's compliance monitoring of the whistleblowing and cyber security policies had been agreed.
- 6.3 The Committee noted the report from ARAC and thanked Mr Duke for stepping into the Chair role at short notice. The Committee asked that staff be made aware of the whistleblowing policy at regular intervals to ensure general awareness and to help instil confidence in using the policy.

Action point(s)

AP01 Mrs McQueen to arrange for regular reminders to staff of the whistleblowing policy.

7 Defra Transformation Programme – implications for JNCC

- 7.1 Mr Devine from Defra's Transformation Team joined the meeting and gave a presentation on the Defra Target Operating Model and Transformation Programme. Mr Devine explained that the aim of the programme was to enable the Defra group to deliver its ambitious strategy with a reduced budget and to deliver the best possible service to customers.
- 7.2 The new organisational model includes six 'outcome systems' (for example, animal and plant health; marine and fisheries) and several cross-cutting elements (for example, licensing; customer management). New governance arrangements had been established to align with the organisational model, including committees for each outcome system. JNCC is represented on relevant committees.
- 7.3 In discussion the Committee raised the following issues:
- i. it would be important to develop strong linkages between the outcome systems (for example, between the Natural Environment and Food & Farming systems) to prevent them operating in silos;
 - ii. JNCC's governance arrangements, with responsibilities to four sponsor administrations, must be respected;
 - iii. the operating model should take into account the need for bodies to have flexibility to pursue other key work areas, for example income generation, as well as be aligned to Defra's priorities.
- 7.4 Professor Gilligan thanked Mr Devine for an informative presentation.

8 Draft JNCC strategy and business plan for 2017/18 (Official-Sensitive) (JNCC 16 39)

9 Dispersed working within JNCC (Official-Sensitive) (JNCC 16 40)

10 Open data: direction and aspirations (Official-Sensitive) (JNCC 16 41)

11 EU exit and JNCC (Official-Sensitive) (JNCC 16 42)

12 Performance report for quarter 2 2016/17 (JNCC 16 43)

- 12.1 Mr Yeo presented the paper which provided a summary of performance for the second quarter of 2016/17. Mr Yeo informed members that performance at the end of quarter 2 was satisfactory. The majority of success measures were progressing well and most are anticipated to be completed by the end of the year. External pressures have continued, with the UK's exit from the EU a significant additional demand that will cause ongoing uncertainty in some areas. Resourcing problems, exacerbated by staff turnover and heavy workloads, have also affected delivery.
- 12.2 The Committee made the following comments in discussion on the performance information:
- i. the inclusion of inherent and residual risk ratings in the significant risks register enhanced the clarity of the document;
 - ii. risks relating to the UK's exit from the EU should be more clearly referenced in the significant risks register;
 - iii. the good progress made in the marine monitoring area was welcomed;
 - iv. a number of amber ratings in the report related to capacity issues. A report on how staffing concerns are being addressed would be a helpful addition to the report.

Action point(s)
AP05 Mr Yeo to arrange for future performance reports to contain information on how staffing issues are being addressed.

13 JNCC review: draft implementation plan (Official-Sensitive) (JNCC 16 44)

14 Joint Committee self-assessment: update on agreed actions (JNCC 16 45)

- 14.1 Professor Gilligan introduced the item and explained that good progress had been made on implementing the agreed actions. The actions outstanding would be incorporated into the implementation plan for the JNCC Review.

15 Report from the MPA sub-group (Oral)

- 15.1 Dr Brown reported on the meeting of the MPA sub-group which had met the previous day. All current members had attended the meeting. However, it was noted that Natural Resources Wales does not have a representative at present. This had been briefly discussed with Welsh representatives at the meeting with a

view to resolving the issue.

- 15.2 Dr Brown outlined the protocol for proposing fisheries management measures for offshore MPAs, from regional stakeholder consultations through to dialogue with member states holding fishery interests in such areas. Members considered a range of issues that might affect such management measures, including the impact on sand eel quotas, the precise meaning of the term 'sufficient information' as applied by member states, issues relating to sensitive species, and how considerations of economic interest were handled. It was recognised that this is important work undertaken largely behind the scenes by the fisheries team to enable governments to secure management measures for offshore MPAs. The work is a high priority for Defra and Marine Scotland. Further stakeholder discussions would be needed and the sub-group is keen to support the staff progressing this work. The sub-group proposed holding a workshop at a suitable stage next year, probably in Aberdeen where the fisheries team is based.
- 15.3 Dr Brown explained that work on Tranche 3 of Marine Conservation Zones was split into three work streams: traditional sites (the remaining sites from the regional project recommendations), new sites, and mobile species sites. Defra requires advice on traditional sites by the end of November, and advice on new sites and mobile species sites in February. These three strands of advice will then be combined into one advice report that will be prepared by summer 2017. The full package of advice will need to be signed off by Committee before it is formally published.
- 15.4 The sub-group had been asked to focus on whether the quality assurance (QA) process for work on Tranche 3 is robust and appropriate procedures have been followed. Dr Brown confirmed that the sub-group was content with the QA process and procedures in place and commended the first element of the work to the Committee (JNCC's quality check on the traditional site recommendations) for onward transmission to Defra. The sub-group will hold a further meeting in February to consider the remaining elements of the work (new sites and mobile species sites), which combined with the traditional sites work will collectively form JNCC's complete advice on Tranche 3 MCZs.
- 15.5 The principles for selecting sites for mobile species had been generated by JNCC and Natural England at Defra's request. Proposals for mobile species sites will be submitted by third parties using the principles for selection, and an evaluation of these proposals will be undertaken. Members noted the four key principles and accepted their applicability. However, the sub-group felt that some aspects of conservation of such species (e.g. some fish, bird and cetacean species) would be better delivered by wider sea management measures, although clearly some mobile species did use identifiable areas in a regular and significant way. The sub-group felt that it was important to open up a wider dialogue about how the conservation needs of such species might be better met.
- 15.6 Dr Brown advised the Committee that succession planning for the sub-group was

vital as the term of office for some members would be drawing to a close in the coming months. Dr Brown thanked staff for the exceptional quality of the papers the sub-group received and the clarity they provided.

- 15.7 Following consideration of the work of the MPA sub-group the Committee had a wider discussion about the benefits of an independent review of JNCC's science. This would need to be considered in light of other priorities. Professor Gilligan asked that ARAC consider the options and report back to the Committee at a future meeting.

Action point(s)
AP06 Professor Galbraith to ask ARAC to consider the range of options for commissioning an independent science review of JNCC and report back to a future Joint Committee meeting.

16 Joint Committee forward programme (JNCC 16 46)

- 16.1 Mr Yeo presented the paper which provided the forward programme for the next four meetings.
- 16.2 In discussion the Committee agreed to add the following items to the forward programme:
- i. a discussion on communications;
 - ii. updates on international issues.
- 16.3 Dr Goold noted that the Marine Conservation Zones paper due for the March 2017 meeting would now be an intersessional paper between December and March to reflect the timetable for submitting advice.

Action point(s)
AP07 Mrs Quince to make the changes to the forward programme detailed in paragraphs 16.2 and 16.3.

17 Any other business

- 17.1 Professor Gilligan noted a request from one member to change the date of the September 2017 meeting. This would be considered and members notified of any change.
- 17.2 Members were advised that the next meeting on 2 March 2017 would be in Defra's offices in Nobel House, London. Details would follow in due course.