

**MINUTES OF THE MCA BOARD HELD ON WEDNESDAY 02 DECEMBER 2020  
VIA THE TEAMS PLATFORM**

**Attending:** Michael Parker  
Brian Johnson

Name

Claire Hughes

Name

Katy Ware

Name (DfT)

**Apologies:** Name

**Secretariat:** Name

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**1. Declaration of Conflicts of Interest**

None were declared.

**2. Minutes of the Last Meeting and Outstanding Actions**

The Minutes of the meeting of 03 November were agreed as a true record. The status of actions is as recorded in the associated action log in the board pack for this meeting. The following actions are closed: 20/20, 22/20, 24/20 and 25/20. Action 23/20 is deferred to the next meeting.

**3. Chief Executive's Report and the Agency Performance Report**

The content of the paper was noted.

LPP

Some progress has been made with Merseyside police and the way in which they have decided to handle an investigation into a rescue on the Wirral in July. The police had informed us that they were treating four Coastguard Officers as suspects in the crime of gross negligence leading to manslaughter. Our barristers believe that the police are acting inappropriately because 1) we have no duty of care to those we are rescuing (a prerequisite for this crime) 2) they are mixing up criminal investigations with gathering information for an inquest. Three individuals will not be interviewed under caution, but

**LPP**

**Sensitive & Irrelevant**

**Sensitive & Irrelevant**

Sensitive & Irrelevant

**Nam** will ask her team if there is any way of bringing forward any of the 16 MAIB recommendations.

#### 4. The 'Big 3' update

Sensitive & Irrelevant

#### 5. Health and Safety

The content of the paper was noted.

Interviews for the Safety Manager are due to take place later this week.

#### 6. Agency Risks

The content of the paper was noted. Key points raised were:

IMO Instruments Implementation Code Audit Failure

Target score date has moved to 31 January 2021. This reflects the UK's request and offer to IMO of the UK as a pilot study for remote/blended audit and is the earliest date that IMO are now likely to schedule the audit of the UK. We are chasing IMO for a decision on acceptance of UK's offer, response was expected mid-October.

Sensitive & Irrelevant

The unilateral use of force by Home Office law enforcement bodies to deter, disable or return vessels carrying migrants to the French coast.

Home Office have convened two panel groups to assess the possibility of undertaking enforcement action in the Channel to prevent migrant boats getting to the UK. MCA are represented and continue to comment in line with SOLAS and search and rescue when appropriate.

LPP

LPP

LPP - this work is ongoing.

## 7. Agency Financial Position

Sensitive & Irrelevant

**Sensitive & Irrelevant**

Sensitive & Irrelevant

### 8. UK Ship Register Commercial Activity

Sensitive & Irrelevant

### 9. Service Level Agreements

Sensitive & Irrelevant

### 10. Migrant Small Boats

Claire presented a briefing note relating to migrants crossing the English Channel. The Home Secretary and Minister for Immigration, Compliance, and the Courts, have tasked the Clandestine Channel Threats Commander and Border Force with the delivery of tactical interventions mid-Channel to prevent attempted migrant small boat crossings from reaching the United Kingdom. This includes taking law enforcement action which is intended to begin by 21 December 2020. The planned tactics include the disabling of vessels using a vessel arrest boom, blocking of boats, turn around/push back and towing methods to prevent entry into the United Kingdom.

The board noted the concerns; the consequences and risks of the tactics suggested by Home Office and UK Border Force; [REDACTED]

[REDACTED] LPP

[REDACTED] LPP

Briefing has been sent to the Minister and he has stated that he *'is entirely in sync with our concerns'*. A meeting with the Minister happened on the 30 November

and QC decision will be made next week. The latest legal positions and further information were outlined in the paper and in a separate annex.

Claire continues to monitor the situation closely and updates the Executive team. The board will also be kept updated on any activities relating to this.

## **11. Any Other Business**

The meeting dates for 2021 were presented and approved. These dates have been sent out to the Board via outlook. The January meeting will remain in diaries but will only be used if there are urgent matters.

Michael Parker will be continuing as Chair of the Board until the end of February.

Mark updated the board following the work EY have done for us. A working group HM Treasury, EY, MCA and DfT and industry representatives was put together and the group developed some recommendations and proposals. Consultation with others is going ahead and a discussion with the Minister taking place next week. The final themes and messages could be announced from January 2021. Mark presented a summary of the recommendations and proposals to the board.

Meeting closed at 16:03.

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Office of the Chairman & Chief Executive  
03 December 2020