31st EIFCA
Statutory Meeting

To be held at:

The Green Britain Centre
Turbine Way, Swaffham, Norfolk, PE37 7HT

Wednesday
31st January 2018

1030 hours

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry

Meeting: 31st Eastern IFCA Meeting

Date: Wednesday 31 January 2018

Time: 10:30hrs

Venue: The Green Britain Centre, Turbine Way, Swaffham, Norfolk, PE37 7HT

Agenda

1 Welcome - *Chair*

2 To accept apologies for absence - *Chair*

3 Declaration of members' interests - *Chair*

Action items

4 To receive and approve as a true record, minutes of the 30th Eastern IFCA Meeting, held on 25 October 2017 - *Chair*

5 Matters arising (including actions from last meeting) – *Clerk*

6 Health and Safety risks and mitigation – *Hd Finance & HR*

7 Meeting of the Finance and Personnel Sub-Committee 17th Jan 2018 – *CEO/Hd Finance & HR*

8 Provisional budget for 2018/19 and provisional forecast for 2018/2023 - *Hd Finance & HR*

9 Payments made and monies received during the period Oct 17 to Jan 18 – *Hd Finance & HR*

10 Quarterly Management Accounts – *Hd Fin & HR*

11 Electric Pulse Trawling – *CEO / Cefas*

12 Mussel Fishery 2018 – *SMSO/CEO*

13 WFO 1992 Licence Fees – *Senior IFCO (Regulation)*

14 Association of IFCA update – *CEO*

15 EU Exit update – *CEO*

16 Cockle fishery 2017 update – *CEO*

17 *To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items 18 & 19 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act*

18 Fishing industry correspondence – *CEO*

19 Consideration of WFO applications – CEO / Senior IFCO (Regulation)

Information items

20 General Data Protection Regulation – *Senior IFCO (Regulation)*

21 Quarterly progress against Annual Plans – *CEO*

22 Marine Protection quarterly reports – *Senior IFCO (Regulation)*

23 Marine Science Quarterly Reports – *Senior MSO's*

Any other business

24 To consider any other items, which the Chairman is of the opinion are Matters of Urgency by reason of special circumstances, which must be specified in advance.

J. Gregory
Chief Executive Officer
16th January 2017

30th Eastern IFCA Meeting

"Eastern IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".

A meeting of the Eastern IFCA took place at The Boathouse Business Centre, Wisbech, Cambs, on 25th October 2017 at 10300 hours.

Members Present:

Cllr Paul Skinner (Vice Chair)	Lincolnshire County Council
Stephen Bolt	MMO Appointee
Cllr M Chenery of Horsbrugh	Norfolk County Council
Cllr Peter Coupland	Lincolnshire County Council
Cllr M Vigo di Gallidoro	Suffolk County Council
Paul Garnett	MMO Appointee
Ian Hirst	Environment Agency Representative
Charlie Moffat	Natural England Representative
Keith Shaul	MMO Appointee
Rob Spray	MMO Appointee
Steven Williamson	MMO Appointee
Stephen Worrall	MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance
Sandra Cowper	Marine Science Officer
Luke Godwin	Staff Officer
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Charlotte Siely	IFCO

Other Bodies Represented

Bex Lynam	Wildlife Trust

Minute Taker:
Jodi Hammond

EIFCA17/57 Item 1: Welcome by the Clerk

In the absence of the Chairman, the Vice Chairman opened the meeting at 1030 hours, welcoming new Members to the meeting. As there were new members present everyone round the table introduced themselves.

EIFCA17/58 Item 2: Apologies for Absence

Apologies for Absence were received from: Cllrs Collis (NCC) and Goldson (SCC), Messrs Bagley (MMO Appointee), Davies (MMO Appointee), Morgan (MMO Appointee) and Ms Dixon-Lack (MMO Representative).

At this point Cllr Chenery enquired whether the final appointment from Norfolk County Council had been made. As it had not he agreed to chase it up.

EIFCA17/59 Item 3: Declarations of Members Interest

In addition to the Declarations already recorded Messrs Garnett and Williamson advised they had a direct interest in Item 17 on the agenda. The Chair also advised he knew a lay holder but not in a fishing capacity.

EIFCA17/60 Item 4: Minutes of the 29th EIFCA Meeting, held on 7th June 2017

Members were advised of an error in the list of attendees as Mr Holborn had not been present.

Mr Garnett queried the reference to individuals in the summary of Item EIFCA17/48. He also advised that reference to P Garnett was not himself. The CEO agreed to review the matter.

Members Resolved these were a correct record of the proceedings.
Proposed: **Mr Worrall**
Seconded: Mr Garnett
All Agreed

EIFCA17/61 Item 5: Matters Arising

The CEO updated member that he had been advised the SI to reinstate powers to IFCA Officers should be imminent. He did advise caution though as it may take longer than expected.

EIFCA17/40 SUB-COMMITTEES: The CEO reiterated the previous comment with regard to an outstanding NCC member and agreed to chase the matter up.

EIFCA17/46 WASH COCKLE FISHERY: The CEO advised that the annual surveys had indicated 2017 would be a good year for cockles, however, in reality, the yield had been low. Despite this the fishery was ongoing. Since the opening of the fishery the CEO had taken the decision to open an area on the Gat Sand following findings of sizeable stock which could be lost to storms. Despite seeking the view of commercial fishers on the Authority the consensus was not conclusive, so the CEO had made the decision to open the area due to the fact there was a risk of losing the stock based on historical survey data. This had proved to be a contentious decision as some of the stock was relatively small. Mr Garnett advised that he had fished the area in question over the previous few days, and whilst he was not happy to be landing

small cockles a good price was being paid for them, and he felt that as there was stock in other areas by taking from this particular area it should not have a detrimental effect on the fishery. Had the stocks been better in other areas he would not have fished for these cockles, but it was also worth considering it was better to earn something from this stock rather than it all being lost in a bad winter.

Mr Worrall queried whether there was any reason the fishery had not met the expectations of the fishery and whether the methodology needed to be reviewed. The CEO believed the methodology to be quite robust. He added that the Research Officers were not complacent and should a pattern arise then a review would be carried out, but he did not think this was necessary based on 1 years' experience. Mr Garnett added that the water had been unusually clear this year, as the colour in the water was due to algae on which cockles feed he felt this could have affected the yield and then exacerbated A-typical mortality as the cockles would be under extra stress from being hungry.
Mr Williamson was able to confirm that cockles being landed to the processors were not meeting the yield expected of the size being landed.
Cllr Chenery queried whether any monitoring was carried out regarding food for the cockles. Mr Garnett advised that some work had been done on Chlorophyl research but funding had been withdrawn. The CEO advised that food availability was monitored as a reduction in food availability could result in stocking of lays being prohibited. Mr Garnett advised that the issue did not appear to be specific to the Wash as similar concerns had been expressed by mussel fishermen in Brancaster.
This was further acknowledged by Mr Spray who advised that water temperature was lower than usual and less diversity in animal life had been found when diving on the reefs.

In relation to the controversial opening of the Gat Sand, the CEO advised that EIFCA Officers had received correspondence which was adversarial in tone alleging long term mismanagement of the fishery by EIFCA. The CEO felt this was disappointing and did not bode well for the future when consultation begins on replacing the WFO, fortunately this was only the view of the minority.

EIFCA17/61 Item 6: Health & Safety Risks

Two minor incidents had occurred since the last report, one being a near miss when deploying the day grab, there were no injuries and the procedure when deploying had been modified.

The second incident occurred whilst taking divers to sea. The incident occurred when one diver did not follow the protocol in place. Whilst the matter had been dealt with on the day the Head

of Finance & HR felt it was important to take account of the incident and to mitigate against in the future.
Mr Spray, advised that having worked to make diving with EIFCA possible it was important that the divers work with the crew. Unfortunately, on this occasion one volunteer had not followed the guidelines, which he believed was due to a problem when signalling to the surface, which should not have happened. He advised that no one would volunteer with them again if they could not follow the protocol.

With regard to the H&S Risk Table, members were advised that there were always new risks being identified, and taking this into account the number of outstanding risks was small. The most significant risks were usually around vessel operation, which were dealt with through training and procedures.
The CEO advised members that EIFCA had a comprehensive suite of Risk Assessments and when required help was provided through Norfolk CC.

Members Agreed to Note the report.

EIFCA17/62 Item 7: Finance & Personnel sub-committees held on 21st June and 11th October 2017

Having read the paper provided members were content to acknowledge the content.

Members Agreed to note the content of the report.

EIFCA17/63 Item 8: Payments made and monies received during the period 1st April 2017 to 30th September 2017

Members were advised this was a regular report detailing payments made and money received during the specified period. As expected the most significant outgoing was the payment for salaries & wages and all other budget headings were on track for that expected at the time of year.

Mr Shaul questioned what a FAP was. The CEO advised that in the event of fisheries offences there was an opportunity to issue a FAP which was a financial penalty rather than going to court. If this opportunity was declined then the case would go to court.

Members Agreed to note the content of the report.

EIFCA17/64 Item 9: Quarterly Management Accounts for quarters 1 & 2 of 2017-18

This report compared the expenditure to date against the expected expenditure.
During this period there had been a saving in the Salaries and Wages budget, due to vacancies and delays in recruiting the Head of Operations post.
An overspend in insurance was due to insurance policies being brought in line, which meant some had been paid for an 18 month period.
The training budget was slightly overspent due to new starters being given basic training and some upskilling of current staff to build some resilience into skippering capability.
A saving was noted in the Fishery Protection budget due to FPV John Allen having been out of action for 3 months whilst modifications/repairs were carried out.

The CEO advised members that he and the Head of Finance & HR had met with representatives from the three county council finance departments who were all content to allow a cost of living increase in the budget and from 2019 an increase to boost reserves to cover future large purchases.

Members Agreed to note the content of the report.

EIFCA17/65 Item 10: Annual Report.

A requirement of the Marine & Coastal Access Act is for the Authority to produce an Annual Report at the end of each financial year, which is sent to the Secretary of State via Defra.

The CEO advised that the format was a slight variation on previous reports but he felt the content was self-explanatory. Members worked through the report, it was noted the MPA work schedule was moving slightly slower than anticipated which was attributable to a number of factors.

Cllr Coupland enquired what New Burden funding was, which the CEO explained was a funding stream which was agreed in 2011 amounting to about a quarter of the budget. This funding had been approved until 2020, but at this point it was not known if it would continue after this date. The CEO however believed this funding was a lever for Defra to ensure IFCAs continue to deliver on some important work streams and he therefore remained optimistic the funding would continue. Dr Bolt believed that as part of the Fairer Funding review it may be that the funding would come via the County Councils but would not be ring fenced.

The CEO thanked all Officers for the work they had put into the Annual Report but in particular IFCOs Brown and Godwin for their hard work.

Members Resolved to;

- **Approve the Annual Report 2016-17**
- **Direct the CEO to publish the report and distribute it to Defra.**

Proposed: Mr Worrall
Seconded: Mr Spray
All Agreed.

EIFCA17/66 Item 11: MPA Fishery Management Update

The report had been included to provide members with an update on progress. Despite being behind schedule the work stream was a top priority which was constantly being worked on.
The CEO advised members on the work which had been carried out on the various risk categories.
Particularly of note was the amber risk relating to the shrimp fishery which was not yet regulated, the CEO felt this would ultimately come down to closed areas. Additionally, EIFCA had inherited two red risk areas which had initially been the MMO's responsibility as they straddled the 6 mile limit, however it had been determined that EIFCA would be responsible for regulating them. Discussions were ongoing with NE regarding the level of closure required.

Work was also continuing with regard to the Cromer Shoal area which was on track for the timeframe.

The CEO felt it important members be aware the MPA workstream was slightly behind schedule. He also advised that representatives from the Lincolnshire and Norfolk Wildlife Trusts had written requesting a timeline for completion and offering assistance if required.

Members Agreed to note the content of the report.

EIFCA17/67 Item 12: Marine Protected Areas Byelaw

Senior IFCO Godwin gave members a summary of the work which had been carried out previously on Protected Areas.
He advised that subsequent to the approval of the Protected Areas Byelaw Defra legal had advised the flexibility was unlawful, in terms of allowing IFCAs too much flexibility. Defra spent 18 months amending the byelaw in line with the legal advice, the outcome being that EIFCA can no longer amend closed areas they must now rescind one byelaw and make another to change the open and closed areas. The revised byelaw includes an amendment to the original coordinates to reflect an error during

the original drafting, however, this amendment had no real impact on the extent of the closed area.

Members were advised there was a typing error in the papers on page 45. "0.002%" should read "0.02%"

Taking Defra's advice into account Senior IFCO Godwin did not feel that to any intense and purpose there was any change to fishers by adopting the revised byelaw. Other than the need for them to be informed of the revised coordinates.

Mr Garnett was concerned that this was a change to the original flexible approach which was what the industry had agreed to. The CEO advised that it would now be incumbent on the Authority to build in reviews of the byelaw and go through the process of making a new byelaw when amendments to the closed areas were required.

Mr Williamson expressed concern for the future and requested and questioned whether there was a definitive goal to close the Wash to commercial fishing?
The COE advised that from the Authority's perspective this was not the intention. Ms Moffat advised there needed to be a precautionary approach, hence the length of time it was taking to develop the shrimp closures, there was no desire to unnecessarily close area.
Dr Bolt advised to close the Wash to commercial fishing would be contrary to Defra's Marine Policy and the aims of Blue Growth. IFCA need to meet sustainable levels but he did not see any driver that would suggest commercial fishing be stopped within the Wash.

Members Resolved to:

- **Note the content of the report**
- **Agree to the amendments made to the Marine Protected Areas Byelaw 2016 by the Secretary of State under s.155(4) of the Marine and Coastal Access Act 2009**

Proposed: Mr Worrall
Seconded: Mr Spray
All Agreed

Members Resolved to Direct Officers to submit the Marine Protected Areas Byelaw for approval by the Secretary of State without further consultation.
Proposed: Mr Worrall
Seconded: Dr Bolt
All Agreed

EIFCA17/68 Item 13 – Calendar of Meetings to October 2018

The COE advised that where it possible to schedule sub-committee meetings these dates had been included, along with those for the Statutory Meetings. Other sub-committees would be called on an adhoc basis when the need arose.

Members Resolved to Approve the calendar of meetings
Proposed: Cllr Chenery
Seconded: Mr Garnett
All Agreed

EIFCA17/69 Item 14 – Vessel Procurement

For the benefit of new members the CEO briefly explained to members the asset reserves which EIFCA had accumulated in order to be able to replace vessels/vehicles etc as required.

Members were advised the Research Vessel which had been commissioned in 2001 had been in service for 16 years, and inevitably the annual maintenance was becoming more expensive.
The current vessel had been designed solely for the purpose of carrying out research activities with the ability to dry out on the sand.
Since the advent of smaller protection vessels there were now some enforcement duties which required a more robust vessel, such as hauling shanks of pots, which suggested it may be prudent to replace the research vessel with a dual purpose vessel with research as its primary function.

Consideration had been given to contracting a vessel rather than commissioning a new one, however this was both complex and cost prohibitive.

It was therefore, the CEOs belief that with the growing requirement to carry out inspections at sea a dual vessel was more appropriate, with the potential to enforce out to 12nm also being taken into account. It was also his belief that specialist advice should be sought as Officers are not vessel designers and it would free up Officer time.

Mr Williamson thought the EU Exit would have played a part with Defra being willing to put money into a vessel which was adequate to carry out more enforcement in the future. The CEO did not think Defra would be willing to provide funding particularly as the effect of the EU Exit was still unknown.
Mr Worrall questioned the ability to defer the purchase until the effects were known, however the CEOs concern was the age of

the current vessel, and whatever the outcome of the EU Exit a replacement vessel was required.

Cllr Vigo di Gallidoro enquired whether it would be a UK built vessel, the CEO advised there was a procurement process to go through, the final destination of the build could not be predicted.
Mr Spray had been part of a previous Vessel Working Group, and recalled how difficult it was to cater for every eventuality. He felt the onus was on the authority to plan for what can be foreseen and maybe add in some additional capability.
Mr Garnett was concerned whether the current vessel would be serviceable for the length of time required to design and build a new vessel. The CEO anticipated the timeframe would be 18 months to 3 years and he was sure the current research vessel would be operational for a further 3 years.

Members Resolved to:

- **Agree that RV Three Counties would be replaced with a suitable vessel to meet the Authority's research and enforcement requirements.**
- **Agree to the establishment of a project, under the leadership of the CEO, to deal with the design, procurement, build and delivery of a vessel to replace RV Three Counties, drawing upon professional support as required.**
- **Agree that project progress will be reported to the Finance & Personnel sub-committee.**

Proposed: Mr Worrall
Seconded: Mr Spray
All Agreed.

At this point it was Agreed to slightly vary the Agenda and consider items 20-23 on the Agenda prior to items 15-19

EIFCA17/70 Item 20 – Community Voice Project update

The project had been funded through MSC with the objective of engaging with communities around the coast.
The CEO explained the process, advising that meetings had been held at a variety of venues through the district, engaging with stakeholders. It was a big piece of work to meet the objective of being seen and heard around the district.

The final report had been received, which the Officers now needed to review and consider developing an action plan. Although it was already recognised there was a need to improve the footprint in Suffolk.

Cllr Skinner thanked all the officers and members of the public who had been involved and had input into the process.

Members Agreed to note the content of the report.

EIFCA17/71 Item 21 – Quarterly progress against Business Plan priorities

Th CEO updated members on progress which had been made, advising that MCS were starting a new project 'Agents of change' which would be based on two sites to engage with stakeholders regarding crab and lobster fisheries and Marine Conservation Zones.

It was noted that a joint Mussel Project was being brokered with Hull University, Bio-security was ongoing and the cost recovery project had gone out for consultation.

Cllr Vigo di Gallidoro commented that bass stocks were reportedly in difficulty in other areas, and questioned if this was the same in the EIFCA district. The CEO advised that bass stocks were in a precarious position Europe wide. The Authority had considered additional regulations but had ultimately decided these were not appropriate.

EIFCA17/72 Item 22 – Marine Protection Quarterly Report

These had been produced in a more business like format, and the content no longer contained fisheries data collected by area officers. This was due to the inconsistency of data collection methodology around the district and there were sometimes concerns that the figures were not accurate and could be misleading. The CEO advised the MMO were running a project to improve data recording. It was anticipated this would be in place in approximately 18 months.

Mr Spray remained concerned about the gap between MMO figures and useful data to conduct regulations, so was very pleased to hear there was a new collection method coming.

Members Agreed to note the content of the report.

EIFCA17/73 Item 23 – Marine Science Quarterly Reports

The report was included as a matter of information. The CEO advised that the mussel surveys had been delayed this year, due to a change in approach by NE. EIFCA were concerned this was potentially a principle change. However, agreement had been reached and EIFCA had been granted up until the end of November to complete the surveys. The CEO felt a little long may be needed but this would be addressed when appropriate.

Mr Garnett noted the report for the Horseshoe Point cockle fishery stated there were access issues from the shore. He felt it was worth noting it was possible to seek access by boat which would negate the access issues and the fishery could be exploited. His concern was that the report read as though it was not possible to have a fishery there.
The CEO advised that current legislation does not permit access by boat. Mr Garnett felt it did not prohibit it either. He believed there was a fishery available to exploit and there was a need to sort out access.

At this point the meeting broke for lunch and for presentations to be made to two ex-Authority Members who had given long service and to a member of staff on completion of 30 years service.

Councillor Tony Turner had served from July 1997 to May 2017 whilst Councillor Hilary Cox had served from July 2009 to May 2017. The loss of both these members from the Authority had left a big gap and they were both thanked for their service to EIFCA and its predecessor ESFJC and wished well for the future.

Jodi Hammond was thanked for thirty years service, having been employed permanently by ESFJC on 1st October 1987.

ESFJC17/74 Item 15: Resolution

It was Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items 16, 17, 18 &19 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act.
Proposed: Mr Williamson
Seconded: Cllr Chenery
All Agreed

EIFCA17/75 Item 16: WFO Applications

Summary in accordance with Section 100(C)(2) of the Local Government Act 1972

Mr Williamson questioned whether or not he needed to leave the room as in future he could be the person being discussed. He was advised that the dispensation allows members to remain for discussion but not vote.

Senior IFCO Godwin advised that the Authority administer the WFO which enables the issuing of licences. As part of this the Authority has the discretion to reissue/transfer licences if it enables business continuity.

Members were asked to consider three cases which involved either transfer from father to son or a change in business partner. Members were advised that to allow continuity of business all these requests satisfied the policies on the condition the authority received proof of transfer of ownership and the current licence holder relinquished any right to any future licences.

Concern was expressed that the owner looking to transfer 7 licences still held other licences which were not referred to, it was brought to the authority's attention so they were aware of this in case at a later date there was an attempt to pass these to a third party.
The CEO advised that if there were other licences the holder could apply at a later date to have consideration given to a transfer of them.

Members considered the information provided in the papers.

Members Resolved to:

- **Note the investigation into each application**
- **Agree to Application 1 to transfer 7 WFO licences from father to son, pending the receipt of evidence of the transfer of ownership of the associated vessels and on the condition that the current holder formally surrenders any 'entitlement' to a further WFO application.**
  Proposed: Cllr Vigo di Gallidoro
  Seconded: Cllr Chenery
  All Agreed

- **Agree to Application 2 to transfer 1 WFO licence from father to son pending the receipt of evidence of the transfer of ownership of the associated vessel and on the condition that the current holder formally surrenders any 'entitlement' to a further WFO application.**
  Proposed: Mr Worrall
  Seconded: Dr Bolt
  All Agreed

- **Agree to Application 3 to transfer 1 WFO licence from father to son pending the receipt of evidence of the transfer of ownership of the associated vessel and on the condition that the current holder formally surrenders any 'entitlement' to a further WFO application**
  Proposed: Cllr Chenery
  Seconded: Mr Worrall
  All Agreed

EIFCA17/76 Item 17: Wash Fishery Order Shellfish Lays

Summary in accordance with Section 100(C)(2) of the Local Government Act 1972

Under the WFO EIFCA issue lays for aquaculture. The Authority had received two requests to transfer of lays.

The first application involved two lays being passed from father to son.

The second application related to an agreement on the Toft sand to share lays, this activity is prohibited under the WFO without the Authority's consent. Investigations had established this process was already ongoing which was a breach of the lease conditions. In addition to this it had become evident there had been movement of stock from outside the Wash without permission which was a biosecurity breach.

With regard to the second application it was not thought there would be a detrimental effect to the environment or stocks and in terms of industry viability it may enhance it. Therefore, it would be reasonable to seek approval from the Minister as the request would result in an area in excess of 10 hectares. However, agreement from all parties involved was needed and to date there was a signature missing as well as some other anomalies, not least of which would be the need to redraft the lease as the current lease conditions would be difficult to enforce.

During this process it had been noted there were no policies in place for lays which could put the Authority at risk. Consequently, policies had been devised for the granting of lays, which would become part of a more complete review with the consultation of licence conditions.

Members discussed the information provided. Concern was expressed with regard to the movement of seed from outside, this was however, felt to be a compliance issue which brought significant risk to the fishery and therefore action needed to be taken.

Mr Garnett explained the principle of sharing and how it allowed fishers to lay seed over a number of years so they are available to fish in rotation with different year classes.

Senior IFCO Godwin felt here was a need for consultation to investigate whether there were any other arrangements of this nature already in place.

Members discussed in detail the breaches to the lease conditions and the bio-security which had already taken place and whether action should be taken. If was felt necessary to remind lay holders of their obligations and if similar breaches occurred in future the lease holder would have their lay removed. It was felt that on this occasion a written warning could be sent which would ensure that in the event of any further transgression it would be easier to make the decision to remove the lay.

Following extensive discussion members Resolved:

- **Note the investigations in the requests**
- **Agree to transfer 2 WFO lays from father to son**
  Proposed: Mr Worrall
  Seconded: Cllr Vigo di Gallidoro
  All Agreed

- **Agree in principle to the proposed agreement regarding the Toft Lays between listed lay holders. Subject to consultation with ALL lay holders on the Toft Sand.**
  Proposed: Cllr Chenery
  Seconded: Dr Bolt
  All Agreed

- **Delegate to the CEO, Chair and Vice Chair of the Authority powers to**
  - **Consent the agreement pending provision of satisfactory legal advice and agreement from all parties**
  - **Implement amended leases**
  - **Obtain consent from the Minister as required**

  Proposed: Cllr Chenery
  Seconded: Mr Worrall
  All Agreed

- **Agree to implement interim WFO Shellfish lays policies set out in Appendix 3**
  Proposed: Mr Worrall
  Seconded: Dr Bolt
  All Agreed

- **Direct Officers to undertake a more complete review of WFO Shellfish Lay Policy in parallel with the pending review of policies associated with the Regulated fishery.**
  Proposed: Mr Worrall
  Seconded: Dr Bolt
  All Agreed

- **Direct Officers to redraft WFO leases to reflect issues identified and to issue the new leases as required after cancelling existing leases.**
  Proposed: Dr Bolt
  Seconded: Mr Worrall
  All Agreed

EIFCA17/77 Item 18 – CEO Update

Summary in accordance with Section 100(C)(2) of the Local Government Act 1972

The CEO gave an update on current workstreams including progress towards IVMS, EU Exit, and changes in Authority members.

EIFCA17/78 Item 19 – Association of IFCA minutes

Summary in accordance with Section 100(C)(2) of the Local Government Act 1972

Dr Bolt advised new members that the Association was funded through New Burden Funding and its role is to represent IFCAs at a national level.

At this time the Association had three main workstreams, these being the EU Exit, IFCAs four year report to parliament and Tranche 3 of MPAs. All of which Dr Bolt gave a short resume about.

Members asked a variety of questions including whether the MMO and IFCAs were likely to become one organisation. Dr Bolt responded that in his view the overriding IFCA model of local decision making should not be lost.

EIFCA17/79 Any Other Business

There were no other matters for discussion

There being no other business the meeting closed at 1443 hours.

Action Item 6

31st Eastern Inshore Fisheries and Conservation Authority meeting

31 January 2018

Health and Safety update

Report by: Andrew Bakewell, Head of Finance & HR

Purpose of report
The purpose of this report is to update members on health and safety activity, risks and associated mitigation over the last reporting period

Recommendations
It is recommended that members:

- **Note** the contents of this report

Background
H&S law requires employers to assess and manage risks and, so far as is reasonably practicable, ensure the health, safety and welfare of all its employees and others affected by workplace activities.

The Authority has declared its intent to promote and nurture an appropriate health and safety culture throughout the organisation.

Incidents
The table below summarises the incidents that have occurred from October to December 2017:

Date	Nature of incident	Injury / damage occurred	RIDDOR Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
18/10	Smoke alarm TC. Exhaust cooling system blocked causing the lagging to overheat and smoke.	Charring to lagging.	N	Y	Lee Torrice	Problem addressed at sea, fire drill followed, cooling system unblocked, engines and exhaust cooled, engine room vented. Real test for on-board systems.
Nov 17	Officer banged knee on door frame ST	None	N	Y	N/A	Advise caution entering and exiting wheelhouse

Risks

The project to develop a full suite of current risk assessments for all routine activity undertaken by employees, as reported last period, is well underway. Officers have completed the majority of the key assessments, which have been quality reviewed by our H&S partner at Norfolk County Council. (Draft documents included below)

A process for adapting risk assessments to suit particular circumstances has been developed. This allows a sensible and proportionate approach.

Effective health and safety management is integral to delivering our ambition and to our performance. Our overall objective is to provide and maintain a safe and healthy environment for our employees, the people we work with and those that access our services.

Members would wish to be aware of the H & S risks at *Appendix 1.*

Health and Safety Management System Review

A review of the health and safety management system is currently being undertaken by the Health and Safety from Norfolk County Council. The objective of the review is to ensure that our system is fit for purpose and in particular that it addresses the issues and risks that relate to marine operations.

Draft documents have been produced setting out the Authority's commitment to health and safety and detailing roles and responsibilities. These can be found at *Appendix 2.*

Appendices

Appendix 1 – Health and Safety risks
Appendix 2 – Draft documents from management system review

Appendix 1

Eastern IFCA Health and Safety risks

Risk	Intervention	Residual Risk	Risk rating* (Current)	Risk rating* (Previous)
Failure to develop a full suite of risk assessments to cover the range of activity undertaken by Eastern IFCA officers	• Introduction of revised management system (polices and process) • Managers tasked to review and develop the suite of risk assessments • Training session on risk assessments for first line managers	• New or unusual activities may be overlooked and not have a risk assessment in place	**Treat**	**Treat**
Unreported incidents/unilateral decisions with little regard for safe working practices.	• Leadership • NCC H&S officer led review of policy and procedure • Training • Equipment • Management systems to capture incidents • Routine agenda items at all meetings at all levels of Authority	• Injury to personnel as a result of failure to acknowledge or adhere to H&S direction and guidance	**Treat**	**Treat**
Inappropriate conduct of vessels at sea	• Leadership • Briefings • Formal training and assessment • Periodic review of performance • Record of personal training inc. refreshers maintained	• Death/injury of personnel/third parties through un-seamanlike operation of vessels at sea	**Treat**	**Treat**
Whole Body Vibration	• Risk awareness training to manage impacts. • Health monitoring process to be developed. • Specify anti vibration seating for new vessels	• Personal injury from boat movement owing to lower resilience as a result of individual physiology	**Treat**	**Treat**

Lone working operations	• Management scrutiny of any proposal for lone working. • Introduction of electronic support means	• Failure of devices to give requisite support. • Personnel interventions render devices unreliable or unworkable.	**Tolerate**	**Tolerate**
Staff injury/long term absence through inappropriate posture at office work stations	• Information. • Training. • Risk assessment. • Provision of suitable bespoke equipment where reasonable. • Access to NCC H&S team. • Occupational health assessment • KLWNBC H&S specialist advice	• Individual failure to adhere to guidance	**Tolerate**	**Tolerate**
Staff stress through workplace and external pressures inc. exposure to poor behaviour of stakeholders	• Engaged NCC Wellbeing Service to provide advice, training and support • Introduction of Unacceptable Behaviour policy • Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy. • Dialogue with Stakeholders to ensure appropriate tone of communications • Conflict resolution training for “front line” Officers	• No change in behaviour of some stakeholders. • Long term sickness caused by stakeholder hostility	**Treat**	**Tolerate**
Damage to vehicles, trailers and/or equipment through inappropriate operation.	• Formal trailer training for unqualified officers • Refreshers for those with previous experience	• Failure to adhere to training • Mechanical failure of vehicle or trailer	**Tolerate**	**Tolerate**

	• Periodic vehicle maintenance checks training • In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4)			
Physical fitness of personnel to undertake arduous duty	• Staff briefing • Management overview to ensure rostered duties are appropriate and achievable • Reasonable work adjustments • Routine periodic medical assessment (ML5)	• Individual health fragilities • Individual lifestyle choice	**Tolerate**	**Tolerate**

*

Risk Rating
High
Medium
Low

Risk Treatment	
Treat	Take positive action to mitigate risk
Tolerate	Acknowledge and actively monitor risk
Terminate	Risk no longer considered to be material to Eastern IFCA business
Transfer	Risk is outside Eastern IFCA ability to treat and is transferred to higher/external level

Appendix 2

Statement and Roles and Responsibilities documents

Draft document 1

Our Commitment

We will achieve this by:

- Developing and maintaining a positive health and safety culture with an emphasis on continually improving our performance taking into account human and cultural factors
- Ensuring that health and safety management is an integral part of decision making and organisational processes
- Adopting a sensible and proportionate approach to managing risks, with well informed decision making processes for higher risk activities and ensuring a disproportionate amount of time is not spent on trivial or everyday risks
- Working with partner and contracted organisations to ensure consistent and comparable health and safety standards
- Providing a safe and healthy working environment for our employees that encourages and supports well-being.
- Ensuring safe working methods are in place and providing safe equipment
- Communicating and consulting with employees
- Complying with statutory requirements and where possible industry best practice
- Investigating and learning the lessons from accidents and work related ill health incidents
- Ensuring adequate emergency preparedness
- Providing effective information, instruction and training to enable employees to be competent in their roles
- Monitoring and reviewing systems and preventative measures, including those of our partners and commissioned and contracted organisations, to make sure they are suitable, sufficient and effective
- Ensuring adequate resources are made available to fulfil our health and safety responsibilities and objectives

We recognise that overall responsibility for health and safety lies with all levels of management having direct responsibility for activities, employees, commissioned and contracted service under their control. However, for these commitments to be effective, employees throughout the organisation must play their part in creating and sustaining a positive health and safety culture.

Chief Executive Officer

Draft document 2

Roles and responsibilities

1. Introduction 25
2. The Health and Safety Management System 25
3. Organisation 26
4. Responsibilities 27
5. Health and Safety Support 31
6. Employee Consultation / Safety Representatives 31

1. Introduction

The Eastern Inshore Fisheries and Conservation Authority (Eastern IFCA) commitment to the health, safety and welfare of its employees and others affected by its activities is outlined in the document 'Health and Safety Our Commitments'. The overall health and safety management approach adopted is in line with the health and safety management model described in the Health and Safety Executive, Managing for Health and Safety and HSG65.

2. The Health and Safety Management System

Our health and safety management system applies to vessel safety and other operational activities (marine and land based). Its purpose is to enable us to understand and control health and safety risks in a proportionate way and to improve performance.

Health and safety arrangements that support this model are referred to as 'policies and procedures'. All published documents provide advice and guidance on how to achieve safe systems of work. Executive officers ensure that local procedures and work instructions produced in line with the health and safety policy arrangements in their area of control.

The following arrangements are required for vessel operations:

Vessel management

- Specific vessel responsibilities (in addition to this document where applicable):
- Vessel selection and suitability arrangements
- Vessel certification, maintenance and inspection (including 12 month workboat certification) including use of competent contractors
- Risk assessment and method statements (activities and passengers)
- Equipment safety
- Incident reporting
- Welfare facilities and water hygiene.

Marine co-ordination and operations

- Passage planning and safety of navigation
- Means of communication
- Other safety equipment
- Vessel traffic information
- Vessel familiarisation and induction

- Visitor safety
- Port requirements and reporting
- Control of work including limiting weather criteria, restricted zones, additional safety controls.
- Competence
- Emergency response, drills and safety equipment including:
    - fire
    - man-overboard
    - engine failure
    - collision or unplanned grounding
    - marine pollution (oil spill)
    - vessel evacuation and abandonment drill.

- Transit
- Preparation for and arrival
- Vessel to vessel transfers
- Fitness for duty
- Crew competence
- Watchkeeping arrangements
- Personal protective equipment
- Safe use of equipment

3. Organisation

Overall responsibility for health and safety lies with senior management. Line managers and supervisors have direct responsibility for activities and employees under their control. However, all employees have a legal and moral responsibility to take reasonable care for the health and safety of themselves and for those other persons who may be affected by their acts or omissions.

Active employee participation in safety is important to Eastern IFCA, to build ownership of safety at all levels and make the best use of the unique knowledge that employees have of their own work.

The Statutory Authority Meeting takes place xxx times per year. This meeting receives health and safety update reports and information about the top health and safety risks. Items in the report are for information only. Formal organisational structures which have a health and safety remit are:

3.1 Executive Meetings

- Ensure a positive safety culture is actively demonstrated through the integration of safety needs in all business decisions.
- Commit on the positive health and safety culture, lead by example, communicate effectively and ensure the promotion of safe working.
- Ensure adequate budgetary provision is made to meet the cost of fulfilling the responsibilities in relation to health, safety and welfare.
- Discuss health and safety performance as a standing agenda item.
- Support the strategic direction and ensure that performance is monitored against policies and procedures.

- Receive, challenge and endorse (where required) health and safety reports from xxxxx.

Formal review takes place as follows:

Item	Frequency
Key risks – ensuring effective arrangements are in place.	Six monthly (or earlier if required)
Incident statistics – ensuring investigation is adequate and remedial actions have been implemented	Six monthly
Health and safety management system	Two yearly (or earlier if required by change of legislation, industry standards or as a result of incident investigation.
Health and safety competency	Xxxx
Key safety issues	Quarterly
Items which have been escalated to Senior Management	Monthly
Celebrating success	Six monthly
Other health and safety business	Monthly
Health and safety performance (against plan)	Six monthly

This meeting will ensure that there is suitable communication as a result of areas discussed at the meeting.

3.2 Staff meetings

Consulting employees on health and safety matters is very important in creating and maintaining a safe and healthy working environment. It also helps in motivating staff and making them aware of health and safety issues. This is a routine monthly meeting attended by all staff. Health and safety is a standing agenda item at each meeting. It provides a forum for Health and safety issues and concerns to be aired to inform the discussions and subsequent actions of the Executive meeting.

All team meetings

Health and safety items in specific operational areas are discussed at team meetings. Line managers will ensure that this forum is used to cascade health and safety information through the organisation and to have open discussions about health, safety and well-being issues.

4. Responsibilities

The Chairman of the Authority has overall responsibility for the Health and Safety Policy.

4.1 Management Responsibilities

4.1.1 Chief Executive

The Chief Executive is responsible for ensuring:

- The Health and Safety Policy ‘Our Commitments’, and the health and safety management system is properly implemented and adhered to across the organisation.
- The effectiveness of the health and safety organisation and arrangements.
- The provision of appropriate resources to enable persons with specific responsibilities to perform their duties effectively.
- A health and safety risk profile is undertaken to establish the level of management and monitoring required, as a result of which:

  - There are systems in place for active and reactive monitoring of health and safety within their areas of responsibility, including setting targets for improvement and reviewing performance; and
  - Where we work in with partnership organisations, suitable health and safety arrangements are established and monitored.

- An appropriate plan is in place to deal with identified risks and issues and to improve the health, safety and well-being performance of Eastern IFCA.
- That access to competent health and safety advice is provided and advice is sought to ensure that they set strategic direction for health, safety and well-being.

4.1.2 Executive Officers

Have responsibility for health and safety within their Departments. In particular, they must ensure that:

- EIFCA's health and safety policy is implemented within their areas of responsibility;
- Safe operating procedures are developed and implemented where necessary, including clearly defined responsibilities for all levels of staff, systems for assessing and controlling risks and for monitoring health and safety performance;
- A positive health and safety culture is actively demonstrated and promoted within their areas of responsibility including a commitment to continuous improvement.
- Health and safety policies and procedures are implemented within their areas of responsibility and where specific departmental risks arise departmental procedures are developed and implemented that complement strategic direction including setting health and safety targets and objectives through appraisals and/or other supervisory reviews.
- They and their team understand and are competent, through recruitment, training or otherwise, to carry out their health and safety duties.
- Adequate time and resources are given to fulfil the requirements of this policy.
- Monitoring arrangements are in place within their areas of management responsibility which includes setting targets where appropriate, reviewing performance and applying processes to react to reported incidents.
- Contractors are competent to provider goods and services to EIFCA.
- Employee are consulted and communicated with in relation to health and safety.

Executive Officer (marine responsibility):
Oversee that safe operating arrangements are developed and implemented in line with the EIFCA guidelines for vessel management.

4.1.3 Operations Manager

In addition to the above, the Operations Manager will:

- Ensure that safe operating arrangements are developed and implemented in line with EFICA guidelines for vessel management.
- Ensure unmanned vessel safety is addressed.

4.1.4 Senior Officers/Skippers

Responsible for all employees and activities under their control and will ensure that the requirements of relevant safety policies and procedures are complied with. In particular, they will, where appropriate:

- Ensure that risk assessments are undertaken by persons competent to do so and that adequate control measures are taken to minimise the health and safety risks to their employees and to any other persons who may be affected by work carried out by these employees.
- Develop safe systems of work/safe operating procedures and ensure that they are implemented.
- Set a personal example by including health and safety management into daily management practice and demonstrating safe personal working practices.
- Ensure action is taken to resolve any situations that may adversely affect the health and safety of employees or other persons. They will rectify any problem within their own resources or see it is raised with the appropriate Executive Officer without delay where they do not have the budgetary or management control to do so.
- Ensure that all employees under their control are given adequate induction, information, instruction, training and supervision to carry out their duties safely, paying particular attention to new/inexperienced employees and trainees.
- Ensure that all plant and work equipment provided is selected through a risk assessment process, suitable, properly maintained and all necessary tests and examinations have been carried out.
- Ensure information that may assist in their role is provided to them as necessary.
- Ensure workplace issues affecting their employees are adequately managed and communicated
- Attend training relevant to their role.
- Monitor and review health and safety performance through:

    - Undertaking health and safety inspections of the relevant work area/practices under their control.
    - Setting health and safety targets and objectives as appropriate through appraisals and other supervisory reviews.
    - Investigating incidents and accidents to ensure lessons are learnt and preventative action is taken where necessary

All monitoring activity must be recorded, including issues identified, actions to be taken and by whom.

Skippers

In addition to the above, Skippers have the overriding authority in relation to boarding, operation and navigation of the vessel, the responsibility to make decisions regarding safety and pollution prevention, and will:

- Follow and enforce safe working marine procedures

- Ensure the vessel is in suitability condition
- Report any defect or failure to the Operations Manager
- Account for all passengers

4.1.5 Staff with delegated responsibility for ensuring the safety and maintenance of the premises occupied by EIFCA.

- Ensure fire risk assessments are completed, actions implemented and suitable evacuation procedures are in place.
- Ensure that fire safety equipment is adequately maintained and tested in accordance with statutory requirements and EIFCA policy.
- Undertake first aid risk assessment and ensure an adequate number of trained first aid personnel are available.
- Ensure that adequate water hygiene arrangements are in place for the management of legionella risk.
- Undertaking premise inspections to ensure maintenance and safety issues are monitored and identified for action as appropriate.
- Coordinate and consider any other tenants in the office buildings to ensure the actions of the EIFCA and others do not compromise health and safety arrangements.
- Facilitate and monitor the work of contractors whilst on the premises.
- Ensure that all premise related plant and equipment are adequately maintained and tested in accordance with statutory requirements.
- Ensure that the fixed electrical system and portable electrical equipment are adequately maintained and tested in accordance with statutory requirements and EIFCA Policy.
- Attend training events relevant to their role.

4.1.6 Employee Responsibilities

All Employees have individual responsibility to take reasonable care for the health and safety of themselves and for those other persons who may be affected by their acts or omissions. In particular, employees must:

- Comply with EIFCA health and safety arrangements.
- Co-operate with management direction in complying with relevant health and safety safe systems of work and procedures;
- Use all work equipment and substances in accordance with the instruction and training received;
- Wear, use, store, maintain and replace personal protective equipment as appropriate;
- Not intentionally misuse anything provided in the interests of health, safety and welfare;
- Take part in and contribute to health and safety inspections, risk assessments and any other H&S related activities as appropriate;
- Report all accidents (personal injury and vehicle), ill-health, incidents of violence and aggression, near misses, hazardous situations, general health and safety concerns, defective equipment or premises in line with procedures.
- Attend training relevant to their role.
- Undertake delegate duties in line with information, instruction and training.

4.1.7 Commissioners, Project and Contract Managers

All employees that have a role in managing projects or contracts must ensure they follow the policies relating to this area on PeopleNet and in particular:

- All relevant health and safety requirements are included in the contracts
- The Health, Safety and Well-being Team are consulted in a timely way regarding the development of new contracts
- Appropriate levels of monitoring are set up for contracts to ensure organisations are delivering to the agreed health and safety standards. This must include monitoring by the Health Safety and Well-being team where appropriate.

5. Health and Safety Support

Health and Safety Adviser(s) are suitably qualified and experienced health and safety professionals, sourced from Norfolk County Council (NCC), who provide advice and guidance as follows:

- Advising managers, and other employees, on health and safety matters to enable them to meet their health and safety responsibilities in line with the NCC and EIFCA agreement;
- Supporting Executive Officers and Senior Officers in implementing safety policies procedures and arrangements;
- Contributing to the development of strategy, policies and procedures and developing departmental policies and procedures for specific risk areas;
- Monitoring the implementation of the EIFCA's health and safety policy, including carrying out safety inspections and audits and preparing reports for the CEO; as requested by EIFCA
- Investigating specified reported incidents of injury and ill-health to employees and, where appropriate, other persons, including incidents of aggression and violence and 'near-misses';
- Providing health and safety training as required.

6. Employee Consultation / Safety Representatives

Consulting employees on health and safety matters is very important in creating and maintaining a safe and healthy working environment. It also helps in motivating staff and making them aware of health and safety issues.

As a small organisation, consultation takes place across the organisation in a timely way with all employees who will be consulted in a timely fashion where possible on all matters of health and safety that may affect employees and on the provision of health and safety information and training.

Before making any decisions which could have health and safety consequences for employees, managers will inform all employees about their proposed course of action and give them an opportunity to express their views.

Action Item 7

31st Eastern Inshore Fisheries and Conservation Authority meeting

31st January 2018

Report by: Andrew Bakewell – Head of Finance & HR

Meeting of the Finance & Personnel Sub-committee held on 17 January 2018

Purpose of report
To inform members of the key outputs and decisions from the Finance & Personnel Sub-Committee meeting held on 17 January 2018.

Recommendations
Members are asked to:

- **Note** the content of the report.

Finance Matters

Provisional Budget for the period 1st April 2018 to 31st March 2019 was presented including a 2% increase in the levy as agreed by the Finance representatives at last year's meeting. The overall position for 2018/19 shows a small surplus (£38k) to add to reserves. **Members agreed the Provisional Budget for 2018/19.**

Preliminary Forecast of Expenditure 2019 to 2023 were presented, assumptions included 2% annual increase in Levies, annual capital contribution to fund asset replacement from 2019/20 and that "new burden" would continue in some form after 2020. **Members noted and agreed the 2019 to 2023 Preliminary Estimates.**

HR Matters

A report requesting formal agreement for confirmation of permanent appointments, upon successful completion of the required probationary period, to be delegated to the CEO
Members agreed the recommendation.

Exclusion of the Public.

Resolved that under section100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for item 10.

Disciplinary

A report detailing the progress to date of the disciplinary case was tabled detailing:

Actions to date – duly noted by Members

Case continues to be managed by NP Law – agreed by Members

Claim for compensation and a positive reference is resisted – agreed by Members

Decision making on the case is delegated to the Chair and Vice Chair of F&P together with the CEO. – agreed by Members

Update

The Head of Finance presented a report detailing focus of HR activity for the coming year as follows:

Developing line manager capability
Modify performance review process
Harmonise contracts and hours
Employee engagement.

Successful recruitment of Jon Butler (Head of Operations) and Ian Hinchliffe (IFCO) was reported to Members.

Members were informed of the confirmation of permanent appointment of two Officers

All recommendations were agreed.

<u>Background Papers</u>

Unconfirmed minutes of the F&P sub-committee meeting held on the 17 January 2018.

31st Eastern Inshore Fisheries and Conservation Authority meeting

31st January 2018

Budget for 2018/2019 and to note the provisional forecast for 2019/2023

Report by: Andrew Bakewell – Head of Finance & HR

Purpose of report
To set out the Provisional Estimates of Expenditure for the financial year 2018/2019 which have been recommended for approval by the Authority by the Finance and Personnel Sub-Committee (FPSC) at their meeting held on 17th January 2018, and to set out the Provisional Forecast of Estimates for the period 1st April 2019 to 31st March 2023 to be noted by the Authority.

Recommendations
To Resolve, in accordance with Section 101(6) of the Local Government Act 1972, to approve estimates of expenditure for the period 1st April 2018 to 31st March 2019, and to note the Provisional Forecast of Estimates of expenditure for the period 1st April 2019 to 31st March 2023.

Members are asked to:
- **Approve** the Budget for the period 1st April 2018 to 31st March 2019
- **Note** the Provisional Forecast of Estimates for the period 1st April 2019 to 31st March 2023.

Background
The FPSC, having considered the draft estimates of expenditure for financial year 2018/2019, resolved to recommend to the Authority that the constituent County Councils contribute a levy in the total sum of £1,411,008.

The Levy which includes 'New Burden' funding would be in the proportions set out in the Statutory Instrument establishing the constitution of the Authority ie. The following proportions:

	Norfolk County Council 38.5% £	Suffolk County Council 28.9% £	Lincolnshire County Council 32.6% £
Contribution from County Council Funds	391,492	293,873	331,498
New Burden Funding Allocation	151,999	114,420	127,726
Total Levy	543,491	408,293	459,224

Proposed expenditure under the main budget heads is shown on the sheet attached to this report.

The Authority is asked to confirm the FPSC's recommendation to Levy a total of £1,411,008 and approve the estimates of expenditure for the period 1st April 2018 to 31st March 2019.

The Authority is further asked to note the Forecasts of Estimates of expenditure for the period 1st April 2019 to 31st March 2023. The Forecast of Estimates is attached to this report.

New Burden Funding confirmed at current level until 2020.

Background documents
Unconfirmed Minutes of FPSC meeting held 17th January 2018

Highlights

Salaries – increase reflects a full year with a full complement and includes 2% inflation from April 1st.
General Expenditure – little change overall with increases for advertising (bylaws) offset by a reduction in training, following high expenditure on new staff in 2017/18.
Vessel costs – anticipate increased wear and tear and increased usage.
Income – modest increases for 2018/19 pending completion of WFO licence fee review.

Table 1

Provisional Budget 2018/2019

	2017/2018 Budget	2017/2018 Forecast	2018/2019 Provisional Budget
	£	£	£
Salaries & Wages	995,403	890,000	1,037,946
General Expenditure	201,405	210,500	211,900
Departmental Operational Costs			
Marine Science	8,000	7,500	6,250
Marine Protection	17,500	20,000	22,000
Communication and Development	4,000	500	1,600
Vessels			
Moorings & Harbour Dues	5,500	2,500	3,400
Research Vessel - Three Counties	94,250	82,500	85,000
Enforcement Vessels - John Allen/ANO RIB(S)	45,500	28,250	42,500
Pisces III/Pacific 22	10,500	3,500	7,500
Vessel Hire			
Vehicles	24,500	22,000	25,000
TOTAL EXPENDITURE	**£ 1,406,558**	**£ 1,267,250**	**£ 1,443,096**
INCOME	60,000	55,200	70,000
EXPENDITURE LESS INCOME	**£ 1,346,558**	**£ 1,212,050**	**£ 1,373,096**
LESS New Burden Funding	394,145	394,145	394,145
Net Expenditure	952,413	817,905	978,951
Levies	996,925	996,925	1,016,864
Surplus/(Shortfall	**£ 44,512**	**£ 179,020**	**£ 37,913**
Percentage reduction from Base Levy**(£1,329,236)**	**-25.0%**	-25.0%	**-23.5%**
Assets purchased		234,925	30,000

Provisional Budget 2018/2019 **Table 2**

Details of Expenditure - Salaries & Wages and General Expenditure

	2017/2018 Budget	2017/2018 Projection	2018/2019 Provisional Budget
SALARIES			
Staff Remuneration	766,665	680,000	787,039
Superannuation	155,017	143,188	169,163
National Insurance	73,821	68,000	81,744
TOTAL	**995,403**	**891,188**	**1,037,946**
GENERAL EXPENDITURE			
Accommodation			
Rent	34,665	34,665	37,000
Business Rates	16,000	14,540	16,000
Water Rates	620	1,100	1,250
Service Charges	600	3,650	3,750
Insurance - Buildings	740	450	550
Insurance Office & General	7,000	12,545	8,250
Electricity	6,500	3,000	5,000
Cleaning	2,000	550	750
Maintenance & Redecoration	3,000	2,850	6,500
TOTAL	71,125	73,350	79,050
General Establishment			
Advertisements & Subscriptions	15,500	11,300	19,100
Legal & Professional Fees	20,000	7,750	12,000
Telephones (Office & Mobile)	6,000	5,510	8,000
Postage & Stationery	5,750	7,070	6,000
Equipment Hire & Renewals	6,000	6,000	5,000
IT Support (including Citrix)	33,180	25,560	32,500
Uniforms & Protective Clothing	4,000	17,500	5,000
Medical Fees	1,750	900	1,500
Recruitment	1,200	8,000	2,000
Sundry Expenditure inc. Meeting Costs	4,400	3,560	3,500
TOTAL	97,780	93,150	94,600
Officers' Travel & Subsistence			
General Travel - Fares, Taxis etc	4,250	2,250	3,000
Subsistence Payments	2,500	2,050	2,250
Overnight Subsistence	3,000	1,200	1,500
Hotel - Accommodation & Meals	6,500	9,000	8,000
TOTAL	16,250	14,500	14,750
Members' Travel	4,250	2,000	3,500
Training	12,000	27,500	20,000
TOTAL GENERAL EXPENDITURE	**201,405**	**221,800**	**211,900**

Departmental Operational Costs			
Research and Environment	8,000	7,500	6,250
Marine Protection	17,500	20,000	22,000
Communication and Development	4,000	500	1,600

Provisional Budget 2018/2019

Details of Expenditure - Vessels & Vehicles

		2017/18 Budget	**2017/18** Projection	**2018/2019** Provisional Estimate
MOORINGS & HARBOUR DUES				
Rent - Sutton Bridge Moorings		2,500		
Maintenance		1,000	500	600
Berthing & Harbour Dues		2,000	2,000	2,800
	TOTAL	**5,500**	**2,500**	**3,400**
RESEARCH VESSEL				
Three Counties				
Maintenance & Repairs		30,000	23,000	25,000
Refit		40,000	35,000	32,000
Insurance & Certification		9,250	17,000	11,500
Fuel		15,000	7,500	16,500
	TOTAL	**94,250**	**82,500**	**85,000**
ENFORCEMENT VESSELS				
John Allen/Sebastian Terelinck				
Maintenance & Repairs		25,000	25,000	24,000
Upgrade				
Insurance & Certification		10,500	250	1,500
Fuel		10,000	3,000	17,000
	TOTAL	**45,500**	**28,250**	**42,500**
PiscesIII/replacement				
Maintenance & Repairs		6,000	1,000	1,500
Temporary hire				
Insurance & Certification		1,500	1,500	1,500
Fuel		3,000	1,000	4,500
	TOTAL	**10,500**	**3,500**	**7,500**
VEHICLES				
Insurance		8,000	8,500	8,500
Fuel & Sundries		10,000	8,000	10,000
Servicing		5,000	4,250	5,000
Vehicle Tracking		1,500	1,250	1,500
	TOTAL	**24,500**	**22,000**	**25,000**

Forecast to March 2023

	2018/19	2019/20	2020/21	2021/22	2022/23
Income					
Levies	1,016,864	1,037,201	1,057,945	1,079,104	1,100,686
"New Burden"	394,145	394,145			
Other	70,000	95,000	100,000	105,000	110,000
Total Income	1,481,009	1,526,346	1,157,945	1,184,104	1,210,686
Expenditure					
Staff cost	1,037,946	1,063,895	1,090,492	1,117,754	1,145,698
Administration	211,900	201,150	205,000	209,100	213,282
Operations	29,850	30,650	31,450	32,079	32,721
Vessels	138,400	136,000	138,850	141,655	144,514
Vehicles	25,000	25,750	26,523	27,318	28,138
Total	1,443,096	1,457,795	1,492,315	1,527,906	1,564,353
Surplus/Shortfall	37,913	68,551	(334,370)	(343,802)	(353,667)
New burden alt.			394,145	394,145	394,145
Adj. Surp/s/fall			59,775	50,343	40,478

Reserves

The amounts held in EIFCA's ear-marked reserves estimated at 30.09.2017 are set out below:

	£
ICT Fund	10,000
Legal and Enforcement Fund	93,750
Office Improvement Fund	10,000
Operational Fund	150,000
Research Fund	89,921
DEFRA Grant	18,292
Vehicle Renewals Fund	60,000
Vessel Replacement Fund	1,447,664
	1,879,627

Movement in reserves

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Opening	1,879,627	1,823,722	1,831,635	632,186	816,461	457,938
Revenue	179,020	37,913	68,551	(334,370)	(343,803)	(353,667)
Utilised	(234,925)	(30,000)	(1,418,000)	(30,000)	(568,000)	(30,000)
Balance	1,823,722	1,831,635	482,186	267,816	(95,342)	74,271
New burden?				394,145	394,145	394,145
Adjusted				661,961	298,803	468,416
Cap. Cont. CCs			150,000	154,500	159,135	163,909
Final	1,823,722	1,831,635	632,186	816,461	457,938	632,325

31st Eastern Inshore Fisheries and Conservation Authority meeting

Report by: Andrew Bakewell – Head of Finance & HR

Payments made and monies received during the period 1st October 2017 to 31st December 2017

Recommendations

Members are asked to:

- **Note** the content of the paper

Background

It is an audit requirement that the Authority's receipts and payments are presented to Members on a quarterly basis.

The report on Payments made and monies received during the period 1st October to 31st December are shown in the table below.

The payments have been made in accordance with EIFCA's Financial Regulations and the necessary processes and approvals have been carried out.

Background documents

There are no background documents to this paper

Finance Officer's Report on Payments Made and Monies Received during the period 1st October 2017 to 31st December 2017

Payments made during the period 1st October 2017 to 31st December 2017

	Month 7 £	Month 8 £	Month 9 £	TOTAL £
Transfers to EIFCA Salaries Acct.	80,000.00	70,000.00	70,000.00	220,000.00
Rent, Rates & Service Charges	1,883.65	9,590.43	4,446.19	15,920.27
General Establishment	2,735.43	5,585.76	3,198.66	11,519.85
Legal Fees			237.60	237.60
Staff Travelling & Subsistence	409.90	518.25	2,046.65	2,974.80
Members' Allowances				
Training	48.00	3,508.34	2,902.75	6,459.09
Moorings/Harbour Dues	228.80	980.00	753.04	1,961.84
Pisces III Operating Costs				
Hire of rib				
Three Counties Operating Costs	221.22	1,353.29	2,985.75	4,560.26
FPV JA & ST –Operating Costs	1,377.14	3,237.74	72.21	4,687.09
Vehicle Operating Costs	845.77	2,113.86	1,296.42	4,256.05
Communication and Development				
Marine Science	66.67	1,104.15	1,195.79	2,366.61
Enforcement	108.37	336.48	98.93	543.78
Wash & Nth Norf. EMS Project	2,000.00	1,137.65	726.18	3,863.83
Wash Fishery Order			106.25	106.25
Assets			11,752.75	11,752.75
IT Project				
Petty Cash		200.00		200.00
VAT recoverable (Quarter)	1,452.68	4,622.87	5,131.73	11,207.28
TOTAL PAYMENTS MADE	**91,377.63**	**104,288.82**	**106,950.90**	**302,617.35**

Monies received during the period October 2017 to December 2017

	Month 7 £	Month 8 £	Month 9 £	TOTAL £
Levies				
WFO – Licences				
WFO – Tolls				
Whelk licences		650.00		650.00
Wash & North Norfolk Coast EMS	8,406.00		2,025.00	10,431.00
VAT		13,389.15		13389.15
Fixed Penalty Fine		2,235.10		2,235.10
EHO sampling	1,200.00	5,400.00		7,600.00
Lay rents				
Interest			4,092.92	4,092.82
Miscellaneous	5.43	10.49	100.53	116.45
TOTAL MONIES RECEIVED	**9,611.43**	**21,684.74**	**6,518.45**	**37,814.62**

Notes

Assets – purchase of sonde to replace obsolete unit uneconomical to repair.

Fixed Penalty Fine – repayment of awarded costs.

Interest – annual interest on deposit account

Action Item 10

31st Eastern Inshore Fisheries and Conservation Authority meeting

31st January 2018

Report by: Andrew Bakewell – Head of Finance & HR

Report on the Management Accounts for quarter 3 of the 2017/18 financial year

Purpose of report
To set out the quarterly Management Accounts for members to note.

Recommendations:
Members are asked to:

- **Note** the Management Accounts

Headlines

	£	
Salaries and wages	73,771	saving resulting from unfilled vacancies
General Expenditure	1,407	IT support invoice o/s £26k training overspent £17.5k (new staff and upskilling) Insurance includes part payment for 18/19.
Operations	4,511	Savings on C&D and Marine Science, Enforcement on budget.
Vessels	45,937	John Allen repairs o/s and TC refit.
Vehicles	5,460	Savings on mtce. New vehicles warranties
Income	6,156	Increased sampling income
Total	137,242	
Forecast outturn 2017/18	69,500	After asset purchases £40k and IT support

Management Accounts Financial Year 2017/2018

	ACTUAL Year to Date Qtr 3 £	BUDGET Year to Date Qtr 3 £	MEMO Budget For Year £
SALARIES & WAGES			
Staff Remuneration	513,300	574,999	766,665
Pension	108,170	116,263	155,017
National Insurance	51,387	55,366	73,821
TOTAL	**672,857**	**746,628**	**995,403**
GENERAL EXPEND			
Accommodation	50,686	48,094	64,125
Insurance	12,545	7,000	7,000
General Establishment	53,689	76,380	97,780
Officers' Expenses	10,687	12,688	16,250
Members' Travel	819	3,188	4,250
Training	26,517	9,000	12,000
TOTAL	**154,943**	**156,350**	**201,405**
Develop& Comms	357	3,000	4,000
Enforcement	13,471	13,250	17,500
Research & Environ	3,911	6,000	8,000
VESSELS			
Moorings/Harbour Dues	2,275	4,750	5,500
Vessel Operating Costs			
Three Counties	37,419	48,000	94,250
FPVs JA & ST	9,994	35,000	45,500
Pisces (inc hire)		7,875	10,500
TOTAL	**49,688**	**95,625**	**155,750**
VEHICLES			
Operating Costs	12,915	18,375	24,500
TOTAL	**12,915**	**18,375**	**24,500**
TOTAL EXPENDITURE	**908,142**	**1,039,228**	**1,406,558**
INCOME			
Bank Interest	4,168	6,500	10,000
Levies	1,391,070	1,391,070	1,391,070
WFO Licence Tolls	18,480	20,000	20,000
Whelk licences	2,530	3,250	6,500
Sale of assets		3,000	6,000
Fuel Duty	3,514		
Fixed Penalties & costs	5,235	750	1,500
Surveys		2,000	4,000
EHO sampling	11,800	4,000	8,000
Lay rents	2,929	3,000	4,000
TOTAL INCOME	**1,439,726**	**1,433,570**	**1,451,070**
Reserve movement	**n/a**	**n/a**	**44,512**

Action Item 11

31st Eastern Inshore Fisheries and Conservation Authority meeting

31st January 2018

Fishing Industry Correspondence

Report by: J. Gregory, CEO

Purpose of report

The purpose of this report and associated presentation by Cefas is to advise members of the ongoing situation regarding electric pulse trawling in the southern North Sea and the concerns of the inshore fishing industry.

Recommendations

It is recommended that members:

- **Note** the report and presentation from Cefas.

Background
Beam trawling is utilised to catch demersal species of fish i.e. those that live and feed on or near the seabed. It involves a trawl net being towed along the seabed with the mouth of the net being held open by a solid metal bar (beam). 'Tickler chains' disturb the seabed in front of the net to stir up fish which bury themselves under the sand and silt of the seabed, such as flatfish and prawns, which then allows them to be scooped into the net.

Beam trawling has been a cause for environmental concern for some time as it causes a substantial reduction in the abundance of animals living on the seabed. Such impacts can be long lasting, particularly where fishing occurs in areas which are inhabited by seabed dwelling species such as oysters and sponges. Beam trawling is also associated with high levels of bycatch which have historically been discarded, although this is changing with the introduction of discard bans.

Efforts to improve trawl fishing practices have been ongoing for some time and work to replace beam trawling has explored less invasive methods such as electric pulse trawling. This involves electrical pulses being sent into the seawater to flush out bottom-dwelling fish like plaice and sole, causing them to swim into the path of trawl nets.

The Netherlands have been proponents of pulse trawling and have advanced the use of this technology on the thesis that pulse gear has less contact with the seabed meaning that there is more of the target species caught, lower levels of bycatch, less damage to the seabed and fish that are caught are in better condition due to less skin abrasion from nets and therefore reach a higher price at market. It is also said that pulse trawls are significantly lighter than traditional beam trawl gear meaning that fishing with pulse gear uses much less fuel than traditional beam trawling. It has been suggested that whilst it is expensive to convert a beam trawler to a pulse trawler and retrain the crew to use the new equipment, the savings that can be made mean that this investment can soon repay itself.

Pulse trawling is banned by the European Union. Article 31 of Council Regulation (EC) No. 850/98 covers unconventional fishing methods and provides:

> *"The catching of marine organisms using methods incorporating the use of explosives, poisonous or stupefying substances or* ***electric current*** *shall be prohibited."*

There is an exception to this regulation where pulse trawling is allowed to be carried out for research purposes. The Netherlands have used the exception to the regulation to develop this method of fishing, particularly in the southern North Sea.

In 2010 the Netherlands had the restrictions on pulse trawling eased and a maximum of 5% of the Dutch commercial fishing fleet was allowed to use electrical fishing gear. In 2012, the number of Dutch trawlers allowed to operate pulse trawls was increased to 10% of the fleet by the EU and it is estimated that around one hundred fishing vessels have been converted into pulse trawlers. This includes a small number of British registered fishing vessels.

However, pulse trawling is not without its downsides and it can fatally injure species of fish that are not the target catch. Additionally, though fewer seabed organisms are caught in the trawl net when using electricity compared to traditional beam trawling, it is not understood whether the creatures remaining on the seabed are affected negatively by contact with the electric stimuli.

The issues with pulse trawling are not solely environmental as pulse trawl fishers have encroached on grounds that have historically been fished by fishermen using low impact netting methods. This has led to resentment and conflict with others in the fishing community.

Fishers within the Eastern IFCA district, particularly those in Gt Yarmouth and Suffolk, have long held concerns about the impact of pulse trawling off our coast and in particular those that fish within the 6nm to 12nm zone. Some claim that the reported absence of some species in the District, particularly cod, are a consequence of electric pulse trawling.

Representative from the fishing industry in Gt Yarmouth and Lowestoft have been engaged in a high-profile campaign, both nationally and at EU level, to have electric pulse fishing banned. This has included participation in national radio shows and speaking to the European Parliament.

The UK government recently announced a review of the use of electric pulses by foreign trawlers in British waters due to concerns about its potential effects on the environment and bycatch.

On 16th January 2018 the matter was debated by the European Parliament and MEPs voted by 402 members to 232 in favour of a ban on electric pulse fishing, while 40 abstained. The parliament will now try to strike a compromise with the European Commission, the bloc's executive, and the European Council.

Report

Whilst electric pulse trawling does not take place within the Eastern IFCA District it has a potential impact upon the inshore fishing fleet and has clearly been of significant concern to them. With this in mind it is thought appropriate for members to be briefed on the current position and the work of Cefas.

31st Eastern Inshore Fisheries and Conservation Authority meeting

31st January 2018

Report by: Ron Jessop, Senior Marine Science Officer (Research)

Wash Mussel Fishery - 2018

Purpose of report

The purpose of the report is to inform members of the current status of the WFO inter-tidal mussel stocks, to recommend that there is a re-laying fishery during 2018 and to agree management measures for the fishery.

Recommendations for the 2018 WFO mussel fishery

Members are recommended to:

- **Note** the results of the 2017 autumn surveys set out in this paper.
- **Agree** to open a re-laying fishery for the 2018 season with a maximum TAC of 1,350 tonnes for the dredge fishery and 150 tonnes for the hand-worked fishery.
- **Agree** to open the beds identified in the table at Figure 4 to the 2018 relaying fishery with the maximum exploitation rates for each bed as set out in that table and the Blackshore bed being hand-worked only;
- **Agree** that the operating times for a dredge fishery are determined according to the following principles:
    - 1 tide per day,
    - On tides of 6.8 metres or above
    - On no more than 4 consecutive days per week.
- **Agree** to delegate to the CEO in consultation with the Chair and Vice-Chair, the authority to open the dredge and hand-worked fisheries at appropriate dates and times following consultation with the industry.
- **Agree** that the dredge and hand-worked relaying fisheries will close on 31st August 2018 or when the respective quotas are exhausted, whichever is the sooner.
- **Agree** to delegate to the CEO, in consultation with the Chair and Vice-Chair, the authority to close the dredge and/or hand-worked relaying fisheries if it is judged necessary for the protection of the Marine Protected Area or for fisheries

management purposes including the protection of the sustainability of the fishery.

- **Agree** to delegate to the CEO in consultation with the Chair and Vice-Chair the authority to close individual beds when their individual quotas have been achieved or if it is judged necessary for the protection of the Marine Protected Area or for fisheries management purposes including the protection of the sustainability of the fishery.
- **Agree** in principle to implement the Licence conditions as set out in Appendix 2 and 3 pending consultation with Licence Holders and Natural England;
- **Agree** to delegate to the CEO, in consultation with the Chair and Vice-Chair, the authority to introduce, vary or revoke management measures and licence conditions in the following circumstances;
  - following the aforementioned consultation with Licence Holders and Natural England; or
  - where if it is judged necessary for the protection of the Marine Protected Area or for fisheries management purposes including the protection of the sustainability of the fishery.
- **Agree** to implement the enforcement policy in relation to WFO Regulation 2 as set out in Appendix 4 to allow fishers to store mussel in vessel holds for the purpose of relaying mussels onto WFO Lays within The Wash.
- **Agree** to implement the enforcement policy as set out in Appendix 5 to allow Licence Holders to remove mussel below the minimum size set out in WFO Regulation 8 for the purpose of the relaying fishery.

Background

The intertidal mussel stocks in The Wash have traditionally provided a valuable resource for the local fishing industry; either being harvested directly for market or relayed from poor-growing beds within the regulated fishery to leased lay ground within the several fishery. These stocks also provide an important habitat for invertebrate communities and an essential food resource for the internationally important communities of birds that reside or over-winter in The Wash. As such, the beds are protected under the SAC, SPA and SSSI designations of the site and have Conservation Objective targets. To help achieve these conservation targets, a suite of shellfish management policies was agreed between the Authority, Natural England and fishermen in 2008. These policies have formed the framework guiding the management measures for The Wash mussel and cockle fisheries since then[1].

Two of the main conservation targets that affect the mussel fishery are the requirements to maintain a total stock of mussels above 12,000 tonnes and an adult[2] stock above 7,000 tonnes. Although adhering to the management policies helped to

[1] The shellfish management policies insofar as they relate to the cockle fishery have been revised and await consultation with the industry. The policies pertaining to mussels are unchanged.
[2] Mussels ≥45mm length

stabilise the mussel stocks above these two respective targets for a time, a crash occurred between 2009 and 2010 that caused the stocks to decline from a healthy level of 15,188 tonnes to 9,626 tonnes. Cefas attributed the cause of this die-off to an unusually high abundance of the parasitic copepod, *Mytilicola intestinalis* that were present in samples. Since this decline, the stocks have failed to consistently achieve the 12,000 tonnes target, fluctuating between a peak of 12,338 tonnes in 2012 and a low of 9,366 tonnes in 2015. During the past 7 years there has been increasing concern over the declining state of the beds, with a combination of poor recruitment and high mortalities leaving most of the beds in poor condition. Of particular concern during this period has been the high levels of mortality observed among younger mussels (typically 2 or 3 years old). In several cases these die-offs among the younger mussel population have resulted in the sudden decline of beds that had previously appeared to be in good states of health. Because the conservation targets have not been achieved, the fishery has remained closed for the past three years.

2017 STOCK ASSESSMENT FOR THE WFO 1992 REGULATED MUSSEL STOCKS

The inter-tidal mussel beds in The Wash are surveyed each autumn to inform the Authority's management of the WFO 1992 mussel fishery. These surveys are usually conducted during September and October, when mussels tend to peak in yield, but a delay to the start of the surveys resulted in them being conducted between October 11th and December 5th this year. As the temperature during November was not particularly cold, this delay is not thought to have had a large impact on the results. During this year's surveys, 18 areas of inter-tidal mussel bed were assessed. This included all of the known beds that are regularly surveyed except for the small Pandora bed, the survey of which had to be cancelled due to poor weather at the end of the planned survey programme. In addition to the inter-tidal beds, the mussels on the Welland Bank were also surveyed. The distribution of these beds is shown in Figure 1.

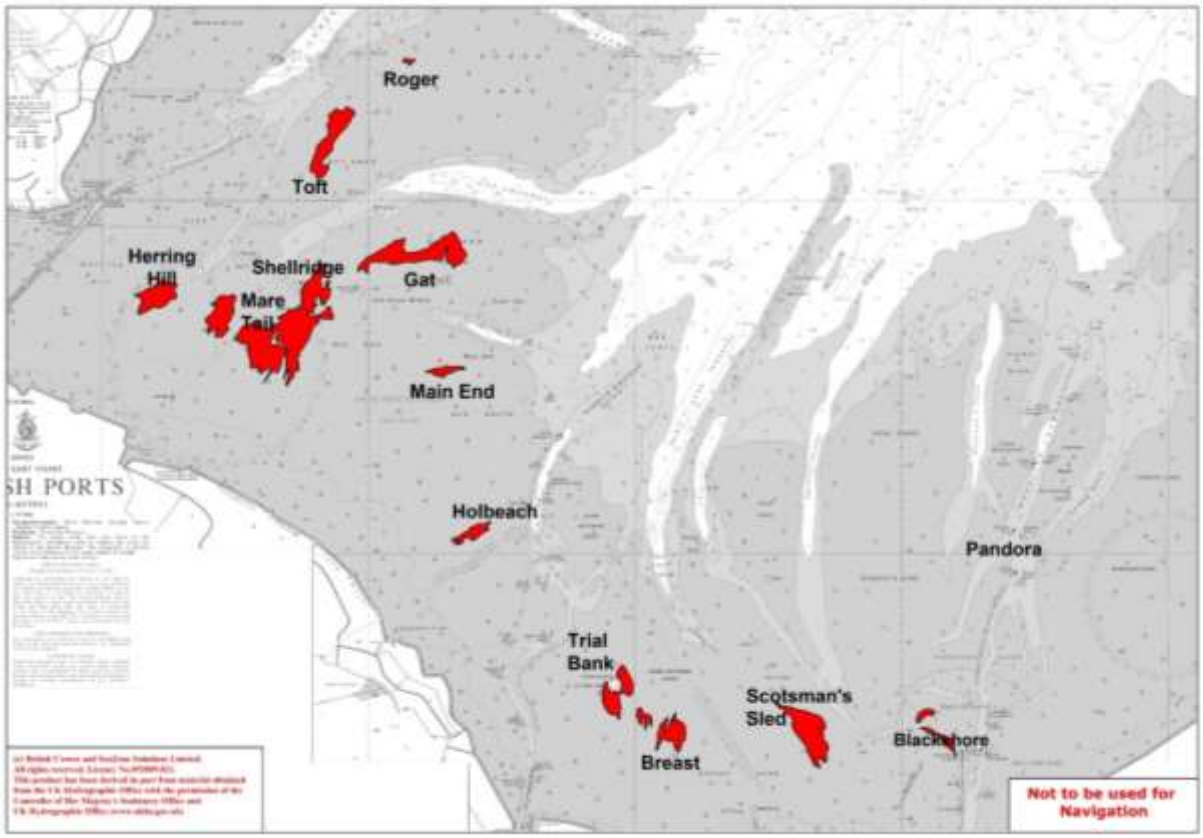


Figure 1 – Chart showing the distribution of mussel beds surveyed during 2017

The 2016 surveys found several of the beds had benefited from a moderate settlement of seed - a welcome respite following a lengthy period of poor recruitment. In addition to settling within the beds, some seed was also found during those surveys to have settled outside of the beds among patches of ridged-out cockles. The recent 2017 surveys found this seed had survived and grown, helping to significantly increase the biomass of mussels within some of the beds and start to establish new beds where seed had settled among cockles. This has enabled the total biomass of mussels to increase from 12,002 tonnes in 2016 to 15,953 tonnes in 2017, and the total area of the beds to increase from 457 hectares to 521 hectares. Recently established patches of mussel bed include areas adjacent to the West Mare Tail, South Mare Tail, Tofts and Herring Hill beds, while the Blackshore and Shellridge beds have re-established after virtually disappearing in 2015. Figure 2 summarises the stocks found on each of the surveyed beds, while figure 3 shows the stock levels on the inter-tidal beds since 2002 and their respective Conservation Objective targets.

Summary of the Wash inter-tidal mussel stocks - 2017

	2017							2016	
BED	**AREA (ha)**	**COVERAGE (%)**	**DENSITY (kg/0.1m)**	**TOTAL STOCK (tonnes)**	**STOCK >45MM (tonnes)**	**% ≥45MM (%)**	**BED DENSITY (Tonnes/ha**	**TOTAL STOCK**	**% CHANGE**
Mare Tail North	68.9	41	1.14	3176	1543	48.6	46.1	2190	45.0
Mare Tail South	65.1	28	0.73	1328	172	13.0	20.4	771	72.2
Mare Tail East	5.6	39	0.57	124	23	18.5	22.1	Unsurveyed	-
Mare Tail West	34.3	41	0.57	803	111	13.8	23.4	435	84.6
Shellridge	33.2	40	0.41	548	79	14.4	16.5	Unsurveyed	-
Toft	46	37	1.1	1878	1518	80.8	40.8	2217	-15.3
Roger	1.9	29	0.92	51	29	56.9	26.8	31	64.5
Gat, West	33	47	0.81	1255	540	43.0	38.0	1095	14.6
Gat, Mid	20.5	32	0.68	443	288	65.0	21.6	496	-10.7
Gat, East	21.3	25	0.67	356	204	57.3	16.7	549	-35.2
Main End	8.9	29	0.54	142	96	67.6	16.0	179	-20.7
Holbeach	13.8	49	0.67	452	54	11.9	32.8	254	78.0
Herring Hill	35.6	36	0.9	1157	382	33.0	32.5	1014	14.1
East Herring Hill	Unsurveyed							Unsurveyed	-
Trial bank	31.6	40	1.34	1701	393	23.1	53.8	635	167.9
Breast, West	6.6	18	0.79	95	19	20.0	14.4	308	-69.2
Breast, East	25.6	29	1.02	764	272	35.6	29.8	853	-10.4
Scotsman's Sled, East	55.4	29	0.77	1253	456	36.4	22.6	584	114.6
Blackshore - a	5.1	39	1.09	217	8	3.7	42.5	201	8.0
Blackshore - b	8.5	28	0.9	210	5	2.4	24.7	0	
Pandora	Unsurveyed							189	-
TOTAL	**521**			**15953**	**6192**	**38.8**	**30.6**	**12002**	32.9
Welland Bank	1.93	70	3.36	456	339	74.3	264.2	438	4.1

Figure 2 – Table summarising the details of the mussel stocks on individual beds at the time of the 2017 surveys

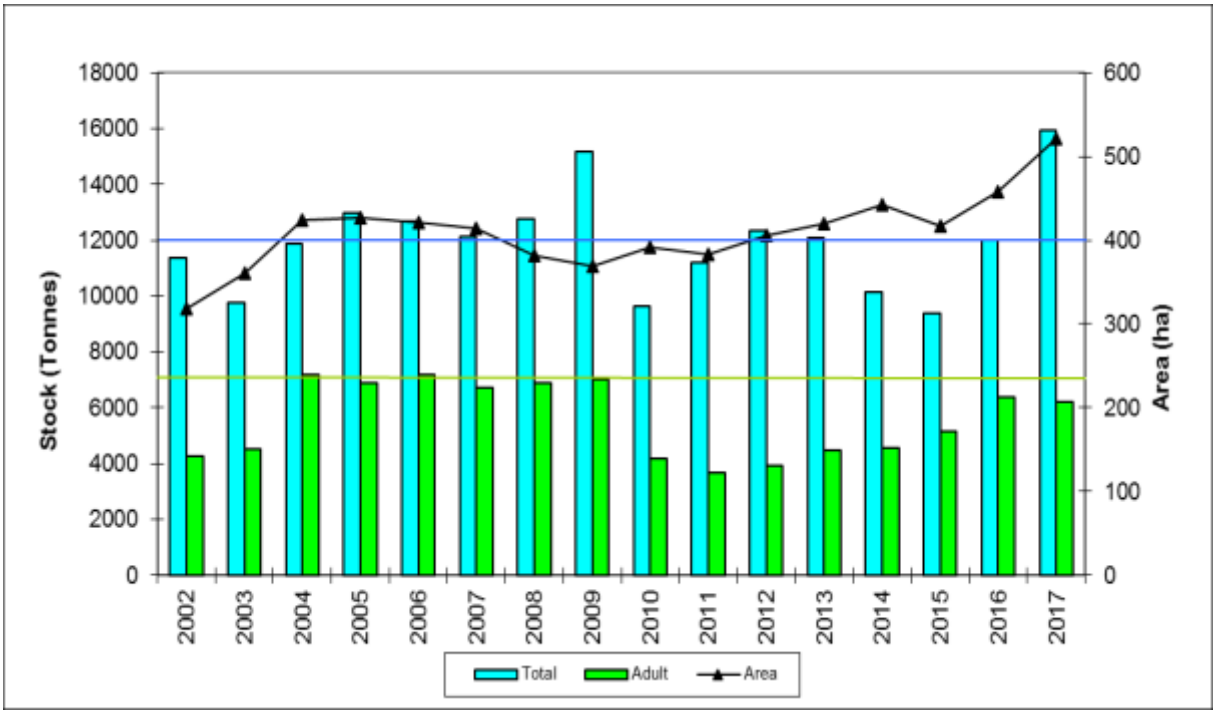


Figure 3 – Inter-tidal mussel stock levels in the Wash since 2002 and their Conservation Objective targets

Although the total mussel stock in 2017 is the highest it has been since the early 1980s, the problems that led to recent declines are still thought to exist. A good settlement on several of the beds in 2016 has helped to reverse the effects of a lengthy period of recruitment failures, but the problems associated with high mortalities is still thought to exist. This has been seen on the beds that did not benefit from the 2016 settlement continuing to decline, and the total stock of adult (≥45mm length) mussels also decreasing. Since 2010 the highest mortality has been among the 3 year-old mussels. Mortalities have not been quite so noticeable in the past two years because poor recruitment in preceding years has resulted in fewer mussels of this vulnerable age being present in the stock. The successful settlement in 2016, however, has resulted in a larger stock that will be of a vulnerable age in 2019. It is anticipated, therefore, that mortalities could be high in 2019, which unless offset by further successful recruitments, could result in a large crash in stocks.

Recommendations for 2018 mussel fishery

Type of fishery

Although the stocks are still considered vulnerable to future declines, the large stock of 15,953 tonnes exceeds the Conservation Objective target and does offer potential to support a fishery. Figure 3, however, shows the stocks of adult mussels have still not achieved their target of 7,000 tonnes since crashing in 2010. The Shellfish Policies introduced in 2008 allow fisheries to reduce adult stocks below 7,000 tonnes, to a level as low as 5,000 tonnes, but only in circumstances when it can be confidently predicted that these stocks will

recover to the 7,000 tonnes target by the following survey. The slow rate of recovery to adult populations since 2010, coupled with recent high mortality rates among 3 year-old mussels, indicate if the adult stocks were reduced this low, they would be unlikely to achieve their target by the 2018 survey. **Any fishery opened in 2018, therefore, would need to be a relaying seed fishery that avoided disturbing the beds supporting predominantly adult stocks.**

Potential level of exploitation

The shellfish management policies allow the relaying fishery to take up to 20% of the juvenile stocks, provided this does not result in the total mussel stock falling below 12,000 tonnes. The surveys found 9,761 tonnes of juvenile mussels on the inter-tidal beds. This would allow for a relaying fishery of up to 1,952 tonnes. This level of exploitation is not recommended, however, because:

1. The newly established areas of mussel bed are still developing and currently quite patchy and low density. These areas would benefit from a further year's growth.
2. After several years of poor recruitment, the recent settlement has helped to rejuvenate several of the beds and create conditions that are more suitable for attracting further settlements. A heavy fishery this year could reduce the extent of that suitable habitat and impair future settlements.

It is recommended, therefore, that a relaying mussel fishery is opened, but limited to a maximum of 1,500 tonnes

Fishing methods

Mussel relaying fisheries are traditionally undertaken using both dredges and via hand-working. The majority of the fishery is usually prosecuted via mussel dredges, the use and specification of which are governed by a combination of WFO Regulations and licence conditions.

Mussel dredges typically consist of a 'blade', sometimes with metal 'teeth', which have the effect of skimming the surface of the bed between the mussels and the sediment, and a net to retain the catch. The use of mussel dredges will be considered in a Habitats Regulation Assessment which will be subject to consideration by Natural England. It is recommended that a portion of the TAC is allocated to a dredge fishery pending formal advice from Natural England. It is worth noting that there has been a significant gap between the last HRA regarding a mussel dredge fishery and the present one and that the consideration of such by Natural England may not reflect that which has been received previously.

Given that risks to the environment are to an extent mitigated through the design of the fishing gear used, it is recommended that the design of the mussel dredge (or the key components of such) are defined in management measures. This is provisionally set out in Licence Condition 5 (dredges) in Appendix 2.

This licence condition includes a requirement for fishers to obtain a certificate of approval for the gear based on an inspection undertaken by Officers. This replicates the provision of 'Byelaw 3: Molluscan Shellfish Methods of Fishing' which has been applied to this fishery as a matter of course previously. The proposed licence condition will potentially be subject to amendment prior to the fishery on the basis of the outputs of the HRA and dialogue with Natural England.

In addition, a limited number of fishers will potentially look to prosecute the fishery by hand working or be limited to hand-working only by virtue of the limitations of their vessel. If the entire TAC was allocated across both fisheries, it is unlikely that hand-workers would be able to take much of the TAC before it is removed via dredge. Therefore, it is recommended that a proportion of the TAC is allocated to a hand-work fishery only.

It is recommended that the TAC is allocated to each fishery as follows: 1,350 tonnes for dredge fishery and 150 tonnes for hand-worked fishery

Opening date for the fishery

Because mussels tend to partially bury themselves and form a firmer attachment to the substrate in winter, relaying activities usually take place between March-May, once the sea temperatures have begun to increase. Officers recommend that the opening date for the fishery should be determined following consultation/feedback from the industry.

Natural England will be formally notified of the Authority's intentions through the submission of a Habitats Regulation Assessment detailing the proposed mussel fishery activities. The opening date for the fishery may depend on the time taken for Natural England to provide a response to the Authority's proposals and whether Natural England agrees that the proposal would not have an adverse effect on the integrity of the Marine Protected Area.

Mussel surveys ordinarily commence in September each year at which time the fishery will need to be closed.

It is recommended that the fishery closes on the exhaustion of the TAC or on 31st August 2018 whichever was soonest.

Recent cockle fisheries have highlighted the unpredictability of the WFO fisheries and the benefits of flexible management of the fishery. Such flexibility is considered particularly important in the context of recent behaviours in the cockle fishery (i.e. the removal of smaller cockles) and given that it occurs within a Marine Protected Area. It is considered appropriate mitigation to enable the CEO to close the fishery including to a reasonable timescale in response to potentially environmentally damaging or unsustainable practices.

As such, **it is also recommended that the CEO is delegated power, in consultation with the Chair and Vice-Chair, to close the fishery, if it is judged necessary for the protection of the Marine Protected Area and for fisheries management purposes including the protection of the sustainability of the fishery.**

Beds proposed to be opened and maximum levels of exploitation

To minimise any impact from the relaying fishery on adult stocks, those beds supporting high proportions of adult mussels should remain closed. This includes the Tofts, Mid Gat, East Gat, Main End and Roger beds. Although the West Gat has a lower proportion of adult mussels than the others listed, it has suffered high mortalities and poor recruitment in recent years, so is quite vulnerable. As such, it is also recommended that this bed remains closed.

Apart from rare occasions when mussel seed settles on “ridged out” cockles, the majority of mussel recruitment on the intertidal beds in The Wash occurs within existing mussel beds. Scientific studies indicate mussel larvae are attracted to existing mussel beds when they are seeking suitable strata to settle upon, and that a raised structure of live mussels and dead shell bound together by byssus threads provides them with shelter and protection from predators. Analysis of past survey data combined with field observations indicate this raised habitat tends to form when beds support densities of mussels higher than 25 tonnes/hectare. Below this level, beds tend to recover much slower and tend to decline and erode. To protect the structure of the existing beds, therefore, our management policies restrict beds from being fished unless they exceed 25 tonnes/hectare.

The table below shows the beds which support predominantly juvenile populations and have densities exceeding 25 tonnes/hectare. The final column of this table shows the maximum weight of mussels that could be removed from each bed before their mean density fell below 25 tonnes/hectare. Exploitation on any individual bed should not exceed these levels.

Figure 4 – table showing beds proposed to be opened in the 2018 mussel relaying fishery and associated maximum exploitation level.

Bed	Area (ha)	Total Stock (t)	Mussel density (t/ha)	‘Maximum exploitation level’ (tonnes)	WFO Licence
North Mare Tail	68.9	3176	46.1	1,453	Dredge & Hand-work
Trial Bank	31.6	1701	53.8	911	Dredge and Hand-work
Herring Hill	35.6	1157	32.5	267	Dredge and Hand-work
Holbeach	13.8	452	32.8	107	Dredge and Hand-work

East Breast	25.6	764	29.8	124	Dredge and Hand-work
Blackshore	See below[3]			210	Hand-work Only
Total				**3,072**	

It is further proposed that the bed Blackshore is opened only to hand-working initially. This bed is ideally placed for fishers from the North Norfolk Coast who tend to focus on hand-working rather than use of dredges. Given that this bed has the potential to be ephemeral, it may be subject to further consideration as being open to a dredge fishery later in the season.

It is recommended that the beds set out in figure 4 are opened to the mussel relaying fishery. Beds will be closed once removal of mussels has reached the 'maximum exploitation level'.

Managing levels of exploitation on each bed

The fishery is expected to consist of circa 12 to 15 vessels as determined through informal dialogue with industry representatives. However, given that this is the first mussel relaying fishery since 2014 and mussel seed is thought to be in limited supply nationally, the number of vessels prosecuting the fishery has the potential to be higher. A fishery of 12 to 15 vessels can remove between 96 and 120 tonnes of mussel per day.

To manage the levels of exploitation in accordance with figure 4 (above) a new mechanism for obtaining fisheries information and disseminating management measures (in this case bed closures) is required. The model set through the annual cockle fisheries (i.e. weekly returns and 7 days' notice of changes to management measures) is not sufficient in the context of the fishery potentially being able to exploit a bed to its maximum level over one to three tides.

It is proposed that a new licence condition is implemented (Licence Condition 8 – Appendix 2 and 3) which requires the following with regards to providing catch data:

- Fishers to provide daily catch returns with the required information via text or email no later than 2 hours after high water on any given day of fishing;
- The required information will be the vessel name and port letter numbers, the estimated amount of mussel taken from the fishery and the name of the bed from which it was taken.

An additional licence condition is proposed which requires fishers to provide a valid mobile telephone number and email address to disseminate any bed

[3] Under the shellfish policies, the maximum exploitation on the Blackshore bed should limited to 89 tonnes. However, the survey found a large section of the bed had moved 500m from the previous survey and could potentially be ephemeral. It is recommended, therefore, that this part of the Blackshore bed is opened for full exploitation.

closure information to. It will be incumbent on fishers to ensure that they are contactable by these means. The associated draft licence condition is set out in Licence Condition 3 (Appendix 2 and 3). It is proposed that fishers will be given a minimum of 12 hours' notice of the closure of a bed and this is set out in Licence Condition 2 (Appendix 2 and 3) and it is intended that this would be applicable to hand-work and dredge Licences.

It is proposed that fishers will also be required to notify Eastern IFCA of their intention to fish (including where they intend to fish) 12 hours in advance of fishing. This will enable a more targeted enforcement presence and will provide opportunity to ensure fishers are kept informed with regards to bed closures. This Licence condition reflects a similar permit condition of the Kent and Essex IFCA Cockle permit (which requires 2 hours notice) which several of the fishers in The Wash are familiar with and reflects the high risk associated with the fishery particularly in relation to the potential damage which may be caused through non-compliance. This is set out in Licence Condition 7 (Appendix 2 and 3).

Industry members on the Authority have informally indicated that the above requirements are reasonable given the high risk posed to the smaller beds from over-fishing. It is however recognised that these licence conditions represent an additional burden on fishers and that such requirements are novel to this fishery. As such, it is recommended that all of the licence conditions are the subject of a consultation with the industry such that they may be refined as appropriate.

Maximum Daily Quota

The daily quota of mussels any vessel may take from the regulated beds as part of the Relaying Mussel Fishery is restricted by Regulation No.2 of the Wash Fishery Order 1992 to 8,000 kg/day. Accordingly, the maximum daily vessel quota is set at 8,000 kg.

Days of operation

Given that the majority of the fishery will be likely to occur over 'high' beds (i.e. several meters greater than chart datum), fishers will only be able to prosecute the fishery on certain tides. It is proposed that the most appropriate tides are those of 6.8 meters or above.

The enforcement of the fishery is relatively intensive, requiring a regular presence at sea. To enable the planning of effective and efficient enforcement, it is considered appropriate to limit the fishery to one tide per day and to a maximum of 4 days per week. Representation has been made that this may not be appropriate in the case of fishers operating under a hand-work licence as they are more restricted by weather than dredge fishers. However, providing additional days for hand-working will likely lead to those who typically operate

in the dredge fishery fishing the hand-work only fishery days as well. This will reduce the portion of the TAC allocated to hand-work only, the intention of which is to ensure that those vessels not capable of using a mussel dredge have a reasonable share of the fishery.

Access to the North Mare Tail (the main bed) and Holbeach will be limited by virtue of them being within a bombing range. Dialogue with the Ministry of Defence will be required to ensure safe use of the site but typically use of the range by fishers is limited to the weekends because it is in use as a range during weekdays. Limited access to this site will likely lead to a greater reliance on the other 'main bed' (Trial Bank) with potentially damaging effects. It is therefore recommended that the fishery is preferentially opened for at least two days of a weekend with the correct tides so that effort is not unduly targeted on Trial Bank.

It is considered appropriate to consider operating times in accordance with these principles but that the industry and the Ministry of Defence are consulted to refine the days / times and tides in accordance with their preferences where there is discretion.

It is recommended that the operating times for both the dredge and hand-worked fisheries are determined according to the following principles: i) 1 tide per day, ii) on tides of 6.8 metres or above and iii) no more than 4 consecutive days per week.

<u>Exemption from Regulation 8: Mussel (*Mytilus edulis*) minimum size</u>
Regulation 8 sets out that fishers must not '*remove from the area contained within the boundaries of the Wash Fishery Order 1992 any mussel which is less than 45mm in length but shall return such shellfish to the sea immediately'*. In order to enable a relaying fishery, it is necessary to provide an exemption from this regulation.

Mussels less than 45mm in length are unlikely to have spawned and as such, their removal will deplete the spawning stock (i.e. that portion of the stock which provides for future fisheries). However, it is the intention of the fishery that the majority of mussel seed will only be relocated, rather than removed from The Wash. Mussels are 'broadcast spawners' – spawn is released into the water and is carried by tides throughout The Wash. As such, the risk associated with 'fishing' these smaller mussels on the sustainability of the mussel stocks is largely mitigated.

In addition to mussel seed being relayed in The Wash, it is the intention of some fishers to relay mussel seed on the North Norfolk Coast. The proportion of seed relocated to the North Norfolk coast is likely to be small and as such pose a low

risk to the sustainability of The Wash based mussel stocks. In addition, the benefit to the viability of this section of the industry is likely to outweigh the associated risk.

It is therefore recommended that fishers are exempted from Regulation 8 (Mussel (*Mytilus edulis*) minimum size) for the purpose of relaying such within shellfish 'lays' as set out in Appendix 5. To prevent the removal of significant amounts of pre-spawning individuals from The Wash, it is also recommended that fishers are required to relay any mussel taken from the fishery within The Wash and North Norfolk Coast Special Area of Conservation (which would still allow for the fishers of the North Norfolk coast to utilise the fishery). This is set out in Licence Condition 1 (Appendix 2 and 3).

Exemption from Regulation 2: catch restrictions (subsection 5 – use of bags, boxes or bins)

Regulation 2 (5) sets out that fishers must contain all catches of mussel within bags, boxes or bins. The majority of fishers fill the holds of their vessel with mussel seed and subsequently redeposit the shellfish directly onto lays. Requiring the mussel to be contained within bags etc. would be a significant burden to fishers looking to operate in this way, particularly given that fishers typically complete this process over one tide (i.e. fish the mussel and relay them over a single high water).

To enable the most efficient fishery, it is recommended that fishers are provided an exemption by way of an enforcement policy (Appendix 4) from this requirement when relaying mussel seed immediately after it has been fished.

It should be noted that fishers will also look to 'land' mussel seed in order to transport it via land (particularly to lays on the North Norfolk coast). It is recommended that the enforcement policy does not extend to such fishers but that all catch will have to be contained in accordance with the Regulation where it is to be 'landed' first. It should also be noted that Regulation 3 (seed movement) requires any fishers transporting mussel seed via road to first obtain the consent of the CEO. This mitigates against the risk that mussels are being taken to market.

Other management measures

In addition to the measures set out above, it is recommended that a 'dual fishing prohibition' is implemented to prohibit fishers prosecuting the Regulated mussel fishery on the same calendar day as operating within a separate fishery. This Licence condition is now an established feature of the WFO cockle fisheries. Its primary purpose is to reduce the risk of fishers taking mussel in excess of

the daily quota by claiming that catch (or a proportion of such) has originated from another fishery.

Further management measures are established and set out in WFO Regulations[4] and include vessel length restrictions, mussel dredge width restrictions and a restriction on the number of dredges permitted to be used by single vessel.

Risks

There is an inherent risk in opening any shellfish fishery including over-exploitation and damage to the environment. The management measures proposed above are considered appropriate to mitigate the known risks associates with the fishery.

In addition, the above proposals include delegation of powers to the CEO (in conjunction with the Chair and Vice-Chair) to enable responsive management of the fishery in the event of changes in the circumstances presented or where the fishery or fishing behaviours pose a risk to a sustainable fishery or the features of the marine protected area.

Furthermore, restricting the fishery to prescribed periods will enable targeted and effective enforcement to ensure compliance with these measures.

It is worth noting that recent WFO fisheries have proven to be resource intensive, particularly in relation to the behaviours of some fishers. Additional resources are often reallocated to the consideration of claims and counter-claims made by the industry relating to unsustainable and environmentally damaging practises. This includes undertaking additional surveys of the site, additional enforcement activities and extended correspondence with the industry beyond that which is experienced in other fisheries. As such, there is a high risk associated with the reallocation of resources away from other high priority work-streams during the fishery.

Financial implications

The Authority has already planned for its resources to include an annual mussel survey and fishery. No additional change is foreseen at this time.

Legal implications

Legal risks associated with the fishery are mitigated by ensuring the proportionate management of the fishery. Given the scrutiny on the protection of Marine Protected Areas (particularly the Wash and North Norfolk Coast) and

[4] http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/2010_04_the_wash_fishery_order_regulations.pdf

the high-risk associated with the primary fishing gear (i.e. dredges) the above management measures are considered proportionate.

Legal risk is further mitigated through the recommendation that the CEO is delegated powers to implement additional measures (including the closure of the fishery) to ensure that site integrity is not significantly impacted.

The Wash Fishery Order 1992 does not include a mechanism for granting exemptions from Regulations (expect for scientific purposes). However, two such regulations (i.e. the minimum size for mussels and the requirement for catch to be contained within bags etc.) require exemption to enable the fishery and this is proposed to be done by way of enforcement policies which set out how these Regulations will be enforced.

There is an inherent risk in enacting such policies however, the rationale set out above (and in the policies appended to this paper) is considered sufficient to satisfy that the Authority has made a reasonable decision. Such rationale mitigates the associated risk.

Publicity

All Wash Fishery Order 1992 entitlement holders and local Fishermen's Associations will be informed in writing of the decision and the details of the potential fishery. These will also be published on the Authority's website.

Conclusion

In recent years the intertidal mussel beds in The Wash have suffered a combination of high mortality and poor recruitment that have led to the decline of the beds and a closure of the mussel fishery since 2014. A widespread settlement in 2016, however, has established some new areas of mussel bed and helped the mussel biomass to improve to level last seen in the 1980s. Although the underlying cause of the mortalities has not been resolved, and further die-offs are expected when the current juvenile population reach three years old, there is an opportunity for a relaying fishery this year. The Shellfish Policies would allow a maximum quota of 1,952 tonnes to be removed from the beds, but officers recommend a fishery of 1,500 tonnes would allow the newly settled areas to better establish and greater opportunity for a further fishery next year.

Appendices

Appendix 1 - Charts showing the beds proposed to be opened to the 2018 fishery

Appendix 2 - Proposed dredge licence conditions

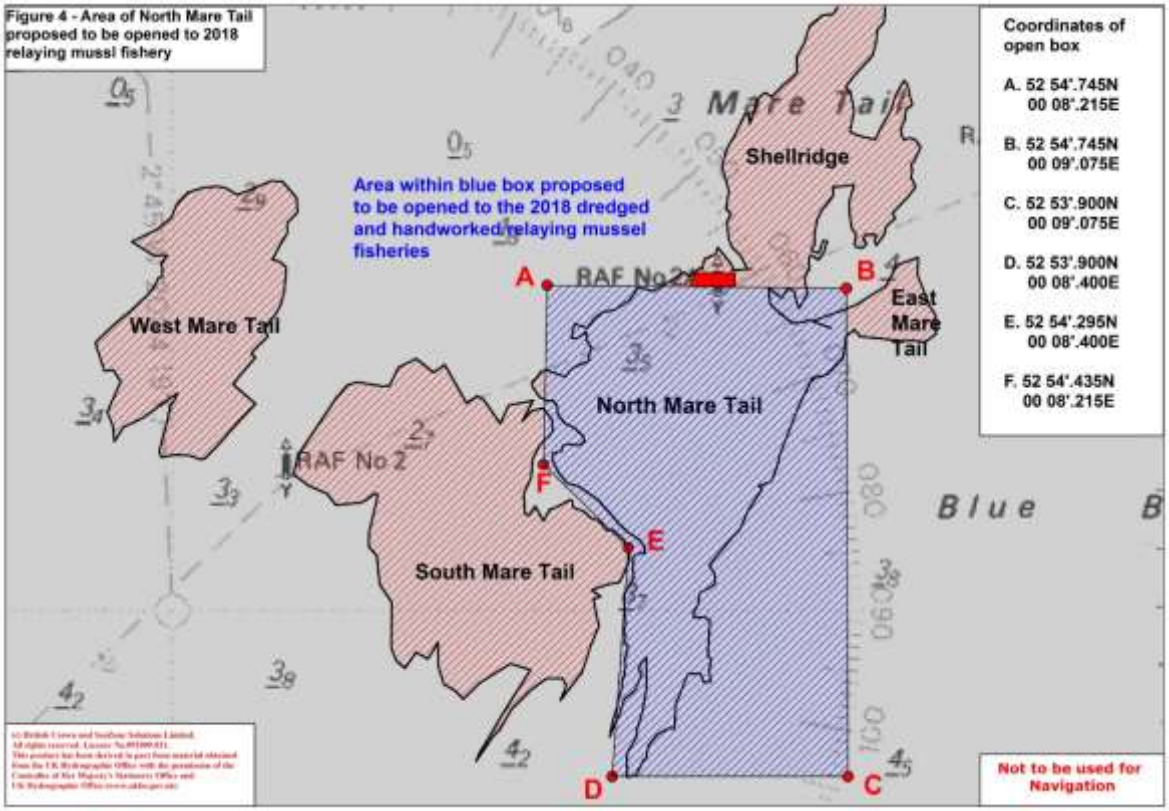
Appendix 3 – Proposed hand-work licence conditions

Appendix 4 - Proposed enforcement policy regarding Regulation 2(5): use of containers to store catch for the purpose of relaying mussels onto WFO Shellfish Lays

Appendix 5 - Proposed enforcement policy regarding Regulation 8: removal of mussel of less than 45mm

Appendix 1

Charts showing the beds proposed to be opened to the 2018 fishery



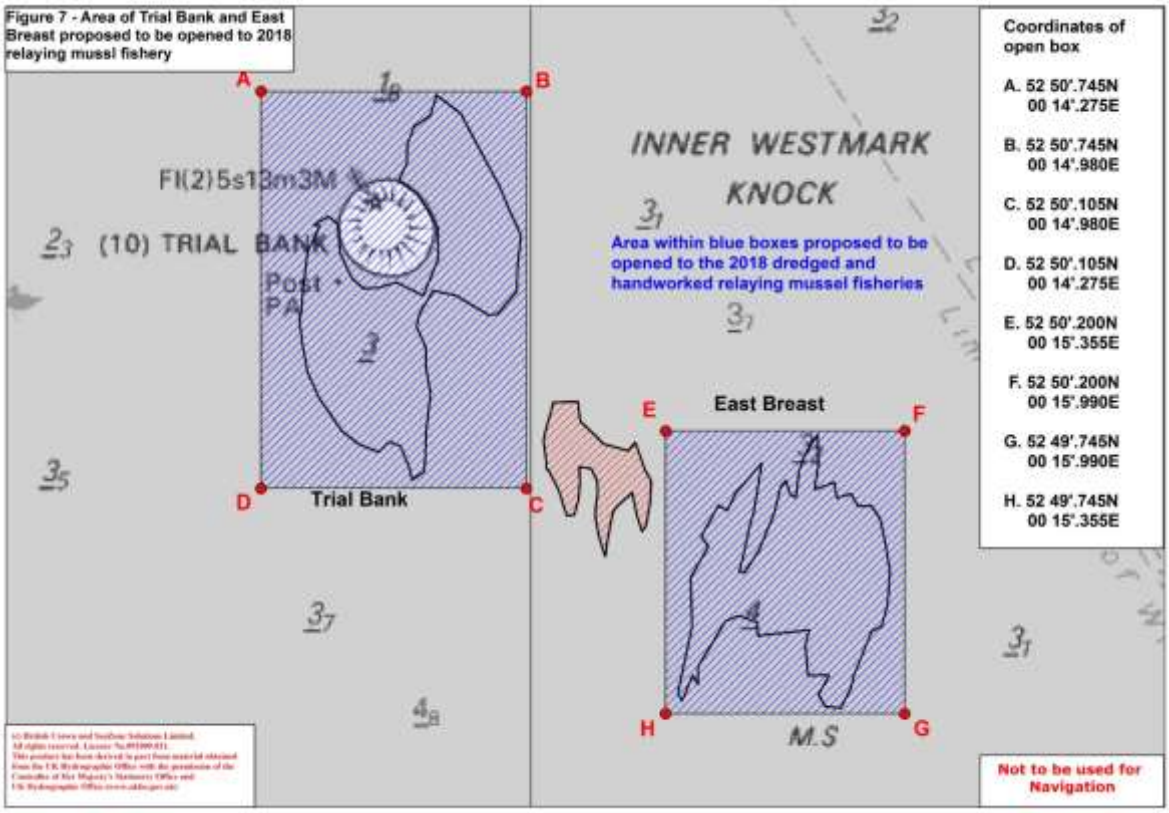


Figure 7 - Area of Trial Bank and East Breast proposed to be opened to 2018 relaying mussl fishery
Coordinates of open box
A. 52 50'.745N 00 14'.275E
B. 52 50'.745N 00 14'.980E
C. 52 50'.105N 00 14'.980E
D. 52 50'.105N 00 14'.275E
E. 52 50'.200N 00 15'.355E
F. 52 50'.200N 00 15'.990E
G. 52 49'.745N 00 15'.990E
H. 52 49'.745N 00 15'.355E
INNER WESTMARK KNOCK
Area within blue boxes proposed to be opened to the 2018 dredged and handworked relaying mussel fisheries
(10) TRIAL BANK
Trial Bank
East Breast
M.S
Not to be used for Navigation

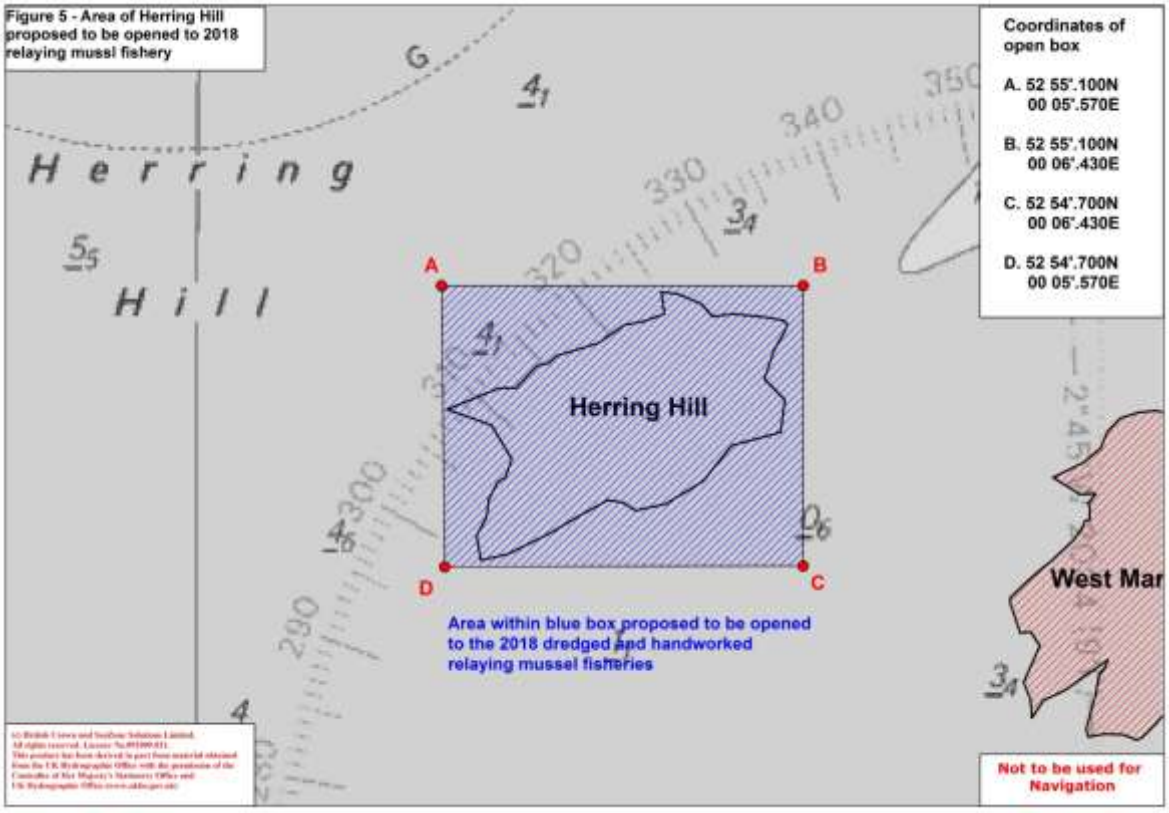


Figure 5 - Area of Herring Hill proposed to be opened to 2018 relaying mussl fishery
Coordinates of open box
A. 52 55'.100N 00 05'.570E
B. 52 55'.100N 00 06'.430E
C. 52 54'.700N 00 06'.430E
D. 52 54'.700N 00 05'.570E
Herring Hill
Herring Hill
Area within blue box proposed to be opened to the 2018 dredged and handworked relaying mussel fisheries
West Mar
Not to be used for Navigation

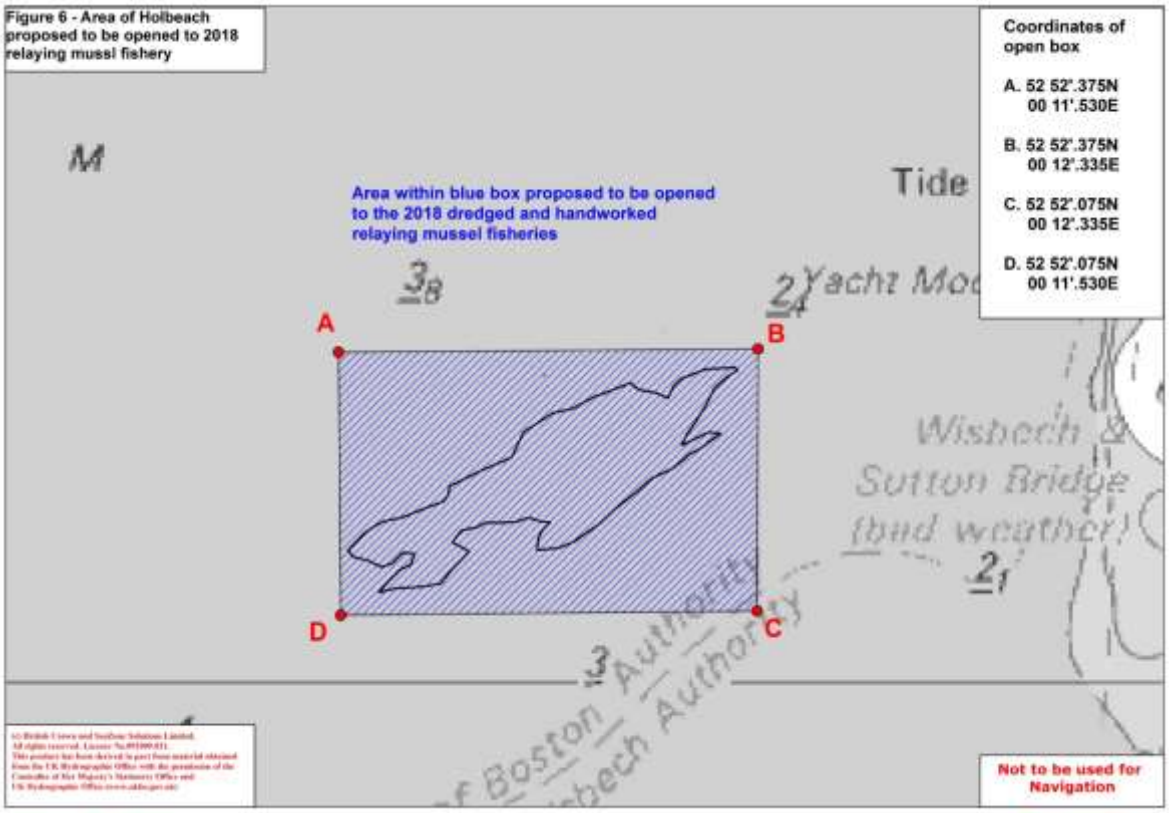


Figure 6 - Area of Holbeach proposed to be opened to 2018 relaying mussl fishery
Coordinates of open box
A. 52 52'.375N 00 11'.530E
B. 52 52'.375N 00 12'.335E
C. 52 52'.075N 00 12'.335E
D. 52 52'.075N 00 11'.530E
Area within blue box proposed to be opened to the 2018 dredged and handworked relaying mussel fisheries
A
B
C
D
Tide
Wisbech & Sutton Bridge (bad weather)
Not to be used for Navigation

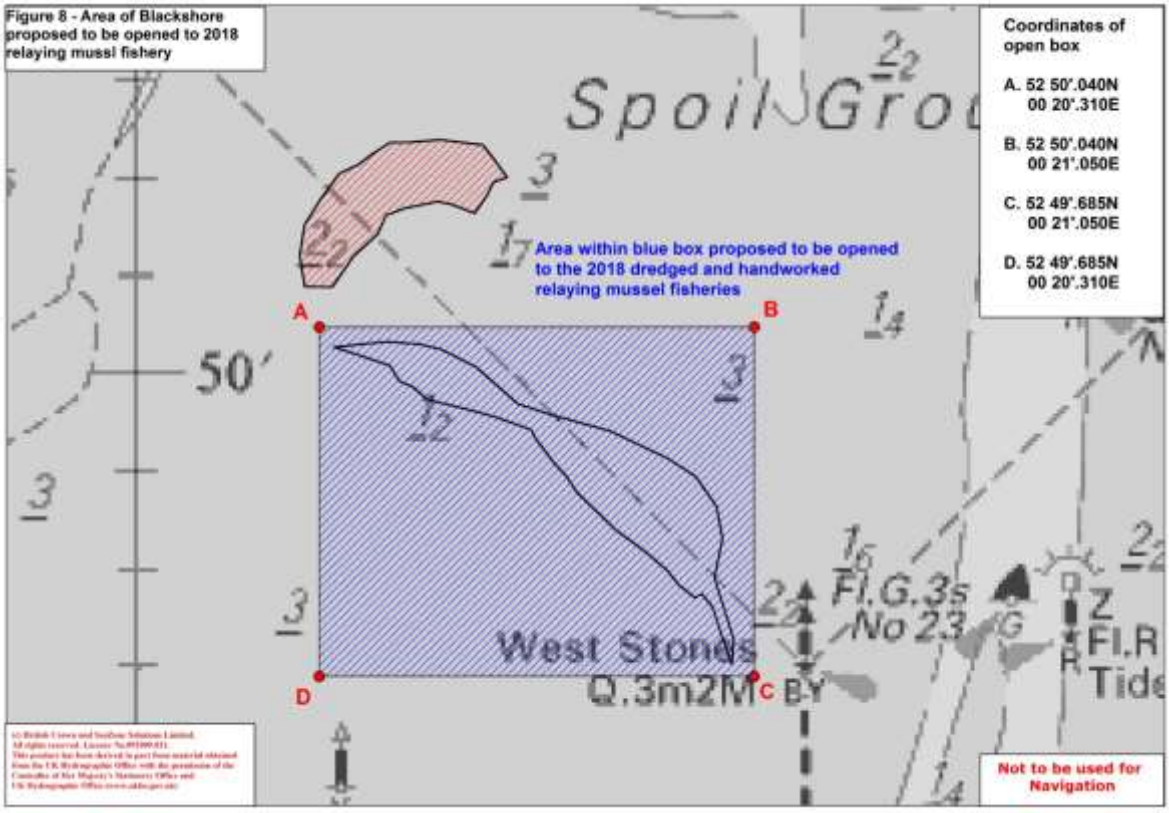


Figure 8 - Area of Blackshore proposed to be opened to 2018 relaying mussl fishery
Coordinates of open box
A. 52 50'.040N 00 20'.310E
B. 52 50'.040N 00 21'.050E
C. 52 49'.685N 00 21'.050E
D. 52 49'.685N 00 20'.310E
Area within blue box proposed to be opened to the 2018 dredged and handworked relaying mussel fisheries
A
B
C
D
50'
West Stones
Q.3m2M
Fl.G.3s
No 23
Fl.R
Tide
Not to be used for Navigation

Appendix 2 - Draft WFO Mussel Relaying Fishery 2018 Dredge Licence conditions

WFO Mussel Relaying Fishery 2018 – Dredge Licence conditions

Fishers operating under a licence issued under Article 8(1) of the Wash Fishery Order 1992 are required to undertake their fishing activities in accordance with the conditions set by the Authority as per Article 8(5) of the same Order.

The following Licence Conditions are applicable to fishers operating in the Wash Fishery Order 1992 mussel relaying fishery 2018 from the date specified in Licence Condition 2 (Open date of fishery).

These Licence conditions must be read in conjunction with the Wash Fishery order 1992 Regulations which also apply to this fishery.

Licence condition 1: Relaying Mussel Fishery

It is prohibited to fish for, take or remove from the fishery mussels unless such are redeposited on private shellfish beds within the area of the Wash and North Norfolk Coast Special Area of Conservation.

Licence Condition 2: Open/Closed areas

It is prohibited to fish for, take or remove from the fishery mussels from any area except those areas marked out in charts produced by Eastern IFCA and designated as open to the 'mussel relaying fishery'. Areas designated as open may be subject to closure and Eastern IFCA will provide a minimum of 12 hours' notice of such via text and e-mail to Licence Holders, Nominated Representatives and Nominated Deputies.

Licence Condition 3: Contact Details

It is prohibited to fish for, take or remove from the fishery mussels unless a valid e-mail address and mobile telephone number which is capable of receiving text messages has been provided to Eastern IFCA.

Licence Condition 4: Days of Operation

It is prohibited to fish for, take or remove from the fishery mussels other than during publicised opening times.

Licence condition 5: Fishing methods (dredge Licence)

a) It is prohibited to fish for, take or remove from the fishery mussels using any bottom-towed-gear except a 'mussel dredge' for which has a 'certificate of gear approval' has been issued by Eastern IFCA.
b) For the purpose of this Licence condition, a 'certificate of gear approval';
    i) will only be issued if the 'mussel dredge' has been inspected by an Eastern IFCA Officer and meets the requirements of the conditions of this Licence and associated Wash Fishery Order 1992 Regulations;
    ii) will be invalid if the 'mussel dredge' is modified in any way after the 'certificate of gear approval' has been issued;
    iii) will be valid until the 31st December of the year it was issued.
c) For the purpose of this Licence condition, a 'mussel dredge' is a dredge consisting of a mesh or net held open by a frame the bottom edge of which consists of a bar, blade and / or teeth which dislodges mussels from the surface of the mussel bed.
d) Mussel dredges must not have any mechanism or device which enable the continuous lift of mussels from the dredge to the vessel.

Licence condition 6: Requirement to have vessel holds inspected

It is prohibited to fish for, take or remove from the fishery any mussels using a vessel unless:

a) the dimensions of the hold have been recorded by an Inshore Fisheries and Conservation Officer;
b) A 'certificate of hold inspection' has been issued which will record the dimensions as per 6(a) above which will be invalid if the hold is modified in any way which would alter its volume or capacity after the certificate has been issued.

Licence Condition 7: Requirement to notify

It is prohibited to fish for, take or remove from the fishery any mussels unless the Licence Holder, Nominated Representative or Nominated Deputy has notified Eastern IFCA of the estimated time of commencement of mussel harvesting at least 12 hours prior to such commencement.

For the purpose of this Licence Condition, such notification must include the vessel name and port letter numbers, the intended fishing method and the name of the mussel bed intended to be fished and such notification must be in the form of a text message to the designated mobile phone number or email to the designated email address.

The designated mobile phone number is: [TBC]

The designated email address is: [TBC]

Licence Condition 8: Catch Returns Data

Fishers must submit the ‘required catch data’ to Eastern IFCA via ‘text message’ to a designated mobile telephone number or via email to a designated email address no later than 2 hours after high-water of any given day of fishing.

The required information is as follows: the name and port letter number of the vessel used to fish for mussels, the estimated weight of mussels removed from the Regulated Fishery, the name of the bed from which the mussels were removed and the destination of the mussels.

The designated mobile phone number is: [TBC]

The designated email address is: [TBC]

Licence condition 9: Dual Fishing Prohibition

It is prohibited for any person/vessel to fish for, take or remove from the regulated fishery any mussels on the same calendar day as fishing for, taking or removing mussels from outside the regulated fishery or from a lay granted under the Wash Fishery Order 1992.

Failure to comply with a licence condition is an offence under section 3(3) of the Sea Fisheries (Shellfish) Act 1967. The master, owner and charterer (if any) of a vessel used in the commission of an offence shall each be guilty of any such offence and liable to an unlimited fine on summary conviction.

Licence conditions are subject to change and fishers will be notified of any amendments to the licence conditions.

Appendix 3 – Draft WFO Mussel Relaying fishery 2018 – Hand-work Licence conditions

WFO Mussel Relaying Fishery 2018 – Hand-work Licence conditions

Fishers operating under a licence issued under Article 8(1) of the Wash Fishery Order 1992 are required to undertake their fishing activities in accordance with the conditions set by the Authority as per Article 8(5) of the same Order.

The following Licence Conditions are applicable to fishers operating in the Wash Fishery Order 1992 mussel relaying fishery 2018 from the date specified in Licence Condition 2 (Open date of fishery).

These Licence conditions must be read in conjunction with the Wash Fishery order 1992 Regulations which also apply to this fishery.

Licence condition 1: Relaying Mussel Fishery

It is prohibited to fish for, take or remove from the fishery mussels unless such are redeposited on private shellfish beds within the area of the Wash and North Norfolk Coast Special Area of Conservation.

Licence Condition 2: Open/Closed areas

It is prohibited to fish for, take or remove from the fishery mussels from any area except those areas marked out in charts produced by Eastern IFCA and designated as open to the 'mussel relaying fishery'. Areas designated as open may be subject to closure and Eastern IFCA will provide a minimum of 12 hours' notice of such via text and email to Licence Holders, Nominated Representatives and Nominated Deputies.

Licence Condition 3: Contact Details

It is prohibited to fish for, take or remove from the fishery mussels unless a valid email address and mobile telephone number which is capable of receiving text messages has been provided to Eastern IFCA.

Licence Condition 4: Days of Operation

It is prohibited to fish for, take or remove from the fishery mussels other than during publicised opening times.

Licence Condition 5: Fishing methods (hand-work Licence)

It is prohibited to fish for, take or remove from the fishery mussels unless:

a) By hand;
b) By hand rakes; or
c) Under the authorisation of a Wash Fishery Order 1992 Dredge Licence and in accordance with such.

Licence condition 6: Requirement to have vessel holds inspected

It is prohibited to fish for, take or remove from the fishery any mussels using a vessel unless:

c) the dimensions of the hold have been recorded by an Inshore Fisheries and Conservation Officer;
d) A certificate of inspection has been issued which will be invalid if the hold is modified in any way which would alter its volume capacity after the certificate has been issued.

Licence condition 7: Requirement to have vessel holds inspected

It is prohibited to fish for, take or remove from the fishery any mussels using a vessel unless:

a) the dimensions of the hold have been recorded by an Inshore Fisheries and Conservation Officer;
b) A certificate of inspection has been issued which will be invalid if the hold is modified in any way which would alter its volume or capacity after the certificate has been issued.

Licence Condition 8: Requirement to notify

It is prohibited to fish for, take or remove from the fishery any mussels unless the Licence Holder, Nominated Representative or Nominated Deputy has notified Eastern IFCA of the estimated time of commencement of mussel harvesting at least 12 hours prior to such commencement.

For the purpose of this Licence Condition, such notification must include the vessel name and port letter numbers, the intended fishing method and the name of the mussel bed intended to be fished and such notification must be in the form of a text message to the designated mobile phone number or email to the designated email address.

The designated mobile phone number is: [TBC]

The designated email address is: [TBC]

Licence condition 9: Dual Fishing Prohibition

It is prohibited for any person/vessel to fish for, take or remove from the regulated fishery any mussels on the same calendar day as fishing for, taking or removing mussels from outside the regulated fishery or from a lay granted under the Wash Fishery Order 1992.

Failure to comply with a licence condition is an offence under section 3(3) of the Sea Fisheries (Shellfish) Act 1967. The master, owner and charterer (if any) of a vessel used in the commission of an offence shall each be guilty of any such offence and liable to an unlimited fine on summary conviction.

Licence conditions are subject to change and fishers will be notified of any amendments to the licence conditions.

Appendix 4 - Proposed enforcement policy regarding Regulation 2(5): use of containers to store catch for the purpose of relaying mussels onto WFO Shellfish Lays

Wash Fishery Order (1992) Mussel Relaying Fishery 2018

Regulation 2 of the Wash Fishery Order 1992 (WFO) requires that all catch of mussel (and cockle) must be contained within bags, boxes or bins.

Typically fishers operating in a mussel relaying fishery transport mussel catch from the mussel bed to a WFO Shellfish lay over a single high-tide. Mussel 'seed' is relayed directly from the holds of vessels, often using shoots which release the mussel into the water. Regulation 2(5) would preclude fishers from undertaking this activity in an efficient manner.

Other fishers who land catches of mussel seed in order to transport it via road to a shellfish lay typically use mesh sacks to contain mussels.

Policy

Where a licenced vessel is fishing for and depositing mussel seed on the same tide, fishers will not be required to use bags, bins or boxes and Eastern IFCA will not take enforcement action against fishers who are not compliant with Regulation 2(5) in this regard.

Rationale and mitigation

Requiring fishers to contain mussel catch in the context of a mussel seed fishery is considered to be disproportionate given the practice of fishing and relaying over a single high-tide. The time taken to pack the catch into bags etc. would likely preclude fishers from having the time to relay the mussels onto their lay and return to port before low water (noting that the ports of King's Lynn and Boston – the principle ports from which fishers will operate – are tidal).

Requiring fishers to contain catch in bags is an effective enforcement tool in other fisheries. For example, within the cockle fishery so called 'standard bags' are used which are of a known dimension to enable IFCOs to visually detect where catches are in excess of the daily quota. To mitigate against the risk of fishers taking mussel in excess of the daily quota, fishers will be required to have their holds inspected and measured by IFCOs prior to fishing. During seaborne inspections, IFCOs will estimate the volume of cockles within the hold using the known dimensions of the hold. Where IFCOs suspect a fisher has removed mussels in excess of the daily quota, powers can be used to undertake a more complete inspection of the catch including requiring vessels to return to port.

Where fishers are landing catch which is to be transported via road, catch will be required to be contained in bags, boxes or bins as per Regulation 2(5).

Eastern IFCA will undertake engagement with the industry to ensure that fishers are aware of the policy and its limitations.

Appendix 5 - Proposed enforcement policy regarding Regulation 8: removal of mussel of less than 45mm

Wash Fishery Order (1992) Mussel Relaying Fishery 2018

Regulation 8 of the Wash Fishery Order 1992 (WFO) prohibits the removal of mussels less than 45mm in length from within the WFO.

Mussel relaying fisheries target juvenile mussels for the purpose of 'relaying' the mussel onto beds allocated for private aquaculture. The majority of mussel removed from the wild beds for this purpose are relayed within WFO Shellfish Lays within The Wash.

The mussel relaying fishery is an established practice and is guided by associated policies which ensure the sustainability of the mussel fishery.

Policy

Eastern IFCA will not take enforcement action against fishers licenced to fish within the WFO Mussel Relaying Fishery 2018 with regards to non-compliance with Regulation 3.

Rationale and mitigation

Eastern IFCA has enabled several mussel relaying fishers in the past and it is an established fishery. Pending the planned review of the WFO Regulations, there is no formal mechanism to grant exemption from Regulation 3 for the purpose of aquaculture cultivation (as there is for Eastern IFCA byelaws). As such, an enforcement policy is required to enable the fishery.

Mussels less than 45mm in length are unlikely to have spawned and are therefore protected from removal during a 'normal' fishery. Removal of pre-spawning individuals has the potential to negatively impact the sustainability of the mussel fishery. However, the annual mussel survey has indicated that the mussel stocks will not be adversely affected by a limited fishery targeting juvenile mussels. This is primarily a reflection of the high biomass of juvenile mussels. The full survey report and rationale for the opening of a 'relaying fishery' is set out in Action Item 17 of the 31st Eastern IFCA meeting (31st January 2018). In addition, potential impacts on the integrity of the Wash and North Norfolk Coast Special Area of Conservation have been assessed and found to be not significant[5].

Potential impacts on the mussel stocks are mitigated primarily through the implementing of a Total Allowable Catch (TAC). The TAC has been set to

[5] Assumed outcome of Habitat Regulations Assessment and formal advice from Natural England for the purpose of proposing the enforcement policy. At time of writing, no formal advice has been received from Natural England.

prevent excessive removal of pre-spawning mussels to the extent that the stocks will not be significantly impacted.

Eastern IFCA will undertake engagement with the industry to ensure that fishers are aware of the policy and its limitations.

Action Item 13

31st Eastern Inshore Fisheries and Conservation Authority meeting

31st January 2018

Wash Fishery Order 1992 Licence fees

Report by: J. Gregory, CEO

Purpose of report
The purpose of this report is to outline the results of the consultation regarding the increase in Wash Fishery Order 1992 (WFO) Licence fees and to present a revised plan for achieving further cost recovery.

Recommendations
It is recommended that members:

- **Note** the amended costs associated with WFO fisheries management;
- **Agree** to merge the 'propagation' and 'administration' elements of the fee with effect from April 2018;
- **Agree** to postpone the incremental increase of WFO Licence Fees until April 2019;
- **Direct** officers to undertake further review of potential mechanisms for achieving 50% cost recovery.

Background
Eastern IFCA commits a significant resource to regulating the mussel and cockle fisheries within the WFO. Costs are associated with the cockle and mussel surveys, completing impact assessments and enforcing management measures all of which are necessary to enable a fishery.

Licence fees currently represent only a small proportion of this cost (circa 7%) and given the current tightening of the public purse, Officers investigated the potential for greater cost recovery.

At the 27th Eastern IFCA meeting, members agreed to achieving 50% cost recovery over a three-year period starting April 2018 and directed officers to undertake consultation with the industry and to seek ministerial approval.

Report

Reviewed operating costs
Costs associated with the WFO fisheries have been reviewed and amended and are set out in Appendix 1. The overall net effect of the amendments has

had a limited bearing on the total cost – the original estimate was £170,500; the amended estimate is £171,412. This represents an increase of 0.5%. The key changes to the costs are set out below.

- Enforcement of the cockle fishery – the original estimate over-estimated the level of resource associated with enforcement of the cockle fishery. This included excessive estimates of sea born patrols and subsistence costs. Subsistence costs associated with enforcement have been removed from the annual cost estimate as these are rarely applied.
- Enforcement of the mussel fishery - the reduction in costs associated with cockle fishery enforcement was to a large extent cancelled out by the original costs not having considered the enforcement costs of a mussel fishery. These have been estimated based on a reasonable sized mussel relaying fishery. This reflects that at present a harvestable mussel fishery is unlikely. It is recommended that within the timescale of the next review of fees, the costs associated with the fishery are also reviewed to take into account an increased likelihood of the fishery occurring.
- Staff salaries and on-costs – estimates were originally based on outdated salaries and on-costs. The effect has been an increase in the cost associated with man-hours.
- Costs associated with the assessment of the fishery – Eastern IFCA is required to produce a Habitat Regulations Assessment to enable the fishery. No associated costs were included in the original estimates.

It is worth noting that, particularly in relation to enforcement costs, the actual annual cost of both fisheries is variable. Enforcement activities are targeted on a risk-based approach and as such certain circumstances will call for greatly increased enforcement presence and this has been seen in previous years. Similarly, where risk associated with the fisheries are reduced enforcement activity and costs will also reduce.

It could be argued that the minimum potential cost is taken into account so as not to have the effect of 'charging' for costs which do not occur. However, it is considered likely that the cost recovered each year will be less than 50% given that the recovery is based on 62 vessels taking out a licence – typically circa 58 licences are taken out each year. In addition, over a period of years, any additional charges in excess of 50% will more than likely be balanced out by not meeting 50% in other years.

Costs not considered

Recent WFO fisheries have seen additional resource expended as a result of protracted correspondence with a minority of fishers who are dissatisfied with the Authority's management of the fishery. A significant resource is often diverted from other priorities to investigate and draft responses including seeking legal advice. This cost is not considered as part of the annual costs.

In addition, recent WFO fisheries include innovative fisheries management decisions and a flexible approach. It is now commonplace that management measures are reviewed in the light of engagement with the industry (or other

stakeholders) for the benefit of the fishery or the protection of the environment. This also requires a significant resource including, for example additional surveys, development of new licence conditions and procurement of legal advice.

Hand-work licence vs dredge licence

The original proposal did not take into account the fee of a dredge licence. Dredge licences have a separate fee which is £690 but such have not been issued since April of 2014.

Whilst the estimated costs of the WFO fisheries took account of mussel fisheries, the planned approach to achieve 50% cost recovery did not take account of the licence fee associated with a dredge fishery (the licence primarily associated with a mussel fishery).

The result is that combined licence fees will result in cost recovery in excess of 50% in years where a mussel (or other dredge fishery) is opened. This needs to be redressed through further consideration of the licence fee structure.

Consultation with the industry

Officers undertook a consultation with the WFO Licence holders, skippers and persons on the waiting list for a WFO licence. Only a small proportion of the industry made representation regarding the licence fee increases with notable absences in several of the fisher associations in The Wash. Whilst the feedback was limited, it did reveal complexities within the licencing system. Key issues raised and potential solutions are set out in Appendix 2.

In summary, the key issues raised by the industry are as follows:

- Mussel fishers having to pay an increased fee to maintain an ‘entitlement’ to future licences to prosecute the mussel fisheries without prosecuting the cockle fisheries;
- Potential for impacts on smaller vessels and business models which do not take as much as larger vessels from the fishery;
- The effect of greater licence fees in years of ‘poor productivity’;
- Concerns regarding the use of the current propagation fund.

The issues raised in the consultation give cause to consider alternative options for implementing the cost recovery. In particular, the current construct of the licencing system sees a split in licences based on gear (i.e. hand-worked or dredged) rather than species. In addition, the ‘entitlement’ between all licences are linked. Because fishers need to hold a licence at least once in every two years to maintain an ‘entitlement’, this has the effect of imposing a fee on mussel fishers which cannot be recouped during years where there isn’t a mussel fishery. This also has the effect of creating latent capacity preventing licences from being used in the cockle fishery.

Further development of a licencing system and fee structure which takes into account different business models and the availability of fisheries to individuals

requires further consideration and potentially further consultation with the Industry. Potential options include:

- Further splitting of the licences into species specific licences (i.e. a cockle licence and a mussel licence);
- Splitting the 'entitlement' for each licence and changing policy with regards to the application of a two-year 'entitlement' in the context of fisheries which do not open (i.e. where there is no mussel dredge fishery, 'entitlements' are maintained until the next fishery);
- Setting fees in accordance with daily quotas; and
- Varying a fee depending on whether the fishery opens.

It is worth noting that to implement 50% cost recovery, a sum of circa £85,706 needs to be gathered from the industry each year. The principle of the current proposal is that each fisher engaged in the WFO fisheries pays an equal portion of the cost associated with enabling the fisheries. Refinement of the system to take account of the concerns raised will ultimately only be a redistribution of this burden away from some Licence Holders and onto others.

Next steps

Given the complexities of the WFO licencing system and the interaction between the separate hand-work and dredge licence fees, it is proposed that more time be given to the consideration of other potential models.

To ensure that the industry is not unduly burdened with additional costs resultant of the emergence of the mussel fishery and to provide time to redress this issue and the concerns raised, it is recommended that the planned incremental increase of WFO Licence fees is postponed by 12 months. In particular, with the proposed mussel fishery requiring fishers to obtain a dredge Licence in the near future, it is proposed that the status quo is maintained pending further review.

Officers are seeking Ministerial consent to implement the merging of the 'administrative' and 'propagation' elements of the fee by April 2018 as planned.

In addition, concerns were raised with regards to the use of the current 'propagation fund'. Officers are seeking legal advice on the potential uses of the fund and will ultimately seek approval from the Authority before it is used in any case.

Financial implications

No financial implications are identified relating to the above proposals save for the increase in licence fees already identified and the additional resource which will be committed to investigating further options for cost recovery.

Maintaining the status quo for an additional year will result in a loss in the context of the planned fee increase as of April 2018. This will in part be mitigated against through fishers obtaining dredge Licences at £690 per Licence although this will itself only represent a fraction of the additional cost

associated with the fishery this year as a result of the required enforcement activity.

Legal implications
As per our duties set under Marine and Coastal Access Act 2009, Eastern IFCA has a duty to maintain the viability of the industry. This is balanced against our duty to provide value for money with regards to use of tax payer's money.

There is an inherent risk of legal challenge with regards to increased licence fees and it is incumbent on Eastern IFCA to ensure that fees are proportionate and reasonable. Given the concerns raised by the industry and the oversight associated with the dredge licence fee, it is considered reasonable to postpone the planned increase as mitigation against this risk.

Conclusion
The costs associated with the WFO fisheries has been reviewed and although significant amendments were made, the overall cost associated with managing the fishery increased by only 0.5% (from £170,500 to £171,412). This is not considered to be a significant change particularly in the context of the likely variability of the 'real' cost of the fishery taking into account costs which cannot reasonably be factored in.

The contribution of the dredge licence fee to the proposed cost recovery model was not considered in the original proposal to the Authority. In addition, the consultation relating to the increase in WFO Licence fees has highlighted a need to consider further options to achieve 50% cost recovery. Further consideration of an appropriate model is required to redress these issues so as to ensure that the industry is not unduly burdened. As such it is recommended that the planned licence fee increase is postponed by 12 months to allow for such consideration.

The merging of the 'administration' and 'propagation' elements of the licence fee is intended to start as of April 2018 as originally planned pending further dialogue with Defra.

Appendices

Appendix 1 - Revised WFO costs

Appendix 2 - Key issues raised during WFO Licence fee consultation

Appendix 1 – Revised WFO costs

WFO cockle fishery costs

Table 1. estimated annual costs associated with the management of a typical cockle fishery under the Wash fishery order 1992.

Cockle fishery costs	**£ 88,152.47**				
Cockle surveys					
Officer costs	**Days**	**Officers**	**Officer grades**	**Duration (hrs)**	**Totals**
IFCO crew	15	3	1 senior skipper, 2 grade 5 IFCOs	12	£ 12,810.60
MSO crew	15	2	2 MSOs	12	£ 7,664.40
Analysis and reports	20	1	1 senior MSO (Research)	8	£ 4,574.40
Vessel costs	**Trips**	**cost/trip**			
RV Three Counties	15	1,530			£ 22,950.00
Cockle fishery assessment					
Officer costs	**Days**	**Officers**	**Officer grades**	**Duration**	
	5.5	2	MSO	8	£ 1,873.52
	2	1	Senior MSO	7	£ 400.26
Cockle fisheries enforcement					
Officer costs	**Days**	**Officers**	**Officer grades**	**Duration**	
Patrols (Sea - primary)	12	3	2 grade 5, 1 grade 6	4	£ 3,232.32
Patrols (Sea - secondary)	6	2	1 grade 5, 1 grade 6	10	£ 2,763.00
Patrols (Land)	32	2	1 grade 5, 1 grade 6	2.5	£ 3,684.00
Monitoring sands	5	6	1 senior skipper, 1 grade 6, 4 grade 5	10	£ 6,925.50
Vessel costs	**Trips**	**cost/trip**			
FPV ST/JA	12	880			£ 10,560.00
RV Three Counties	5	1,530			£ 7,650.00
Other costs					
Vehicles	**Miles**	**trips**	**cost /trip**		
KL to Moorings	18	32	2.07		£ 66.24
KL to Boston	72	16	8.28		£ 132.48
Subsistence (surveys)	**Allowance**	**trips**	**Officers**		
Breakfast	6.41	15	5		£ 480.75
Lunch	8.81	9	5		£ 396.45
Evening meal	10.92	9	5		£ 491.40
Nights away	33.27	9	5		£ 1,497.15

Summary of WFO cockle fishery management costs

Cockle surveys
Costs are primarily associated with operating costs of Research Vessel *Three Counties* and with required crewing levels during the surveys.

Costs are likely to vary in accordance with days (i.e. part of trips) being lost to poor weather of vessel breakdowns and requiring additional trips to sea.

Cockle fishery assessments
This cost takes into account the initial work required to consider the impacts of a fishery on site integrity within the Wash and North Norfolk Coast Special Area of Conservation. This includes the production of an associated Habitats Regulation Assessment.

Costs are likely to vary depending on the complexity of the fishery in any given year. More in-depth considerations and additional costs are incurred in relation to more complicated assessments. In addition, changes to management measures in response to emerging issues require additional assessments which are not factored into Table 1.

Cockle fishery enforcement
Costs are based on enforcement activity levels proportionate to the level of risk associated with the fishery in accordance with the risk register. Actual enforcement activity will vary in accordance with real-time risks as per a given fishery. As such, costs associated with enforcement activity are likely to vary considerably in any given year.

A significant resource is associated with the monitoring of cockle beds during the fishery. Cockle enforcement activity includes observation of fisher's landing catch to ports and seaborn patrols.

'Secondary' enforcement costs are those associated with activities which occur alongside other planned activities. These include during mussel surveys and during monthly Environmental Health Organisation sample collections. Only the costs associated with IFCOs are allocated to this cost (vessel costs and other crew costs are either considered as part of mussel fishery or EHO cost recovery).

Other costs
These costs are marginal relative to the main costs set out above. They principally relate to use of Eastern IFCA vehicles and subsistence costs. Subsistence costs are associated with the cockle surveys which includes allowances made for staff being held captive overnight.

WFO Mussel fishery costs

Table 2. estimated costs associated with the management of a typical mussel fishery under the Wash fishery order 1992.

Mussel fishery costs **£ 83,259.81**

Mussel surveys

Officer costs	**Days**	**Number Officers**	**IFCOs types**	**Duration**	
IFCO crew	20	3	1 senior skipper, 2 grade 5 IFCOs	12	£ 17,080.80
MSO crew	20	2	2 MSOs	12	£ 10,219.20
Analysis and reports	4	1	1 senior MSO (Research)	8	£ 914.88

Vessel costs	**Trips**	**cost/trip**	
RV Three Counties	20	1,530	£ 30,600.00

Mussel fishery assessment

Officer costs	**Days**	**No Officers**	**IFCOs types**	**Duration**	
	5.5	2	MSO	8	£ 1,873.52
	2	1	Senior MSO	7	£ 400.26

Cockle fisheries enforcement

Officer costs	**Days**	**Number Officers**	**IFCOs types**	**Duration**	
Patrols (Sea - primary)	12	3	2 grade 5, 1 grade 6	4	£ 3,232.32
Patrols (Sea - secondary)	3	2	1 grade 5, 1 grade 6	10	£ 1,381.50
Patrols (Land)	2	2	1 grade 5, 1 grade 6	2.5	£ 230.25
Monitoring sands	2	6	1 senior skipper, 1 grade 6, 4 grade 5	10	£ 2,770.20

Vessel costs	**Trips**	**cost/trip**	
RV Three Coutnies	2	1,530	£ 3,060.00
FPV ST/JA	12	880	£ 10,560.00

Other costs

Vehicles	**Miles**	**trips**	**cost /trip**	
KL to Moorings	18	34	2.07	£ 70.38

Subsistence (surveys)	**Allowance**	**trips**	**No Officers**	
Breakfast	6.41	10	5	£ 320.50
Evening meal	10.92	10	5	£ 546.00

Summary of WFO mussel fishery management costs

Mussel surveys
Costs are primarily associated with operating costs of Research Vessel *Three Counties* and with required crewing levels during the surveys.

Costs are likely to vary in accordance with days (i.e. part of trips) being lost to poor weather of vessel breakdowns and requiring additional trips to sea. Analysis and reporting costs are artificially low as a result of work being undertaken whilst also acting as crew.

Mussel fishery assessments
This cost takes into account the initial work required to consider the impacts of a fishery on site integrity within the Wash and North Norfolk Coast Special Area of Conservation. This includes the production of an associated Habitats Regulation Assessment.

Costs are likely to vary depending on the complexity of the fishery in any given year. More in-depth considerations and additional costs are incurred in relation to more complicated assessments. In addition, changes to management measures in response to emerging issues require additional assessments which are not factored into Table 2.

Mussel fishery enforcement
Costs are based on enforcement activity levels proportionate to the level of risk associated with the fishery in accordance with the risk register. Actual enforcement activity will vary in accordance with real-time risks as per a given fishery. As such, costs associated with enforcement activity are likely to vary considerably in any given year.

The mussel fishery requires a high at sea presence due to the risk associated with the use of dredges as fishing gear. As such, the cost will vary significantly depending on the number of days the fishery is open which in turn will depend on the Total Allowable catch and the number of fishers prosecuting the fishery.

Other costs
These costs are marginal relative to the main costs set out above. They principally relate to use of Eastern IFCA vehicles and subsistence costs. Subsistence costs are associated with the mussel surveys.

Appendix 2 – Key issues raised during WFO Licence fee consultation

Issue raised	EIFCA Comments	Potential solutions
Obligation to pay fee (for a cockle licence) to retain 'entitlement' to a Licence.	It could be argued that paying for a licence without using it to fish each year to retain an 'entitlement' is taking advantage of / abusing the related provision of the Order. In the context of a long waiting list and concerns raised that the fishery is difficult for new applicants or 'young blood' to enter this could be a positive step in creating greater 'licence mobility'. Counter to this, several fishers legitimately retain an 'entitlement' to a licence with the intention to use it in a mussel fishery. Eastern IFCA has not opened a mussel fishery ('seed' or 'harvestable') since 2014 and as such, the only way to get a licence for such in the future is to maintain the entitlement through purchasing the licence made available i.e. the hand-work licence. It should be noted that the 'dredge' licence is separate from the 'hand-work' licence (i.e. fishers have to pay a different and separate fee for a dredge licence) but that the 'entitlement' is linked (i.e. purchasing a hand-work licence makes you eligible for a dredge licence and visa-versa). The licence fee increase is significant in the context of not having a fishery to prosecute to earn back the associated fee.	• Separate mussel and cockle licences – The current split is based on hand-work vs dredge. A lesser charge could be set for the mussel licences which is dependent on whether a fishery is opened. It should be noted that representation has also been made that the licences should not be split. A reduced cost for a licence for a fishery which is not open would reflect the minimal / reduced enforcement requirements (which make up a significant proportion of the cost to EIFCA). Potential reputational issues given long waiting list and difficulty for new entrants. • Implement a mechanism to offer a 'holding licence' at a lesser fee for fishers who intend only to fish the mussel fishery – representational issues given the waiting list (as above). • No change – costs associated with fee reflect costs to EIFCA which, with the exception of the 'Enforcement' costs, do not change whether there is a fishery or not. An increased fee makes it more likely that additional licences will become available.

Poor timing – increased fees in context of 'declining industry'	The weight of landed cockles has shown an upward trend since 2011, in part because of the development of innovative (and as such resource consuming) management measures including 'contingency fisheries' and additional access to a greater number of beds through use of intricate closures. The 2017/18 fishery has not been as strong as was initially thought as a result of the surveys but has still seen a landed weight in excess of the average over the past 10 years (circa 5000 tonnes at time of writing). It does raise the issue of industry viability in the context of poor cockle fisheries. The Impact Assessment acknowledges the potential for the productivity of the cockle fishery to vary annually in addition to over-heads (e.g. through increases in fuel costs) however the proposed model does not allow for factoring in fishery productivity as EIFCA costs do not vary based on a successful or poor fishery.	• Amend the model to reflect fishery productivity – this does not reflect the costs to Eastern IFCA which remain the same regardless of the productivity of the fishery. Would need to reflect an average cost recovery of 50% (i.e. more than 50% in 'good years' to make up for that lost on 'bad' years); • Continue as planned – The cockle fishery has shown a positive trend over the last six years. The cost to industry as a proportion of earnings is estimated as between 5 and 7% based on average prices and average TACs. In years when productivity is poor, fishers make a business decision as to whether to fish or not based on existing over-heads and the price of cockles neither of which are in EIFCA's control.
Parity amongst fleet – vessel capabilities limit the ability of different vessels to exploit the fishery but have the same licence fee.	Few vessels are unable to exploit the fishery at a 2-tonne daily quota and which actively participate regularly in the fishery. Whilst some smaller vessels may be limited in the amount of cockle they can carry, the relationship with the value or the profit may not be linear and overheads are likely to be lower for smaller vessels which also have fewer crew.	• Link cost of licence to daily quota of vessel – offer 50% reduction in price if vessel operates at 50% of daily quota. This may be considered disproportionate to larger vessels which have greater over-heads and a greater number of crew. • Continue as planned – the impacts on different business models will to an extent balance out given the lower over-heads of the smaller vessels (i.e. fuel consumption and crew numbers) and is not thought to be

		significantly impacted by vessels not being able to take the 2 tonne daily quota.
Need to use ‘propagation fund’ in The Wash	The ‘propagation fund’ refers to the money gathered through Licence fees under the original wording of the Sea Fisheries (Shellfish) Act 1967 (the Act) prior to it being amended. The use of the money is restricted by Article 3(2) of the Act which states that it shall be used for the benefit of the Regulated fishery only and applied for the improvement and cultivation of the fishery. A significant portion of the fund was used in 2015 to undertake a mussel cultivation experiment which saw the deposition of a cockle shell as ‘cultch’ for mussel seed to settle onto. The intention is to use the remaining ‘propagation fund’ in The Wash as directed under the original wording of the Act. Eastern IFCA intends to go to consultation with the industry to gather views on the best use of the fund. Article 3(2) of the Act has been amended to reflect the use of the money for the purposes of regulating the fishery i.e. undertaking surveys, impact assessments and enforcement of the fishery. In the context of austerity and the use of public money to subsidise private industry, it is considered appropriate that the entirety of the fee is used to undertake the work necessary to enable a fishery.	• Continue as planned – the most appropriate use of the Licence fees in the context of reductions in public spending is to use it for the work necessary to enable a fishery. Use of the money accumulated already will be in accordance with the limitations of the Sea Fisheries (Shellfish) Act 1967.

Should look to save money on survey design rather recoup cost	Eastern IFCA undertook an analysis of the costs of the work related to regulated the WFO fisheries in 2015. No saving could be made. Eastern IFCA is however committed to providing value for money and will endeavour to look to reduce costs as appropriate.	• No change - no savings can be made at present. Future reviews will be undertaken in line with our obligation, as a public body, to provide value for money.
Disproportionate effect on smaller business models	The productivity of the cockle fishery varies annually. The Total Allowable Catch (TAC) varies significantly (e.g. from 957 tonnes (2011) to 8,609 tonnes (2016). In addition, markets and overheads will vary year to year. Smaller business models are by their nature less likely to be able to absorb additional costs and variations in market prices and overheads. The fee increase represents an increase in the average overheads of circa 10% (at year 3). Whilst this is a significant increase, as a proportion of the average profit made by a cockle vessel, the licence fee is relatively smaller – between 5.2 and 7.2%. In some years the proportion of the licence fee may be greater although fishers will generally know the TAC prior to staring fishing activity and can therefore make a business decision on that basis.	• Recue the cost of the licence depending on vessel size – vessel size is a proxy for business model however, some independent fishers are likely to have larger vessels and some larger business will operate smaller vessels. It could be argued that the overheads associated with larger vessels are greater (i.e. higher fuel costs, more crew, more expensive insurance etc.) and that reducing the licence fee for small business itself lacks parity. • No change – the fee to enter the fishery reflects the cost of work necessary to its opening. Smaller business models may be able to get as much from the fishery in terms of profit given potentially lower overheads.
Cost recovery from other bodies (Natural England)	There is no mechanism through which to recoup costs associated with the fishery from other bodies nor is there a duty on other bodies to contribute to such.	No change

Action Item 14

31st Eastern Inshore Fisheries and Conservation Authority meeting

31 January 2018

Report by: Julian Gregory, CEO

Association of IFCA Minutes

Purpose of report
The purpose of this paper update members on an Association of IFCA and MMO Board collaboration workshop held on 8th November 2017 and the quarterly meeting of the Association of IFCA held on 5th December 2017.

Recommendations

Members are asked to:

- **Note** the content of the report

Background
The aim of the Association of IFCA is to assist and promote the regional IFCAs to ensure that the Authorities develop a leading and effective national role in fisheries and conservation management in line with the IFCA vision.

The Association is not a statutory body but was borne out of the previous Association of Sea Fisheries Committees and has ten Members (the ten IFCAs) plus two associate members, Guernsey and the Isle of Man. The Association has been set up as a private limited company and is governed by Articles of Association, which are periodically reviewed. The Association is governed by thirteen Directors, ten Chief Officers from the IFCAs, plus the Chairman, the Vice Chairman and the Chief Executive Officer of the Association, which meet quarterly. The Association holds quarterly member's forum meetings at which the 10 IFCA Chairs and Chief Officers as well as representatives from associate members attend and are predominantly held in London. The Association is funded primarily by its membership with each IFCA making a £13,000 annual contribution and the associate members making a £750 contribution per year.

Report
The Association of IFCA and the MMO Board/Senior Management Team have been engaged in work to explore greater collaboration. The second of two workshops was held on 8th November 2017 (the first being held on 5th June 2017 and reported at the 30th Authority

meeting). A presentation depicting the outputs of the November workshop can be found at Appendix A.

A quarterly meeting of the member's forum was held on 5th December 2017 and a copy of the draft minutes can be found at Appendix B.

Appendices

Appendix A – Presentation of outputs from Association of IFCA and MMO Board collaboration workshop held on 8th November 2017

Appendix B – Unconfirmed minutes of the meeting of Association of IFCA held on 5th December 2017

Appendix A

Record of Future working workshop MMO/IFCAs
8 November 2017

We agreed the objectives of the meeting as

To

- update on activity since the 5th June workshop
- acknowledge current collaborative work and identify restraints that are preventing closer collaboration
- agree which outcomes of the 5th June are still accepted by the group
- discuss options for a joint vision for marine management
- agree next steps

Why are we meeting?

To work in partnership to develop a future vision to achieve our collective purpose in managing fisheries in the marine sector

We agreed to apply these values and behaviours

Values:

- Open minds
- Openness & trust
- Empathy
- Equality
- Respect
- Collective accountability

Behaviours

•No phones or devices during the sessions
•Focus always on our joint outcomes
•Engage in positive, open & constructive discussion
•Be in a positive forward looking frame of mind
•Be present and contribute at all times
•Suspend judgements & predetermined mindsets
•Respect each other
•Leave conflicts at the door
•Confidentiality
•Lead by example
•Deal with elephants in the room
•Facilitator's decisions are final

Agenda for 8 Nov 2017

Time	Lead	Item
10.45		Arrivals
11.00	Facilitator	Welcome & Introductions
11.10	Facilitator	Review of outcomes from 5th June
11.30	IFCA	Developments and IFCA response
12.15	All	Break
12.30	MMO	Vision for the future for managing the seas
13.00	All	Workshop with working lunch
14.30	All	Workshop Feedback
14.45	Facilitator	Next steps
15.00		Close

What's new since we last met

- More emphasis on day 1 readiness
- Defra letter of 26 Oct asking for strategy on joint working
- IFCA 'rethink' (on June meeting)
- Collaborative working has continued
- Gov looking at 'on sea' resource
- 25 year plan from Defra
- No single IFCA view
- New SoS
- Brexit implementation is live but still not clear
- Still no Defra appetite for legal reform

We agreed that given ongoing operational collaboration we should focus on collaborative working opportunities in the medium to long term ie 3-5 years

Workshop What step changes are needed by joint working with MMO and ICFAs to deliver clean, healthy, safe productive and diverse oceans and seas in the medium to long term – Group 1

Organisations and processes

- Integrating communication on a regional basis between organisations at a more strategic level, building on TCG process
- There is an issue about the lack of common spatial boundaries (regions/districts)
- Need more shared understanding of risk profiles at a local/national level.
  - Need to address issues of scale/risk/priority and money
  - Where can our business processes and risk assessment be more aligned and where can we recognise/appreciate differences
  - Greater sharing of perception of risk
  - Seek more complementary management approaches
- Be clearer about our operational responses to the policy context eg marine management statement
- How do we integrate both local and national contexts
- Clarity of Defra policy delivery

Group 1 cont

- How do we better align MMO's and IFCA's planning process (MMO business plan/IFCA annual plans) to
  - understand short and long term financial implications and priorities (eg investment in vessels)
  - recognising MMO cannot guarantee long term income to be able to plan long term financial commitments
- Greater understanding and mutual support for one another's planning/financial processes
- Need to think about where we collectively want to be to deliver Defra policy
- In year operational plans work but can we move to 5 year strategic plans (MMO does this and so do some IFCAs but not all)
- Does MMO co-ordinate its work with each IFCA (and devolved admins) to help deliver national priorities
- Area alignment issues between marine plans and IFCA boundaries. Where are the lines drawn?

Group 1 cont

Regulator/regulated relationships

•Consistency of regulatory mechanisms and processes

- Can/should these be harmonised
- Are there common drivers and goals even though outcomes may be different
- Can joint working help with consistency

•How can we move towards greater self regulation?

- Easier in mature industries
- May have to redirect intensity of regulatory impact
- Principles of 'earned autonomy but this does not mean no/less enforcement
- Redirect responsibilies to regulated

•Promote positive impacts of improved compliance and the need to drive better behaviours.

Group 1 cont

Coastal Communities

- Challenge of adaptation of coastal communities to policy and legislative changes and to changing economic opportunities/threats including stock changes eg cuttlefish
- Lack of Defra capacity/resource to develop policies. Can we assist?

Marine Plans

- Do marine plans include fisheries management aims (in light of needing new fisheries policy regime)
- Ongoing questions about 0-6-12 nm and the relationship with marine plan boundaries
- How can boundaries of marine plans co-ordinate with existing marine/data management

Marine environment

- What are MMO priorities for delivering MCZ management and how does this join up with IFCA MCZ priorities?
- What will post Brexit future be for MCZ management 6nm - EEZ

Group 2

Marine Environment

•The group had a lively discussion about whether the phrasing of the draft MMO objectives was quite right (for example is putting environment at the heart of decision the correct phrase) and there was some debate about whether extending an appreciation of the seas was necessary.

•The group acknowledged that progress is already being made on marine conservation and fisheries management

•Implementation of EU Directives are making a difference but we need to 'sell' it better, with more transparency/simplification of how we implement

•Map out the end to end process for environmental improvement locally and nationally and see where it may be improved

Group 2 cont

Marine Plans

•Local aspects are important in marine plans. Need to connect local comms to local plans to local issues

•Challenge sectoral approach in marine plans

•Look at how we 'operationalise' marine plans by setting up Marine Plan groups with members drawn from those who can deliver

•Learn lessons from what has been tried to co-ordinate plan delivery in the terrestrial landscape such as Water Framework Directive

•Assemble an evidence base for each Marine plan

Coastal Communities

•Explain who is responsible for what and where the lines of accountability sit.

Next steps

- Agree Terms of Reference for joint working group
- Set up an MMO/IFCA working group (Chaired by Pam Gilder?)
- Agree joint response to Defra letter potentially including a joint statement?
- Agree timetable of further meetings
  - Working group meeting Jan 2018?
  - MMO Board/AIFCA meeting Spring 2018 to review progress?

Draft ToR for the working group

- Review the MMO vision as presented at the IFCA/MMO meeting and look to compare, incorporate with IFCA vision where possible
- Identify opportunities for further work, taking into consideration the recommended next steps by Pam
- Agree how these opportunities should be best taken forward

Membership:

Possible Chair – Pam Gilder

1 IFCA Chair

1 MMO Non Exec

2 IFCA CO's

1 IFCA Association CEO

2 MMO Director

1 MMO Chief Staff officer

Appendix B

The Association of IFCAs
Members Forum
5th December 2017
10:30 – 14:30

Astor Court Hotel, 20 Hallam Street, London, W1W 6JB

Draft Minutes

Attendance for the meeting:

Chair: Tony Tomlinson
CEO: Stephen Bolt

Attendance: David McCandless, Tim Dapling, John Humphreys, Julian Gregory, Les Weller, Mike Hardy, Samantha Davis, Stephen Atkins, Stewart Harper, Will Wright, Tim Allsop, Stephen Axford

Minutes: Sally Standring

Apologies for absence: John Lamb, Tony Goldson, Andy Guy, Robert Clark, Tim Robbins, Elaine Hayes, Paul Williams, Councillor Matthews

Introductions and Welcome to Tim Allsop, Chief Officer, who travelled from IOS.

Following Paul Wormersley's resignation Tim gave a brief update on a replacement for Paul. He confirmed that as it's a quiet time for them it is the ideal time to advertise the position. They now have five applicants with four being shortlisted and should have the outcome before the New Year. In the interim, however Paul Wormersley has agreed to act as a consultant.

1. Minutes from last meeting (26th September 2017)

Typing error in Action 3 change from SD to SB
Page 6 Item B – should read AIFCA Group – remove Directors
Page 6 Item A – The members agreed this was a little unclear, however, several questions were asked about New Burdens. SB explained that everyone should keep the conversations going with their local authorities regarding the fairer funding review. Tim Dapling suggested that the Association develop a funding paper, and make this available to members and Defra outlining what the IFCAs funding concerns are. It was suggested that the paper should start with current timings / potential risks / current situations. SB will put the paper together to include potential options. He will send a draft to all members. It was agreed to keep the

action rolling over from last meeting (September). All members in favour of this. **Action 1 – SB to draft a funding paper**

Action 2 from previous meeting – SB attended the Seafish Development and aquaculture advisory Committee (SDAAC) meeting and will send the minutes when he receives them.
Action 4- Review to Byelaw process – Ongoing difficult issues with the byelaws – IFCAs to continue to engage with Defra and the MMO in the byelaw process review – byelaw review ongoing -see item below.
Action 5 – EU Exit advisory board – No one sent suggestions to SB for the EU exit advisory group meeting. He confirmed that first day readiness will be discussed later. TD has suggested the Association invites Chris Williams from NEF to the next meeting to hear his views on first day readiness. **Action 2 – Association to invite Chris Williams to our next meeting in March 2018**
Action 6 – 2018/19 indicative budget – This is an agenda item.
Action 7 – D&S Letter – Sent to D&S on behalf of JL. **Action 3 - SB will circulate letter and reply to all Members**

2. Outcomes from the MMO/IFCA joint meeting (8th November 2017) – separate attachment.

The AIFCA representation at the group meeting all agreed that it was more constructive than the previous meeting. Discussions surrounding the MMO presentation followed where it was agreed that the terminology should be changed in support of the IFCA/MMO working group. Stephen Atkins commented that the proposal from the MMO should be clearer in what the next steps are and what they expect from the IFCAs. An outcome of the meeting is that an MMO/IFCA joint working group is set up with Pam Gilder as an independent chair. This joint working group will agree the format of a Spring / Summer 2018 meeting between the MMO Board and the Association. SB confirmed that this is very much about the longer term not short term where the MMO want continued engagement. TD raised concerns as he stated that the focus should be on Terms of Reference and these need to be discussed within the IFCA strategic group. WW suggested that this will have to come from the Association/MMO Working group. SB asked for recommendations as to who should head up this working group. It was agreed that the following should represent the AIFCA – John Lamb, Stephen Bolt, Mike Hardy and Julian Gregory.

3. Defra Updates – Nicola Robinson, Rachel Mason & Paul McCloud

Nicola introduced herself as part of the Domestic Fisheries Reform Team and Anne Freeman's deputy. She confirmed that EU Exit negotiations are still ongoing. She was hoping for progress on the fisheries negotiations but it's still in the 'slower track planning' stage. She will make arrangements for someone to attend our next meeting in March for an update.
There is still a lot of debate surrounding the fisheries bill. Likely timings for a white paper to be published just before or after Christmas with the fisheries Bill following in "spring". It is unclear whether the white paper will be open for consultation as this will depend on timing.

Work streams – Catch Certificate – As we will be an independent coastal state, the UK may be required to obtain catch certificates in order to trade fish and fisheries products with the EU. This could result in a significant increase in the number of catch certificated which are managed by the MMO.
Nicola has suggested that all the IFCAs around the table can help Defra in what needs to be done particularly with control enforcement, looking at scale of surveillance with vessels coming into our waters. They should remain licensed by their flag state and checks will need to be made for all boats fishing in our waters.
The question remains, how to deal with EU boats in our waters. Options to be put to the ministers; some relate to EMFF and funding. Nicola then askes the questions 1. Do we have the funding and if so how do we use it? 2. Will data collection be replaced/matched? 3. Will we continue to work with other industries / legislation? 4. At present we are a member of the RFMO's (Regional Fisheries Management Organisation). Do we want to be a member of the majority going forward? We are currently sitting on these groups as part of the EU as we have a vested interest.
SB explained that the IFCA is able to offer support and discussions on first day readiness. He stated that COG is working closely with the MMO and are currently in discussions. He also confirmed that if Defra is looking at 0-6 it might not impact the IFCA too greatly. The IFCA and the MMO have put in place a national intelligence system. We have anticipated what could happen involving bad behaviour coming into 0-6. Nicola confirmed that 6-12 nautical miles is down to negotiations and the ministers will have to make that decision about who will have access to the waters from 6-12.
Tim Allsop voiced his concerns regarding SAC's and SPA's in the Isles Of Scilly waters. Paul McCloud confirmed that these will translate into UK law by the withdrawal bill. There may be future rationalization of the MPAs, but is not expecting drastic changes in the rules and it's anticipated that all protected areas will remain the same following EU Exit.
Defra is looking at alternatives regarding EMFF funding.
Tranche 3 updates – Defra is looking to start the consultation period for T3 in May/June next year with designation following up to 12 months later. Paul thanked the IFCAs for helping with all the information they have supplied to Defra. He confirmed that there is a level of enthusiasm from ministers but the timing on this has to be to avoid EU Exit. Paul will send details soon but will be under confidentiality. Nothing is final until Minister's final sign off.

Byelaw Update – Rachel Mason gave her update and confirmed that following previous concerns the byelaw process is now under review. The legal process, which was one of the ongoing concerns is being looked at. The IFCAs should have or will be contacted by Emma Boyd who is trying to get the correct questions asked for anything that can be refined now. Defra is refining the whole process to make it run more smoothly. They have asked an outside organisation to assist them with this. They will be with Defra for an eight-day period. The timeline for this is expected to be by Christmas. JG reiterated his concerns surrounding the legal department as it is highly risk adverse and asked how Defra intend to address this issue. Rachel asked all IFCAs to think about the detail of how the framework will work.

4. Finance and Resources

SB explained that Sally has changed the format of the Income and Expenditure format in line with the IFCA model. He confirmed that the Isle of Mann and Guernsey have paid their membership fees however, Jersey has offered the AIFCA their board room in Westminster for all/some meetings in lieu of their £750 association membership fee. All agreed in favour of this suggestion. Again, it is proposed to operate a stand still budget in terms of the membership fees. However, it is likely that the Association will need to draw down some reserves to take account of the increase in venue hire costs, which had not been accounted for in the core budget. The LGA's are now back in their offices so SB will make contact with them too.
SB confirmed that the £45k expected from Defra has now come in for the MPA secondment role and we can now start to put this in place.

5. Matters for Decision

a. Policy Statement for EU Exit Operational Readiness

SB confirmed that the high-level policy documents have been produced by COG and SB to send to Defra/MMO. The members were asked to agree as is or agree with minor amendments.
Amendments suggested

- Have it titled Position Paper rather than Policy
- Change require to envisage (page 15 start of paragraph 2).
- Second bullet point (same page as above) Remove 'appropriate' and put it at the end of the sentence.
- Add version numbers to the bottom of each page.

SB confirmed that the purpose of this exercise is to be able to all agree these changes and recirculate final document. **Action 4. SB will recirculate final Policy Paper and send out to MMO and Defra and publish on website.**

b. Devon and Severn IFCA Membership of the Association Letter:

SB confirmed that a letter has been sent to D&S IFCA on behalf of John Lamb and SB. They have declined the AIFCA invitation to present and they declined the AIFCA invitation to attend the quarterly meeting. SB is proposing to wait until D&S have had their committee meeting on 15th December.

c. Whelk Policy Paper

WW explained the rationale. He is looking for agreement to develop national policy paper for shellfish as there is a lot of interest in whelk stocks. All agreed the proposal in favour and it was also agreed that this could be a precedent for similar work on other significant stocks e.g. lobster.

d. IFCA Group Recommendations

SB gave a brief outline of the group recommendations and how we aim to capture the actions from these group meetings. He explained that Sally has developed an Activity Log to capture the actions from each meeting so that we know whose doing what / when etc. All happy to accept this proposal.

6. Matters for Noting

a. EFRA select committee / AIFCA evidence will all be on the EFRA website now.
b. EFRA Select Committee fisheries enquiry. Written evidence was submitted by AIFCA on behalf of the ten IFCAs due to short deadline. **Action 5. Tim Allsop has asked if anything can be sent to himself and Andy Guy and to get them on the mailing list.**
c. iVMS Briefing – JG gave a brief summary. He confirmed that the regulation will be in the form of an SI. Defra do not intend to include vessels over 12m, which is of concern to many IFCAs not least because it would result in different ping rates for 12 and over and 12 and under. There is ongoing dialogue with Defra on this issue. This document could go to IFCA committee as it will impact on all IFCAs. There is an issue in funding the mechanism, but we are expecting 10% nationally from Defra. The working group has stalled a little, but we do need to find a way of getting back on track. JG confirmed that they are addressing the issue of smaller boats. JG also confirmed that we need dedicated resources. DM provided an update on NEIFCAs parallel work, developing a supplementary AIS vessel monitoring platform covering all commercially active vessels operating within its district. SA has asked to be added to the contact list for this. **Action 6. JG to add SA to the contact list for iVMS.**

d. CEO Meeting Log
It was asked at the last Quarterly meeting to add more detail into the CEO meeting log. This has been done and was well received.

AOB – None Submitted.

Date of next Members Forum Meeting – 6th March 2018 – Nobel House

Actions from meeting – 5th December 2017

Items for Decision

Action Number	Action	By Whom
1.	**SB to draft a funding paper to Defra regarding New Burdens**	**SB**
2.	**Association to invite Chris Williams to our next meeting in March 2018**	**SB**
3.	**D&SIFCA letter - SB will circulate letter and reply to all Members**	**SB**
4.	**SB will recirculate final Policy Paper and send out to MMO and Defra and publish on website.**	**SB**

Items for noting

Action Number	Action	By Whom
5.	**EFRA Select Committee - Tim Allsop has asked if anything can be sent to himself and Andy Guy and to get them on the mailing list.**	**SB**
6.	**JG to add SA to the contact list for iVMS**	**JG**

Action Item 15

31st Eastern Inshore Fisheries and Conservation Authority meeting

31 January 2018

Report by: Julian Gregory, CEO

EU Exit Update

Purpose of report

The purpose of this paper is to advise members of a request from Defra for the IFCAs and the MMO to develop a strategy for dealing with those aspects of EU Exit that would benefit from joint working and to seek support for an associated AIFCA policy statement

Recommendations

Members are asked to:

- **Note** the content of the report
- **Agree** to support the request from Defra and the Association of IFCAs policy statement on EU Exit

Background

In a referendum on 23 June 2016, the UK electorate voted to leave the EU. On 29 March 2017, the UK government invoked Article 50 of the Treaty on the European Union and as a consequence the UK is due to leave the EU on 29 March 2019.

Following negotiations, the UK and EU have now agreed on the three key issues of how much the UK owes the EU, what happens to the Northern Ireland border and what happens to UK citizens living elsewhere in the EU and EU citizens living in the UK. Talks are now moving on to future relations with potential for a two year 'transition' period to smooth the way to post-Brexit relations. It is not known whether there will be a negotiated agreement with a so-called 'soft Brexit' or whether being unable to reach a mutually agreeable position will result in a so-called 'hard Brexit' with all existing ties to the EU being discontinued.

The London Fisheries Convention, signed in 1964 before the UK joined the European Union, allows vessels from five European countries to fish within six

and 12 nautical miles of the UK's coastline. It sits alongside the EU Common Fisheries Policy (CFP), which allows all European vessels access between 12 and 200 nautical miles of the UK and sets quotas for how much fish each nation can catch.

On 3rd July 2017 the UK notified the other Member States signed up to the London Fisheries Convention of the intention to withdraw from the convention, triggering a two-year withdrawal period in a similar way to the Article 50 letter which began a two-year withdrawal from the EU. In the Defra announcement[6] of the intention to leave the convention reference was made to regaining control of fishing access to our waters and becoming fully responsible for the management of fisheries to ensure a fair, sustainable and profitable industry.

Government policy is to repeal the European Communities Act of 1972 and incorporate existing European Union law into UK domestic law. Any changes will be made after EU exit and a Fisheries Bill is anticipated imminently, which will provide the mechanism by which the UK can develop its own management regime for fisheries. Existing EU legislation for the management of fisheries will be incorporated into domestic law via Statutory Instruments.

In December 2017 The Environment Secretary, Michael Gove MP, told the House of Commons Environment, Food and Rural Affairs select committee that the UK is seeking a reduced post-Brexit transition period of nine to 10 months for fisheries ending in January 2020 when it hopes to adopt the status of Independent Coastal State in law to protect the UK fishing industry. [7]

Report

At this stage it is not known what the actual implications of EU exit will be for the fishing industry but it is clear that they are relatively high on the agenda and consequently are receiving significant political and media attention.

There is a national workstream to prepare for the various scenarios that could unfold depending upon the outcome of negotiations between the UK and the EU. These range from relatively little change in the short term in the context of a 'soft' exit to excluding foreign fishing vessels operating in UK waters in the context of a 'hard' exit.

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[6] https://www.gov.uk/government/news/uk-takes-key-step-towards-fair-new-fishing-policy-after-brexit

[7] Michael Gove bullish on transition deal for UK fisheries **(**21-Dec-2017) By Rick Pendrous, https://www.foodmanufacture.co.uk/Article/2017/12/21/UK-seeks-a-better-deal-for-fisheries-in-transition-negotiations

Whilst dealing with this is primarily an issue for Defra and the MMO there are implications for the inshore fishing fleet and IFCAs have resources, particularly vessels, that may be useful if required. In recognition of this, Ann Freeman, Deputy Director for Domestic Fisheries and Reform at Defra wrote to all IFCAs on 26th October 2017 asking that the work with the MMO to 'identify and develop a strategy for dealing with those aspects of EU Exit that will benefit from joint working.' A copy of the letter can be found at Appendix A.

The Association of IFCAs have developed a policy statement on EU Exit in recognition of the need to contribute to this nationally important work whilst acknowledging the relevant factors and constraints that should be considered. A copy of the policy statement can be found at Appendix B.

It is recommended that Eastern IFCA supports the work to prepare for EU Exit.

Appendices

Appendix A – Letter from Defra regarding IFCA/MMO collaborative working

Appendix B – Association of IFCAs Policy Statement on EU Exit

Appendix A

Letter from Defra regarding IFCA/MMO collaborative working

Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T 03459 335577
defra.helpline@defra.gsi.gov.uk
www.gov.uk/defra

John Tuckett, CEO of the MMO
Phil Haslam, Director of Operations, MMO
Dr Stephen Bolt, CEO of the Association of IFCAs
John Lamb, Chair of the Association of IFCAs
Tim Robbins, Chair IFCA Chief Officers Group
IFCA Chairs
IFCA Chief Officers

By email only

26 October 2017

Dear Colleague,

COLLABORATIVE WORKING BETWEEN IFCAs AND THE MMO

Sam Evans wrote to you on 12 May 2015 to initiate a review of collaboration and joint working between IFCAs and the MMO. As a result of that review the MMO and IFCAs identified, amongst others, opportunities for better integrated working between the organisations including opportunities for joint control and enforcement operations.

As we prepare for our exit from the European Union it is more important than ever that IFCAs and the MMO continue your close collaborative working and build on the progress already made. The outcome may bring with it many opportunities and challenges which will continue long after day 1.

I would therefore be grateful if the IFCA Association, the IFCA Chief Officers and the MMO Chief Executive and Senior Executive Team could identify and develop a strategy for dealing with those aspects of the EU Exit that will benefit from joint working. The work should cover both day 1 readiness issues and the longer term. As with the 2015 review, this work will help contribute to the main recommendations of the MMO Triennial Review and the IFCA four year report in relation to joint working.

A copy of this letter has been sent to John Tuckett, CEO of the MMO; Phil Haslam, Director of Operations, MMO; Stephen Bolt in his capacity as CEO of the Association of IFCAs; John Lamb in his capacity as Chair of the Association of IFCAs; Tim Robbins in his capacity as Chair of the Chief Officers Group; and all IFCA Chairs and Chiefs.

Yours sincerely,

Anne Freeman
Deputy Director - Domestic Fisheries and Reform
Defra Marine and Fisheries

Appendix B

Association of IFCAs Policy Statement on EU Exit

Background

After the triggering of Article 50, and issuing a notice of intention to withdraw from the London Fisheries Convention, the UK government has entered negotiations regarding the UK leaving the EU. Although it is not clear exactly where the negotiations will lead, there is the potential for a significant change in relationship, access and management of seas and fisheries for the UK outside the EU. IFCAs, through the Association of IFCAs (AIFCA), have been working with other regulators and DEFRA to help best inform and support this process and to help ensure a smooth and orderly transition as the UK leaves the EU.

Both Defra and the MMO have signalled to the Association of IFCAs the ministerial importance placed on UK's ability for fishery control and enforcement to be robust and appropriate on and following EU exit. The MMO have been specifically charged with developing an operational plan to cover a wide range of scenarios. IFCAs through the Association of IFCAs (AIFCA) have been asked to input into the planning process with a view to possible involvement of IFCA resources, primarily in the form of vessels and officers.

IFCAs understand the challenges faced and as a collective want to express their commitment and support to assist in any way possible. IFCAs have extensive knowledge, experience and skills in planning and carrying out sea based fisheries enforcement and are well placed to help meet possible future fishery control and enforcement requirements.

As fishing changes around the English coast so does the marine enforcement requirement, with the result that the IFCA fleet and resource and availability of resource varies between districts. Maintaining and running vessels constitutes a large proportion of most IFCAs budgets and operational capacity; early engagement with IFCAs through the AIFCA will best help develop and ultimately deliver the most cost effective and efficient plan. In developing such a plan clear engagement with Defra and the MMO regarding expectation as well as the development of a formal operational protocol to cover key areas such as communications and engagement are important next steps.

Association Policy:

The Association proposes that the IFCAs agree in principle to assist in developing and implementing an operational plan, potentially utilizing IFCA vessels and staff in the UK response to EU exit. The Association asked the Chief Officers Group to work with and assist the MMO in developing the plan from an operational perspective.

However, the IFCAs require:

- Clear engagement with Defra and the MMO regarding expectations
- Appropriate resources being made available
- The development of a formal operational protocol to cover communications and engagement

Resource implications:

The full resource implications are unknown at present but will need to take the following into account:

- The level of vessel/resource required
- The duration of IFCA commitment to this additional tasking
- Additional training and additional equipment required
- Human resource implications
- Any secondary costs incurred if normal IFCA operations are compromised or suspended (both in reputational risk and actual costs)

Operational considerations.

Given the level of uncertainty on what will be required upon and following EU exit the Association believes that efforts should concentrate on ensuring that the requisite operational capability is in place to enable both the IFCAs and the MMO to develop and implement operational plans as the post EU exit position becomes clearer. It is suggested that these should include, but may not be limited to:

- Delivery of accredited training to IFCOs and MEOs to ensure that enforcement officers have the skills required to deal with both technical conservation and control regulations

- Review of powers and policy in conjunction with the previous point to determine to what extent IFCOs can be cross-warranted as MEOs and the policy to be applied if cross warranting is required

- Development of the shared intelligence system between IFCAs and the MMO to ensure that there is sufficient processing and analytical capacity to deal with increased volumes of Intelligence Reports. This should include delivery of the new intelligence system under the EMFF control funded project

- Embedding joint working protocols between IFCAs and the MMO to ensure that processes (e.g. TCG), policy (e.g. compliance directions) and working practices are sufficiently advanced to enable routine joint

operations on land and at sea

- Enhancement of capacity for joint operations at sea. This is likely to include enhanced seagoing capacity amongst MEOs and the development of a programme of joint training and patrols to prepare operational assets for potential post EU exit requirements. Co-ordination of seagoing assets is an important factor and this may be addressed by the development of JMOCC

- Developing a framework to facilitate joint operational planning and associated budgetary issues when the post EU exit position becomes clearer

Limitations

It should be acknowledged that whilst collectively the IFCAs have significant capacity in terms of vessels and officers, each individual IFCA is a small organisation (typically around a dozen officers with the largest having 24 officers) with substantial workloads and duties to manage inshore fisheries and to protect the environment in MPAs.

The following are the key factors to be taken into consideration in relation to IFCA participation in any EU exit related operational activity:

- Budgetary implications – circa 75% of IFCA funding is provided by Local Authorities, which reflects the requirement to deliver local priorities. All IFCAs operate on relatively small budgets with little leeway to absorb additional costs such as training, increased vessel usage etc.

- Inshore Fishery and Conservation Officers (IFCOs) are not currently trained or warranted to enforce control regulations

- The size, design and capability of IFCA vessels varies around the coast although it is understood that all can provide some ‘at sea’ presence in the 6nm to 12nm sector

- Implications (reputational, budgetary, legally etc) of diverting resources from local to national priorities

Conclusion

The IFCAs recognise that there is a political imperative that, as a public service, we will be expected to assist in EU exit control and enforcement. As

such the IFCAs would wish to assist and engage in EU exit preparation and to continue to engage with Defra and Defra group on this and other matters.

Note
The workstream to deliver first day readiness is separate to the mid to long term initiative set in place by the Marine Review and latterly by the Defra transformation programme to look at joint working between the MMO and the IFCAs. This work remains of high importance but to a longer timescale to that expected for the first day readiness outlined above.

Action Item 16

31st Eastern Inshore Fisheries and Conservation Authority meeting

31st January 2018

Cockle Fishery 2017 Update

Report by: J. Gregory, CEO

Purpose of report
The purpose of this report is to advise members of the conduct of the 2017 cockle fishery, to seek agreement that the 2017 fishery will not re-open prior to the 2018 cockle surveys and to enable decision making in relation to the 2018 cockle fishery.

Recommendations
It is recommended that members:

- **Note** the content of the report.
- **Note** the situation regarding landing small cockles.
- **Note** the intention to address the issue of bird disturbance during prolonged periods of cold weather.
- **Agree** that the 2017 cockle fishery will not re-open prior to the 2018 cockle surveys.
- **Agree** that decision making for the 2018 cockle fishery reverts to the Marine Protected Areas sub-committee.

Background
The cockle fisheries during 2015 and 2016 were unusually good years with above average quantities of cockles being available to fish. A typical TAC is expected to be in the region of 2,000 to 3,000 tonnes but the TAC for 2015 was 1920 tonnes, which was subsequently increased to 5030 tonnes due to unusually high growth rates amongst cockles on a particular sand. The TAC for 2016 was 8,609 tonnes, which is one of the highest in living memory.

The cockle surveys for 2017 indicated a TAC of 7,016 tonnes, which created the impression that it would be another good year for the industry. In order to cater for the higher TAC, the daily quota was changed from the standard 2 tonnes per day to 3 tonnes per day. The fishery opened on 20th June 2017.

Report
Within a short time of the 2017 cockle fishery opening it became clear that the fishery was not going to be as productive as initially envisaged. Reports were

received that indicated that some were fishing in closed areas on the Roger Toft sand and that there were low quantities of cockles on that sand. Consequently, on 26th July 2017 an assessment of cockle stocks on the Roger Toft sand was undertaken. It concluded that 'based purely on the stations that had been surveyed during the spring surveys, the new data showed the modelled stock densities and positioning of the closed boxes to still be accurate.' There was no indication that fishing had taken place in the closed areas. A copy of the report can be found at Appendix 1.

A progress report on the fishery was produced on 28th July 2017, which showed that daily catches were typically around 2 tonnes per vessel with small cockles being landed, meat yields being low and catches containing high quantities of shell. It was reported that cockles were 'patchy', in lower densities than previous years and that there appeared to be some level of 'die off.' It was observed that some fishermen were riddling cockles and were therefore landing better quality cockles.

Some within the industry thought that there should be a short dredge fishery given the 'patchiness' of stocks and high levels of shell, which would have enabled a higher daily quota and a 'cleaner' catch leading to higher revenue. Others felt that it was better to land the shell as the amount on some beds would inhibit cockle growth. For a variety of reasons, not least that there hasn't been a dredge fishery since 2008 so gear is unlikely to be operational, it was concluded that it was not appropriate or feasible to change to a dredge fishery in the middle of an existing fishery.

During September concerns continued to be expressed by several industry members that small cockles were being targeted on the Gat Sand. Enquires with other industry members indicated that cockles from the Gat were no different than those on other sands and they were not concerned about the size of cockles being landed.

On 21st September 2017 an assessment of the Gat sand was undertaken, with cockles being sampled from the southern and eastern closed areas and from the catch of a fisherman. It was found that cockles from the latter were larger than those being taken from the other areas, having a peak size of 13-14mm width. Within the eastern closed box, the cockles were of a higher density, but were slightly smaller, with a peak size range between 10-15mm. Those from the southern box were smaller still, with a peak size range of 7-11mm and it was found that the high densities extended much further than the existing closed box.

It was judged that cockles in the eastern closed area were vulnerable to atypical mortality and loss due to winter storms and it was recommended that this area should be opened to allow the cockles to be fished this year prior to winter. It was judged that cockles in the southern closed area were less vulnerable to losses from "atypical" mortality and were situated in a location that afforded good protection from storms. It was recommended that this closed area should be extended to cover the entire bed. The assessment report can be found at Appendix 2.

Both recommendations were accepted and implemented with effect from 5th October 2017. This was a contentious decision as some within the industry didn't agree that stocks were vulnerable to winter storms and some simply didn't agree with smaller cockles being landed.

During October/November 2017 further concerns were raised by some within the industry about the quantity of small cockles being landed. Consequently, a review of the practice of landing small cockles was undertaken (Appendix 3 refers). It concluded that the tendency to target smaller cockles was driven in part by atypical mortality and in part by a shift in market forces as a demand for smaller cockles has emerged. It was observed that although it is unwise to fish immature cockles prior to spawning, 'thinning out' small cockles could be beneficial in the early summer as it promotes growth and can mitigate against 'ridging out.' Overall, it is judged that whilst current cockle stocks may be able to sustain the harvesting of small cockles there is concern that a significant shift to harvesting smaller cockles, perhaps driven by market forces, could have serious implications for population dynamics and could significantly reduce spawning stock.

During November a further review of the fishery was undertaken because of the quantity of small cockles being taken from the Roger Toft sand. On 21st November 2017 a further assessment of cockle stocks on this sand was undertaken (Appendix 4 refers). The bed was found to contain very high densities (circa 2,600/m^2) of juvenile (11mm) cockles in patches and that these areas were being targeted by fishers.

Cockles in these densities are liable to loss through 'ridging out' and the cockles on the Roger / Toft were thought to be vulnerable to such during early spring 2018 as growth rates increase. An optimum density is 1,500/m^2 and it was estimated that removal of 650 tonnes would achieve this. It concluded that as long as fishing effort was curtailed and not allowed to reduce densities too far, fishing this bed did not represent a significant risk to cockle recruitment. It was judged that it could be beneficial as it would reduce the risk of ridging to be and should also encourage improved growth rates in spring.

As a consequence of the findings of the assessment and the desire of some within the industry to continue to fish in the context of a fishery that had not met its potential it was decided to relax code 7 of the Code of Best Practice to enable small cockles to be landed, to reduce the daily quota to 2 tonnes per vessel per day to mitigate the risk of over-fishing and to close the fishery on 21st December 2017.

The proposed changes to the management of the fishery, in particular leaving the fishery open during the colder months with possible consequential risks associated with bird disturbance, led to the Habitats Regulations Assessment (HRA) being revisited and engagement with Natural England (NE). Officers concluded in the HRA that, within the management limits placed on the fishery, there would be no adverse effect on site integrity (including in relation to bird disturbance, which becomes more of a concern during severe weather

conditions). However, there was not full agreement with NE. Dialogue concluded with NE accepting that the fishery would remain open until 21st December 2017 and they advised that it should not re-open before 1st March 2018.

The changes to the management regime came into effect on 4th December 2017.

Bird Disturbance

In addition to managing the stocks sustainably, the Authority is also required to take into consideration environmental factors and conservation targets. The Wash is an important site for overwintering bird populations and during prolonged periods of cold weather it is important bird disturbance is minimal as feeding disturbance can be fatal for them.

In most years the cockle fishery finishes before winter, either because the TAC has been exhausted or because the meat yields have fallen. As such minimal management has been required previously to keep disturbance within acceptable limits. In 2017, however, with TAC still left and a market for small, low-yielding cockles, there was the potential for the fishery to continue through the winter unless it was closed. Because the fishery during winter was anticipated to be higher than the low level included in the HRA mitigation, the decision was made to close the fishery on 21st December.

The question of bird disturbance during protracted periods of poor weather conditions in the fishery remains an issue and there is currently not complete agreement on the issue with Natural England. As such officers intend to do more work in liaison with NE to seek an agreed position.

Remaining TAC

Following the closure of the fishery it was estimated that 1544 tonnes of TAC had not been expended. Ordinarily the cockle fishery is closed when the TAC is exhausted or when the annual cockle surveys commence, which is usually late March. The TAC is usually expended by the Autumn and in those years that it hasn't there has sometimes been some low-level fishing activity in connection with 'live' markets through the winter months. On some occasions when falling meat yields have caused the fishery to close while some TAC remains, there has been the opportunity to re-open the fishery the following spring.

The shift towards fishing small cockles during 2017, however, creates a risk if the fishery were to be re-opened in spring. Once the water begins to warm up, the smaller cockles would grow rapidly and provide high-density patches of larger sized cockles. A fishery in spring, however, would continue to target these stocks before they had an opportunity to grow, thus depriving the 2018 summer/autumn fishery of their benefit. This would then lead to further targeting of the next cohort of small cockles during that fishery.

In reality, given the advice from NE the fishery could not open until the beginning of March 2018 and would be required to close before late March

when the 2018 cockle surveys commence. In light of this and the risk of small cockles again being targeted it is recommended that the 2017 fishery is not re-opened.

2018 Cockle Fishery

It is possible that cockle densities in some locations such as the Wrangle sand may benefit form fishing early in order to avoid significant losses due to ridging out. to Any requirement for an early start of the 2018 summer fishery should be informed from the 2018 spring surveys.

Decision making in terms of opening fisheries under the Wash Fishery Order 1992 are delegated to the Marine Protected Areas sub-committee in the Constitution and Standing Orders. In 2014 it was decided to take the decision making for the annual cockle fishery to the full Authority as a consequence of the level of contention, particularly on fishing method, that existed at that time. This practice has continued in subsequent years.

Full Authority meetings are scheduled for 25th April and 18th July 2018, neither of which are appropriate for considering the 2018 cockle fishery. Cockle surveys typically conclude at the end of April and some time is required during May to analyses the results. The opening date for the fishery can vary but it is typically in June and there may be a case for it to be earlier.

It is proposed that for 2018 decision making on the cockle fishery reverts to the marine Protected Areas sub-committee and that a meeting is scheduled at an appropriate time to consider the 2018 cockle fishery.

Appendix 1

ASSESSMENT OF ROGER/TOFT COCKLE BEDS

Introduction

During the 2017 spring cockle surveys, a survey was conducted on the Roger/Toft sands on April 24th. This survey estimated there were 4,578 tonnes of cockles ≥14mm width and 824 tonnes of cockles <14mm width on this bed. The majority of the larger cockles were from the 2014 year-class cohort, whereas the smaller cockles were predominantly from a 2016 settlement.

In places the density of the 2016 year-class juvenile cockles exceeded 1,000/m^2, so were afforded protection from the fishery with closed boxes. Prior to the commencement of the fishery, the protection was removed from one of these areas because there was a high biomass of adult cockles mixed within them.

During the course of the fishery, a further assessment of the stocks on this bed was conducted on July 26th. Figure 1 shows the area assessed.

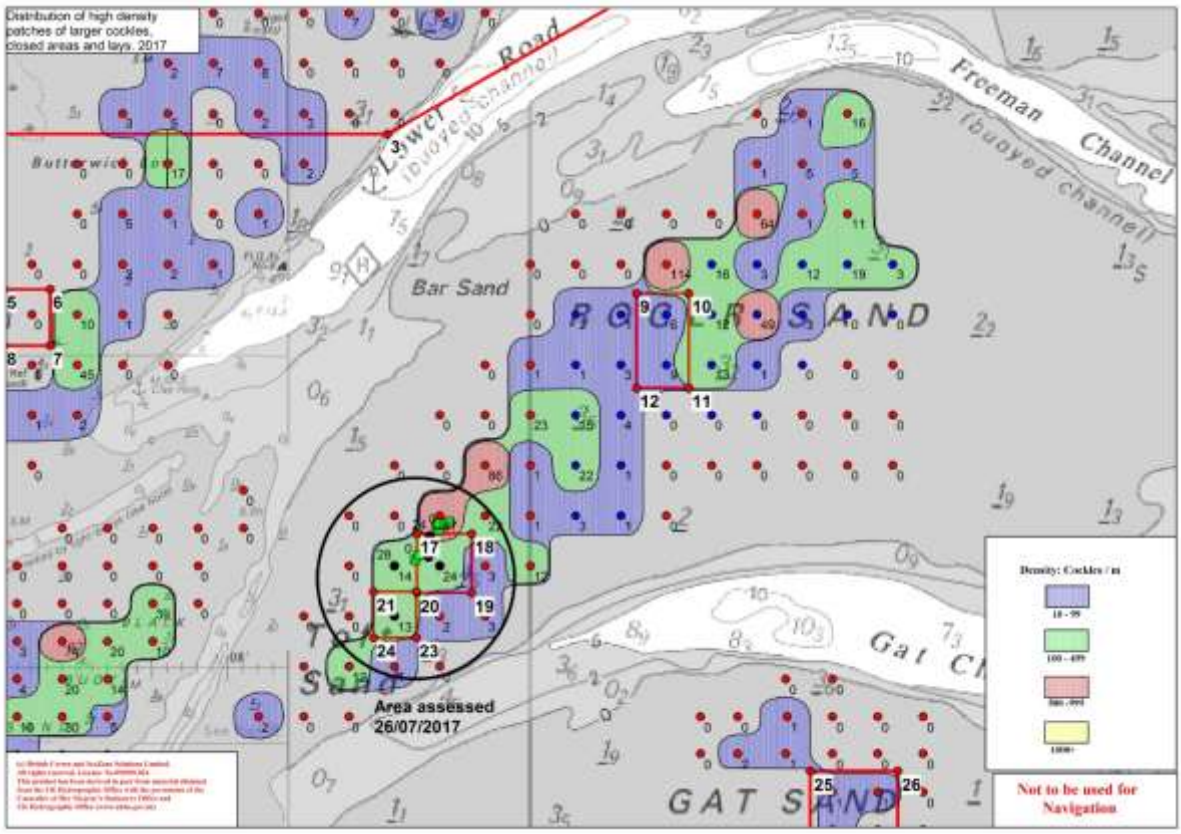


Figure 1 – Chart of the Roger sand cockle beds, highlighting the area assessed on July 26th

Results of assessment

Samples we taken from five positions within and outside of the closed areas highlighted in figure 1. Figures 2 and 3 show the levels of juvenile and adult stocks at the time of this assessment compared to the original survey. These charts also show the positions were evidence of fishing activity was found.

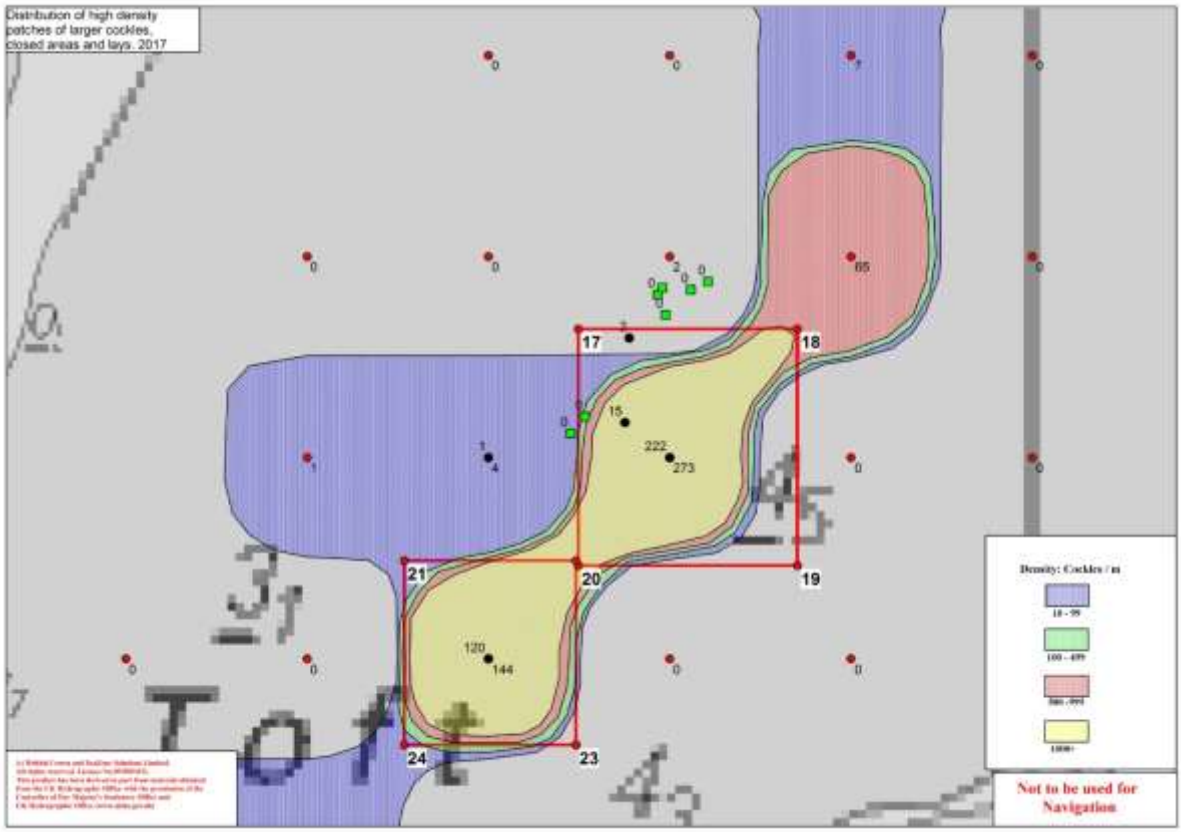


Figure 2 – Chart showing the levels of cockles <14mm width at the time of the spring survey (red points) and the July assessment (black points). Green squares show positions of fishing activity.

Within the assessment area, two of the stations had supported 2,730 and 1,440 juvenile cockles/m^2 at the time of the spring survey. At the time of the re-assessment in July, these stations still supported 2,220 and 1,200 juvenile cockles/m^2. During the re-assessment, two additional stations were sampled towards the edge of the mapped juvenile high-density patch. One of these found 150 juvenile cockles/m^2 present within the area modelled as being >1,000m^2. The other, which was positioned in an area modelled as supporting <10 juvenile cockles/m^2, was found to support 20/m^2. The fifth station, outside of the closed areas had originally supported 40 juvenile cockles/m^2, and during the re-assessment was found to support 10/m^2.

Based purely on the stations that had been surveyed during the spring surveys, the new data showed the modelled stock densities and positioning of the closed boxes to still be accurate. The re-assessment was conducted at a slightly increased resolution, however. This showed the original modelling was mostly accurate, but the high-density patch of juvenile cockles did not extend quite as

far north west has was modelled. Any changes to the closed area would result in the northern edge becoming diagonal, from position 18 to a position mid-way between 17 and 20. This, however, would create enforcement difficulties when attempting to judge real-time whether vessels were complying with the closure.

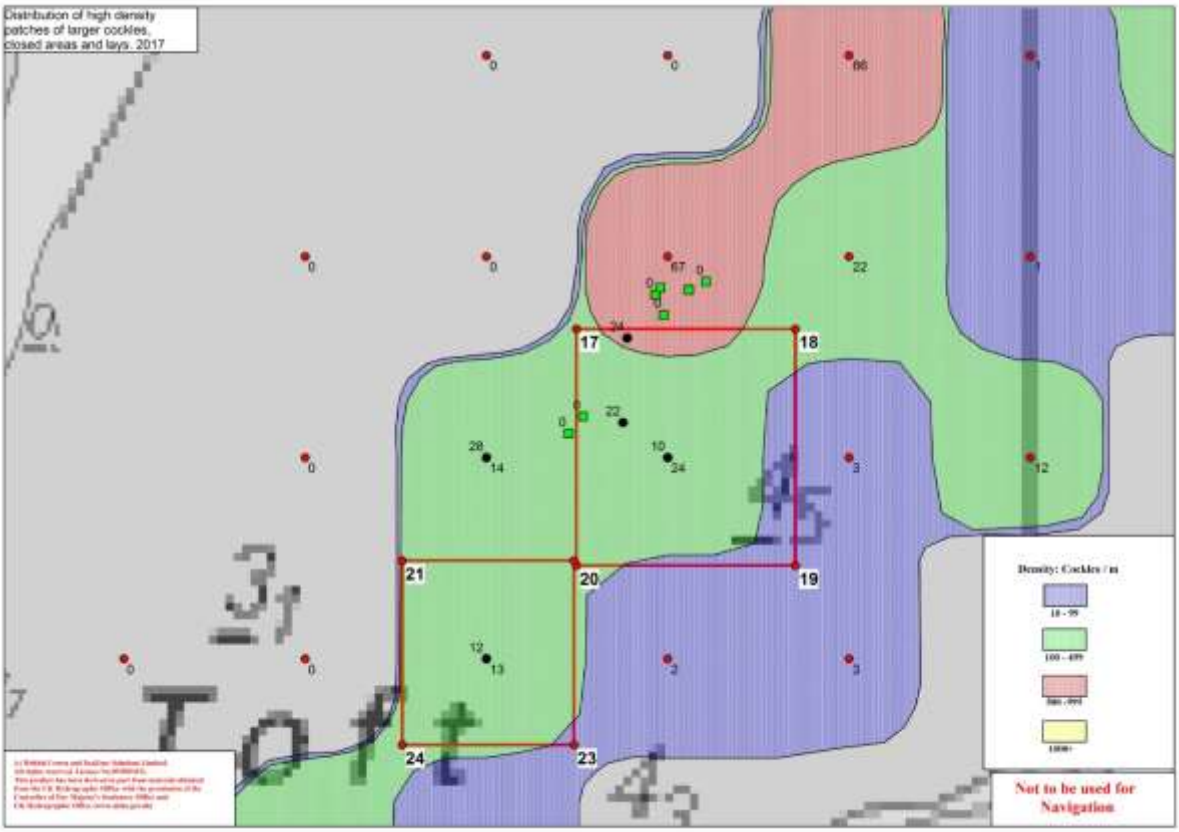


Figure 3 – Chart showing the levels of cockles ≥14mm width at the time of the spring survey (red points) and the July assessment (black points). Green squares show positions of fishing activity.

The cockle data highlighted in figure 3 shows the modelling for the cockle stocks ≥14mm width was still accurate, and that the closed boxes did not support high densities of adult cockles.

Evidence of fishing activity

The positions of five prop wash rings were recorded north of the closed area and two more to the west. Those to the north were found to still contain large cockles that had been washed out within the rings. Two of these rings were estimated to support approximately 1 tonne of adult cockles of 16-17mm width. These were present in good densities for raking but not for shovelling.

Both of the two rings to the west of the closed area were within the closed box. In one, the depression caused from where the vessel had laid on the sand was within the closed area. At the other ring, the vessel had laid outside of the box, but there was clear evidence of where two bags had dragged across the sand towards the vessel from within the closed area. Next to both vessel impressions were large piles of riddlings where shells had been riddled from the catch.

Appendix 2

Assessment of cockle stocks on the Gat Sand

Introduction

During the spring cockle surveys, the Gat Sand was found to support 831 tonnes of cockles. Of these, 171 tonnes were found to be ≥14mm width and 660 tonnes <14mm width. The majority of these were present in two patches; one to the south of the Gat mussel beds and the other to the east.

Due to the high densities of Year-0 cockles in these areas, two closed boxes were placed on these beds to protect them from the 2017 cockle fishery.

In September 2017, up to eight vessels began fishing the cockles on the Gat Sand in the vicinity of the eastern closed box. A number of other fishermen raised concerns that very small, juvenile cockles were being taken from these beds and that the fishing activity would potentially impact the following year's fishery.

An assessment of the Gat Sand cockle beds was conducted on September 21st.

Results of assessment

At the time of the assessment, eight vessels were fishing on the eastern bed. These were situated north east of the closed box. No evidence was found of fishing activities in either of the closed boxes.

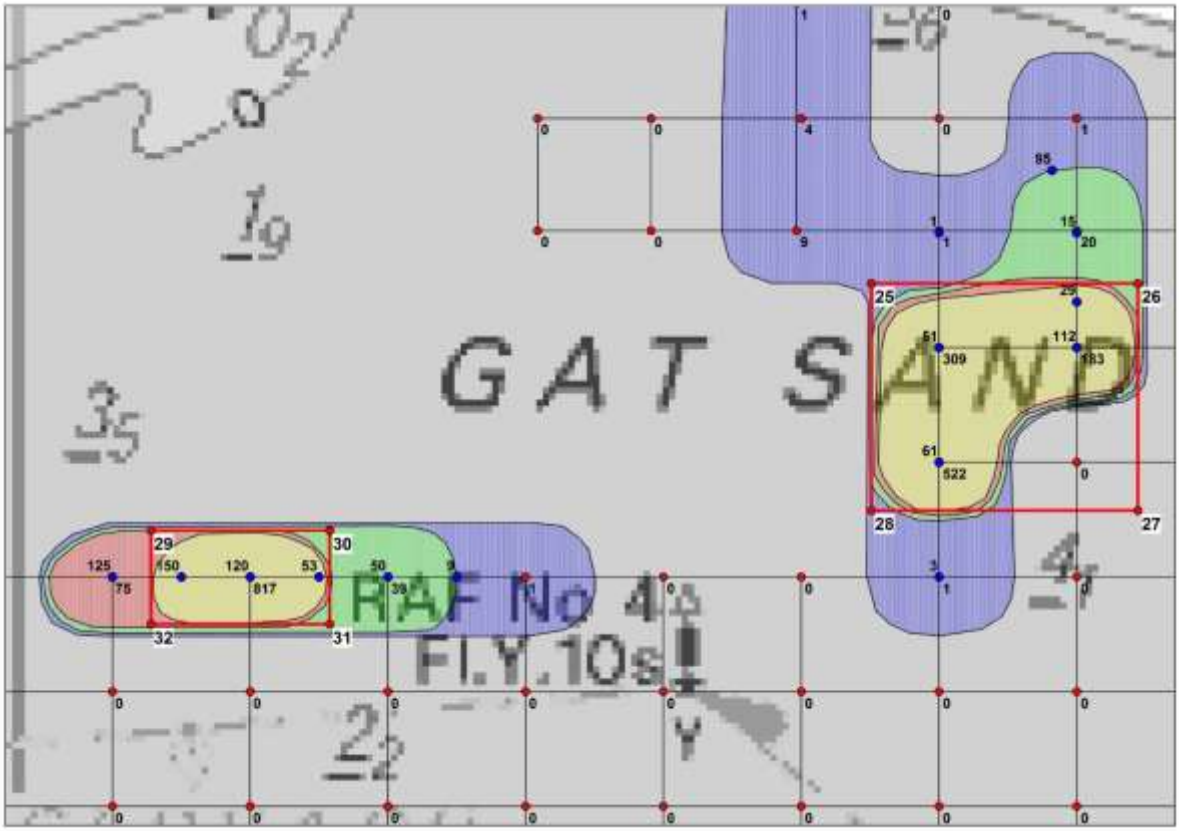


Figure 1 – Chart of Gat Cockle beds, showing closed areas (red boxes),

sample stations during spring surveys (red) and sample stations during September assessment (blue)

During the assessment, samples were taken and measured from 6 stations in the southern bed and 7 stations from the eastern bed. A further sample was measured from the catch of a fishing boat (labelled 95 on the chart). These stations are coloured blue on the chart, with labels to the top left of the station indicating total cockle numbers found in a 0.1m^2 quadrat. The labels to the bottom right of the stations indicate the cockle numbers at the time of the spring surveys.

At most of the stations, there were fewer cockles present in the samples measured in September than those collected in spring. This is a common occurrence, however, when year-0 cockles are present in high densities because natural mortality tends to be high. Because the samples during the September assessment were measured in situ, they were not weighed. It was not felt, however, that there had been a significant loss of biomass, due to the cockle growth compensating for mortality. At some of the stations in the southern bed, cockle numbers were higher in September than those found in spring, with high densities of small cockles present outside of the closed boxes.

Figure 2 shows the size frequencies of cockles measured during the September assessment. These highlight the populations taken from the southern (orange) and eastern (blue) beds, plus the samples measured from a fisher's catch (yellow). From this chart, it can be seen that the cockles in the fisher's catch were larger than those from the other areas. These had a peak size of 13-14mm width. Within the eastern closed box, the cockles were of a higher density, but were slightly smaller, with a peak size range between 10-15mm. Those from the southern box were smaller still, with a peak size range of 7-11mm.

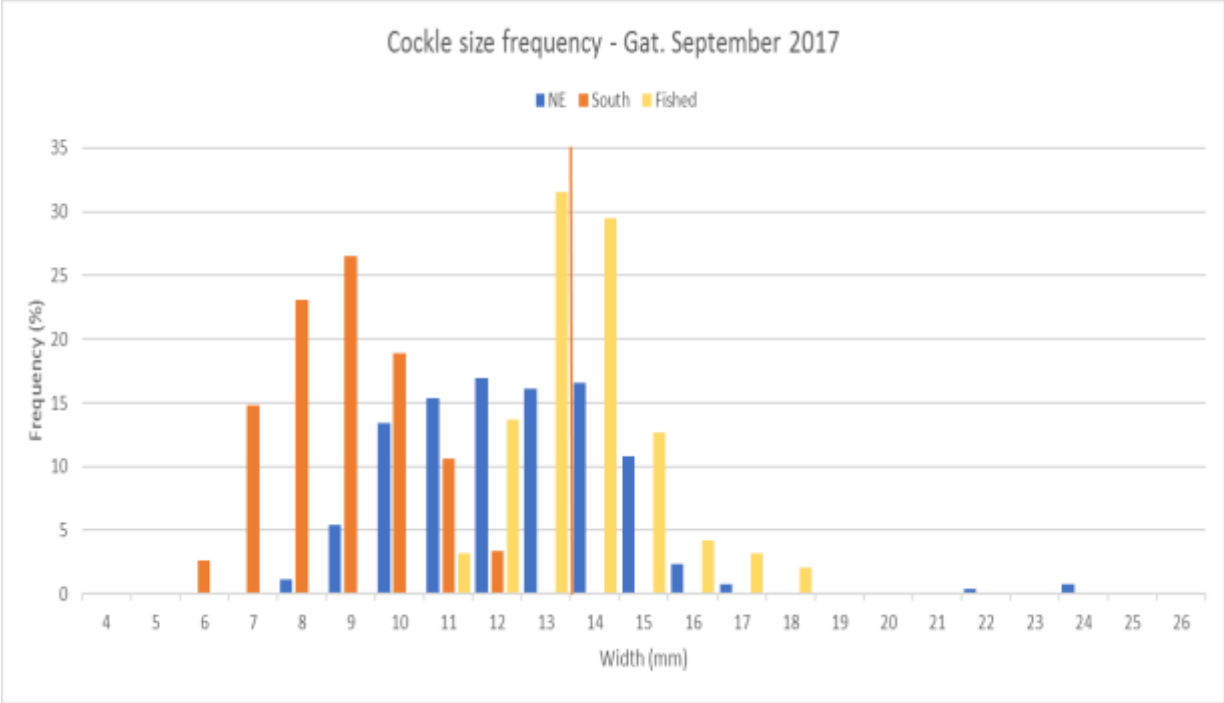


Figure 2 – Chart showing size frequency of cockles measured during the assessment

<u>Natural vulnerabilities</u>

Past studies into “atypical” mortality indicate the cockles from the eastern bed are of a size range where they are likely to die once the temperatures begin to peak in July/August 2018. Those on the southern bed appear to be slower growing, and as such are anticipated to have better survival rates.

Past survey data shows it is unusual for the eastern bed to cover as large an area as found during 2017, and in particular to extend so far east. When cockles have settled in these areas in the past, they have often disappeared before reaching 14mm width. This area is vulnerable to easterly storms. During the assessment, a sandy ridge containing a lot of old cockle shells was found to run in a north-south direction along the western edge of the eastern bed. This appears to have been formed from heavy wave action pushing sand and shells into a ridge. While this ridge affords protection to the mussel beds to the west, there is no such protection for the cockles to the east. There is a strong possibility that the majority of the cockles within the eastern closed box would be lost if they were subjected to prolonged winter storms.

Recommendations

The eastern closed box supports cockles that are of harvestable size. Although their size indicates they would be vulnerable to “atypical” mortality in July/August 2018, they would support a short fishing opportunity prior to that. There are indications from past survey data and inspection of the area, however, that the beds in this area are vulnerable to loss from prolonged winter storms. It is the recommendation from the Senior Marine Science Officer,

therefore, that the eastern closed box should be opened, allowing these cockles to be fished this year prior to winter.

The cockles in the southern bed have grown slower, and the majority are not of a commercial size. Their size indicates they are less vulnerable to losses from “atypical” mortality during 2018. Also, they are situated on a natural low-way that offers good protection from storms. As such, they are expected to survive the winter and could provide a good fishing opportunity during 2018. The recent assessment found the high densities extended much further than the current closed box. It is recommended, therefore, that the closed box should be extended to cover this whole bed (see figure 3).

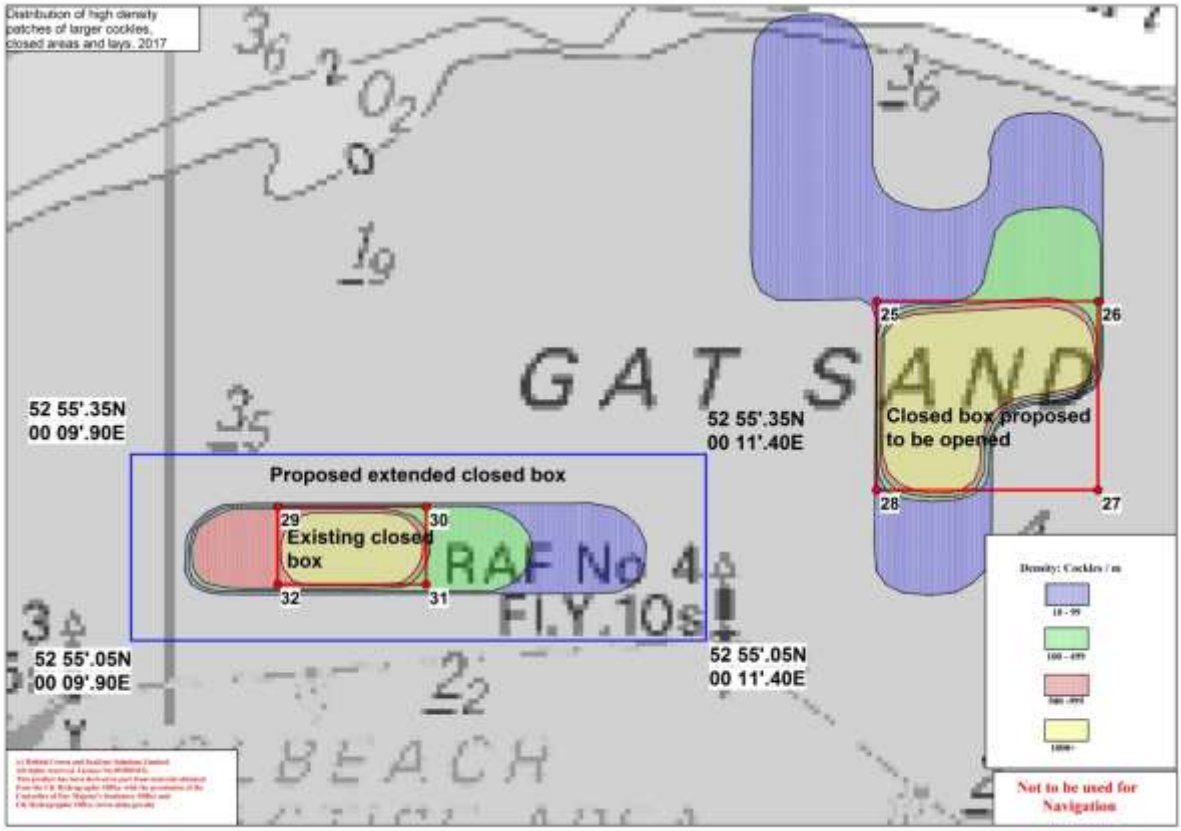


Figure 3 – Chart showing proposed changes to closed areas on Gat cockle beds

Appendix 3

Review of the current practice of preferentially harvesting small cockles

Current situation

- During the past week there have been concerns raised from members of the fishing industry that small cockles are being harvested from the Roger/Toft sand and this activity is endangering next year's fishery.
- The management for this year's fishery was informed with evidence gathered from the spring cockle surveys. This survey highlighted that there was a large stock of ≥14mm width cockles in the Wash, but these stocks were spread relatively sparsely over a large area. While these contributed to a large TAC of 7,000 tonnes, they did not provide a good fishing opportunity, in which the handwork fishery relies on high density stocks. It was realised before the fishery commenced that many fishers would target the higher densities of small cockles that were present rather than struggling with low densities of large cockles. This has proved to be the case.
- To provide protection to juvenile stocks, the survey data were used to draw closed boxes around areas in which Year-0 juvenile cockles were present in densities exceeding 1,000/m^2. Because the survey stations are positioned 400 yards apart, this defines the accuracy charting where the stocks are located within the boxes. The resolution means that sometimes large patches of small cockles extend outside of the closed boxes, while on other occasions, the closed box is larger than necessary. Both situations can lead to criticism from the industry.
- Following reports of small cockles being harvested from the Roger/Toft sand, samples were collected from two boats that had landed to Lynn Shellfish. These were found to be cockles from the 2016 year-class cohort. The majority were only 10-11mm width. The largest cockle was only 13mm width.
- For the 2017 fishery, a small number of closed boxes were removed prior to the fishery opening because they supported only a small proportion biomass of year-0 juvenile cockles compared to larger cockles. The risk to the site from the "sacrifice" of these juveniles was considered negligible compared to the benefit opening these areas would have in providing access to the larger cockles that they contained.
- One such site was on the Roger Sand. Fishers worked this area earlier in the year, removing adult cockles without concerns being raised about high numbers of juveniles being landed among them. VMS data showed that this area was being fished on the 9th November 2017 by five vessels with VMS aboard. Senior IFCO Lee observed from the shore further vessels fishing in the proximity of these five vessels (total of approximately 15-16 vessels in the area). Six vessels were observed to be fishing the Gat.

- During October, following the opening of a closed area on the Gat, up to 22 vessels had been observed fishing the Gat. At that time, few vessels were targeting the small cockles on the Roger/Toft.
- The cockles on the Gat were larger than those on the Roger (12-15mm width compared to 10-11mm width). Additionally, there was concern that the cockles on the Gat would potentially be lost over winter due to their location.
- Although very small cockles have been harvested and landed in the past, there haven't been market opportunities specifically for them. They have either been riddled out of the catch and discarded by the processors, or have included larger cockles that have inflated their yield. This year, however, DANNI Seafoods have picked up a market for very small tinned cockles and as a consequence, are buying small cockles.
- Fishers are currently being paid the same for small cockles as they are for large cockles (approx. £400/tonne). Not only does this not provide any financial incentive for fishers to target large cockles, because it is easier to achieve a full daily quota on the high-density stocks of small cockles, there is a disadvantage in targeting the larger cockles, both financially and in terms of effort.
- Cockles reduce their feeding once the water temperatures drop at the start of winter. This causes their meat content to decline, which is reflected in the meat yields seen at the processors. Usually, once the meat yields fall below a certain limit, the processors stop buying the cockles and the fishery comes to a natural close irrespective of any remaining TAC.
- DANNI Seafoods feel they could continue until January in order to fulfil their order. This suggests that declining meat yields won't deter them from buying cockles.
- There are approximately 2,500 tonnes remaining of the TAC, which if the fishery remains open at this time of the year will be taken with small cockles.
- Feelings are mixed among the industry. Those processors unable to sell the small cockles would obviously like to see the fishing of these small cockles stopped. Lynn Shellfish indicated that they had lost 8 boats to DANNI Seafoods over the past few weeks. Their main concern is that it is next year's fishery that is currently being fished. Others who are benefitting from this fishery would prefer for it to remain open. They feel the stocks are very dense and by thinning them out, they will promote better growth for next year and reduce potential losses from ridging out.

Drivers for change in recent fishing habits

- "Atypical" mortality, which primarily seems to affect cockles as they reach maturity (approx. 13-14mm width), has had an impact on the population structure of the cockle communities. Because far fewer cockles are surviving long enough to reach large sizes, or are dying shortly after reaching maturity, there has been a shift to a higher proportion of small

cockles in the population in recent years. Prior to 2008, when the mortalities were first observed, ≥14mm cockles accounted for an average of 56% of the stock biomass. Since 2008, this proportion has declined to 44%.

- Such a large shift in population composition means there has been a corresponding shift in fisher's behaviours. Patches of high-density large cockles are now found less frequently, so fishers are tending to land smaller cockles. If the situation was limited to the Wash, market pressures would probably limit this driver. However, atypical mortality appears to be quite widespread with regular die-offs being reported from the Burry Inlet, The Three Rivers, Horseshoe Point, plus fisheries in France, Spain and the Netherlands. This has led to markets becoming more willing to accept smaller cockles. K&E-IFCA believe they are currently free of "atypical" mortality.
- There has also been a shift in the regularity of successful cockle spatfalls in recent years. Prior to 2004, widespread, high-density spatfalls only seemed to occur once or twice every 5 or 6 years. Since 2004, though, there have been widespread settlements regularly once every two years (on even years). This may be linked to the effects that "atypical" mortality is having on the cockles, and may be self-perpetuating (eg. cockles spawn and die in their 2nd year, freeing up ground for progeny to settle. These are not mature and do not spawn in their 1st year, but then repeat the cycle in their 2nd year).
- These changes have meant we have also had to adapt our management of the fishery. Whereas previously cockle stocks would have been protected until they reached a good size (probably 3-4 years old), and fisheries rotated around beds to harvest those of optimal size, the die-offs coupled with more regular widespread spatfalls mean we now open beds before the cockles die, and tend to operate fisheries on the majority of the beds at one time.

Impacts on sustainability

- Cockles tend to spawn when they reach approximately 12-13mm width, with larger individuals having higher fecundity. The majority of cockles will spawn once the water temperature rises between April-June, but there is also a lower level of protracted spawning through the summer and autumn. This behaviour tends to result in the main settlement occurring between July-August and secondary settlements in September-October. This would suggest that cockles that reach maturity after the initial spring spawning season will possibly spawn later in the year.
- From a sustainability perspective, it is important that sufficient cockles reach maturity to spawn. Past survey data and anecdotal evidence, however, suggests that cockle stocks can recover from very low stock levels. This is due to a combination of their very high fecundity and reduced number of adults feeding on the larvae. Irrespective of this, from a

fishery perspective, it is important to maintain stocks sufficiently high to enable fisheries.

- There are inherent issues with deliberately harvesting small cockles:
  - If they are harvested before they mature and spawn, recruitment will be impacted. Long-term, widespread targeting of immature cockles could result in recruitment failure, followed by a rapid decline in stocks. This could be offset somewhat by low densities of adult cockles being able to produce good settlements, but due to the effects of “atypical” mortality, there will be far fewer adult cockles surviving in sparse pocket to achieve this.
  - If the small cockles have spawned before they are harvested, there will be less impact on future recruitment. However, there will be fewer large cockles left to fish the following year. Prior to the introduction of “atypical” mortality, this would have been a concern for sustainability, as adult cockles could be expected to spawn annually for 2-5 years. As “atypical” mortality has the effect of killing cockles after they have spawned, though, the majority of the cockles in the Wash now potentially only spawn once before dying. That being so, the main issue of fishing small cockles post-spawning is a question of their value. As they are currently worth the same as large cockles, fishing them does not reduce the value of the fishery.
  - Because small cockles weigh less than large ones, more individuals will need to be fished than large ones in order to achieve daily quotas. Targeting small cockles will, therefore result in more individuals being removed. Natural mortality among cockles is high, however, so much of this impact may in fact be negated by the numbers of cockles that would potentially die if they were not fished.
- EIFCA encouraged the fishing of small cockles on the Gat sand by removing a closure that had been protecting those stocks. Those cockles, however, had reached a size of 12-15mm, so although they were only 1 year old, could have spawned over the summer. Importantly, those stocks were considered to be vulnerable to loss over winter from storms.
- The cockles that are currently being harvested from the Roger/Toft sand are only 10-11mm width, so will not have spawned. Their location is not considered vulnerable, so there is an expectation that if unfished they would survive and spawn in 2018. This will reduce the potential number of larger cockles in this area next year and will also reduce the spawning stock next year. However, these cockles are part of a widespread settlement that occurred in 2016, many such areas of which have been protected by closures. Their removal at this time will not have such an impact as years when stocks are smaller.
- Growth rates vary from bed to bed and are also influenced by stock density. Areas supporting faster growth are more productive and tend to be favoured by the fishery. The Roger/Toft sand is a fast-growing, productive area, so the cockles on this bed if left, could be expected to

grow well next year and be a preferential location to fish. Concerns that next year's fishery is currently being fished are justified.

- Natural cockle mortality is high, particularly in their first years when they are still small and vulnerable to predation and ridging out. When present in high densities, as these cockles are, they are particularly prone to ridging out once their growth rates increase in summer. Even if they do not ridge out, intraspecific competition for food and space tends to result in impaired growth rates. When this delays growth sufficiently, new settlements frequently occur among them before they reach harvestable size. This usually results in them ridging out the following year. It is often beneficial, therefore, to thin out high-density cockle stocks, which can promote growth and reduce the risk of ridging out. Fishers currently removing stocks from this area claim the stocks are dense and will benefit from thinning out. Ideally, this claim should be substantiated by a site visit from officers.
- It should be noted, there is a difference between thinning-out and total removal of stock. If left unchecked, the fishery is likely to deplete the stocks in this area to levels too low to attract fishers next year.

Impacts on conservation

- In terms of conservation responsibilities, there are minimum conservation objective targets for both the cockle and mussel stocks. These are reflected in our Shellfish Management Policies for these two fisheries and taken into account prior to the fishery opening through the HRA process. Since 2012, there have been adequate cockle stocks to operate the fishery without having an adverse impact on the conservation features.
- A variety of bird species (plus fish and other invertebrate species) prey on cockle and mussel stocks. Each of these species have a preferential size for the cockles that they prey on, with smaller bird species such as dunlin, knott and sandpipers targeting spat, while larger species such as oystercatchers and eider ducks prey on larger individuals. It is important, therefore, to maintain stocks of both large and small cockles and mussels.
- Winter is the most sensitive time for the birds. Not only are the resident populations joined by large numbers of migrant birds travelling here to over-winter, their daily energy demands are also much higher due to the cold weather. When this is coupled with shortened daylight hours reducing feeding opportunities, it is important they are not disturbed while feeding. Usually cockle fisheries have ended before the cold weather sets in for winter, either because the TAC has been exhausted, or because the yields have dropped too low. This year, however, could be problematic because there are still 2,500 tonnes of TAC left and DANNI Seafoods have acquired a large order for small cockles. Their intent is to potentially continue fishing until that order has been achieved. They feel that could be January.

Conclusion

By disproportionally reducing the numbers of larger cockles in the population, “atypical” mortality has had a significant effect on fishers’ behaviours and on how the Wash cockle fishery is now managed. The main consequence is a tendency for smaller cockles to be targeted than before.

While successful recruitments continue to occur at regular biennial intervals, as has been the case since 2004, the stocks seem able to support this change at levels seen over recent years. The situation could be problematic, however, if spatfall success reverted back to its previous infrequency.

Although it is unwise to fish immature cockles prior to them spawning, thinning out of dense juvenile beds can be beneficial by promoting growth and reducing the risk of ridging out. Usually, thinning out occurs at the start of a fishery in early summer, when the cockles are growing and ridging out is imminent. Such beds then tend to continue being fished through that season, benefiting from the increased growth. If thinning out is conducted towards the end of the fishery in winter, however, it will not promote growth until the following spring. Any cockles removed beyond those necessary to prevent ridging out will effectively be coming from next year’s fishery. If the fishery is to continue on these cockles, a decision must be made that either stops it once excessive densities have been reduced to safe levels, or accepts next year’s fishery will be impacted.

While the stocks seem capable of sustaining the harvesting of small cockles at current levels, I am gravely concerned about the opening of a new market specifically targeting very small cockles. This introduction reduces the usual limitations that processors place on buying small cockles and creates the potential for a large shift in the numbers of small cockles being landed. Such a shift could have very serious consequences on the population dynamics of the stock and greatly reduce the spawning stock.

Whereas cockle fisheries usually finish before winter, the market for small cockles could create a demand until January. This could have serious impacts on the over-wintering bird populations whose most sensitive time is during the cold winter months.

Ron Jessop

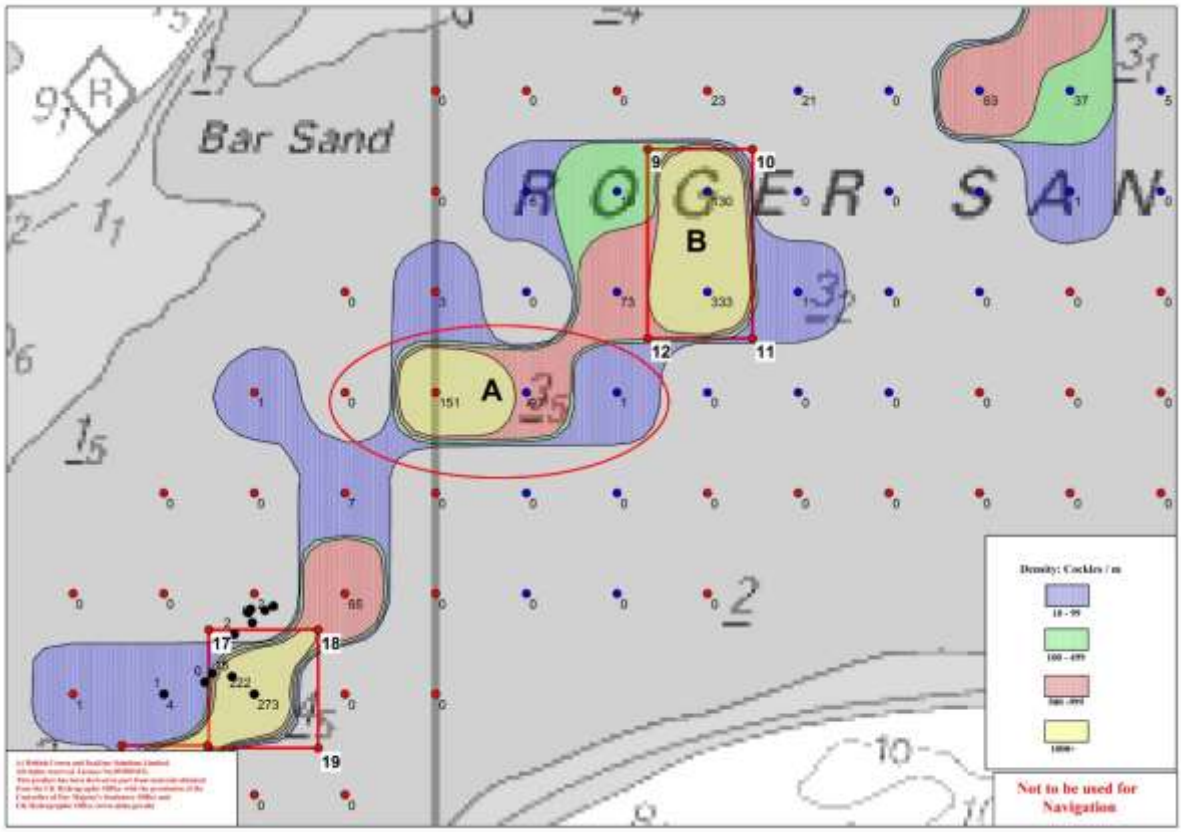
Senior Marine Science Officer

09/11/2017

Appendix 4

ASSESSMENT OF COCKLE STOCKS ON THE ROGER/TOFT SAND

On Tuesday 21st November Senior Marine Science Officer, Ron Jessop, and IFCO's Jason Byrne and Peter Welby conducted an assessment of the cockle stocks on the Roger Toft mussel bed. Area A on the chart below was assessed by all three of us, while Area B was assessed by Jason Byrne and Peter Welby.



16 vessels were fishing within area A. This area was found to support high densities of small cockles that were interspersed with patches of dry sandy ground that were absent of cockles. Samples taken from this area found the average density within the patches of cockles was 2,690 cockles/m^2. These had a mean size of 10-11mm width. Assessment of the closed area (marked B on the chart) found the cockles were present in densities of 2,010.m^2 and these had a mean size of 12mm width. At these densities, it is likely that ridging out will occur once the cockles begin growing again when the water temperatures rise next spring. Allowing the fishery to thin the cockles within Area A, which is currently open, would reduce that risk.

The biomass of cockles within samples was not measured during this assessment, so a precise measure of cockle biomass in the two areas cannot be calculated. It was estimated that Area A supported approximately 1,500

tonnes of cockles, however. **To reduce the cockle densities to a less critical level of 1,500/m^2 would require approximately 650 tonnes of cockles to be removed from this area.** This should not only allow the risk of ridging to be reduced, but should also encourage improved growth rates in spring.

It is likely that ridging will also occur in Area B next year, but by focusing on thinning the open area A now, greater focus can be given to Area B next year when they are most at risk.

It is my recommendation that the fishery is allowed to continue in this area until approximately 650 tonnes of cockles have been removed. Closure of the whole fishery at that point would allow any remaining TAC to be used once yields begin to rise in spring, also potentially enabling cockles that are beginning to ridge at that point to be thinned.

From a conservation perspective, continuing a large-scale fishery through winter would require a re-submission of the HRA, as the absence of past large-scale winter fisheries has been used as mitigation against the risk of over-wintering bird disturbance in the current HRA.

Ron Jessop
Senior Marine Science Officer
27th November 2017

Action Item 20

31st Eastern Inshore Fisheries and Conservation Authority meeting

31 January 2018

Report by: Luke Godwin – Senior IFCO (Regulation)

General Data Protection Regulation

Purpose of report

The purpose of this paper is to advise members of the introduction of the General Data Protection Regulation which will replace the Data Protection Act (1998) on 25th May 2018 and the approach being taken to ensure that Eastern IFCA is able to comply with its requirements.

Recommendations

Members are asked to:

- **Note** the content of the report

Background

The General Data Protection Regulation (GDPR) will come become enforceable on 25th May 2018 replacing the Data Protection Act 1998 (DPA). This change looks to establish a single set of rules governing the way personal data is collected and used by organisations throughout Europe, including the UK. The GDPR emphasises accountability and transparency, placing obligations on data controllers to ensure that personal data is processed lawfully and fairly and in a manner, that ensures appropriate security and protection.

As a Public Authority and personal data controller EIFCA endeavours to ensure that personal data is handled responsibly, securely and in accordance with the Data Protection Act (1998) however; the approaching transition to the GDPR creates incentive to review how personal data is handled at EIFCA and bring policies and protocols up to date to comply with new requirements under the GDPR.

Report

The GDPR applies to personal data in the same way that the DPA has previously however the GDPR's definition is more detailed, providing for a wide

range of personal identifiers to constitute personal data, reflecting changes in technology and the way organisations collect information about people.

Under the GDPR, the data protection principles below set out the main responsibilities for organisations with regard to how personal data is processed;

Personal data shall be;

1. Processed lawfully, fairly and in a transparent manner.
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

One of the most significant additions of the GDPR is the stipulation that organisations are accountable for and must be able to demonstrate, compliance with these fundamental principles. Ensuring that compliance with the GDPR can be properly demonstrated will require that work is undertaken to review and update current policies and processes regarding the processing of personal data. This is likely to include but is not limited too;

1. Review and catalogue personal data holdings, establish how they are used/shared/maintained.
3. Updating/implement privacy notices in line with new guidance; considering the legal basis for processing and individual rights.
4. Implement policies/protocols relating to processing/sharing of personal data.
5. Establish appropriate time periods for review of retained personal data and implement protocols to update/dispose of obsolete information.
6. Implement policies/protocols for detecting and dealing with personal data breaches.
7. Implement policies/protocols for detecting and dealing with subject access requests.
8. Provide guidance/training to staff on the GDPR identify key staff and highlight their role in personal data security (e.g. Data Protection Officer).

Undertaking this work will require the reprioritisation of some officer hours however; it is not expected to represent a significant burden.

Information Item 21

31st Eastern Inshore Fisheries and Conservation Authority Meeting

31 January 2018

Report by: J. Gregory, Chief Executive Officer

Quarterly Progress Against Annual Priorities 2017-18

Purpose of report

The purpose of this report is to update members on progress against the objectives established in the Business plan as priorities for 2017/18 during quarters 1, 2 and 3.

Recommendations

Members are recommended to:

- **Note** the contents of this report

Background

Eastern Inshore Fisheries and Conservation Authority is mandated to produce an annual plan each year to lay out the expected business outputs for the year ahead.

At the Planning and Communication Sub-Committee on 24 February 2016 it was agreed to follow a new model for business planning. The Strategic Assessment and new high-level objectives proposed by Defra were incorporated into the planning process and a 5-year rolling Business Plan was agreed. The move to a 5-year business plan reflects the need to engage in longer term planning in the context of high levels of demand and the need to be flexible with priorities to reflect the dynamic nature of inshore fisheries, the marine environment and the policy landscape.

At the Planning and Communications Sub-Committee (15th March 2017) priorities for 2017/18 as set out in the 5-year Business Plan were agreed.

Report

The tables at the Appendix detail the progress against the key priorities for 2017-18, as set in the Business plan for 2017-22.

Risk

Significant complexities regarding the development of Shrimp management measures within the Wash and North Norfolk Coast MPAs has resulted in ongoing delays to delivering this workstream. Resource allocated to other projects has, to an extent been subverted to work on the associated Habitats Regulation Assessment with the potential for 'knock-on' effects on other work.

Since a significant loss in staff as reported at the 29th EIFCA Meeting, new staff have been taken on and are contributing to the delivery of priorities. That said, there has been and will be a period of 'bedding in' for the new starters which, in the context of complicated and large workloads may also influence delivery.

Conclusion

Authority officers are committed to delivering success across the breadth of our remit. Whilst some significant changes in staff had the potential to adversely affect progress the reallocation of priorities and careful planning has partially mitigated against the risk of not meeting the objectives set in the 5-year Business Plan.

As per Appendix 1, priority workstreams are all underway but have for the most part been significantly delayed due to unforeseen complexities. In particular, there are ongoing protracted discussions with Natural England on the nature and extent of management measures required in red and amber risk MPAs which has meant that workstreams have gone well beyond anticipated completion dates. This has had a 'knock-on' effect on other work-streams as a back-log of work waits for Natural England advice (for example in relation to the Cromer Shoal MCZ).

Background documents

Eastern Inshore Fisheries and Conservation Authority Business Plan 2016-21.

Appendices

1. Report on priorities set for 2017-18

APPENDIX 1

Eastern Inshore Fisheries and Conservation Authority
25 October 2017

Quarterly Progress against Annual Priorities – Quarters 1 and 2

4 key priorities are established for 2017-18.

Financial Year 2017-18		
Priorities 2017-18	**Progress**	**Comment**
1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by: a. Delivering fisheries management measures for the 'Red Risk' designated features in the Inner Dowsing, Race Bank and North Ridge SCI, and the Haisborough, Hammond & Winterton SCI (continued from 2016-17); b. Delivering fisheries management measures for 'Amber and Green' designated features within European Marine Sites (EMS) including shrimp management in the Wash and North Norfolk		1a. **Ongoing** for Haisborough, Hammond & Winterton: development of management measures on hold to enable focus on shrimp assessment/management in Wash & North Norfolk Coast SAC. Work recommencing Q4 2017/18. Inner Dowsing, Race Bank & North Ridge: Work **delayed** to enable focus on shrimp assessment/management. Work to recommence following Haisborough, Hammond & Winterton, and to align with Wash shrimp management and review of regulatory notices (now under Protected Areas byelaw). 1b. **Ongoing.** Progress made with extensive update of shrimp assessment utilising new evidence on feature extent and fishing activity, updated conservation advice, species sensitivity and feature condition data. Expert advice obtained from academic partners in relation to approach. Protracted discussions with Natural England regarding assessment have identified some disagreement in approach to assessment. Conclusions due Q4 2017/18 to inform management discussions. 1c. **Ongoing.** Draft assessment has been completed for potting (main fishing activity in site) but not started for other fishing activities.

Coast SAC (continued from 2015-16) and completion of 'Amber and Green' HRA suite; c. Assessing the impact of fishing activities on the Cromer Shoal Chalk Beds tranche 2 Marine Conservation Zone and delivering management measures (if required) by December 2017; d. Developing monitoring and control plans for highest risk MPAs as identified in the Strategic Assessment 2017; e. Delivering mitigation to the risk of 'food availability' in the Wash and North Norfolk Coast SAC in relation to private aquaculture; f. Introduction of measures to mitigate the risk of damage to the Wash and North Norfolk Coast SAC from 'unmanaged'		Further analysis of fishing intensity data undertaken. Assessment to report Q4 2017/18; management measures (if required) to be developed in line with sustainability measures (2b, below). 1d. **Ongoing.** As the fisheries assessments are completed, monitoring and control plans will be developed to demonstrate how fishing activities and site condition will be monitored. Officers have reviewed monitoring and control plans created by other IFCAs/MMO and developed a draft template to apply in this district. New Marine Science officer in post leading on this work; liaison with other IFCAs is ongoing. 1e. **Ongoing**. The project originally involved a combination of sampling techniques including testing meat yields of mussels, Chlorophyll RFU sampling with YSI sondes and analysis of chlorophyll, salinity and nutrients in water samples. The latter were conducted jointly with Cefas under the umbrella of their smart buoy programme. In 2016 Cefas lost their funding for this project and as a result could no longer analyse our water samples. Other partners were sought to assist with this aspect of the project, and the potential for using different methods such as satellite imagery explored. No other partners were found, however, and exploration of the potential to use satellite imagery identified the method would only be suitable for detecting high concentrations of algae, such as are present in blooms, not the lower levels being monitored by ourselves. The in-situ buoy sonde has just been returned following a service, and is planned to be redeployed in January. A new

bivalve fishing activity if required; g. Undertake gap analysis and initial assessment of fishing impacts within newly designated MPAs including the Harbour Porpoise candidate SAC (southern North Sea), the Greater Wash potential SPA and the extension to the Outer Thames Estuary SPA.		spot sonde has been purchased (because the old one has been discontinued). Once this arrives Chlorophyll RFU values will continue to be collected alongside the monthly meat yield data. 1.f **Ongoing** - No action required at present – pending agreement between Le Strange Estate and Fishers. 1.g **Ongoing.** Initial discussions have been held with MMO to consider respective responsibilities for the newly designated marine protected areas. Awaiting MMO fishing activity information and NE/JNCC guidance in relation to visual disturbance (a key issue in Special Protection Areas). When responsibility for site assessments has been confirmed, designated Marine Science Officers will lead on respective evidence gap analysis and fisheries assessments.
2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements by: a. Developing fishery sustainability management measures for the brown shrimp fishery in conjunction with priority 1(b) above (continued from 2016-17); b. Developing fisheries		2a. **Ongoing** – Management measures to be informed by Marine Stewardship Council Fisheries Management Plan and Marine Science project. New Marine Science Officer working alongside the industry-led steering group 2b. **Ongoing** – The start of the informal consultation has been delayed pending a first draft of the Cromer Shoal MCZ assessment (for potting) such that findings can be incorporated. Information gathering consultation planned and products produced and likely to get underway in Q4. 2c. **Complete** – no further action required. Enforcement activity targeted at fishery in accordance with risk. Eastern IFCA is attending

management measures for crab and lobster (continued from 2016-17); c. Monitor fisheries management of bass in the context of European and national fisheries management measures and contribute to the development of Bass Nursery Areas; d. Investigate the cause of mussel mortality within The Wash.		a meeting with local fishers to discuss bass management proposals set out by the industry and will seek to influence national / international discussions as appropriate. It should be noted that Eastern IFCA has limited influence on these. 2d. Previous sampling in 2010 indicated the parasitic copepod, *Mytilicola intestinalis*, is potentially the cause of the die-offs. A joint research project with Hull University commenced in September to study this parasite and the pea crab closer, to determine if they are causal factors in the recent high mortalities. Mussel samples were collected off each mussel bed during the course of the recent mussel surveys for dissection and analysis by two MSc students at Hull. Dissections are currently in progress.
3. To ensure that the marine environment is protected from the effect of exploitation by; a. Reviewing district wide bio-security measures including risk assessment of invasive, non-native species (roll over from 2015-16);		**Ongoing** – A project plan has been developed and agreed. An updated biosecurity plan is in draft specifically dealing with the risk posed by the aquaculture in The Wash based on advice received from the Fish Health Inspectorate. A district wide approach is in development which will focus on engagement and education and will seek to utilise mechanisms and programmes set up by partner organisations. Measures specifically aimed at addressing risk in The Wash are underway including awareness raising and the implementation of new lease conditions (pending consultation). Support has been offered towards a new Cefas project that aims to map the occurrence of Invasive Non-Native Species in English waters using eDNA biomolecular techniques. Our involvement in this project will be to collect “scrape”

		samples from ports and marinas that we regularly visit during the course of our other duties.
4. To develop management of the fisheries regulated under the WFO 1992 by: a. Reviewing the Wash Fishery Order (1992) policy notes (roll over from 2016-17); b. Delivering updated Fisheries Management Plan, updated Regulations and partial cost recovery		4a. **Ongoing** – Informal dialogue with industry underway and a consultation is pending. Policies to be developed taking into account consultation and lessons learnt from initial review. The Policy review is to incorporate both the 'Regulated' and the 'Several' elements of the Order. 4.b **Ongoing** – Formal consultation on Licence fees has been completed and given cause to review the implementation before additional fee increases. Consultation regarding the Fisheries Management Plan and Regulations has been delayed pending formal advice from Natural England regarding the 'long-term' HRA for the Wash cockle fishery. Consultation on a WFO regulation to require iVMS specifically will be brought forward to progress the associated pathfinder project.

Key:

	Complete
	In progress
	No progress

Information Item 22

31st Eastern Inshore Fisheries and Conservation Authority meeting

31st January 2018

Report by: Simon Lee – Senior IFCO (Compliance)
Luke Godwin – Senior IFCO (Regulation)

Marine Protection Quarter 3 report

Purpose of report

To provide members with an overview of the work carried out by the Marine Protection team during the period October, November and December 2017.

Recommendations

Members are asked to:

- **Note** the content of the report

Report

Enforcement and engagement priorities throughout district - overview

Risk associated with this quarter reduced into winter as weather and environmental conditions limit fishing opportunities. The quarter was characterised by an unusually protracted cockle fishing season with a higher than usual risk related to small cockles being taken from certain areas. Risk and intelligence relating to crab, lobster and whelk fishing influenced enforcement activity and resource allocation.

October

- *Crab and Lobster:* engagement and compliance checks primarily on the Lincolnshire and N. Norfolk coasts as these areas showed increased risk.
- *Cockles:* engagement and compliance checks regarding licence conditions and interim policies.
- *Whelk*: compliance checks throughout the district.
- Engagement and education with the angling community throughout the district.

November

- *Crab and Lobster:* Engagement and education regarding 'the berried lobster ban'. Compliance checks.
- *Bass:* Joint work with the MMO priority in Suffolk.

- *Whelk:* monitor for increases in activity in order to direct resources as appropriate.
- Intelligence and information gathering for the Lincolnshire coast and in the Wash.
- Engagement with Charter Vessels.

December

- *Cockles:* Sea patrols in the Wash associated with concerns of small cockles being taken. Compliance visits at main ports.
- *Whelk:* Engagement and education regarding compliance with Whelk Permit Byelaw.
- Port visits with a focus on education and engagement, intelligence gathering and beach visits to speak with RSA.

District overview of commercial fishing trends

Fishing activity and landings reduced in general over this period reflecting reduced fishing opportunities as a result of weather and environmental conditions.

Crab and Lobster fishing activity continued but steadily reduced through the period in line with the expected annual trend. There was a slight increase in activity off the Lincolnshire coast during December to fill Christmas orders. Whelk fishing activity from Wells increased.

The cockle fishery continued throughout the period and in higher numbers than usually seen. In December the daily quota was reduced to two tonnes, but many vessels continued to fish up until the closure of the fishery.

There has been a general decline in catches of finfish during the reporting period. Fishers reported very high catches of Herring, but the value was low. Fishers reported increasing reliance on Sole, due to lack of Cod catches and lack of Bass above MCRS. Skate and ray catches were reported as higher than normal for the time of year.

District overview of recreational fishing trends

The start of this reporting period aligns with the decline in catches of mackerel which had been extensive through the summer months. Bass catches were often reported in Suffolk but primarily as catch and release as many fish were below MCRS. Through the period anglers reported a switch from ‘summer species’(Mackerel, Bass etc) to ‘winter species’ (Whiting, flatfish etc). Catches of cod remain low to non-existent. The primary species being caught from the beaches being whiting. Catches of flatfish have been reported as good.

EMS monitoring

Monitoring closed areas under the protected areas byelaw was carried out throughout the reporting period. The following monitoring occurred:
8 patrols carried out from vessels monitoring areas: A, B and C.
2 patrols carried out from vessels monitoring area D.

1 patrol carried out from vessels monitoring areas BC,BP, SF, EH, SH,H, G, F, D, B No activity was observed during patrols.
5 patrols carried out from shore monitoring EH and 1 monitoring K with no activity observed.

Area 1 West-North (Hail Sand Fort to Gibraltar Point)

Fishing Trends

October
Several vessels from the North eastern IFCA district have been reported as fishing for crab and lobster within the district, but landing outside it. Some of the larger Lincolnshire vessels are now back fishing and are targeting crabs. Conversely to traditional trends female 'hens' are currently fetching a better price than the male 'jacks' due to market demands. The price for lobster was reported as increased due to the berried lobster ban. 3 vessels have been reported as routinely shrimp fishing on the Lincolnshire coast. No fishing for Whelk has been reported in this area. The RSA sector has been targeting flatfish.

November
There were further reports of vessels from the north that have continued to fish within the district but landing outside it with some of the inshore grounds having high densities of pots reported. It was reported that windfarms were displacing these fishers into the district. The price of Lobster continued to increase due to the 'berried lobster ban'. Price still good for crab with the females still getting a better price than males. RSA activity was still low, but increased from the previous month due to some fishing matches occurring.

December
Lobster catches have started to decrease although the price was still reported as good and potentially increasing due to Christmas orders. Boats from Humberston starting to move down the Lincs coast. Whelk fishing started to increase with a new vessel preparing to enter the fishery. RSA activity starting to increase.

Metrics

Enforcement metric	**Number completed**
Shore Patrols	6
Port visits	18
Landings observed	1
Catch Inspections	0
Vehicle Inspections	0
Premises inspections	0
Enforcement actions/Offences	0
Intelligence reports submitted	7
Vessel Patrols	0
Boardings	0
Gear Inspections	0

Engagement

The majority of engagement during the quarter was with commercial fishers. With a total of 12 interactions reported. Conversations centred around the crustacean fishery, it was reported that the offshore potting has been producing good catches, some fishers asked for an increase in minimum landing size for Crab. Many fishers have also reported that boats have been moving down from the North into the district. Tension within the fishery was reported due to this displacement and gear being laid across other gear.

Several fishers reported concerns over the timescale and communication regarding Bass entitlement appeal process. There have been RSA competitions taking place along the coast, some anglers have reported a few cod but these have been very limited, the primary catch has been whiting. Some fishers reported an increase in the cost of bait.

Area 2 West-South (The Wash and North Norfolk Coast (to Brancaster)

Fishing Trends

October
Several vessels in the area were out of the water for maintenance work. A lot of vessels have stayed fishing cockles as the price is still good with smaller cockles getting a better price. There has been a further increase in vessels that have been fishing for Shrimp. Vessels have been targeting the Welland Wall for mussels.

November
Around 50% of the fleet were still targeting cockles through the month. Market demand has driven this activity at a higher intensity than is normal for this period. Boats that are not targeting cockles are generally focusing on shrimp and the catch has been reported as good. One or two vessels are looking to move over to whelk and the price has remained steady.

December
There are around 22 boats still working the cockle fishery. The fishery closed on the 21st December. There was a reduction in the number of vessels targeting shrimp as the catch was reported to have dropped although the price is still reported good. No vessels started whelk fishing during this reporting period.

Enforcement metric	**Number completed**
Shore Patrols	13
Port visits	27
Landings	39
Catch Inspections	3
Vehicle Inspections	0
Premises inspections	4
Enforcement actions/Offences	2 Verbal Warnings, 1 ongoing investigation
Intelligence reports submitted	7

Vessel Patrols	29
Boarding's	0
Gear Inspections	0

Engagement

Engagement in this area is mostly related to the management of the cockle fishery with 36 interactions reported through patrols. This number would be significantly higher if it included telephone calls with the office. Throughout the period various concerns have been raised and EIFCA have responded by varying management measures as required. Concerns have been consistently related to the removal of small cockles, low yields and high quantities of shell in the catch, much as they were during the summer. Some voices within the industry have been suggesting methods to get a limited dredge fishery. Some from within the industry expressed their annoyance about getting high prices at the end of the fishery and wished they had been getting these at the start. Some concerns were raised in relation to excessive blowing out and other bad practises which have resulted in loss of viable stocks.

Discussions have also been had around the management of the shrimp fishery with the suggestion of having a closed season. Potentially based on a similar system as seen elsewhere in the world where the fishery is closed once the catch of berried animals exceeds a threshold. Suggestions that the shrimp fishery should be closed from February to September to protect brood.

Area 3 East-North (Brancaster to Great Yarmouth)

Fishing Trends

<u>October</u>
The price of crab decreased this month, but this hasn't affected the number of vessels targeting the fishery. The price of Lobster has remained high and effort has been average for the time of year. Fishing for mackerel has decreased with whiting increasing and few bass have been caught. Several vessels have continued to target Whelk and the price has remained steady. The Herring season has started and the price was initially good, and then dropped due to the high quantities landed and lack of an associated market. RSA activity has been high on the piers and the beaches.

<u>November</u>
Crab and lobster processors are struggling to fill orders for the supermarkets and fishers are going out in unfavourable conditions to take advantage of an increased price. Lobster catch and price is good, but lots of berried lobster have been reported. Lots of herring have been reported, but there has been a lack of appetite to target this fishery due to the low price of catches.

<u>December</u>
Herring has been the primary species landed into the markets. Many fishers are reporting a good price for lobster as people prepare for the Christmas period.

Crab has remained much the same as previous months with the price slightly declined. Brown shrimp catches have been good off this part of the coast. Landings of Cod have been low with only a few turning up on the market.

Metrics

Enforcement metric	Number completed
Shore Patrols	32
Port visits	110
Landings observed	49
Catch Inspections	34
Vehicle Inspections	5
Premises inspections	11
Enforcement actions/Offences	1 Verbal Warning.
Intelligence reports submitted	12
Vessel Patrols	1
Boarding's	0
Gear Inspections	0

Engagement

190 separate interactions were reported with fishers during patrols. The majority of fishers in this area have wished to talk about the 'berried lobster ban'. Generally, fishers support the ban but there have been concerns that there may be high temptation to land berried lobster during the Autumn and Winter as berried individuals make up a larger proportion of the catch. Many fishers have been querying how this will be enforced. Some fishers have reported concerns about the low numbers of small crabs, these would usually be seen in the pots. Some fishers have raised concerns over the impacts of the flood protection works at Bacton Gas terminal.

The RSA sector has reported a drop off in the numbers of Bass and Mackerel and are now primarily catching whiting but very few cod have been caught. Some Dab have been caught.

Area 4 East-South (Great Yarmouth to Harwich)

Fishing Trends

<u>October</u>
Bass has been one of the highest value fish landed, with good quantities landed. Generally there has been an increase in Bass and Sole. A good amount of the Bass have been caught off of Aldeburgh. Bass were reported as moving into the rivers and boats have been targeting them whilst in there. A lot of Skate ray and dogfish have been caught. Low landings of crab and lobster with most of the crab being reported as soft. No boats fishing for Whelk.

<u>November</u>
The amount of Herring landed has been high, but the price reduced heavily so many of the fishers were only going out once they had secured an order. The

price for both Sole and Bass went up. Catches of Skate and Ray decreased and the price was low. The price for lobster remained unchanged. RSA catches were mostly whiting.

December

Bass were still running through the rivers but were reported as mostly undersize and through the month they moved out on to the banks. Skate and Ray catch rates were reported as decreased. Some Cod were caught in the rivers primarily the Alde, the Ore and the Deben. Sole were scarce but a few fishers reported the occasional good haul. Very few lobster were reported on the ground with around six vessels reported as still potting. There was a reduced number of vessels targeting Herring due to the low price. A lot of whiting reported, but the commercial fishermen are not interested in it. No Mackerel or sprats reported.

Metrics

Enforcement metric	**Number completed**
Shore Patrols	51
Port visits	141
Landings observed	74
Catch Inspections	123
Vehicle Inspections	8
Premises inspections	32
Enforcement actions/Offences	1 verbal warning, 2 ongoing investigations
Intelligence reports submitted	35
Vessel Patrols	0
Boarding's	0
Gear Inspections	0

Engagement

349 fishers were engaged during patrols. Early on in the period there was positivity due to good amount and a variety of fish being caught. However, throughout the reporting period many reported lower variety and abundance. Many fishers reported their nets being fouled by a lot of red weed. It is believed that this is linked in some way to the lack of fish. The lack of cod has been a focal point for discussion with most commercial and recreational fishers being impacted by this to varying extents.

Several fishers raised concerns with regards to the numbers of seals and the damage they are causing to the nets and the amount of fish that they are taking. Boats have reported that they have been 'surrounded' by at least 7 seals. Several fishers have indicated that there are too many people targeting sole (due to lack of other options). This lack of other fish was blamed on pulse trawling. Shellfish landings were reported as poor throughout the period.

RSA activity was low because there is no cod. Whiting was the main species being caught. A lot of RSA's were asking about the regulations on Bass moving forward. However dialogue in relation to this matter was limited as EIFCA are unable to give answers at this stage.

Information Item 23

31st Eastern Inshore Fisheries and Conservation Authority meeting

31 January 2018

Reports by:

a) Ron Jessop, Senior Marine Science Officer (Research)
b) Judith Stoutt, Senior Marine Science Officer (Environment)

Marine Science Quarterly Reports

Purpose of report

The Authority runs a year-round programme of research projects and environmental work. This paper informs Members of key activities undertaken by the Authority's Marine Science team during the previous quarter, October to December 2017, any issues that have arisen (through internal or external drivers), and an indication of up-coming developments that could require future actions.

Recommendations

Members are asked to:

Note the report.

Background

The former Research and Environment teams underwent significant changes during 2017. To provide greater resilience within the team and to allow more adaptivity when specific tasks require additional manpower, the two teams were merged into a single Marine Science team in April. Recruitment was undertaken between March and September to fill four vacancies that had become available in 2016. External and in-house training of the new staff is ongoing, but all have fitted into the team well, creating an enthusiastic atmosphere.

In addition to the change in team structure, managers have placed a greater emphasis on team members taking leadership roles in the specific projects within the Marine Science remit.

Research

The annual inter-tidal mussel surveys on the regulated beds in The Wash were conducted between October and December. Details of this survey have already been provided in another paper for this meeting (Item 12), so are not repeated at length here. After several years of mussel bed decline, it has been a welcome respite to be able to report a recovery in mussel biomass this year to levels last seen in the 1980s. This is predominantly a result of the survival and growth of a successful settlement of mussel seed in 2016, that not only helped rejuvenate several of the beds but also established new areas of bed where the seed had settled among cockle shell. Although this will enable a relaying fishery to be opened in the spring for the first time since 2014, the underlying problems that caused the high mortalities witnessed since 2010 are still thought to be present. As such, the beds are still considered to be vulnerable to future widescale mortalities.

In 2010, when the first widescale mortality occurred on the mussel beds, Cefas analysed samples and concluded the parasitic copepod, *Mytilicola intestinalis,* could be the cause. Recently, a joint project has been commenced with Hull University to study the problem further. Samples have been collected from each of the beds during the recent mussel surveys, which students from Hull will analyse for the presence of both *Mytilicola intestinalis* and the parasitic pea crab, *Pinnotheres pisum.* It is hoped this study will determine whether either of these parasites are causal factors in the die-offs.

The pacific oyster, *Magallana gigas (*previously classified as *Crassostrea gigas*)*,* and the Slipper Limpet, *Crepidula fornicata* are Invasive Non-Native Species (INNS) that are present in The Wash. At present these two species are present in numbers that are not problematic, but do have the capability to increase to levels that could have detrimental impacts on native species such as mussels. Since 2009, the Authority has conducted surveys on the oyster population on the Gat sand, and included *Crepidula* since 2014. These surveys involve conducting timed searches at 42 locations on the Gat sand. In October, the opportunity was taken to conduct this year's survey alongside the East Gat mussel survey. The results found both species were still present in numbers that were not problematic, but there was a slight increase in numbers of juvenile oysters and the overall number of *Crepidula*. These surveys show both species are surviving and reproducing in The Wash, so could eventually become problematic.

In addition to monitoring *M. gigas* and *C. fornicata* on the Gat sands, we have been looking at ways of improving bio-security in the District. The difficulty with bio-security is that many of the main vectors for introducing invasive species (e.g. ballast water, fouling in boats and shipping, natural vectors etc) are beyond the powers of the IFCA to manage. Methods of preventing our own spread of diseases and invasive species as we conduct survey work within the District

have been explored, however. Additionally, we will be supporting a Cefas project that plans to use molecular environmental DNA (eDNA) techniques to map the presence of INNS on a national level. Our involvement will be to collect regular scrape samples from ports and marinas that we visit regularly during the course of our routine work, for Cefas to analyse. The heat maps produced by this project will provide us with information about the presence of INNS and alert us to any risks associated with mussels and other shellfish being relayed into the District from elsewhere.

The ongoing crab and lobster project has continued through this period to capture landings data provided in MSAR returns forms, and biometric data captured from a bio-sampling regime. During October and November, a total of 1,055 kg of crabs and 162 kg of lobsters were measured by team members, adding data to the 1,200 kg of crabs and 30 kg of lobsters measured during the previous 4 months. Previous work by Cefas and our own studies have indicated the stocks are currently being fished at levels exceeding maximum sustainable levels, so some form of additional management may be required. In addition to assessing the likely biological benefits and associated socio-economic impacts that various management tools would have, the current study will provide a robust baseline against which the effects of future management measures can be measured.

The whelk project has continued to study size of maturity (SOM) of individuals this quarter. The original aim of the project was to sample whelks from across the District, to determine if localised “stocklets” existed that matured at different sizes. As many vessels stopped targeting this fishery following the introduction of the whelk permitting byelaw, however, obtaining widespread samples proved difficult. During the project’s first year, sampling was limited to those supplied by a single vessel working in Suffolk, from which 1,800 whelks were dissected and assessed. In 2017 a second vessel began providing samples from The Wash, enabling us to begin developing a comparative dataset from this location. In December four more fishermen volunteered to participate in the project, providing us with more coverage from the North Norfolk coast. Similar studies to our own are being conducted nationally by other IFCAs and Cefas. A national workshop is planned for February 2018, focusing on how the independent studies can be brought together to enhance each other and to develop a national picture of this species.

In 2016 we planned an ambitious project looking at the impact standard 7m beam trawls and 7m SeeWing beam trawls have on sub-tidal mixed sediment habitat. In 2017 it was confirmed that this project had been successful in its bid for EMFF funding. However, finding a suitable location to conduct the trial proved more difficult than originally envisaged as there were several criteria that needed to be fulfilled. During 2016 and 2017, eight sites were surveyed but none were found to support a sufficient area of sub-tidal mixed sediment habitat

to support the study site. Although no areas of this habitat could be found that were large enough, one of the areas was found to support a relatively homogenous seabed that could be used to study the impact the beams have on sub-tidal communities. In addition to our problems finding a site to conduct the experiment, Natural England also raised a number of concerns about the study. These included:

- Aspects of the survey design, which relied primarily on analysis of biota and sediment particle size samples collected using Day grabs rather than underwater video/stills images, which are more suitable for assessing epifauna.
- The length of time the control sites would be closed to fishing activities prior to the commencement of the study. In order to conduct the trial within the two-year funding period, the site could only be closed 6 months prior to the study. Natural England advised the control sites should ideally be closed for 5 years prior to the study to allow sufficient time for full recovery.
- The number of planned samples would be insufficient to provide adequate statistical robustness to detect any changes caused by fishing against those caused by natural variation.
- It was advised that it is not best practice to conduct a fishing gear impact study in a Marine Protected Area (MPA).

The delays caused trying to identify a site and anticipated to take getting a byelaw in place to protect the area meant we had missed two of the three funding deadlines. Because at that time we believed two-thirds of the funding had been lost, in October the decision was taken to cancel the project. Correspondence with the EMFF board has subsequently indicated that the funding may still be available, however, which would allow the project to continue. In December advice was sought from Cefas concerning some of the issues raised by Natural England, particularly regarding the level of sampling required to detect fishing disturbance against a background of natural disturbance. Cefas are currently conducting some power analysis on the planned sampling regime on our behalf to determine whether it would be sufficient. As our level of sampling is constrained by the amount of funding we have, continuation of the project will depend very much on the outcome of this advice.

By 2020 all fisheries will need to be managed within Maximum Sustainable Yield (MSY). Recently we commenced a project looking into the sustainability of the brown shrimp, *Crangon crangon* fishery. To an extent, this project will shadow the MSC accreditation project being conducted by the industry. At present a literature review is being conducted to compile the relevant information on and to examine the ecology and fishery with reference to The Wash and North Norfolk coast. The aim is to get a sound understanding of the life cycle of the shrimp, to reflect past and present fishing practices in our district and to identify measures required for it to continue as a sustainable fishery. The

Dutch and German North Sea brown shrimp fishery has just received MSC accreditation (December 2017). The final report from this accreditation is being used to identify the management system behind the brown shrimp in the North Sea and compare and contrast it to that in the Wash and North Norfolk coast.

In 2010 the Authority began a programme monitoring the levels of chlorophyll and nutrients in the Wash in order to ensure the mussels in the WFO Several Fishery were not having an adverse impact on food levels in the water. This project involved taking regular in situ readings at various stations in The Wash using YSI data sondes, and testing meat yields of mussels collected from three sites. The sonde data were supported with additional water samples that were analysed by Cefas for chlorophyll, salinity and nutrients. Unfortunately, in 2017 Cefas lost their funding for this project and were unable to continue providing free analysis of our samples. When the two sondes used for this project required repairing and/or replacing, therefore, a review of the project was conducted to determine if and how it should proceed into the future. During the interim period, just the meat yield data were collected. When the review determined the sonde and meat yield data would be sufficient to monitor the chlorophyll levels in the absence of water samples, a new spot sonde was ordered and the malfunctioning in situ buoy sonde repaired. Since September there have been four attempts to lift the data buoy out of the water to conduct defouling and maintenance prior to redeploying the buoy sonde, but on each occasion poor weather has prevented the vessel from going to sea. Further attempts are planned for this month.

Ron Jessop, Senior Marine Science Officer (Research)

Environment

Assessment of commercial fishing in Marine Protected Areas, and new management of commercial fisheries in Marine Protected Areas ("Revised Approach" work)

This work has remained the key priority for the Marine Science team. It directly supports the Authority's fulfilment of obligations relating to marine protected areas, and has been subject to strict timelines set out by Defra. There are six priority marine protected area projects currently ongoing (see Table 1); during this quarter officers have focused resource primarily on the most complex of these, the shrimp beam trawling assessment. Developments and progress with this work are set out below, and summarised in Item 21, Quarterly progress against Annual Plans.

Table 1. Commercial fishing interactions in marine protected areas requiring (or potentially requiring) Eastern IFCA intervention

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
The Wash & North Norfolk Coast Special Area of Conservation	Beam trawling (shrimp)/subtidal sandbanks (subtidal mixed sediment and subtidal mud) Amber risk	Assessment in progress. Anticipated conclusion: adverse effect cannot be confidently ruled out: mitigation likely to be required to reduce impact and research required to improve evidence around light beam trawl impacts	Priority work area. Work ongoing to complete assessment using additional evidence on sensitive species in relation to conservation objective targets. Assessment conclusions to be presented to Authority as soon as possible. Consultation with Natural England on assessment conclusions. Appropriate management measures to be drawn up to provide mitigation for impacts highlighted in assessment.
The Wash & North Norfolk Coast Special Area of Conservation	Potting/*Sabellaria spinulosa* reef; Potting/subtidal stony reef Amber risk	No adverse effect at current levels of activity (based on improved activity data and Defra potting impacts report)	Finalise conclusion and sign off with NE – in progress. Has been on hold to enable team to focus on and finish shrimp assessment.
Inner Dowsing, Race Bank & North Ridge Special Area of Conservation	Potting/*Sabellaria spinulosa* reef Amber risk	Not yet assessed (straddling site latterly transferred to EIFCA)	Review updated NE feature advice; undertake assessment – delayed to enable focus on Wash shrimp assessment

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
Inner Dowsing, Race Bank & North Ridge Special Area of Conservation	Towed demersal fisheries/*Sabellaria spinulosa* reef Red risk	High-risk interaction (red risk on matrix) so no assessment required	Agree updated core reef approach with NE - ongoing; Intention is to apply closed areas in future iteration of Marine Protected Areas byelaw. Progress delayed to enable focus on Wash shrimp assessment. Work on this site to resume after HHW management progressed (see row below).
Haisborough, Hammond & Winterton Special Area of Conservation	Towed demersal fisheries/*Sabellaria spinulosa* reef Red risk	High-risk interaction (red risk on matrix) so no fishery impact assessment required	Closed areas agreed by Authority Dec 2016 (Marine Protected Areas Byelaw) but on hold pending agreement with Natural England on rationale for closed areas. Progress has been delayed to enable focus on Wash shrimp assessment. Work on this site to resume Q4 2017/18.
Cromer Shoal Chalk Beds Marine Conservation Zone	All commercial fishing within site on all designated features All risk levels	Assessment in progress.	First draft of potting fisheries assessment completed; fishing intensity evidence undergoing internal QA. Liaison to be undertaken with Natural England. Should management measures be required, EIFCA to engage with local fishermen and other stakeholders. Assessment of other fisheries within site to be undertaken.

The top priority for the Marine Science team during this quarter has been progressing the assessment of impacts of the shrimp beam trawl fishery on the Wash & North Norfolk Coast Special Area of Conservation. The approach taken has been to systematically consider the list of pressures[8] to which the site features are sensitive, for example abrasion, penetration, physical loss and introduction of non-indigenous species. For most of these pressures, the assessment has concluded that the shrimp beam trawling fishery does not have sufficient impact to result in "adverse effect on site integrity".

However, the Habitats Regulations require competent (licensing) authorities to be able to demonstrate the absence of "reasonable scientific doubt" before authorising activities. Defra's "revised approach to fisheries management"[9] (the driver behind assessments of fisheries in marine protected areas) retro-fits these regulations to ongoing commercial fishing activities. Within Eastern IFCA's shrimp beam trawling assessment, two "medium-high" pressures, abrasion and removal of non-target species, have been more difficult to assess. Key challenges have been understanding the impacts of abrasion (from shrimp beam trawling) on sensitive seabed habitats, and quantifying the "removal of non-target species" – i.e. considering the effects of shrimp beam trawling on communities of benthic species (animals living on and in the sea floor). This work has involved analysing species datasets from Natural England and Environment Agency surveys undertaken between 1995 and 2015. Expert advice has been sought from academic partners (Professor Mike Elliott at Institute of Estuarine and Coastal Science, University of Hull) in relation to using species data to assess impacts of the shrimp fishery; this has increased confidence in the approach being taken. Marine science officers and Authority MMO Appointee Paul Garnett (a Wash fisherman) participated in a national workshop on the assessment of impacts of trawl fisheries on seabed habitats, and have continued liaison with the sponsor organisation (Bangor University) with a view to applying new approaches to this work in The Wash and North Norfolk Coast. Discussions with these experts on the Authority's shrimp fishery assessment has provided further reassurance on the approach taken and findings to date.

Officers are continuing to progress this assessment with a view to concluding as soon as possible. The conclusions of the assessment will inform whether and what type of mitigation is required to reduce impacts from the fishery, enabling the Authority to resume development of the Protected Areas Byelaw (for spatial measures) and the Shrimp Permit byelaw (to enable effort management). Full consultation will be undertaken during the development of measures.

A second key priority for the Marine Science team during the quarter has been the assessment of impacts of potting fisheries in Cromer Shoal Chalk Beds Marine Conservation Zone. The first draft of this assessment was completed during Quarter 2 2017-18 but final completion has been delayed whilst further checks of fishing intensity data have been undertaken, including seeking quantitative data behind the "Fishermap" data layer on the

[8] Pressures are detailed in conservation advice for each designated site and are linked to named activities such as demersal fishing.
[9] https://www.gov.uk/government/publications/revised-approach-to-the-management-of-commercial-fisheries-in-european-marine-sites-overarching-policy-and-delivery

Marine Management Organisation's *Marine Information System*[10]. The assessment has found that the intensity of potting activity is critical in terms of impacts on seabed habitats; whilst the delay in completing the assessment is frustrating, it has been justified by the need to ensure its evidence base is as robust as possible.

Monitoring & Control Plans

These plans are intended to demonstrate how IFCAs will monitor fishing activities within marine protected areas and respond to changes that could increase or decrease risks to protected features. The plans will be informed by the Habitats Regulations Assessments undertaken as part of the "Revised Approach". The Marine Management Organisation has developed similar plans for offshore marine protected areas. Eastern IFCA's marine science officers have started to draft these plans and this work will continue throughout 2018/19.

Bird disturbance issues

The "Revised Approach" projects have been the main focus of the Marine Science team's work during the quarter, but "business as usual" work has also continued. This included updating the Habitats Regulations Assessment of the 2017 Wash Fishery Order cockle fishery to ensure due consideration was made of impacts to overwintering birds during the more sensitive cold weather months (see Agenda Item 16), and drafting a Habitats Regulations Assessment for the Authority's own intertidal activities in the Wash & North Norfolk Coast. These tasks reflect Natural England's conservation advice to minimise disturbance to birds using intertidal areas, particularly during severe (cold) weather periods when birds are most vulnerable to energy loss. The cockle fishery assessment concluded that Eastern IFCA's measures to limit the extent and duration of the remaining fishery were sufficient to ensure no adverse effect on conservation features. Natural England did not agree with this conclusion but following engagement recognised that the fishery would continue to 21st December 2017 and advised that the fishery should not resume until at least 1st March 2018 to avoid impacts to overwintering birds. Liaison with Natural England is ongoing in relation to management of activities during severe weather periods.

In response to the increased emphasis on bird disturbance issues (which, as reported in the previous Marine Science quarterly update to the Authority, resulted in delays in opening the Titchwell mussel fishery and in the Authority's own mussel surveys), officers set up a bird disturbance reporting scheme and engaged with RSPB site managers at Titchwell (Norfolk) and Frampton (Lincolnshire). Authority officers and fishermen have provided anecdotal reports and video evidence of shorebirds' behaviour in the vicinity of human activity in intertidal areas. This will be considered in relation to managing activities to minimise disturbance.

[10] Online tool showing spatial data for licensed marine activities, marine protected areas and fisheries. Available at: http://mis.marinemanagement.org.uk/ (Interactive map for England)

In December 2017, members of the marine science team visited RSPB Frampton to discuss bird disturbance issues with the area manager, John Badley. This proved to be a useful opportunity to increase officers' knowledge of overwintering birds and their sensitivities and habituation to disturbance, as well as to improve RSPB's awareness of the nature and scale of fishing activities in the intertidal areas of The Wash and North Norfolk Coast. An "offshore" site visit is planned for early 2018 to enable RSPB to experience the site from the marine side, and to continue to develop partnership working between the two organisations in support of achieving best practice in managing activities within the site.

Stakeholder engagement over marine protected areas

Eastern IFCA officers continue to maintain involvement with the local Marine Protected Area management groups for the Wash and North Norfolk Coast, and for the Stour & Orwell Estuaries. These groups support relationships between relevant authorities, local site managers and stakeholders, which are invaluable in identifying the most relevant feature and activity evidence to inform assessments. Local advisory groups (stakeholder groups) are also attended by marine science officers when possible, as they present additional opportunities to engage with local fishermen and wider community members, enabling Authority officers to provide updates on fisheries and conservation matters and to listen to stakeholder views.

To help increase transparency around the Habitats Regulations Assessment process, marine science officers developed a simple guide, which was published on the Authority website in November 2017: http://www.eastern-ifca.gov.uk/wp-content/uploads/2015/05/HRA_Flow_diagram_EIFCA.pdf .

During the quarter, Marine Science officers have also participated in meetings of the Southern North Sea Environment Group, the Lincolnshire Nature Partnership, the Humber Emergency Planning workshop, the Holbeach Conservation Group, and the Suffolk Saltmarsh Group, which enables collaboration and partnership working amongst authorities and NGOs on regional and local conservation matters. Participation in these groups also increases recognition for Eastern IFCA's work, and helps improve wider understanding of inshore fisheries and conservation issues.

Following the success of the Community Voice (Common Ground) project, Eastern IFCA officers are continuing collaboration with the Marine Conservation Society to further engagement of fishery stakeholders in marine protected area work. The "Agents of Change" project started in Q2 2017/18 (see Box 1) and Authority members are requested to participate to help maximise the benefits of this project.

Box 1: Agents of Change project

*The Agents of Change project seeks to improve local support for well-managed Marine Conservation Zones (MCZs). This is a new and experimental project. It will focus on three MCZs, each at different stages of the identification and governance process. These are: Kingmere MCZ (designated and managed), Cromer Shoal Chalk Beds MCZ (designated and *unmanaged) and Beachy Head East recommended MCZ (undesignated).*

Cromer Shoal Chalk Beds MCZ is an important MCZ for this initiative. The Common Ground project learned that in Norfolk, there is a real desire amongst local people for improved communication, engagement and information sharing. The Agents of Change project seeks to enhance inclusion of local stakeholders in discussions surrounding MCZs. This will mean that community values regarding our seas – both financial and non-monetary – can be better recorded, communicated and used to help inform management. By working with local people in this way, concerns about Cromer Shoal Chalk Beds MCZ and the relative merits and future benefits of the site can be more widely considered. This will enhance local ownership of the MCZ.

In order to improve communication around Cromer Shoal Chalk Beds MCZ, as informed by local stakeholders and advised by policy makers, a short questionnaire: https://www.surveymonkey.co.uk/r/QCHHWPZ has been created. It is 5 questions long and quick to do. We would very much appreciate it if you would take the time to fill it out.

*(*N.B. Some of Eastern IFCA's existing Byelaws do partially cover the Cromer Shoal site.)*

Agents of Change officer: Alice Tebb, supported by local co-ordinator Hilary Cox.

Biosecurity

Risks to inshore fisheries and conservation interests from non-native invasive species and/or disease have been recognised for some time. Eastern IFCA has an existing biosecurity plan, which is mainly focused on preventing the introduction or spread of species and/or disease into or between different parts of the district. Work has been undertaken during the quarter to understand best practice in terms of biosecurity, with the intention of updating the biosecurity plan. This includes management of activities on Wash Fishery Order lays to minimise biosecurity risks; officers plan to engage with layholders in relation

to this. A national workshop on biosecurity and detection of invasive species using novel techniques (e-DNA) was attended; the Authority's duties in relation to biosecurity and opportunities to minimise risks are being considered, and will be presented in the updated plan as the project progresses.

Eastern IFCA input to consultations on marine developments

The Eastern IFCA district is subject to multiple marine and coastal activities that are regulated through the issuing of consents by authorities such as the Marine Management Organisation, Environment Agency, Defra and the Authority itself. The impact of such activities is considered by Authority officers through the consultation process.

In the period October to December 2017, the Eastern IFCA Marine Science team processed 24 consultations. Figure 1 shows the categories of development or policy that these consultations fit within. Once again, consultations relating to offshore renewable energy featured heavily, reflecting the large number of offshore wind farms currently in the planning, construction or operational stages around the Eastern IFCA district. Coastal defence projects and information requests were also significant categories.

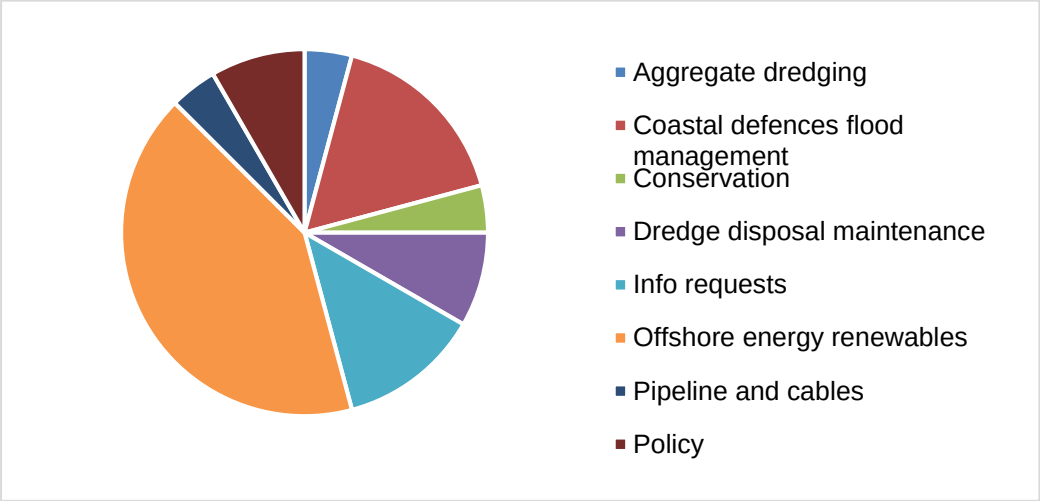


Figure 1 Graphical representation of Number of Consultations processed by category, October to December 2017.

Examples of consultations processed during this period include:

- Race Bank Operational and Maintenance activities over the lifetime of the windfarm - Maintenance and ops work pose no significant long-term threat to policies laid out in East Marine plan. However, as Race Bank is an important brown crab and fish spawning site, it is important that mitigation measures are adhered to, and footprints stated are an absolute maximum. More research needed to assess recruitment/population size of juveniles, potentially off the back of a brown crab larvae monitoring program.

- EA_ONE Export Cable Disposal - Sandwave clearance dredge disposal areas within the East Anglia ONE Export cable route corridor required prior to the installation of the export cables for the EA ONE offshore wind farm. EIFCA response highlighted that three of the proposed disposal site are within 6nm and requested that due consideration be given to potential impacts on inshore habitat, fishing fleet and the RSA / tourism sectors.

- Natural England Survey on issues and values relating to North Norfolk coast resources, landscape and activities – EIFCA response highlighted importance of sustainable traditional activities on coast. Highlighted importance of engagement with local stakeholders to achieve thorough understanding of issues and to support sound decision-making.

- Hornsea Project Three PEIR - Proposed re-route to inshore section of cable route. Re-route goes around the west side of the Cromer Shoal Chalk Beds MCZ and further into the Wash and North Norfolk Coast SAC. EIFCA response highlighted the proposed re-route would be the preferred option for the inshore section of the offshore cable corridor. Reasons for this are lower fishing intensity in this area and further away from MCZ protected chalk features.

Derogations from Eastern IFCA byelaws

In addition to providing responses to consultations on offshore and coastal developments, the marine science team processes requests for derogations from Eastern IFCA byelaws. These are typically requests to retain undersized fish or shellfish, and/or to operate vessels within restricted areas for shellfish relaying or for scientific survey purposes. The amounts of fish/shellfish involved are usually *de minimis* but consideration must also be made of potential impacts on designated features if the activity will occur in a designated site; this also involves liaison with Natural England.

During the quarter, five derogations were granted. These related to the relaying mussel fishery at Titchwell, Norfolk, and sampling of undersized whelks for Eastern IFCA's own whelk project.

Financial implications

No new proposal is contained in this report – it is an information paper.

Publicity

No publicity is planned relating to this paper, other than reference to the Authority's marine science work on the Authority's website and newsletter.

Judith Stoutt, Senior Marine Science Officer (Environment)

Background papers

1. The Conservation of Habitats and Species Regulations 2010 (available at: http://www.legislation.gov.uk/uksi/2010/490/contents/made).

2. Agents of Change questionnaire: *https://www.surveymonkey.co.uk/r/QCHHWPZ*