

# 2<sup>nd</sup> Eastern IFCA Meeting Minutes



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

A meeting of the Eastern Inshore Fisheries & Conservation Authority took place in The Boathouse Business Centre, Wisbech, on Wednesday 27<sup>th</sup> July 2011 at 1030 hrs.

## Members Present:

Mr S Bagley	MMO Appointee
Mr P Barham	MMO Appointee
Cllr J Dobson	Norfolk County Council
Mr C Donnelly	Natural England Representative
Cllr T Goldson	Suffolk County Council
Mr R Handford	EA Representative
Mr N Lake	MMO Appointee
Mr C Morgan	MMO Appointee
Mr T Pinborough	MMO Appointee
Cllr K Sale	Suffolk County Council – Eastern IFCA Chair
Mr R Spray	MMO Appointee
Mr J Stipetic	MMO Representative
Cllr H Thompson	Norfolk County Council – Eastern IFCA Vice Chair
Cllr A Turner	Lincolnshire County Council
Cllr S Williams	Lincolnshire County Council
Mr S Worrall	MMO Appointee
Mr C Vanstaen	MMO Appointee

## Eastern IFCA Officers Present:

D Vaughan	Chief Executive Officer
E Hannam	Deputy Chief Executive Officer
C M Hurley	Finance Officer
J C Stoutt	Marine Environment Officer
C Woods	HR Consultant

## Apologies for Absence:

Apologies for Absence were received from Councillor Callaby (NCC), Dr Bolt (MMO appointee) and Mr Smith (MMO Appointee).

Councillor Thompson advised members that as Councillor Sale was running late, the Vice Chair would lead the meeting until he arrived.

## **EIFCA11/27 Declaration of Members Interests**

Mr Vanstaen declared an interest in agenda item 26 as he sat on the group on behalf of Cefas.

## **EIFCA11/28 Minutes of the 1st Eastern IFCA Meeting, held on 1<sup>st</sup> April 2011**

Mr Vanstaen advised that he did not recall making a comment regarding the expenses of the Chief Executive of AIFCA, it was therefore agreed this sentence would be removed from the minutes.

Members agreed to receive the minutes as a true record of the proceedings.

## **EIFCA11/29 Matters Arising**

Eastern IFCA11/11 – Financial Regulations: The CEO advised he had looked into whether or not the Government Spending Document applied to Eastern IFCA but had not been able to find anything.

Eastern IFCA11/22 – Collaboration with CEFAS to identify the economic value of RSA within England: Mr Pinborough updated members that a steering group had been formed consisting of 12 bodies of anglers and included the Chairman of AIFCA.

**EIFCA11/30 Report on the meetings of the Finance and Personnel Sub-Committee (FPSC) held on 20<sup>th</sup> April, 8<sup>th</sup> June and 30<sup>th</sup> June 2011**

The Finance Officer briefly summarised the discussions of three sub-committee meetings which had taken place between the Authority meetings. Matters discussed included the staff review, staff structure, dismissal of an officer on the grounds of absence from work, policies applicable to the Authority's staff, other personnel matters and the approval of the final accounts for ESFJC for the year 2010-2011.

It was noted that presentation of the accounts had been affected by changes in legislation which required a change of accounting format and less information being required by the auditors. It also meant savings in the audit fees charged. Following the resolution at the final ESFJC meeting surplus funds had been allocated to reserves. The total sum in reserves carried over to Eastern IFCA amounted to £732,896.

MoUs between Eastern IFCA and the constituent County Councils were also agreed during the course of the three meetings, the purpose of which was to get the County Councils to agree to passport New Burden Funding straight to Eastern IFCA each year. Lincolnshire County Council had agreed to the MoU, Norfolk County Council had not signed the MoU but had sent a letter of intent. Suffolk County Council had not responded.

Councillor Goldson requested that in future matters relating to Finance and HR should be reported separately, he did not feel the two matters should be mixed. It was agreed the three meetings should have been clearly separated within the report, however it was not felt individual reports were required but the subject matter should be more clearly defined within the report.

All Agreed to accept the report.

**EIFCA11/31 Finance Officer's report on payments made and monies received during the period 1<sup>st</sup> April 2011 – 7th July 2011**

**It was Resolved to accept the report of payments made amounting to £378,538.97 and receipts amounting to £1,177,276.46 during the period 1<sup>st</sup> April – 7<sup>th</sup> July 2011.**

**Proposed: Councillor Dobson  
Seconded: Councillor Williams  
All Agreed**

**EIFCA11/32 Finance Officer's Quarterly Management Accounts**

The report contained the payments made and monies received set out in context with the quarters' apportioned budget for the year. The report was included at the request of the internal auditors as it provided interim information throughout the year.

**It was Resolved to accept the quarterly management accounts.**

**Proposed: Councillor Dobson**

**Seconded: Mr Worrall**

**All Agreed**

**EIFCA11/33 Report on meetings of the Marine Protected Area Sub-Committee held on the 25<sup>th</sup> May and 30<sup>th</sup> June 2011**

The meeting held on 25<sup>th</sup> May looked into developing a voluntary agreement with the industry to protect *Sabellaria spinulosa*, as well as how amendment to legislation meant money collected through the Wash Fishery Order 1992 could now contribute to management costs. The unamended legislation directed the money to be used for the cultivation of the fishery only. The CEO had been instructed to consult the industry on how to spend the money, taking into account best value for the fishermen for the future. This had been progressed with a workshop having been arranged with fishermen's representatives to come up with suggestions for consultation with the industry.

The review of WFO leases had also been discussed, and a consultation letter was ready to go out.

The meeting on 30<sup>th</sup> June had primarily been to update members on the 2011/2012 cockle fishery following additional TAC being allocated following a review of the stocks required for over wintering birds by NE. Ongoing problems with cockle mortality were also discussed; the CEO advised cockle experiments were planned.

Following advice of the additional TAC industry representatives requested a review of the number of days the fishery was open. Consultation took place on proposed days the fishery would be closed, with broad agreement from the industry. The CEO advised that approximately 450 tonnes of the TAC still remained on 27<sup>th</sup> July 2011.

Members were also advised that Centrica, as part of a compensation scheme due to pipelines going through public fishing beds, had requested information relating to fishermen who may be affected. The CEO had requested permission from the fishermen to provide Centrica with personal information of those fishermen affected. A confidentially agreement was being formalised between the Authority and Centrica.

Mr Worrall queried what sort of consultation the CEO entered into, was it the same basis ESFJC consulted on. The CEO advised that in terms of the WFO, all entitlement holders were sent a consultation letter and a response form. All responses were then collated including recording the number of entitlements held by an individual. Depending on the nature of the consultation the associations could also be consulted.

*At this point Cllr Sale and Mr Spray arrived*

Mr Barham advised that the MPA and MCZ process was coming to a critical point as draft recommendations would be made to Defra. Mr Barham suggested it would be helpful if the CEO could prepare a paper on the role he saw Eastern IFCA taking in the MPA management process

as very few people fully understand what is going on. Mr Pinborough agreed that it was still confusing where the legislation was coming from to enforce byelaws. He would like a simple set of guidelines.

Mr Sprays' understanding from the stakeholder advisory panel meeting was that the MMO seemed to be the mechanism for applying control. He believed MMO were the path to the legislation and they believed byelaws would be provided through the MMO legal department. Once the areas had been agreed, it was anticipated Management Measures would be discussed. Management Measures would not necessarily mean byelaws were required.

Cllr Dobson felt Eastern IFCA should cover themselves by requesting guidance from the government, rather than trying to interpret the legislation themselves. Cllr Turner agreed with this, but suggested members should wait to see the succinct report to be compiled by the CEO.

Mr Donnelly advised that NE could provide advice on a local level, if members thought it would be useful.

**Members agreed to receive the report and requested the CEO prepare a report on how he sees Management Measures for MPAs and MCZs progressing.  
All Agreed**

**EIFCA11/34 Amendments to the Authority's Standing Orders enabling the timely introduction of Emergency Byelaws**

Members were advised that Eastern IFCA had to power to implement an emergency byelaw but there was no mechanism laid down to produce an emergency byelaw. The CEO felt the Standing Orders should be amended so there was a laid out process in place. Members considered what the appropriate method should be and agreed emergency byelaws should be made by the CEO in consultation with the Chair and Vice Chair of the Authority. Once an Emergency Byelaw had been agreed the Chair and Vice Chair of the Regulatory and Compliance Sub-Committee should be notified.

**It was Resolved to amend the Standing Orders to read; *The Chief Executive Officer (after consultation with the Chair and Vice Chair of the Authority and notification of the Chair and Vice Chair of the Regulatory and Compliance Sub-Committee) be authorised to make an Emergency Byelaw as described within Section 157 of the Marine and Coastal Access Act 2009. On making the Emergency Byelaw the Chief Executive Officer shall call a special or extraordinary meeting.***

**Proposed: Cllr Williams  
Seconded: Cllr Dobson  
All Agreed**

**EIFCA11/35 'Adequate procedures' to meet the Authority's obligations under the Bribery Act 2010**

The CEO advised that having taken heed of the guidelines he believed procedures were in place to be compliant and all mitigating circumstances were covered.

Mr Barham believed this should be added to the Risk Assessments in the Authority's annual report.

**It was Resolved to approve the Authority's 'adequate procedures' in relation to the Bribery Act 2010.**

**Proposed: Cllr Williams**

**Seconded: Cllr Sale**

**All Agreed**

**EIFCA11/36 Report recommending involvement in an Intereg project: GIFS The Geography of Inshore Fishing and Sustainability**

Members were asked for their agreement to participate in the project which was essentially focusing on the social and cultural aspects of sea fishing. There was not a great deal of information on what they are or how they might be measured but it was hoped the project would provide some guidance on how to tackle this side of the authority's remit.

Mr Pinborough questioned whether the project would cover all stakeholders or was aimed at only commercial fishing – it was believed all aspects would be taken in to account.

Funding was raised, but it was felt that being an Intereg project EU funding should be available. It was also discussed that by being part of the project it should be possible to ensure the outcome was not a nebulous report. Mr Handford expressed concern that it could be an academic exercise and that the project would extend beyond the boundaries of Eastern IFCA. The CEO was not concerned about working that as Eastern IFCA was already working with Kent & Essex and Sussex IFCAs already and he believed that they had also expressed an interest in the project.

The MEO requested members recommendations on what Eastern IFCAs level of involvement should be. Councillor Williams requested a further paper setting out the way forward and what officers felt the level of involvement would be.

**It was Resolved that the Authority should participate in the project, the level of participation would be decided when more information about the project was available.**

**Proposed: Mr Barham**

**Seconded: Cllr Williams**

**All Agreed**

**EIFCA1/37 Development of an MOU between Eastern IFCA and NEIFCA regarding membership and involvement in the Humber Estuary European Marine Site Management Scheme**

Members were advised the MOU would formalise the roles of the two bodies, maintaining the status quo. Councillor Turner felt it was important the two IFCAs worked together and shared information, however he was not certain it was necessary to travel to NEIFCA in person when it would be a better use of the Authority's resources to use

a postal service. This was disputed by Councillor Williams who felt the CEO should attend in person.

**It was Resolved to accept the MOU between the Authority and NEIFCA regarding the HEEMS and provide the delegated authority as set out.**

**Proposed: Mr Morgan**  
**Seconded: Councillor Williams**  
**All Agreed**

**EIFCA11/38 Report on the development of an MOU between Eastern IFCA and KEIFCA regarding membership and involvement in the Humber Estuary European Marine Site Management Scheme**

The object of the MOU was to formalise Eastern IFCA taking the lead role in regard to management of the Stour and Orwell rivers as the majority of the area covered fell within the Eastern IFCA district. This would stop duplication of working and would formalise maintaining the status quo.

Mr Pinborough questioned whether in the event of formal legislation being required it would mean two byelaws were necessary. The CEO advised both Eastern IFCA and KEIFCA would put forward legislation at the same time.

**It was Resolved to accept the MOU between Eastern IFCA and KESIFCA regarding the SOEEMS and the OTESPA and provide the delegated authority as set out.**

**Proposed: Mr Spray**  
**Seconded: Mr Morgan**  
**All Agreed**

**EIFCA11/39 Request to the Authority to become involved in the management of the le Strange fishery**

*Councillor Dobson declared a personal interest as he lived in a small privately owned enclave on the le Strange Estate.*

Members were advised that the le Strange fishery fell outside the confines of the WFO 1992 and was operated by a private rights holder which included shellfish rights. The private rights holder had leased the shellfish fishery to a third party. It was this third party who had instructed their solicitors to contact Eastern IFCA with regard to the Authority's officers enforcing the fishing activity taking place within the boundaries of the le Strange fishery. As the fishery was not a public fishery the third party would finance such policing, therefore it could be seen as a source of revenue for the Authority.

Councillor Williams felt this was a difficult situation, but there was a need to control sea fishing within the whole area, with regard to contamination etc, if the private fishery was enforced it should be possible to control what entered or left the district, however being a private fishery it would be difficult to enforce.

Councillor Sale could foresee a lot of problems with the possibility of the Authority being held responsible for them. He felt the Authority already had its hands full with its ongoing work. Councillor Dobson felt that as the third party were looking for assistance it should be pursued, but it should be made clear charges would be incurred as they are a private fishery and Eastern IFCA is a public body. Mr Donnelly could see

benefits to enforcing the private fishery, he also advised that the request could have come about following discussions with NE regarding compliance monitoring for the private fishery. Councillor Goldson felt that Eastern IFCA were to become involved apart from the cost implication it should be as part of a long term commitment.

Members discussed the matter at length, the CEO advised that it was his belief they were only looking for an enforcement arm and not applying all the Authority's conservation measures. He was also concerned that the landowner had not been informed of the third party's request and therefore it may become a legal issue. Members could see pros and cons to the request and it was agreed at this stage to limit participation to in-house resources. It was suggested that this should be discussed by MPA sub-committee with a further report being made to the full committee.

**It was Resolved that the implications of the request by the le Strange shellfish fishing rights lease holders was further investigated with the le Strange shellfish rights holder, shellfish fishing rights lease holders, the Greater Wash Fishing Industry Group and Natural England with the matter being brought back to the full committee in due course after consideration by the MPA sub-committee.**

**Proposed: Councillor Williams  
Seconded: Mr Morgan  
All Agreed**

**EIFCA11/40 It was Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act.**

**Proposed: Councillor Tomlinson  
Seconded: Councillor Williams  
All Agreed**

**EIFCA11/41 Report recommending changes to the Authority's staff structure**

***Summary in accordance with the Local Government Act 1972***

Mrs Woods advised members that this had been a long process, particularly for the staff, however both staff and members had fully embraced the process. She thanked both staff and members for their commitment.

As a result of consultation and consideration two options for changes to the staff structure had been prepared and circulated to all members. While considering these structures, Mrs Woods had born in mind Eastern IFCA's remit to conserve and protect. Members were asked for their comments.

Inevitably there were aspects of both options which members liked or disliked and lengthy discussion took place. Of particular note was the question of whether or not to retain four shore based officers, and whether or not the suggested post of Development and Communications officer could be subsumed into already existing roles.

The reasoning behind the suggestion to remove one of the shore based roles was considered and concerns about lack of officers on the ground was countered by the CEO when he advised the suggested post of Head

of Protection was intended to be a 'hands on' post, it was intended to be an office based post but very much out on the ground.

During discussion there was a call for decisions to be deferred for a further two months. This was not considered by the majority to be appropriate. Discussion returned to the two options, and various variations to these.

It was noted that should posts become redundant the Authority was duty bound to consider alternative suitable employment prior to make people redundant. Consideration of retraining would be part of the next steps following a decision.

Councillor Goldson suggested an amendment to option 1 whereby the Development Officer role be covered by other staff in order to retain the 4<sup>th</sup> shore based officer.

Discussion continued, with a further suggestion that given the current savings, it would be able to retain shore based officers in the short term. This would allow a Head of Marine Protection to be recruited. One of the roles of this new position would then to consider what the appropriate allocation of resource is.

**It was Resolved to accept option 1 with the amendment that the 4<sup>th</sup> shore based officer would be retained and the situation would be reviewed again in six months time.**

**Proposed: Councillor Williams**

**Seconded: Councillor Dobson**

**All Agreed.**

Councillor Goldson advised that as the 6 month contract for Mrs Woods was coming to an end members needed to consider reviewing the deadline. Councillor Sale felt a further three months would be appropriate at this stage, which Councillor Goldson accepted provided it was further reviewed prior to the end of that period.

**It was Resolved to extend the HR Contract for an additional three months, at which time it would be reviewed again.**

**Proposed: Councillor Sale**

**Seconded: Councillor Goldson**

**All Agreed**

**EIFCA11/42 Defra inshore Fisheries Reform response by the Authority**

Members agreed to accept the report

**EIFCA11/43 Area IFCOs quarterly reports**

Mr Pinborough expressed concern that for Area 2 no recreational sea angling had been reported.

Mr Vanstaen felt these reports contained a data source for some of the socio-economic issues and questioned how it was used. The CEO advised it had been reported annually.

Councillor Williams thanked the officers for their excellent reports

Members agreed to accept the report

**EIFCA11/44 Vessels quarterly reports**

Members agreed to accept the report

**EIFCA11/45 Senior Research Officer quarterly report**

Members agreed to accept the report

**EIFCA11/46 Marine Environment Officer quarterly report**

Members agreed to accept the report

**EIFCA11/47 Wash Estuary Strategy Group Project manager quarterly report**

Members agreed to accept the report

**EIFCA11/48 Wash Estuary Strategy Group, European Marine Site and Norfolk Coast Partnership tri-project review**

Councillor Dobson declared an interest as a member of the Norfolk Coast Partnership.

Members agreed to accept the report

**EIFCA11/49 Formation of the Association of Inshore Fisheries and Conservation Authority**

The CEO advised that recruitment for the 12 month post of Chief Executive of the Association had taken place, with Dr Bolt having been shortlisted for interview. Following interview he had been offered and accepted the position. The CEO had been approached to enquire whether Eastern IFCA would act as employing authority for Dr Bolt for the initial 12 month period. If members agreed an MOU would be drawn up indemnifying Eastern IFCA from any employment tribunals. There would also be remuneration for any administrative costs incurred.

**It was Resolved that Eastern IFCA would act as employing authority for the CEO of Association of Inshore Fisheries and Conservation Authorities for a 12 month period whilst Dr Bolt was the incumbent.**

**Proposed: Councillor Dobson  
Seconded: Councillor Williams  
All Agreed**

**EIFCA11/50 IFCA Technical Advisory Group (TAG) – establishment of terms of reference**

Members agreed to accept the report

**EIFCA11/51 Any Other Business**

The CEO advised that following discussions with NEIFCA he had been made aware that the cockle fishery which Eastern IFCA had inherited at Horseshoe Point which had not been opened for several years would automatically open on 31<sup>st</sup> August unless the Authority put a closure on it. Members were advised that there was no water classification for the area and even if surveys revealed cockles suitable to be fished it would not be possible to land them as the water needed to be classified which would require six months worth of testing.

Mr Donnelly advised there were some issues regarding access to the cockle bed from the shore and it had in the past been necessary to

agree a route to be travelled which did not cause undue damage to the site, he was asked to produce a report for the CEO on this matter.

**It was Resolved that the Horseshoe Point cockle fishery should be closed to fishing whilst surveys were carried out, in the event that a fishery was possible the process of getting the water classified would be put in place.**

**Proposed: Councillor Williams**

**Seconded: Mr Spray**

**All Agreed**

There being no other business the meeting closed at 1325 hours.