



## **26<sup>th</sup> EIFCA Statutory Meeting**

**To be held at:**

**The Boathouse Business Centre  
1 Harbour Square, Nene Parade  
Wisbech, Cambs PE13 3BH**

**Wednesday  
2<sup>nd</sup> November 2016**

**1030 hours**

Meeting: 26<sup>th</sup> Eastern IFCA Meeting  
Date: 2 November 2016  
Time: 10:30hrs  
Venue: The Boathouse Business Centre,  
1 Harbour Square, Nene Parade,  
Wisbech, Cambridgeshire, PE13 3BH



*"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."*

## **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 25<sup>th</sup> Eastern IFCA Meeting, held on 27 July 2016 - *Chair*
- 5 Matters arising (including actions from last meeting) – *Chair/Clerk*
- 6 Health and Safety risks and mitigation – *Hd HR*
- 7 Meeting of the Finance and Personnel Sub-Committee 19<sup>th</sup> Oct 2016 – *Hd Fin / Hd HR*
- 8 Permit byelaw update – *Staff Officer*
- 9 Shrimp Byelaw 2016 update – *Staff Officer*
- 10 Inshore Vessel Monitoring System – *A/CEO*
- 11 Eastern IFCA constitution and Disclosable Pecuniary Interests – *A/CEO*
- 12 Annual report 2015/16 – *A/CEO*
- 13 Payments made and monies received during the period Jul 16 to Oct 16 – *Hd Fin*
- 14 Quarterly Management Accounts – *Hd Fin*
- 15 To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items 16 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act
- 16 Cross-warranting – *A/CEO*

## **Information items**

- 17 Community Voice Project update – *MEO (GIS)*
- 18 Quarterly progress against Annual Priorities – *A/CEO*
- 19 Marine Protection quarterly reports
  - a. *Senior IFCOs (Compliance)*
  - b. *Senior IFCO (Marine)*
- 20 Marine Environment Quarterly Reports:
  - a. *Senior Research Officer*
  - b. *Senior Marine Environment Officer*

- 21 Update of HR activity – *Hd HR*
- 22 Defra correspondence – *A/CEO*

**Any other business**

- 23 To consider any other items, which the Chairman is of the opinion are Matters of Urgency due to special circumstances, which must be specified in advance.

J. Gregory  
A/Chief Executive Officer  
25<sup>th</sup> October 2016

## 25<sup>th</sup> 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 27<sup>th</sup> July 2016 at 1030 hours.

### Members Present:

Cllr Hilary Cox	Vice Chair	Norfolk County Council
Cllr Baker		Norfolk County Council
Cllr Peter Byatt		Suffolk County Council
Conor Donnelly		Natural England Representative
John Davies		Environment Agency Representative
Cllr Richard Fairman		Lincolnshire County Council
Paul Garnett		MMO Appointee
Tom Pinborough		MMO Appointee
Keith Shaul		MMO Appointee
Rob Spray		MMO Appointee
John Stipetic		MMO Representative
Cllr Tony Turner MBE JP		Lincolnshire County Council
Stephen Worrall		MMO Appointee
Cllr Margaret Wilkinson		Norfolk County Council
Stephen Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance
Luke Godwin	Staff Officer
Julian Gregory	Acting Chief Executive Officer (ACEO)
Simon Lee	IFCO
Stephen Thompson	Marine Environment Officer

### Minute Taker:

Jodi Hammond

### EIFCA16/53 Item 1: Welcome by Vice Chair

In the absence of the Chair, the Vice Chair began the meeting by welcoming members and thanking them for allowing sufficient time to arrive on time despite the traffic delays due to the Sandringham Flower Show.

The Vice Chair also took the opportunity to advise members that she would be climbing Kilimanjaro in October to raise funds for Multiple Sclerosis, a sponsor form would be available for any members who would like to donate to the cause.

### EIFCA16/54 Item 2: Apologies for Absence

Apologies for Absence were received from: Messrs Bagley (MMO Appointee) and Hirst (EA representative) and Councillor Goldson.

### EIFCA16/55 Item 3: Declarations of Members Interest

There were no additional Declarations of Interest, only those previously recorded.

#### **EIFCA16/56 Item 4: Minutes of the 24<sup>th</sup> EIFCA Meeting, held on 1<sup>st</sup> June 2016**

**Members Resolved to sign the minutes as a true record of the meeting.**

**Proposed: Mr Worrall**

**Seconded: Mr Stipetic**

**All Agreed**

#### **EIFCA16/57 Item 5: Matters Arising**

EIFCA16/29 REVIEW OF EIFCA CONSTITUTION : The ACEO advised that at a previous meeting the Review of Standing Orders had been discussed and members had noted there was still an outstanding issue with regard to the Localism Act, this was still under consideration but it was anticipated it would be resolved in time for the next Statutory Meeting.

EIFCA16/51 WASH COCKLE FISHERY : Members were advised that the cockle fishery was underway, the 3 tonne TAC appeared to be working well and officers were monitoring activity on the sands, up to this point no major damage had been found, and there was no cause for concern.

The ACEO advised that he had revised one of the Management Measures. The use of bags whilst prop washing had previously been prohibited, however following trials carried out by the Research team there was no evidence that prop washing done responsibly with the assistance of a bag did any more damage than prop washing responsibly without a bag. However, it was noted that prop washing done irresponsibly would cause damage with or without a bag. The Management Measure had been revised to allow the use of a bag whilst prop washing, however the use of a physical anchor was still prohibited.

#### **EIFCA16/58 Item 6: Health & Safety Risks**

As part of the H&S Policy all EIFCA management meetings, including the Statutory Meetings, have an update of the H&S Risks included on the Agenda. During the previous quarter there had been three incidents reported, all of which had been investigated and any necessary actions put in place.

Members were advised that progress was being made to the Sutton Bridge Moorings, the vessels having been temporarily moved whilst the new mooring was being installed.

Members Agreed to Note the report

#### **EIFCA16/59 Item 7: Shrimp Byelaw 2016 – Consultation Responses**

The Staff Officer gave a brief presentation to summarise the reason behind making the byelaw, the requirement for permits with conditions attached and the consultation process which had taken place.

Following the consultation process, which five different associations/individuals had responded to, there had been some key issues raised with regard to the proposed byelaw. These included the perception that there was lack of clarity within the report regarding permit conditions and limitations.

Members were advised it was proposed to create the byelaw separate to the permit conditions as this would allow more time to draw up the permit condi-

tions, whilst it would allow the byelaw to be created in time to meet the December deadline. Consultation responses had indicated there was some query whether there was a need for a permit scheme particularly if the MSC Shrimp Accreditation was achieved, however, EIFCA would still have a requirement to protect the feature in the Wash.

It was also felt that Byelaw 11 could be used as a mechanism to collect data rather than a permit scheme, however this was also countered by the Staff Officer who advised that the permit scheme created a mechanism for recovering part of the cost incurred in processing data.

Concern was also expressed with regard to the pre-consultation in Suffolk, the Staff Officer advised that it had not been felt necessary to consult on a major scale as currently there was not a great deal of shrimp fishing taking place off the Suffolk Coast.

Having considered the consultation responses, it was the Officers recommendation that no amendments be made to the proposed byelaw, other than some wording changes to bring it in line with the wording of the whelk byelaw, none of which would change the effect of the byelaw.

Unfortunately, since the drawing up of the byelaw Defra legal and MMO QA teams had expressed concern with regard to the mechanisms being used in EIFCA Byelaws, such as that used for implementing Regulatory Notices, due to potential un-lawful sub-delegation of powers. Consequently, the permit byelaw was under scrutiny.

The ACEO advised that if the Permitting Byelaw was not granted it would be possible for EIFCA to draw up a shrimp Permit Byelaw but there would be a danger of missing the December deadline and further consultation would be required which would inevitably mean additional costs.

The ACEO advised that as EIFCA are quite innovative in their byelaw making but this can be a challenge give the more traditional thinking that can tend to prevail. He advised that having been considered by MMO QA the process for Defra should be a rubber stamp but Defra legal department have become interested and begun questioning the byelaws EIFCA are proposing. This was not always helpful as it effectively meant that there were two opinions/standards being applied.

Members were advised that Officers believed the next step was to submit the byelaw to MMO for QA, with the ACEO being delegated the ability to make minor word changes if necessary. Any major changes would go back to the Authority for consideration.

Permit conditions would need to be developed, depending on the outcome of the Defra/MMO QA work, these would then need to go to consultation.

Mr Pinborough questioned what happens if there is no agreement by the end of the extension period for the Whelk byelaw. The Staff Officer advised a traditional byelaw could be drafted and signed off relatively quickly.

The ACEO advised members that the timescale of December 2016 was a self-imposed deadline with the overall deadline being 2020 so there was still time to get the work done. He also advised the Permit Scheme was required to manage the effort within the fishery.

The ACEO reminded members that the Business Plan included undertaking work on gear trials, this had reached the stage of engaging colleagues at the

MMO to make a bid under EMFF funding. The trials were to be undertaken as a partnership approach between the industry and EIFCA.

Mr Garnett advised that some independent fishers were keen to be included in the trial and questioned whether it would be possible to factor them in? Their concern was that heavy set shrimp gear may be used in the trial which may produce unfavourable results and the fishers did not want all their gear tarred with the same brush. The ACEO explained there were limitations on the number of gears that could be assessed and realistically it would be limited to two types. The MEO advised that whilst two gear types would be assessed it was intended that a steering group would be advising on the finer details. Mr Stipetic advised that there may be a move away from specified gear on these vessels which would mean they could use normal towed trawls rather than beam trawls in the future. He also felt the wording of the byelaw was a bit woolly which left him concerned that a permit could be transferred from one boat to another with the potential to become a financial trade.

The ACEO advised there was no intention to create a tradeable commodity. Councillor Fairman questioned whether there was a min/max size requirement for a vessel, his concern being for those who may only fish twice a year as a hobby. The Staff Officer advised this byelaw was aimed purely at commercial fishermen.

Mr Williamson, although grateful for the gear trials being carried out, questioned when the squeeze on fishermen was going to end. As the EU can no longer be blamed he looked to Natural England for an explanation of the future expectation so that business models could be amended accordingly. Mr Donnelly advised there was no intention to stop fishing, just to manage it sustainably. The ACEO advised there was a government manifesto for a 'blue belt' which included all work on MCZs, MPAs and issues with habitats and areas which need protection, the intention is to introduce management which allows happy co-existence for all. He went on to advise that if the decision was taken not to introduce a permit scheme there would be no ability to limit effort which would mean a need to increase closed areas to manage effort as it was the IFCA's duty to meet conservation objectives.

Mr Shaul, referred to the reason why only those fishing in the Wash area were consulted and felt that there was a danger of making fishermen into criminals. The Staff Officer advised that IFCA carried out engagement and information gathering while going about their normal duties. He also advised that a Public Notice had appeared in two separate issues of the Fishing News. The Vice-Chair accepted there had been a lack of communication which needed to be addressed. She felt wider consultation was needed.

Many of the Suffolk fishermen Mr Davies had spoken to knew nothing about the proposed permitting scheme, he questioned if they would be getting a different permit. The Staff officer explained that they would still be subject to the same permitting scheme.

Referring to the comment that information gathering had taken place during IFCA's normal duties Mr Davies commented that there is hardly ever any presence from IFCA on the beaches and never at weekends. The ACEO defended this by pointing out there are 10 enforcement officers to cover the entire district, and added there had been officers on the North Norfolk Coast the previous weekend. Mr Davies suggested going out in RIBs gave prior notice of their presence whereas patrolling in cars meant there was no advance warning of their presence.

Returning to the matter of the management measures being discussed Mr Donnelly felt they were substantial and uncertainty is difficult to deal with but he felt the existing closures were pretty small and in areas that were primarily used for the brown shrimp fishery. Mr Stipetic felt the permit scheme would protect the local fishermen from nomadic fishermen. Cllr Byatt questioned what the penalty would be if fishers were found fishing without a permit. The ACEO advised the EIFCA approach was on a proportional basis, to educate and inform, no-one would be prosecuted due to lack of knowledge.

Mr Garnett questioned whether those getting permits would be local fishermen or would vessels from outside the area be able to fish under locally allocated permits. The ACEO advised that vessels coming into the area would have to fish in accordance with the regulations.

**Members Agreed to Note the summary of representations made regarding the Shrimp Byelaw 2016.**

**Members Agreed to the recommended amendments to the Shrimp Byelaw 2016.**

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

**Members Resolved to Direct officers to submit the Shrimp Byelaw 2016 to the MMO for formal QA prior to submission to the Minister for Defra for consideration.**

**Proposed: Mr Pinborough**  
**Seconded: Mr Stipetic**  
**All Agreed**

**Members Agreed to delegate powers to the ACEO to make minor amendments to the wording of the Shrimp Byelaw 2016 as per dialogue with the MMO during their QA of the byelaw.**

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

**EIFCA16/60 Item 8: Meeting of the Finance & Personnel Sub-Committee held on 22<sup>nd</sup> June 2016**

Under the heading of HR matters the main matter to note was the decision to no longer pursue IIP accreditation.

The Annual accounts had been signed off and sent away to be audited. Members were given a brief resume of the income, savings and use of reserves during the financial year.

**Members Agreed to note the report.**

**EIFCA16/61 Item 9: Payments made and monies received during the period April 2016 to July 2016**

Members noted the most significant payment related to salaries, and were advised that a lot of one off annual payments had occurred during this quarter.

**Members Agreed to note the content of the report.**



## **EIFCA16/62 Item 10: Quarterly Management Accounts**

The management accounts gave an indication of actual expenditure against budget. There were no significant concerns.

Cllr Byatt questioned why there appeared to be an increase in vehicle insurance premiums, the Head of Finance advised there had been an incident the previous year, as well as increased/enhanced fleet of vehicles, however, this increase had been offset by a saving on other insurances of approximately £18,000.

**Members Agreed to note the Management Accounts.**

## **EIFCA16/63 Item 11: Marine Pioneer Project**

The ACEO gave a short presentation on the proposed project. Members were advised this was part of a Defra proposed 25-year environment plan with Pioneer Projects being the foundation of the proposed plan. The idea was to operate the project in a way which is Modern, Integrated, Locally driven and Open & transparent.

The object of the Pioneer Project was to test ideas and long-term viability in four areas, one of the proposed areas being the marine environment off the coast of Eastern IFCA District.

Candidate sites within EIFCA district would be either the MCZs and MPAs along the North Norfolk coast or the estuaries (MPAs) in the south of Suffolk. Whilst the opportunity to take a leading role in delivering Defra Policy could be seen as a benefit there were some concerns with lack of clear definition and the availability of resources to fund the project.

Mr Stipetic questioned how success would be measured and what Resources had been allocated to the project, he also expressed concern with regard to being a leading authority in the Pioneer Project and he felt EIFCA had a lot on already. The ACEO believed this would require a full-time project manager with previous experience, therefore funding would need to be made available to support the role. There would also be a demand on the ACEO and other officers, which he felt could be subsumed in current workloads

Mr Pinborough felt the final decision on participation should be taken back to the full authority when more information on the pros and cons were known. This sentiment was echoed by Mr Worrall who felt there as a need to be absolutely sure the project was fully funded and would not impact on the delivery of other duties. He felt it should be insisted there was no cost to EIFCA and also felt the final decision should be made by the Authority as a whole. Mr Williamson acknowledged that it would be nice to have a leading role but felt the money would be better spent putting another IFCO on the beat, whereas Cllr Fairman failed to see there would be any real benefit for the fisheries. Mr Spray however, felt it was encouraging to be looking to document and appreciate the value of the coast, he fully supported EIFCA becoming a lead and playing their part.

Mr Garnett was also in agreement but felt funding should be made available as it would be 'new' work, he felt the final decision should be made by the full authority. Councillor Byatt felt the commitment to a 25 year project should be celebrated, whilst Mr Shaul was concerned it was an underhand way to get all the various bodies to disappear and become one body in the next 10 years.

The ACEO felt it was clear cut that Defra would have to fund the project, and he was in no doubt there would be additional work and a burden if EIFCA became the lead authority. He went on to state that the work of EIFCA is not just about fishermen but for the fisheries ecosystem, saltmarsh provide ground for spawning fish. He also felt that by going back to the authority to make the final decision would have the potential to reflect poorly to Defra and other bodies.

Mr Worrall questioned the timescale involved, although not definite the ACEO felt it would be fairly quick with a conference being convened in early October, the Staff Officer had already been charged with putting together a budgetary package.

Mr Garnett queried the ability to consult the members without holding a meeting, the ACEO felt it was possible to put a proposal together to circulate by email, with a deadline for responses and a proviso that no response would be taken as agreement.

Mr Worrall suggested the matter could be discussed at the F&P sub-committee in October. Mr Pinborough still felt there were a lot of unknowns and diversity of opinion, he believed face to face meeting would generate better discussion.

Having heard all the opinions and comments the Vice-Chair asked members to consider the recommendations set out in the papers.

**Members Agreed to note the content of the paper.**

**Members Resolved to agree in principle to Eastern IFCA participating in or being a lead authority in any Pioneer project established in the district, subject to satisfactory resolution of questions relating to the scope and definition of the project and the provision of resources.**

**Proposed: Mr Spray**

**Seconded: Mr Worrall**

**All Agreed**

**Members Resolved to agree that any decision on Eastern IFCAs participation in the project should be taken by the full authority if time permitted, or the members of the F&P sub-committee at their meeting in October, failing that consultation would be circulated to all members for comment.**

**Proposed: Mr Spray**

**Seconded: Mr Worrall**

**All Agreed.**

## **EIFCA16/64 Item 12: Consultation Process**

The MEO gave a short summary on the way consultations are processed, the timeframe involved and the manner in which they link with IFCA objectives. The vast majority of consultations relate to offshore renewables or nature conservation consultations. A flowchart was provided indicating the process which would be followed, which it was anticipated would take approximately one month to complete, particularly as it would be fitted in around other duties. Members were advised that it was hoped to develop a consultation tool to streamline the decision making process.

**Members Agreed to note the content of the report.**

**Members Resolved to endorse the process for dealing with consultations**

**Proposed: Cllr Fairman**

**Seconded: Mr Donnelly**

**All Agreed**

**EIFCA16/65 Item 13: Defra Marine Review**

The Defra Marine Review encompasses all bodies with a marine element. The first stage of the review involved the pulling together of all the information which generated a report for consideration. The outcome of which had been that whilst it was generally a model which was not broken there was room for improvement. Consequently, the intention was to look at how things were delivered in the marine environment.

**Members Agreed to note the content of the report.**

**EIFCA16/66 Item 14: Quarterly progress against annual Priorities**

The ACEO advised everything was progressing as expected with the exception of the bio-security measures which it was anticipated would be addressed later in the year.

It was noted there were two red risk areas relating to MPAs which were being discussed with Natural England as some questions had arisen re evidence. All Amber and Green areas were on track, the impact of fishing would be discussed in due course. The deadline for the work was the end of 2017.

Mr Shaul questioned how crab and lobster stocks were being assessed. The ACEO advised that in 2012 it was felt the fishery had reached or surpassed its MSY so a Research Officer had been tasked with ascertaining the stock levels, having completed two years of research it was felt the original conclusion was in fact correct.

Mr Shaul queried what process was being used to ascertain the stocks. The Staff Officer advised this was a very difficult modelling process and engagement had taken place with fishers.

The ACEO added that Phil Haslam had suggested two years ago there was a need to assess stocks in the round as they move about, but so far no progress had been made.

**EIFCA16/67 Item 15: Marine Protection Quarterly Reports**

Having read the landing figures provided for the Suffolk area of the district Mr Pinborough reminded members that for the past two years' attempts had been made to protect Bass, each time EIFCA had emergency plans ready to put forward something else had superseded them. He admitted a deep sense of frustration at the IFCA's inability to take action to protect bass stock the issue having previously been raised at the last P&C sub-committee. He therefore queried why the landings for bass had gone up, whilst recruitment had gone down. He noted the EIFCA landing figures have caveats attached to them, but noted that approximately 46 tonnes had been landed in a three-month period which was more than for the whole of the previous year. He understood there was an unforeseen consequence for an Emergency Byelaw, enforcing it would be difficult as it is hard to distinguish between bass caught by fixed engines or drift nets. Mr Pinborough believed EIFCA had missed an opportunity by deciding not to take the matter back to the full committee.

and implement an Emergency Byelaw which he believed would have protected spawning aggregations within the EIFCA district. It was his belief that the P&C sub-committee had been wrong to decide to do nothing more.

The ACEO advised this was revisiting previous debates. In simple terms the Authority took the decision not to prioritise bass having considered the species was being managed at EU and UK levels, as well as the fact that EIFCA would have a limited impact on the overall stock. EIFCA are only a small organisation and can't do everything, priorities are therefore decided on a risk based approach.

The ACEO added that subsequent to the decision being made there had been issues with warrants and cross warranting which meant EIFCA couldn't enforce the legislation. He agreed entirely with Mr Pinborough's concerns about decisions taken at a European level and advised that there had subsequently been meetings with representatives from Defra to inform the Minister going forward for next year.

Mr Pinborough still felt the Emergency Byelaw criteria could have been met and stood by his view that it was an incorrect decision not to pursue introduction of a byelaw.

The ACEO advised that there were a lot of occasions when information was received that 'x' amount of fishermen were landing 'x' amount of a species when in fact this was not the case. EIFCA were professional officers working to the direction given by the Authority, on this matter he had made a judgement based on the information available. He also added that the information in the report was not entirely accurate.

Mr Pinborough accepted this but advised it was the same methodology used for the previous 6/7 years therefore it provided an indicative trend.

Mr Garnett queried the reliability of the past data. He felt that at the time the decision was made it was the right thing to do but suggested it may now be time to reconsider.

Mr Pinborough felt an Emergency Byelaw would have put legislation in place for 6 months which would have allowed time to collect data, we can only go with the data we have got.

The ACEO felt this was an interesting point of view but it was the responsibility of the Authority to look at things in the round. Currently it was only an offence if in excess of 1 tonne per day was landed or the wrong fishing method had been employed, and an officer would need to be out there to view the method being used. He felt the only thing that could be done would be to restrict landings of bass in terms of making an Emergency Byelaw, and that this wouldn't have been appropriate on the basis of available evidence.

Mr Spray acknowledged there was professional standing involved and that an Emergency Byelaw would have been susceptible to challenge, however he would have liked to have gone with the challenge. He questioned whether EIFCA were now in a better place to move with this?

The ACEO believed the time had passed. The EU would consider again restrictions for next year. Looking at the bigger picture he did not believe EIFCA could influence what happens to bass stocks on a national level. He also reiterated EIFCA have a business plan which determines what is important on a risk based process.

The ACEO still did not believe there were grounds for an Emergency Byelaw therefore it would need to be a standard byelaw which would be a 9 month process.

Mr Spray hoped the matter would be moved up the priority list. The ACEO advised that unregulated fishing does sit in the list of priorities.

Mr Davies noted that at the current time fishers were working within the tonnage allowed. He suspected more people were targeting bass as they were a valuable catch. As the catch was going up it must suggest there was quite a lot of stock in the area. As no law was being broken and the fishery was healthy Mr Davies could not see what the discussion was about.

Councillor Fairman felt it was wrong for an item to be against the law for one but available for a neighbour.

Mr Pinborough still believed that EIFCA district contained a major breeding habitats which needed protecting against all fishing. He acknowledged that nothing illegal was being done but there was no statutory mandatory return for under 10m vessels, which meant there was no record of what was being landed.

The Vice-Chair suggested this conversation be continued outside the meeting.

Mr Worrall felt more resources/feet on the ground could be beneficial and queried whether it was possible to develop volunteer fishery officers to improve the information gathering process.

The Vice-Chair accepted this was a good thought but not for discussion at this time, all information brought to members' attention would be addressed.

#### **EIFCA16/68 Item 16: Marine Environment Quarterly Reports**

**Members Agreed to note the report.**

#### **EIFCA16/69 Item 17: Update of HR Activity**

**Members Agreed to note the report.**

#### **EIFCA16/70 Item 18: Fisheries Economic Evaluation Techniques: A Case Study of Eastern IFCA Fisheries**

The Staff Officer advised members that a university graduate, Henry Fenn, had completed an 8-month internship with EIFCA and produced a document looking into fisheries economics. He had produced a very good piece of work which officers were looking to action. Members were advised that Mr Fenn had fitted in well to the IFCA work environment and was now armed with some work experience, he had requested that his thanks to the Authority for providing this opportunity be passed on to members.

Mr Spray, advised that SeaSearch often get similar requests and queried whether they could be directed to EIFCA. The Vice-Chair confirmed this would be acceptable.

**EIFCA16/71 Item 19: Any Other Business**

Members were advised that EIFCA had hosted the board who oversee the MMO. They had held their meeting in King's Lynn then visited EIFCA so see an IFCA in action. Presentations by Environment and Research Officers on Three Counties and trips down the river on Sebastian Terrelinck had been provided followed by presentations on the work of the IFCA. It had been seen as an opportunity to educate, inform and promote EIFCA.

## 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



## Action Item 5

### 26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

02 November 2016

**Report by:** J. Gregory A/CEO

### **Matters Arising – Marine Pioneer**

#### **Purpose of report**

The purpose of this report is to update the Authority the current status of the proposed Marine Pioneer Project.

#### **Recommendations**

Members are recommended to:

- **Note** the report

#### **Background**

Pioneer projects form a foundation for the development of Defra's proposed 25-year Environment Plan, leading to new and innovative ways of enhancing the environment and making it central to decision making. Defra have proposed two Marine Pioneer sites, one in Devon and the other within the Eastern IFCA District with the respective IFCAs being the lead agency in their area.

The participation of Eastern IFCA as lead agency for Pioneer was discussed at the 25<sup>th</sup> Authority Meeting on 27 July 2016, when it was resolved to:

- **Agree** in principle to Eastern IFCA participating in or being a lead authority in any Pioneer project established in the district, subject to satisfactory resolution of questions relating to the scope and definition of the project and the provision of resources.
- **Agree** that any decision on Eastern IFCAs participation in the project should be taken by the full authority if time permitted, or the members of the F&P sub-committee at their meeting in October, failing that consultation would be circulated to all members for comment.

#### **Report**

The scope of the proposed Marine Pioneer Projects has continued to develop since the last full Authority meeting. This has been reflected in a document entitled 'Marine Pioneer Outline', a copy of which can be found at Appendix 'A'.

Alongside this Defra has sought funding to support each of the IFCAs as both have been clear from the outset that the project must be fully funded in order for them to participate. Initial attempts to secure sufficient funding produced circa £45k per IFCA, which was not sufficient to fund the lifetime of the project. As a consequence, there is ongoing debate as to whether or not the IFCAs would be the lead agency.

As a consequence of the absence of sufficient funding and the quickly developing remit of the Marine Pioneer, which would have the effect of extending the scope of the role of an IFCA, a joint letter from Devon & Severn and Eastern IFCA was sent to Defra to formally set out their position in relation to their participation in the project. This included estimated annual cost of £130k per year. A copy of the letter can be found at Appendix 'B'.

As the letter was sent, Defra advised that further funding may be available and some indicative figures were provided that were substantially more than the £45k initially suggested. It is still not clear that this would be sufficient for the lifetime of the project and dialogue on this and the scope of the project is ongoing

### **Risk**

The Marine Pioneer is an important element of delivering the 25 Year Environment Plan and in establishing new ways of working that others may follow. This being the case there are significant reputational risks associated with the success or failure of the project and it is important to note that in taking the lead role Eastern IFCA would be substantially extending its role. Thorough scoping, project planning and sufficient funding are essential in mitigating these risks.

### **Conclusion**

The Marine Pioneer is an opportunity for Eastern IFCA to cement its relevance in Defra's long-term plans and whilst agreeing in principle to participate in or be the lead authority for any Pioneer project established in the district this is subject to satisfactory resolution of questions relating to the scope and definition of the project and the provision of resources. These issues have not yet been resolved and dialogue is ongoing. This being the case it is suggested that the resolution for the Authority to take any decision on participation in the project, as agreed on 27 July 2016, should still stand.

### **Appendices**

Appendix A – Marine Pioneer Outline

Appendix B – Letter to Defra

### **Background Papers**

25<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting 27 July 2016, Item 11, Marine Pioneer Project



## Appendix A

### Marine Pioneer Outline

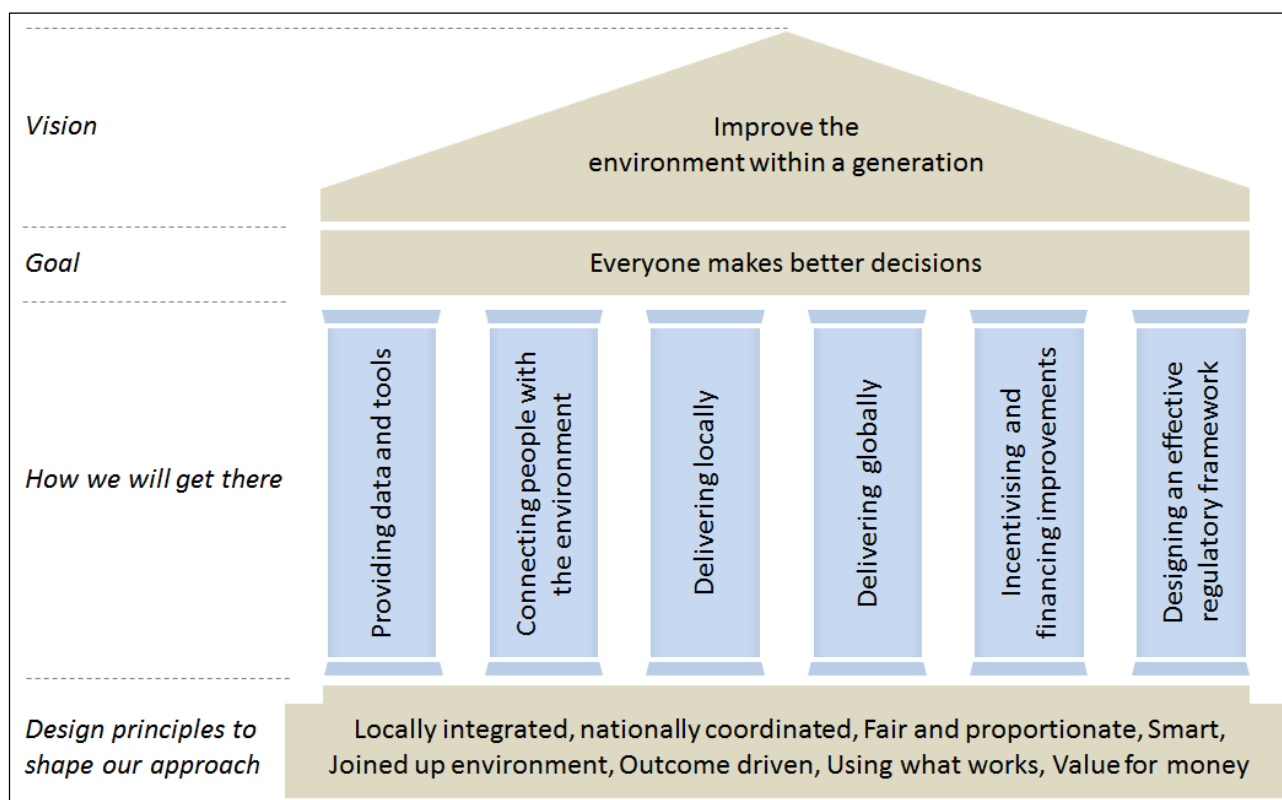
Pioneer projects form a foundation for the development of Defra's 25 Year Environment Plan, leading to new and innovative ways of enhancing the environment and making it central to decision making.

Pioneer projects are being set up to engage with and empower local groups and help them to:

- I. demonstrate an integrated approach to delivery and decision making, driven by local join-up, Defra reform and openness to social action;
- II. Test new tools and approaches for making integrated allocation decisions and environmental progress assessments, including Natural Capital valuation and accounting approaches;
- III. Introduce and assess new means of financing and designing incentives for environmental progress

The Pioneer projects are an integral part of the 25 Year Environment Plan (YEP) work programme. The idea behind them is to provide a test bed for the approaches outlined in the 25 YEP Framework and to 'pioneer' the application of an integrated natural capital approach in practice.

### 25 YEP Framework – key features



The Framework's long term vision is to improve the environment within a generation. To achieve this, everyone needs to make better decisions that incorporate the environment and its value. Six areas of action have been identified to support this. They are:

1. **Developing data and tools.** To overcome gaps in information and our understanding of the role the environment plays in our lives by providing data and tools, so that Government and other decision takers can make more informed decisions which in turn improves outcomes;
2. **Connecting people with the environment** so everyone can understand, enjoy and appreciate its benefits;
3. **Delivering locally** in line with natural systems such as river catchments and landscapes, to encourage and facilitate strong partnership and local leadership on environment policy;
4. **Delivering globally** to ensure we effectively maintain and deliver on our global responsibilities, implementing our international environmental commitments and ensuring we do not improve our domestic environment at the expense of the environment globally by simply exporting problems abroad;
5. **Incentivising and financing improvements** to target investment in a way that achieves multiple benefits for our natural environment, communities and the economy; and
6. **Designing a regulatory approach** that is effective, efficient and tailored to the needs of this country.

In addition, seven design principles will underpin the development of the full 25 YEP and our approach to protecting and improving the environment more generally.

## **The Marine Context**

The vision underlying Government's desired outcomes for the marine sector is for clean, healthy, safe, productive and biologically diverse oceans and seas. The underlying approach is to use planning and management to integrate economic, social and environmental considerations<sup>1</sup>. In other words, to support sustainable development.

The statutory basis for achieving marine policy was largely established by the Marine and Coastal Access Act (MCAA) 2009 as well as the Marine Strategy Framework Directive. Among other things, MCAA introduced a new system of marine management, including the creation of marine plans, changed the system for licensing activities in the marine environment, and provided for the designation of Marine Conservation Zones. The MCAA also set up the ten English IFCAs to engage with local stakeholders in decision making in order to deliver inshore fisheries and conservation management. The IFCAs are currently delivering MPA management in a manner which is consistent with the Pioneer principles.

Government has established a system of marine planning for England to deliver integrated marine management. That system is underpinned by an overarching (cross-Government) marine policy statement and, at a sub-national level, by marine plans. Plans have been published for the East inshore and offshore area and prepared in draft for the South inshore and offshore area. All marine plans will be in place by 2021. Marine plans are prepared by the MMO but, once adopted, are implemented by all decision making bodies operating in the marine area.

There are a range of other relevant plans that need to be considered in order to achieve the best outcomes. These include amongst others the Environment Agency's River Basin Management Plans and Flood Risk Management Plans as well as the Local Plans developed by the Local Planning Authorities and the Shoreline Management Plans. Within this broad plan base it is essential that all the connections required can be made. Marine Pioneers should trial approaches for integrating the range of plans, alongside Marine Protected Area Management to deliver sustainable environmental management for a defined local sea area.

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<sup>1</sup> Extracted from <https://www.gov.uk/government/news/uk-marine-policy-statement-published> accessed 27<sup>th</sup> May 2016.

There have been previous perceptions that the Marine delivery landscape is too complicated, particularly when the planning divide across mean low water mark is considered with the role of local planning authorities and the integration of terrestrial, coastal and marine plans. Previous initiatives have looked to simplify the Marine delivery landscape – so for example the Red Tape Challenge prompted the establishment of the Coastal Concordat between MMO, EA, Local Planning Authorities and Natural England, with a lead body taking responsibility of co-ordinating engagement with major development applications. However, it is clear that more could be done, either in streamlining management of the marine environment, or guiding the public and stakeholders through the processes.

Pioneers should reflect the fact that the management of the marine environment is through a range of authorities, plans, techniques and tools. When using generic terms such as “decision makers” it would be helpful to consider whether this applies to all or a specific sub-set.

Pioneers (and in particular the Marine Pioneer) should acknowledge there are considerable gaps in evidence and knowledge and they should seek to fill these gaps using all available sources, both conventional and otherwise. The pioneers should seek to innovate and create robust partnerships to ensure the best possible outcomes for the marine environment.

The term “Marine Management” covers a wide range of sectors and is highly complex. The Pioneer project needs to define and set out clearly the range and scope it seeks to cover.

Local MPA partnerships bring together managers to work in achieving conservation objectives set out in Natural England’s Conservation Advice Packages. In many cases, this action is underpinned by a Management Plan. A National MPA Management Steering Group has been established to facilitate better co-ordination and reporting of MPA management. Local Nature Partnerships (LNPs) have been established based on UK government’s 2011 ‘Natural Environment White Paper’, bringing together local stakeholders to better assess the value of the environment in decision making. This context must be the starting point for the marine pioneers.

### **Key aims of the Marine Pioneer**

**Aim:** To explore how marine natural capital can best be managed for the benefit of the environment, economy and people using the MPA network and its management as a model and taking these approaches out in to the wider marine environment.

Test how local interests (environmental, social, business) can play their part in managing, monitoring and communicating the benefits of a location’s Marine Protected Areas (MPAs), the surrounding marine area and related coastal and terrestrial zones. It will test new approaches to:

- improve engagement from others (e.g. users, businesses, potential funders) in long term management and monitoring of protected areas and links with the surrounding marine area and coastal zone;
- better access data and assessment of MPAs;
- communicate the benefits of MPAs and generating greater interest from local communities in “their” marine environment, including engaging children with nature.
- join-up delivery of Defra group partners as well as with wider government where appropriate. E.g. DCLG and Department for Business, Energy and Industrial Strategy when dealing with business and growth related issues.

- Relate MPA management to MMO marine plans and any other relevant plans e.g. River Basin Management Plans may in some instances cover geographic areas at a smaller spatial scale and include the linking wider sea areas – map local activities.

**How:** The Marine Pioneer needs to reflect the 25 Year Environment Plan’s design principles and test the following approaches:

1. **Developing data and tools.** To overcome gaps in information and our understanding of the role of the environment plays in our lives by providing data and tools, so that Government and other decision takers can improve outcomes;
2. **Connecting people with the environment** so everyone can understand, enjoy and appreciate its benefits;
3. **Delivering locally** in line with natural systems such as river catchments and landscapes, to encourage and facilitate strong partnership and local leadership on environment policy;
4. **Delivering globally** to ensure we effectively maintain and deliver on our global responsibilities. Implementing our international environmental commitments and ensuring we do not improve our domestic environment at the expense of the environment globally by simply exporting problems abroad;
5. **Incentivising and financing improvements** to target investment in a way which achieves multiple benefits for our natural environment, communities and the economy; and
6. **Designing an effective regulatory approach** which is effective, efficient and tailored to the needs of this country.

The six design principles and actions above will underpin the development of the full 25 Year Environment Plan and our approach to protecting and improving the environment more generally.

Pioneers should take the broadest possible view of marine management issues. The scope should not be limited at the outset.

### **Marine Pioneer Project Management**

Funding permitting, the Marine Pioneer project will be led by the two Inshore Fisheries and Conservation Authorities (Devon & Severn and Eastern IFCAs) supported by a Steering Group which currently includes IFCAs, and core Defra Partners (Defra, Marine Management Organisation, Natural England, Environment Agency). This Steering Group may expand as necessary at a later date.

The broad Themes listed below articulate work areas where the Marine Pioneer could focus activity, at one or both locations. It is envisaged that there will be a lead for each of these Themes to co-ordinate and guide activity. Depending on resources, and local needs, it may be that not all themes are delivered. It will be important to focus activity on detailed investigation of themes, rather than spreading effort too thinly to achieve meaningful learning.

## **Marine Pioneer Theme 1: Marine Management and Governance across a suite of MPAs and the wider land/sea interface.**

Investigate approaches to management for groups of MPAs and the surrounding seas, involving stakeholders, managers and local business. Resources permitting, this could entail considering Marine Planning at a much finer, more detailed scale, using the detail from all the plans available to us, such as the River Basin Management Plans and Flood Risk Management Plans to ensure we are designing management in an integrated participative way.

Use local stakeholder led approaches to deliver environmental improvements alongside socio-economic activity such as the coastal partnerships, the CaBA groups or the RFCC's remembering that one size does not fit all and consistency is not always the right or appropriate approach.

Links should be made to Local Enterprise Partnerships as they are vital to the development of the local economy, and if they see, and understand the links between natural capital and sustainable economic growth then there are real opportunities. Cross reference with work led by Natural England on the LEED Toolkit as part of the Single Voice Steering Group <https://www.lepnetwork.net/natural-environment/>

This work area should consider the benefits and pitfalls of management groups for Marine Protected Areas:

- Understanding Impacts: Environmental, social and economic impacts from marine management.
- does an expanded spatial remit (multiple sites or wider seas) build economic resilience in partnership funding;
- is there an optimum size for management groupings to build local ownership while achieving critical mass.
- What structures perform best, how should membership be arranged;
- How to build collective understanding and decision-making processes.
- Existing management structure review – are the right people involved? Does it need to be more flexible?
- Simplifying framework and involvement at different levels.
- Licensable and non-licensable activities and how they are managed.
- The way that governance is structured will dictate the level of stakeholder engagement.
- Governance and management can be too centralised – the current decision making process does not lend itself to local management.
- Join up management across land/sea divide.
- Realigning of resources in current organisations – clear objectives but delivered locally.
- Incentivise Stakeholders to be involved in management.
- Pioneer to feed back to central Government.
- How does Defra influence the rest of Government?

### **Sub-theme Adaptive Resilience**

- Environmental change and understanding vulnerability
- How do we maximise the benefits of the MPA network in a changing environment?.
- Planning how to respond to this.
- What opportunities does environmental change present?
- Link to science needs to be understood and fed in.
- Re-assessment of designations in line with changes over time?
- Environment is very dynamic naturally and need to take into account natural change – MCCIP group link to designations and natural change.

#### **Sub theme Fisheries and marine industries**

- Engage local businesses who are users of the marine environment in developing management and monitoring approaches. This will be particularly important for sectors such as fisheries, who feel a strong sense of ownership of the resource.
- Understand business needs of key marine sectors and investigate novel approaches to deliver sustainable development.

#### **Sub theme Management integration across the coastal land-sea interface.**

Comments by stakeholders and developers suggest that there is still scope for improving co-ordination and clarity of licencing and management across the land-sea interface. This is particularly a problem for development projects that include both terrestrial and marine elements such as for example harbours, but also domestic shore side housing with plans for a slipway etc.

This Theme of work will look at mechanisms for simplifying the licencing and management regime across the land-sea interface, building on approaches already established such as the Coastal Concordat, but also identifying whether new co-ordinating mechanisms are needed, or merely clearer signposting of the licencing and planning requirements. The approach will focus on planning and licensing within MPAs, but with a view to establishing approaches which can be transferred to all marine planning, marine licencing and any other licencing decisions that fall within the concordat remit.

Further work should also look at Defra body roles in advising local planning authorities on planning, policies and consenting in the coastal zone, to integrate the various strands. Key amongst these will be join up between terrestrial planning, coastal management and Marine Planning by using all the tools at our disposal including the River Basin Management Plans, Flood Risk Management Plans and Shoreline Management Plans as well as forming strong links with local plans and the local planning authorities. There should be clear and strong proactive spatial management across boundaries.

Working arrangements between ports and local authorities to encourage beneficial use of dredged material as part of coastal management.

## **Marine Pioneer Theme 2. Establish the evidence base needed to underpin marine management.**

### **Subtheme: Natural Capital accounting and incorporation into management decisions.**

Establish a broad understanding of Natural Capital approaches in stakeholders and managers.

Provide Stakeholders and Managers with clear Natural Capital data, modelling and decision-making tools to enable differing management options to be considered and to identify those with the best environmental, social and economic outcomes. Realising that to ensure the best possible decisions can be made, every effort needs to be made to widen and deepen the evidence base we have and look for innovative ways to do this, using every avenue available to us. Whilst acknowledging the gaps that currently exist. It will be important to recognise gaps in knowledge, and document where a Natural Capital approach is beneficial, but also where it has limitations, or fails to account for other important factors or information.

This theme should include testing Natural Capital appraisal processes for decision support on planning and management approaches. However, ideally this should be co-ordinated across all pioneers somehow to ensure we cover the basics only once and pick up on any differences required in different areas or environments, so for example for the marine pioneer, data limitations may restrict the use of Natural Capital approaches that are available in other areas.

This theme should consider exploring risk thresholds to prioritise actions within management (e.g. at risk fish stock/biodiversity levels – where should management action and resource be prioritised for greatest economic, social and environmental benefit?)

Consider the inter-relationship between Natural Capital and Biodiversity. It will be important to ensure that Natural Capital approaches do not overlook biodiversity conservation or other benefits we obtain from the marine environment - Important not to get bogged down with trying to value everything in monetary terms; value what we can and take account of the values of those things we can't.

- Very broad theme – Natural capital includes ecological indicators and economic elements.
- Need to know who the beneficiaries are – and then link to finance.
- Assessment of ecosystem services and then demonstrating value of ecosystem services.

### **Sub-theme: Wider underpinning evidence needs**

Science and Monitoring/Evidence - What do we know and how do we capture it?

- Measurement of ecosystem services is key – how to do it/what does it mean.
- Repackaging of information already available – collect once/use often.
- Citizen science: Capturing tacit knowledge and building local data gathering activity
- Use of new data sources/programmes e.g. Citizen Science. Are there modern and different ways of collecting data?
- Needs to be an inclusion of social sciences – economics/social relationships/wellbeing.
- Improving understanding of impacts on seabed and how that relates to ecosystem service changes.
- Making monitoring pay – need to feed through to E-evaluation and Engagement topics.

- Data storage and access – Medin and how to get industry data (and others) into it, currently can be fraught with problems over quality.
- Are there international ideas that could feed into the Pioneers?



### **Marine Pioneer Theme 3. Identify and trial novel approaches to funding marine management**

Funding marine management has traditionally relied on statutory sources, with the exception of charges levied on licence applications, or for discretionary advice. There are numerous beneficiaries from a healthy marine environment, including the wider public, recreational users, business users, developers etc, but it has been challenging to establish or maintain sources of funding for day to day management activities, monitoring the success of management approaches, co-ordinating users and activities. This theme will examine novel approaches to establishing a secure funding base for marine management.

- Review existing funding streams
- Understanding the beneficiaries will help to define funding approaches
- Understanding of displaced benefits – who is paying v's who is benefitting? – Direct users and outside investors a possibility?

Examples could include:

- developer/business contributions – structure for donations, buying into management approaches, identifying some business advantage of contributing to management (enhanced information, advertising)
- user donations, (similar to 'pound for the park on Dartmoor, visitor levy on accommodation or facility provider bills such as moorings, marinas, slipway users)
- branding, commercial sponsorship.
- Payment to access resource. So for example licencing scheme for commercial operators, fishermen
- Contract out resource management, with clear delivery targets. Are there economic advantages for contracting out management to local businesses? legal implications? Could for example fishers 'own' the resource and self-police?)

**Marine Pioneer Theme 4. Enhanced engagement with the marine environment:** One of the key issues with marine conservation and management is making a connection between the public, and an underwater environment that many will never directly experience and that can be 'out of sight and out of mind'. Because of that, there is a disconnect between the general public and engagement with the management of the marine environment. This theme aims to develop local 'ownership' of an area, be it a local Marine Protected Area or a wider marine area.

This is split into two sub themes as it is felt that public (ie indirect beneficiaries) engagement should be a separate entity from Businesses (direct beneficiaries).

#### Public

- Marketing strategy required and fundamental to success of Pioneer
- Needs to be a two-way process so how do we get public to feed in?
- Promote public stewardship/ownership.
- Citizen science has provided new and novel ways of working and could be further tapped into.
- Understand what is trying to be achieved by communications – are we expecting behavioural change from the public.
- Need to understand the incentives – carrot/stick?

#### Stakeholders/Businesses/Tourism/Health Benefits

- Clear about what are the benefits and what is the message for each group.
- How to target those who don't know about the marine environment or the benefits?
- Can we change behaviours even if certain groups don't benefit?
- Do we need some sort of stakeholder analysis.
- Can Pioneer influence behavioural changes of business/public/NGO's/Government/Others?
- Findings/information needs sharing across boundaries – local/national and international.
- Are there new business opportunities – how to create a market that doesn't already exist and develop new business.

#### Work could include:

- Trial innovative ways to seek out why the marine environment is important to people and then to use this as a basis to develop further engagement around it.
- developing citizen science, and public engagement to build public awareness of the local marine environment, threats, pressures and local action they can be part of.
- Open Research days with Research institutions.

- Production of Annual local sea reports which summarise research and latest findings in an engaging way.
- Engagement with local schools and universities both to use the marine environment as an educational resource and to utilise expertise for research and data collection.

Note that of all themes, the engagement theme is most likely to be constrained by resource availability and will need to be clearly scoped and targeted.

## Appendix B

### By Email Only

[Rachel.muckle@DEFRA.gsi.gov.uk](mailto:Rachel.muckle@DEFRA.gsi.gov.uk)

10<sup>th</sup> October 2016

Dear Rachel,

### Marine Pioneer

We are writing to formally set out our position with regard to the development of Marine Pioneer sites within the Devon & Severn and Eastern IFCA Districts.

We should start by making it clear that we are entirely supportive of the concept and very much welcome the opportunity to be closely involved in this innovative work. As such this letter is intended to be a constructive contribution to what is clearly an important and high profile delivery mechanism for the 25 Year Environment Plan.

As very small organisations with limited resources and high levels of demand we have always been clear that our ability to take a leading role in the marine Pioneer would be entirely dependent on additional resources being provided to fully fund the project. To this end we provided some indicative budget figures that would be required if we were to take the lead in our respective areas. The conceptual nature of the project and the speed with which it has developed meant that the figures provided were based upon a rapidly developing project scope. This, combined with a developing understanding of the Pioneer concept, has led us to conclude that the figures were an underestimate.

It has become clear that Project Managers/Leads for other Pioneers are relatively senior roles that are remunerated accordingly (e.g. Environment Agency grade 6). This is, perhaps, not surprising given the skillset and experience required in what will be a key role engaging with and influencing a range of local and regional bodies and individuals. With this in mind, we have developed new indicative budget figures which will cover the cost of each IFCA's leadership of the projects should the issue of funding for IFCAs to lead the projects be revisited and these are enclosed for your consideration.

In addition to the resourcing issue, it has also become clear that taking a leading role in the Marine Pioneer will have the effect of substantially extending the scope of the role of an IFCA. Whilst this would be reflected by the introduction of a senior role to each IFCA (salary roughly equivalent to a Deputy Chief Officer), there are additional factors that should be considered. The first is that that IFCAs are tiny compared with partners, such as the MMO, EA and Natural England and as such lack the organisational resilience that such organisations enjoy. The second is that since the inception of IFCAs they have been heavily engaged in what could be described as the transactional activity of managing fisheries and marine protected areas whereas the Pioneer will move us toward the more transformational activity of developing new and innovative ways of working in partnership with a wider group of stakeholders. Whilst the IFCAs share this aspiration, it is a significant extension of our remit under the Marine and Coastal Access Act 2009.

With regards to the IFCAs' participation outside of a leadership role, we would reiterate our enthusiasm for the project but also the small scale of our organisations and our inability to

absorb significant additional burdens. Some IFCA work-streams are aligned with elements of the Pioneer and there is the potential for these to be badged as such. However, where contribution to the project would be in addition to our normal workload these cannot be considered business as usual. It has already been identified that much of the IFCA work reflects the key principles of the Pioneer and as such the delivery of certain aspects may be supported through our everyday work although the transformational nature of the Pioneer does mean that many aspects will be in addition to our 'business as usual'.

With this in mind, where our contribution to the Pioneer would lead to additional resource having to be expended, this would need careful consideration against our other priorities. To this end, greater detail is required in terms of outputs and expectations which, we assume will only be more forthcoming once a project lead has been identified.

To conclude, we clearly recognise the importance of Pioneer and we believe that we are well placed to make a positive contribution in our respective areas. However, given the substantial extension to the scope of the role of an IFCA our respective Authorities have already indicated that their involvement in the Pioneer will need to be fully funded so as not to put at risk the project and the reputation of both the IFCAs and Defra.

Yours sincerely



Julian Gregory  
A/CEO  
Eastern IFCA



Sarah Clark  
Deputy Chief Officer  
Devon and Severn IFCA

cc. Dr Stephen Bolt, Association of IFCAs  
Dr Gemma Harper, DEFRA

**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

**Action Item 6****26th Eastern Inshore Fisheries and Conservation Authority meeting**

2 November 2016

**Health and Safety update**

**Report by:** Nichola Freer – Head of 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 all of 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 July to October 2016:

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?
12/07/16	Accident	Injury to ribs	N	Y	J Gregory	External training provider to be advised of incident and asked to review their training delivery
02/08/16	Accident	Burnt finger	N	Y	S Howard	N
07/09/16	Near miss	None	N	Y	A Bakewell	Council has been requested to re-paint road markings
14/09/16	Damage	Damage to rear left side of new bus and rear wheel	N	Y	R Jessop	Management team to discuss driver competence / confidence at following team meeting

## **H&S assessment on Three Counties**

Ann Hacon from Norfolk County Council H&S team (who provide us with our H&S services) conducted a follow- up assessment on board Three Counties during a day trip to conduct mussel surveys on 21 September 2016. The purpose of the assessment was to review safe operating procedures that had been discussed and since implemented following her previous assessment.

It was reported that overall there had been some great progress in the integration of safe working practice since Ann's last trip, both individually and team-working.

## **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 a number of key assessments, which have been quality reviewed by our H&S partner at Norfolk County Council.

Members would wish to be aware of the H & S risks at *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	<ul style="list-style-type: none"> <li>• Introduction of revised management system (policies and process)</li> <li>• Managers tasked to review and develop the suite of risk assessments</li> <li>• Training session on risk assessments for first line managers</li> </ul>	<ul style="list-style-type: none"> <li>• New or unusual activities may be overlooked and not have a risk assessment in place</li> </ul>	<b>Treat</b>	<b>Treat</b>
Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> <li>• Staff briefing</li> <li>• Management overview to ensure rostered duties are appropriate and achievable</li> <li>• Reasonable work adjustments</li> <li>• Routine periodic medical assessment (ML5)</li> </ul>	<ul style="list-style-type: none"> <li>• Individual health fragilities</li> <li>• Individual lifestyle choice</li> </ul>	<b>Tolerate</b>	<b>Treat</b>
Unreported incidents/unilateral decisions with little regard for safe working practices.	<ul style="list-style-type: none"> <li>• Leadership</li> <li>• NCC H&amp;S officer led review of policy and procedure</li> <li>• Training</li> <li>• Equipment</li> <li>• Management systems to capture incidents</li> <li>• Routine agenda items at all meetings at all levels of Authority</li> </ul>	<ul style="list-style-type: none"> <li>• Injury to personnel as a result of failure to acknowledge or adhere to H&amp;S direction and guidance</li> </ul>	<b>Treat</b>	<b>Treat</b>
Inappropriate conduct of vessels at sea	<ul style="list-style-type: none"> <li>• Leadership</li> <li>• Briefings</li> <li>• Formal training and assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Death/injury of personnel/third parties through un-seamanlike operation of vessels at sea</li> </ul>	<b>Treat</b>	<b>Treat</b>



	<ul style="list-style-type: none"> <li>Periodic review of performance</li> <li>Sharing lessons learned from <i>FPV Pisces</i> incident in July 15</li> </ul>			
Material state of Sutton Bridge moorings	<ul style="list-style-type: none"> <li>Safe systems of work introduced to manage immediate risks including improved lighting.</li> <li>Officers have driven an acceptance by agents that immediate repair is necessary to alleviate existing H&amp;S issues.</li> <li>Authorisation received from F&amp;P sub committee to commit capital funds to support Fenland DC and Lincs CC initiative to establish new moorings in Sutton Bridge.</li> <li>Moorings upgrade project currently underway with completion anticipated autumn 2016.</li> </ul>	<ul style="list-style-type: none"> <li>The material state of the moorings is in decline but firm plans to address safety issues are now in place with new appropriately modified moorings under construction.</li> <li>Risk of injury to personnel.</li> </ul>	<b>Treat</b>	<b>Treat</b>
Whole Body Vibration	<ul style="list-style-type: none"> <li>Risk awareness training to manage impacts.</li> <li>Health monitoring process to be developed.</li> </ul>	<ul style="list-style-type: none"> <li>Personal injury from boat movement owing to lower resilience as a result of individual physiology</li> </ul>	<b>Treat</b>	<b>Treat</b>
Lone working operations	<ul style="list-style-type: none"> <li>Management scrutiny of any proposal for lone working.</li> <li>Introduction of electronic support means</li> </ul>	<ul style="list-style-type: none"> <li>Failure of devices to give requisite support.</li> <li>Personnel interventions render devices unreliable or unworkable.</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>

Staff injury/long term absence through inappropriate posture at office work stations	<ul style="list-style-type: none"> <li>Information.</li> <li>Training.</li> <li>Risk assessment.</li> <li>Provision of suitable bespoke equipment where reasonable.</li> <li>Access to NCC H&amp;S team.</li> <li>Occupational health assessment</li> <li>KLWNBC H&amp;S specialist advice</li> </ul>	<ul style="list-style-type: none"> <li>Individual failure to adhere to guidance</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
Staff stress through exposure to unacceptable behaviour of stakeholders	<ul style="list-style-type: none"> <li>Introduction of Unacceptable Behaviour policy</li> <li>Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy.</li> <li>Dialogue with Stakeholders to ensure appropriate tone of communications</li> </ul>	<ul style="list-style-type: none"> <li>No change in behaviour of some stakeholders.</li> <li>Long term sickness caused by stakeholder hostility</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
Damage to vehicles, trailers and/or equipment through inappropriate operation.	<ul style="list-style-type: none"> <li>Formal trailer training for unqualified officers</li> <li>Refreshers for those with previous experience</li> <li>Periodic vehicle maintenance checks training</li> </ul>	<ul style="list-style-type: none"> <li>Failure to adhere to training</li> <li>Mechanical failure of vehicle or trailer</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>

\*

<b>Risk Rating</b>
High
Medium
Low

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

### **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



## **Action Item 7**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

2 November 2016

**Report by:** Nichola Freer – Head of HR  
Andrew Bakewell – Head of Finance

### **Meeting of the Finance & Personnel Sub-committee held on 19 October 2016**

#### **Purpose of report**

To inform members of the key outputs and decisions from the Finance & Personnel Sub-Committee meeting held on 19 October 2016.

#### **Recommendations**

Members are asked to:

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

#### **HR Matters:**

The outputs of the bi-annual employee engagement survey was shared with members. The survey was completed in June 2016 and we received a 100% employee response. This demonstrates that our people are bought into the process and helps the validity of the results.

A comparison of the 2016 results against those from 2014 and 2012 is shown in appendix 1. Employee perception is comparable, in most cases, with where it was in 2012, with all results sitting between moderate and fairly high. No score has dipped below the benchmark. It would appear a little disappointing that the 2014 results were not replicated, however members were reminded of the following considerations that should be taken into account:

- As efforts to develop the organisational culture are met, employee expectations increase – the bar always moves up
- The organisation has seen some significant change / events, which while create positive progress for the wider business, can often be perceived as unsettling for some as change tends to alter one's familiarity and 'comfort zone':
  - Marine protection review
  - Re-branding of the marine protection team job roles and revised job descriptions
  - Defra's marine review
  - CEO carrying out a lengthy secondment away from EIFCA with interim management arrangements being put in place that affect several individuals
  - A number of internal temporary moves to accommodate the CEO secondment
- The relatively small number of employees means that one individual's perception can have a disproportionate impact
- Employee perception in 2016 is moderate / fairly high – it is not a poor outcome

The Head of HR and Acting CEO have attended a workshop run by Eras, one of the survey creators, to help support the development of the employees' engagement plan. The plan will be created over the coming weeks with the involvement of the whole workforce. It is important that the plan is owned by the whole workforce and is not seen as a management task.

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An update was given with regard to the progress towards the HR plan. This report is covered in information item 20 of the statutory meeting papers.

### **Finance Matters:**

The preliminary estimates for 2017/18, and forecast for the following four years ending March 2022 were presented at the meeting. The 2017/18 estimate predicts a small underspend for the year which will be utilised to support asset replacements. The following years show a pattern of reducing underspend based on standstill levy until 2020/21 when the figures show an overspend. The figures show a worst case based on the situation of "new burden" currently not committed beyond 2020.

A table of movement in reserves was also included to illustrate the impact of future asset purchases and loss of new burden funding.

A presentation based on the above was shown to the finance representatives from the three County Councils by the Acting CEO and Head of Finance. The message from all was common:-

- Finances still under pressure
- IFCA funding is low priority
- Standstill levy keeps IFCA under the radar
- Future modest increases are anticipated
- Additions to reserves are encouraged to mitigate future spends
- Alternative funding methods will be explored for asset replacement once reserves are exhausted
- Acknowledged that within the forecast time frame significant changes could inevitably affect the predictions

**All resolutions were duly agreed by the members.**

### **Background Papers**

Unconfirmed minutes of the F&P sub-committee meeting held on the 19 October 2016.

### **Appendices**

Appendix 1 – Engagement survey results summary

Appendix 2 - Emailed response from Tony Warnock LCC

Appendix 1

Culture & Values	Very Low		Fairly Low		Moderate		Fairly High		Very High	
	1	2	3	4	5	6	7	8	9	10
Clarity of Vision										
Motivation										
Organisational Learning										
Integrity										
Team work										
Customer Focus										
Diversity										
Staff Development										
Quality										
Innovation										
Business Focus										
Autonomy										

KEY: Pink – EIFCA result 2012  
Blue – EIFCA 2014  
Purple – EIFCA 2016

### Feedback from Tony Warnock LCC for information

#### Key points:

1. The finance information on page 25 shows that there have been modest under-spends and additions to reserves over the last few years. The levy therefore seems to be at about the right level.
2. Looking at the 5 year forecast on the same page, it appears that spending can be kept in line with the budget until 2020. However, it is important to note that depreciation is not charged within these figures. You know that IFCA have a large Research vessel costing c.£1.4m, plus two other vessels costing £1.0m in total. Given that their useful lives are probably 15 and 10 years respectively, there perhaps ought to be a depreciation charge of c.£0.2m in to the accounts each year to recognise the cost of using them. This issue is important because, as mentioned below, IFCA needs to be able to build up enough reserves over time to be able to replace the vessels, and the level of under-spends arising each year may not be enough to do that.
3. Further financial information for the period beyond 2020/21 was presented at the meeting. A key issue is whether the substantial £0.394m annual New Burden's funding will continue. We think the likelihood is that it will. It will have been available for 9 years by then. It was given by government to finance additional environmental work and the reality seems to be that if this funding doesn't continue, the future of all IFCA's work would be under threat, as it would be difficult to strip out costs relating to environmental work only.
4. The position with reserves is shown on page 26. As you know, a new vessel was purchased for £0.4m in 2015/16. A similar vessel was purchased a year or two earlier. Although reserves are currently substantial at £1.6m, there is a need to replace the Research vessel in 2018/19. It will be 18 years old by then. A similar specification will be required and the cost is forecast to be £1.4m. So this will use up most of the reserves.
5. In 2023 and 2025, the two other, recently purchased vessels referred to above will need replacing. A further £1m in total will be needed for those. It is not clear at this point in time whether reserves will be large enough by then, to replace them.
6. The Council representatives explained their employers' financial position and described the pressures and the cuts that are having to be made to front line services.
7. We agreed that the best way forward was to keep the levy at the same rate for next year. With the seemingly inevitable turnover of IFCA's junior staff, it seems likely that the annual budget can be balanced, and even produce modest surpluses each year.
8. We feel comfortable that there are sufficient funds within the reserves to finance the replacement of the Research vessel in two years' time.
9. We believe there will be a strong case for the New Burden's funding to continue after 2020/21, so we don't regard that as a key risk.

10. Looking ahead, the main issue over the next ten years will be whether IFCA can build up enough reserves from the modest annual underspends it usually produces, to purchase the two replacement vessels for £1m in total (as referred to in point 5 above).
11. If there aren't sufficient funds for that, we said we would explore whether it would be possible for the Councils to consider borrowing funds (IFCA is not permitted to), to purchase the two replacement vessels on its behalf.

Overall, I think everyone was reasonably relaxed about IFCA's financial position.

#### **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



## **Action Item 8**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** L. Godwin T/Senior IFCO / Staff Officer

#### **Permit Byelaw Update**

##### **Purpose of report**

The purpose of this report is to update the Authority on the progress made pursuant of implementing the Permit Byelaw 2016 and Whelk Byelaw 2016.

##### **Recommendations**

Members are recommended to:

- **Note** the report;

##### **Background**

After the implementation of the Emergency Whelk Byelaw in April of 2015, Officers undertook to investigate a permanent solution to managing whelk fisheries within the district. In designing measures in this vein, Officers identified and developed a new model for managing all fisheries within the district using permitting schemes. The model sought to implement a 'generic' fishing permit which could be endorsed for different fisheries. This would allow for adaptive and flexible fisheries management across the district in line with the Common Fisheries Policy (i.e. achieving maximum sustainable yield). In addition, the approach was designed with the 'end-user' in mind and represented a simplified approach to the permitting models implemented by other IFCAs.

At the Regulation and Compliance Sub-Committee meeting of the 17<sup>th</sup> November 2015, members agreed to make the Permit Byelaw 2016 and the Whelk Byelaw 2016 and officers were directed to undertake a formal consultation.

Officers were liaising with the Marine Management Organisation (MMO) during the development of the new model and byelaws and the Byelaws were formally submitted to the MMO for formal Quality Assurance prior to submission to Defra for ministerial consent.

##### **Report**

Subsequent to the submission to the MMO, issues were identified with the mechanism proposed to implement the new scheme. This had the effect of slowing the process down and resulted in an application to the Minister for Defra to extend the emergency byelaw by another six months (the maximum allowed amount as per the Marine and



Coastal Access Act (c.23) 2009). This allowed additional time to liaise with the MMO and Defra legal teams on the issues surrounding the mechanism.

#### Issue with the proposed model

Permit byelaws usually have two main elements – a prohibition of an activity and a subsequent permission to conduct the same under certain circumstances (including for example permit conditions). The model proposed by Eastern IFCA split these two elements into separate byelaws (i.e. the Whelk Byelaw 2016 which contained the prohibition and the Permit Byelaw 2016 which contained the permission). This was a fundamental part of the new model which allowed for Eastern IFCA to require permit endorsements for different fisheries as the requirement occurred.

Initially, the MMO legal team had found the byelaw consistent with the Marine and Coastal Access Act and in keeping with the relevant guidance and actually contributed a significant amount of input into the original byelaw. Further scrutiny by the Defra legal team however highlighted concerns regarding the application of the principle of transparency as set out in the 'Better Regulations' guidance. It is worth noting that this conclusion was reached 'late in the day'.

It was concluded that the proposed model was not 'transparent' as a result of having split the prohibition and permission across two byelaws.

#### Solution

In the context of the emergency byelaw expiring on 28<sup>th</sup> October it was decided that the most appropriate way forward would be to amend the Permit Byelaw 2016 and Whelk Byelaw 2016 such that they were compliant with the Better Regulation principles. To this end, the byelaws were effectively combined to form a 'traditional' permit byelaw.

This had the effect of changing the mechanism of the regulations but not the effect (i.e. a permit is required to fish for whelks). In addition, none of the permit conditions were amended subsequent to those which had been formally consulted on during the process already. Therefore, it was not legally required to re-consult with the public. Advice from the MMO byelaw team was received to this effect also.

At the Regulation and Compliance Sub-Committee at which the byelaw was made, members also agreed to delegate powers to the A/CEO to make 'minor' amendments to the byelaws such that they could pass the MMO QA process. The changes made to the byelaw could be considered to be in excess of 'minor' given that it changes the direction of travel going forward. Therefore, the Chair of the Regulation and Compliance Sub-Committee was consulted and it was decided that, particularly given the tight timeframes involved it was not necessary to take the byelaw back to the full Regulation and Compliance Sub-Committee.

The resultant byelaw (the Whelk Permit Byelaw 2016) is presented in Annex 1. It is intended that, to achieve a similar level of clarity as was anticipated in the original proposal, the Whelk Permit Byelaw 2016 will effectively be used as a template for any future permit byelaws providing a consistency across all Eastern IFCA regulations. In addition, it may be possible to adapt our administrative process to cater for a 'single permit' approach as was initially intended (for example, producing a single document for fishers which contains all of their associated permits). It is worth noting that the MMO byelaw team (comprising only 2 people) contributed significantly to remedying the

situation given the timescales involved and that Eastern IFCA's pragmatic response to the issue was appreciated by both Defra and the MMO.

## **Risk**

The main risk is that whelk fisheries within the district are for a period unregulated as a result of the emergency byelaw having expired before the confirmation of the replacement byelaw, the Whelk Permit Byelaw 2016. This risk has, as far as possible, been mitigated against by designing and submitting an amended byelaw as soon as was possible following the conclusion that proposed byelaws would not pass the MMO QA process. The MMO and Defra legal teams have made an assurance that the byelaw is of a priority for consideration but, at the time of writing has yet to be consented.

The longer term risk is that the 'traditional' permit scheme model does not provide the clarity to fishers as was intended in the original proposal. This will be mitigated against by considering how to administer permits such that clarity and constituency can still be achieved.

The legal risks associated with the original byelaw have been mitigated by the work undertaken to amend the byelaw.

## **Conclusion**

The Permit Byelaw 2016 and Whelk Byelaw 2016, as made by the Regulatory and Compliance Sub-Committee on the 17<sup>th</sup> November 2015 have been amended to reflect legal advice received from Defra and the MMO. These byelaws were intended to replace the emergency byelaw implemented to manage whelk fisheries within the district which expires on the 28<sup>th</sup> October 2016. The amendments have not changed the effect of the byelaw on stakeholders, only the mechanism through which the measures are administered.

Whilst there was clear rationale for the original proposal, advice was received to the effect that it is not in keeping with the principle of transparency as required under the Better Regulation guidelines due to the two main elements of the regulations being split between two separate byelaws. As such, the byelaws have effectively been combined to form a 'traditional' permit byelaw.

Whilst the resultant byelaw is not as was originally intended, it is felt administrative processes can be designed to reflect the spirit of the original proposal (i.e. a single permit approach) to provide the intended clarity and consistency to fishers.

## **Background documents**

Action Item 7: regulation and Compliance Sub-Committee (17<sup>th</sup> November 2015)

## **Appendices**

1. Proposed Whelk Permit Byelaw 2016



**Eastern  
Inshore Fisheries and Conservation Authority**

**MARINE AND COASTAL ACCESS ACT 2009**

**Whelk Permit Byelaw 2016**

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for the District.

**Interpretation**

1. In this byelaw:

- a) 'the Authority' means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
- b) 'Category One Permit' means a permit granted for fishing for whelks for commercial purposes as set out in paragraph 9(a) of this byelaw;
- c) 'Category Two Permit' means a permit granted for fishing for whelks for recreational purposes as set out in paragraph 9(b) of this byelaw;
- d) 'the District' means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010;
- e) 'fishing' includes digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; catching, taking or removing sea fisheries resources and 'fish' is to be construed accordingly;
- f) 'fishing for commercial purposes' means fishing for sea fisheries resources that will be sold;
- g) 'fishing for recreational purposes' means fishing for sea fisheries resources for pleasure or personal consumption;
- h) 'fishing gear' includes any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used for the purposes of fishing;

- i) 'named representative' means a person qualified to skipper a vessel who has been granted permission to fish from a vessel by the owner of that vessel, and has been nominated by the owner of a vessel for the purposes of paragraph 13;
- j) 'owner' means the person named as the owner of a vessel in the certificate of registry for that vessel granted under the Merchant Shipping Act 1995 (c.21) and the Merchant Shipping (Registration of Ships) Regulations 1993 (SI 1993/3138), or in the Channel Islands or Isle of Man;
- k) 'flexible permit conditions' means any of the conditions determined by the Authority as provided in paragraph 21 in accordance with the process set out in Schedule 1;
- l) 'registered fishing vessel' means a vessel:
  - i. registered under Part II of The Registry of Shipping and Seaman as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993, or in the Channel Islands or Isle of Man; and
  - ii. in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84);
- m) 'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;
- n) 'whelk' means a marine gastropod of the species *Buccinum undatum*;
- o) 'whelk permit' means a Category One Permit or a Category Two Permit;
- p) 'whelk permit tag' means a tag issued by the Authority which is to be affixed to whelk fishing gear;
- q) 'whelk pot' means a pot or trap set for the purpose of catching whelks.

## Prohibitions

2. A person must not fish for whelks or land whelks caught within the District unless that person is:
  - a) the holder of a whelk permit; or
  - b) a named representative, nominated by the holder of a whelk permit;
 and must undertake fishing or related activities in accordance with any flexible permit conditions issued by the Authority.
3. A person must not retain on board, tranship, land, transport, store, sell or display or offer for sale whelks caught from within the District which are smaller than the minimum length specified within the flexible permit conditions as

measured in accordance with Schedule 2 but must return such immediately to the sea.

4. A person must not fish for whelks under the authority of a permit from a vessel other than the vessel named on that permit without firstly obtaining the agreement of the Authority. Such agreement may be given in circumstances where the permit holder, named representative or the named vessel are unable to put to sea.
5. A person must not use fishing gear other than a whelk pot in fishing for whelk.
6. A person must not set whelk pots unless the whelk pots are marked with valid whelk permit tags provided by the Authority and unless each string of whelk pots is marked as follows:
  - a) buoys which are of sufficient size and shape to be clearly visible must be present at each end of a string of pots;
  - b) buoys must be marked with the number of the whelk permit under which the string of pots are used in such a way that it is clearly visible;
  - c) where the whelk permit under which the whelk tags were issued names a registered fishing vessel, buoys must be marked with the port letters and number of that vessel;
  - d) buoys must be set so as to remain fully afloat and clearly visible at all times.

#### **Catch returns**

7. The holder of a whelk permit must submit to the Authority, no later than the 10<sup>th</sup> day of each month, such information relating to the previous month as is required by the Authority on forms which will be provided by the Authority.
8. The information referred to in paragraph 7 may include:
  - a) spatial information;
  - b) information on fishing effort;
  - c) catch data;
  - d) by-catch information;
  - e) gear information;
  - f) date and time information;
  - g) vessel information.

#### **Permits**

9. The Authority may:
  - a) issue a Category One Permit to the owner of a registered fishing vessel, or to a person fishing for commercial purposes other than from a vessel;
  - b) issue a Category Two Permit to the owner of a vessel which is not a registered fishing vessel, or to a person fishing for recreational purposes other than from a vessel.

10. Only one whelk permit may be issued in respect of each vessel, which will be named on the whelk permit, and any change in ownership of a vessel cancels that permit.
11. Only one whelk permit may be issued to each person without a vessel.
12. Whelk permits are not transferable.
13. Application for a whelk permit must be made using printed forms available from the Authority. These forms will require applicant and vessel details. The applicant may nominate up to 2 persons as their named representatives whose details must also be entered on the application form.
14. Permits will be valid from the date of issue until the following 1<sup>st</sup> of April.
15. The Authority may restrict the number of whelk permits issued and may set criteria to restrict eligibility for a whelk permit in accordance with the procedure set out in Schedule 1.

### **Whelk permit fees**

16. A fee will be charged for each whelk permit which must be paid prior to the issuing of a whelk permit.
17. The fee for a Category One Permit is:
  - a) £50 for a whelk permit for 100 whelk pots or fewer; or
  - b) £0.50 per pot for a whelk permit for more than 100 pots.
18. The fee for a Category Two Permit is £5 per pot.

### **Flexible permit conditions**

19. The Authority may attach to permits flexible conditions which fall within one or more of the categories listed in paragraph 20.
20. The categories referred to in paragraph 19 are:
  - a) minimum length;
  - b) catch restrictions;
  - c) fishing gear restrictions;
  - d) fishing effort restrictions;
  - e) spatial restrictions;
  - f) time restrictions.
21. The Authority may issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in the Schedule 1.

### **Whelk permit tags**

22. Whelk permit tags will be issued with an associated whelk permit will only be valid for the period that the whelk permit is valid and for fishing in relation to that permit.

23. Whelk permit tags are not transferrable and must be surrendered to the Authority immediately if no longer required by the person to whom they are issued.
24. Lost whelk permit tags must be reported to the Authority within 21 days of the loss.
25. Whelk permit tags which are reported as lost are no longer valid.
26. The holder of a whelk permit may apply for replacement whelk permit tags for whelk permit tags that have been lost.
27. Claims for replacement of less than 20% of whelk permit tags issued to the holder of a Category One Permit, or for any whelk permit tags issued to the holder of a Category Two Permit, will be considered by the Chief Executive Officer of the Authority or a nominated deputy.
28. Claims for replacement of more than 20% of whelk permit tags issued to the holder of a Category One Permit will be considered by either the Chairman or the Vice Chairman of the Authority and either the Chief Executive Officer or a nominated deputy.
29. An appeal may be made to the Authority if an applicant feels that their claim has not been properly dealt with.
30. The replacement of whelk permit tags will be at a cost of £0.30 per whelk permit tag.

## **Schedule 1**

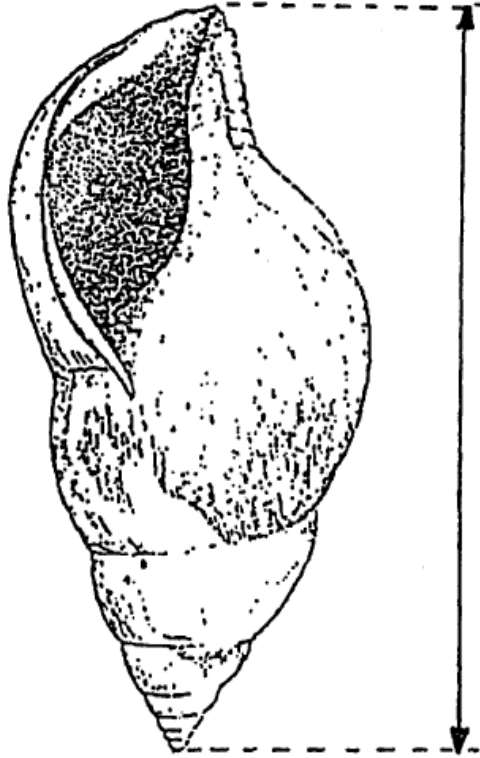
### **Procedure**

1. The procedure for restricting the number of whelk permits issued in any year and setting criteria to restrict the eligibility for a whelk permit as referred to in paragraph 15, or issuing, varying or revoking flexible permit conditions as referred to in paragraph 21 (in this Schedule, 'the proposed changes') must include the following steps:
  - a) acquisition of relevant available evidence including:
    - i. scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Sciences or such other persons as the Authority thinks fit;
    - ii. advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
    - iii. information from any other relevant source including that which is relevant to effective enforcement;
  - b) consultation by such methods as the Authority considers appropriate with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed changes;
  - c) undertaking an impact assessment relating to any restriction of the issuing of whelk permits or the issuing, varying or revoking flexible permit conditions;
  - d) consideration by the Authority of all information arising from subparagraphs (a) to (c) above.
2. The Authority must review flexible permit conditions and restrictions of the issuing of whelk permits no less frequently than every four years after the date that a flexible permit condition or restriction on the issuing of whelk permits has taken effect.
3. The review of flexible permit conditions or restrictions on the issuing of whelk permits will be in accordance with a formal operational procedure agreed by the Authority and will include the steps set out in paragraph 1.
4. Where restrictions on the issuing of permits or flexible permit conditions are issued, maintained, varied or revoked whelk permit holders will be notified in writing.



**Schedule 2**  
**Measurement of the length of a whelk**

1. The length of a whelk will be measured as shown below.



2. The length of a whelk is determined as above regardless of any damage which would reduce its length.

I hereby certify that the Whelk Permit Byelaw 2016 was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 17<sup>th</sup> November 2015.

A handwritten signature in black ink, appearing to read 'J. Gregory'.

Julian Gregory

Acting Chief Executive Officer  
Eastern Inshore Fisheries and Conservation Authority  
6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk PE30 2JG

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) of the Marine and Coastal Access Act 2009, confirms the Whelk Permit Byelaw 2016 made by the Eastern IFCA on 17<sup>th</sup> November 2016.

The said byelaw comes into force on: 28<sup>th</sup> October 2016

## **Explanatory Note**

(This note does not form part of the byelaw)

*This byelaw requires people who fish for whelks within the District to obtain a whelk permit. They are also required to fish in accordance with any flexible permit conditions issued by the Authority.*

*The byelaw requires that only whelk pots may be used for targeting whelk and requires pots to be tagged with tags provided by the Authority. Gear must also be marked with buoys which are visible at all times and have the vessel's port letters and numbers and whelk permit number also clearly visible.*

*A fee is payable to the Authority for the issuing of a whelk permit. The minimum charge is set at £50 for a Category One Permit (commercial fishing) and £0.50 per pot for more than 100 pots. The charge for a Category Two Permit (recreational) is £5 per pot.*

*If pots and tags are lost, permit holders may apply for replacements. A charge of £0.30 per replacement tag is payable to the Authority. If a Category One Permit holder wishes to replace in excess of 20% of their tags the Chairman or Vice Chairman and the CEO or a nominated deputy will consider whether to replace the tags.*

*The number of whelk permits which will be issued by the Authority can be restricted. The Authority can also set criteria to determine which applicants are eligible for a whelk permit.*

*This byelaw also allows the Authority to implement flexible permit conditions which will reflect best available evidence. These permit conditions will be used to protect fisheries and the environment and to ensure long-term, sustainable fisheries.*

*To implement any restrictions on the issuing of permits or introduce, vary or revoke permit conditions the Authority will carry out a consultation with potentially affected stakeholders and produce an Impact Assessment which will be considered by the Authority.*

*The Authority must also review any restrictions on the issue of whelk permits or flexible permit conditions once every four years as a minimum.*

#### **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



## **Action Item 9**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** L. Godwin T/Senior IFCO / Staff Officer

#### **Shrimp Byelaw 2016 Update**

##### **Purpose of report**

The purpose of this report is to update the Authority on progress made towards delivering protection of the protected habitats within the Wash and North Norfolk Coast Special Area of Conservation with regards to shrimp fishing.

##### **Recommendations**

Members are recommended to:

- **Note** the report;

##### **Background**

Eastern IFCA has undertaken several assessments to test the impacts of fishing activities on protected habitats throughout the district. One such assessment determined that the shrimp fishery within the Wash and North Norfolk Coast SAC required management measures for the protection of two habitats. It was determined that this could be best achieved through a combination of spatial closures and effort limitations.

In order to implement the required effort limitations, Eastern IFCA made the Shrimp Byelaw 2016 on the 27<sup>th</sup> April 2016 which required fishers to obtain a permit which was endorsed for shrimp fishing, issued under the Permit Byelaw 2016. Subsequent to this, Officers reported on the outcomes of a formal consultation and the Authority agreed to submit the byelaw to the Marine Management Organisation for quality assurance prior to being consented by the Minister (as per Defra guidance).

The making of the Shrimp Byelaw 2016 was the first step in implementing shrimp measures for the protection of the marine protected area. The byelaw only required shrimp fishers to obtain a permit and it was intended that the permit conditions, which effectively managed the fishery, would be brought in in slower time, through the procedure set out in the Permit Byelaw 2016 (including formal consultation and the development of an Impact Assessment).

In addition, spatial closures were intended to be implemented through the Marine Protected Areas Byelaw 2016. This byelaw was made in February 2016 by the Regulatory and Compliance Sub-Committee and publicly consulted on thereafter. The intention of this byelaw was to replace the incumbent Protected Areas Byelaw to include

additional marine protected areas. In April 2016, the results of the consultation were reported to the full Authority and the byelaw was sent to the Marine Management Organisation for quality assurance.

During this time, a Defra review of the use of Regulatory Notices in byelaws was undertaken and legal issues were identified. These have resulted in a review of the Marine Protected Areas Byelaw 2016 and a redraft by Defra legal.

## **Report**

As reported in Action Item 8 of this meeting, the Permit Byelaw 2016 as made will not be consented by the Minister. In order to implement flexible management measures of the shrimp fishery, a new byelaw will be required which incorporates the process for issuing, varying and revoking permit conditions and the limiting of effort.

### Development of new Shrimp Byelaw

The shrimp fishery in The Wash and North Norfolk Coast requires a flexible management approach and would benefit from the use of flexible permit conditions. As in the case of the Whelk Byelaw 2016, it is proposed that a Shrimp Permit Byelaw 2016 is made and put out to formal consultation in December. The Marine Management Organisation has indicated that Eastern IFCA will need to put a new Shrimp Permit Byelaw 2016 to formal consultation as the effects of the byelaw will have significantly changed (in relation to the original Shrimp Byelaw 2016).

The permit conditions would have been put out to consultation as per the process set out in the original byelaw in any case and as such, whilst this has caused a delay in the implementation of the measures so far, having to re-consult on the byelaw is not considered a significant extra step. It is intended that both the proposed permit conditions and the byelaw can be consulted on simultaneously.

### Development of management measures

As a result of the additional evidence used in the assessment of the shrimp fishery, it was concluded that a combination of closed areas and effort limitation could be used to mitigate the risk of shrimp fishing impacts on the protected areas.

#### *Closed areas*

Closed areas have been drafted which have the required protective effect on the site but also mitigate impacts to the industry where we have discretion. Closed areas have been targeted over areas where habitats are particularly sensitive to fishing activity, habitats which are less sensitive are intended to be managed through effort limitation.

Advice was sought from the industry regarding the most important areas for fishing activity and this was considered alongside data from Natural England on the presence of sensitive habitats. Where it was considered appropriate, areas were left open to the industry in the context that other closures (combined with effort limitations) would still prevent significant impacts on site integrity. Additional habitat data has been incorporated into the original dataset to provide additional confidence (including for example Environment Agency data and Eastern IFCA surveys).

Officers have worked in close liaison with Natural England who agree that this approach can have the required protective effect.

The Marine Protected Areas Byelaw 2016 is still being redrafted by Defra legal and until such time as this is completed, spatial closures cannot be implemented through this mechanism. It is likely that the closures will have to be implemented through permit

conditions in the short-term with a view to implement permanent closures through the Marine protected Areas Byelaw 2016 after the Defra review.

#### *Development of permit conditions*

The primary focus of the permit conditions is to ensure that effort within the protected area does not exceed that which would cause a detrimental effect on site integrity. Pursuant of this, a maximum 'footprint' was determined primarily through an analysis of the recoverability of the habitats sub-tidal mixed sediment and sub-tidal mud.

The footprint is expressed as a number of tows per year with the caveat that averages of data were used to determine tow duration.

Officers have determined that there are two basic models for preventing effort within the site reaching this detrimental level.

- 1. Limit the number of permits issued (to fish for shrimps within The Wash and North Norfolk Coast) and limit the number of trips / days fishing.*

This is the 'conventional' method for limiting effort in a fishery and would naturally require difficult decisions on which vessels would be issued with a permit and on how to fairly 'share out' the effort between these.

The benefit to this model would be that there is a very limited risk of fishing activity exceeding the levels which could have a detrimental impact on the site.

- 2. Do not limit effort initially but monitor the level of effort in relation to the threshold footprint and only limit effort when required.*

This model would see permits issued to all fishers who want them and would not set effort limitations initially. Instead, management measures are set out which include the ability to reduce effort if trigger points are reached or even stop the activity where the threshold is at risk of being exceeded. The model would be similar to that agreed by Natural England in relation to the Wash Fishery Order shellfish lays.

Through analysis of the available data, it has been concluded that the threshold was not breached in certain years over the last five. In this context, it may be the case that in some years, management measures would not have been required as the fishery has been less active for other reasons (for example poor market value or catches or good catches in other fisheries). In this sense, the management would be imposed 'as required'.

These two models were put to the industry for feedback at a workshop held on the 26<sup>th</sup> September and a report has subsequently been produced and published on the IFCA website ([www.eastern-ifca.gov.uk](http://www.eastern-ifca.gov.uk)).

The feedback from the industry indicates some clear benefits and risks in relation to each model. No overall consensus was found in a preferred option which, in the context of differing business models within the industry is an expected outcome.

A detailed analysis of these two models will be presented to the Regulatory and Compliance Sub-Committee in December with a recommendation on which model to adopt to implement the required measures.

### *Implementation of inshore Vessel Monitoring Systems (iVMS)*

Three iVMS devices have recently been 'type approved' – this is discussed further in Action Item 10. This new technology has the potential to drastically change Eastern IFCA's ability to implement meaningful and effective management measures, particularly in relation to closed areas.

Depending on the outcome of a national discussion (further details provided in Action Item 10) there may be a drive to implement a requirement for shrimp fishers to have iVMS in the short-term. This could be incorporated into the new Shrimp Permit Byelaw 2016 and would greatly reduce the risk of non-compliance in relation to closed areas and increase the data available to Eastern IFCA to make further management decisions.

### *Management measures in the context of Marine Stewardship Council accreditation*

The shrimp industry is also seeking to acquire Marine Stewardship Council accreditation of the shrimp fishery. Included in this process is the development of a fisheries management plan and harvest control rules. Officers are looking to compliment this industry initiative where possible in the context of developing measures to protect the fishery and the habitats in the Wash and North Norfolk Coast.

It is notable that the industry led measures are seeking to limit effort pursuant of accreditation. This is being achieved through criteria which seeks to limit the number of vessels which shrimp within the fishery. Where vessels do not meet the criteria (for example, a minimum weight of shrimp landed over the last three years) the processors will not buy that shrimp which is caught from that vessel. This has caused several fishers to raise concerns to Eastern IFCA given that several shrimp fishers have been told by the local processors (who are also commissioning the work on the accreditation) that they will no longer accept shrimp caught from them.

Whilst these measures will limit effort within the site, potentially to the benefit of the habitats and the fishery, Eastern IFCA measures will still be required to ensure that effort does not increase to a detrimental level. In addition, Eastern IFCA will achieve this through adopting a balanced approach, taking into account the differing business models within the industry. This may differ from the approach proposed/taken by the industry.

### **Risk**

The work is unlikely to be completed by the Defra set December 2016 deadline in light of the legal issues relating to the Permit Byelaw 2016 and the Marine Protected Area Byelaw 2016.

### **Conclusion**

Measures pursuant of protected designated habitats in the Wash and North Norfolk Coast special area of conservation are being developed and will be put to the Regulatory and Compliance Sub-Committee in December 2016. Significant issues have arisen in relation to the wording of both the Marine Protected Areas Byelaw 2016 and the Permit Byelaw 2016 which have delayed the work to an extent.

Consultation and engagement has been undertaken with the industry pursuant of developing proportionate measures which also have the required protective effect. Through this engagement, significant boundaries have been identified in relation to finding a balanced approach in the context of differing business models.

It is planned to present draft measures to a Regulation and Compliance Sub-Committee in December.



#### **Vision**

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#### **Action Item 10**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** J. Gregory A/CEO

#### **Inshore Vessel Monitoring System (iVMS)**

##### **Purpose of report**

The purpose of this report is to update members on progress with type approved units and to seek agreement on the direction of travel for the introduction of iVMS within the District.

##### **Recommendations**

Members are recommended to:

- **Note** the report;
- **Agree** in principle to the introduction of iVMS on all under 12m fishing vessels throughout the Eastern IFCA District, subject to national developments and further analysis of local requirements.

##### **Background**

Vessels over 15 meters in length have been required to have an operating Vessel Monitoring System (VMS) on board for several years and this requirement was subsequently extended to vessels which exceed 12m length.

VMS devices report data to a national fisheries monitoring centre via existing telecoms technology – in the case of traditional VMS, the system uses satellites to send data via a ground station.

In a collaborative piece of work between the MMO and the IFCAs, a standardised approach to develop of a similar system suitable for smaller vessels working inshore was started and is currently being overseen by the National Inshore Marine Enforcement Group (NIMEG). This new system, known as inshore VMS (iVMS) needed to be capable of functioning on much smaller vessels and deal with the pitfalls associated with the inshore fleet whilst also meeting the requirements of the regulators involved (i.e. IFCAs and the MMO).

In order for new iVMS units to be developed, 'type-approval' criteria were determined and agreed between IFCAs and the MMO. These criteria were put to hardware developers such that they could develop an iVMS unit.

In August of 2016, two iVMS units successfully passed the type approval process; one developed by AST Marine Sciences (the *BlueTrackeriVMS*) and another by Succorfish (the *SC2*). These devices have been added to the register of approved devices which

can be found on the MMO website. Subsequent to this, a further device has been named on the register; the *Watching Man Pro* developed by Marine Instruments S.A.

The introduction of a new European funding stream (EMFF) has seen the allocation of circa €20m to a 'control' fund. This money will be apportioned to projects that support Common Fisheries Policy enforcement and electronic vessel monitoring for the under 12m fleet is one of the identified priorities.

## **Report**

### iVMS specification

The key difference between traditional VMS and iVMS is the cost associated with them. In particular, VMS utilises satellite services to report data to the various ground stations around the UK. Use of the satellite systems makes the cost of each report (which, for VMS is required every two hours) high. The type-approval process set out clearly that a key requirement of iVMS is that it does not use the satellite system to report data but instead utilises mobile phone telecom systems instead. This makes the cost of each report much less and allows for higher resolution spatial data as a result (i.e. more reports can be required without a prohibitive cost).

This is of key importance to the development of the iVMS system as it will allow for management of inshore fishing activity in the context of intricate 'closed areas' (for example, Eastern IFCA's closed areas in The Wash) and smaller business models which are less able to absorb high costs associated with the traditional system.

Other specifications include physical properties (for example, ability to function at sea, water-proofing external elements and being tamper-proof) and an ability to report at 1 minute intervals and in a format which is consistent with the current data storage system (for VMS). iVMS also includes the ability to 'geo-fence' areas; that is, to pre-load a device with managed areas which the device can recognise.

### Benefits of iVMS

There are significant benefits associated with the introduction of iVMS and these apply equally to fisheries managers and to the fishing industry. The benefits can be summarised as follows:

#### *Fisheries Management*

Inshore fishing data is relatively sparse and as a consequence there is an element of judgment necessarily associated with fisheries management decisions. The ability to collate and analyse spatial data on fishing effort will support better informed decision making.

#### *MPA Management*

Understanding fishing activity within MPAs is critical to making informed management decisions but, as outlined above, there is a paucity of accurate information. For example, estimates of shrimp fishing activity in The Wash (in relation to the 'amber and greens' work for protecting MPAs) are based primarily on modelling of landings data. If iVMS data existed, Eastern IFCA assessments on the potential damage to the protected site would be more accurate and robust and less precautionary as a result.

When designing 'closed areas' for the protection of habitats, Eastern IFCA endeavours to adopt a proportionate approach. However, the marine environment is generally 'patchy' with different habitats forming mosaics within larger areas leading to larger closures. Whilst paucity of environmental data is

one limitation to making smaller closed areas, the enforceability of smaller areas also plays a part. iVMS would allow for higher resolution monitoring and support smaller or more intricate closed areas.

Monitoring and control plans are to be produced where Eastern IFCA has not put in place management measures. The aim of these plans is to ensure that, where our assessments have determined 'no adverse effect' to a site as a result of low levels of fishing activity, such activity does not increase to the detriment of the site. The plans will include a level of monitoring (which is to be determined and justified based on the characteristics of the site and the potential for damage), thresholds of activity which would require management action and proposed management actions to be taken (for example, introduce a byelaw). The use of iVMS data in these plans will be of obvious benefit to ensure that marine protected areas are not being fished to the detriment of the sites integrity.

#### *Compliance*

The ability to both analyse spatial data relating to fishing activity and to access live information will further enhance the risk based and intelligence led approach to enforcement. There are clear benefits with more effective use of resources and a more targeted approach to interventions.

For example, current enforcement of closed areas requires at sea monitoring of these areas and IFCOs have to be present to detect non-compliance. With iVMS in place, non-compliance can be detected using the data collected by the system. In the recent court case relating to fishing in closed areas in The Wash cockle fishery, the District Judge recommended that, if the vessels involved had been equipped with Automatic Identification System (AIS – a system which reports positional data from vessels) then the case would have been more simple and as such, would have been much less costly to the tax payer and the defendants. As such, iVMS would act as an additional deterrent to non-compliance and promote better behaviours within the industry without additional IFCO presence.

#### *Marine Planning*

The availability of accurate spatial data will be of significant benefit to the marine planning process, particularly in relation to offshore renewable energy. Understanding what is actually happening at sea can only assist with decision making.

#### *Industry Benefits*

The benefits to the industry from iVMS are varied and are linked to the benefits to fisheries management outlined above. Examples include:

- Better informed management measures or no new management measures as a consequence of better evidence
- Less restriction due to a more intricate approach to closed areas
- Enabling innovative management measures such as the proposals to combine smaller closed areas with effort management in the wash shrimp fishery
- Fewer enforcement interventions/inspections as a consequence of improvements in the risk based/intelligence led approach to compliance
- Evidence of track record for fisheries purposes
- Evidence to support compensation claims (e.g. windfarm development)

### Next steps – implementation

With devices approved for use, the next step is to require fishers to use iVMS. The implementation of iVMS will be a significant piece of work and there are many factors to consider, for example, should the requirement be phased in across different fisheries over time or should all fishers be required at once? Further consideration would be required including informal consultation with the industry.

There is the potential that a national regulation will be implemented in which case Eastern IFCA measures are not required. This would have the benefit of additional consistency in approach across the country and it is being actively pursued with Defra via the IFCA Chief Officers Group and NIMEG. Whilst Officers are in support of a national approach, should this not materialise, Officers recommend that the Authority sets out a clear direction of travel to fishers.

The availability of funding under EMFF is an additional driver to support the introduction of iVMS as the provision and installation of units could be at no cost to fishers. There would potentially be a financial implication for the Authority as funding is available to either 80% or 90% of actual costs. The 90% rate applies where iVMS is mandated and the 80% rate where it is not mandated. Assuming that all under 12m vessels in the district were fitted with iVMS this would equate to circa £22k at 90% or £44k at 80% (based upon approx. 220 vessels at £1k per unit).

The national approach is to identify funding to support the introduction of iVMS to all licensed fishing vessels under 12m and Defra are exploring the potential for a Statutory Instrument (SI) to achieve this. This would involve a single national application for funding. Whilst it is possible that an SI may not be achievable or may only apply to certain elements of the under 12m fleet (e.g. bottom towed gear only), current thinking is to secure funding for all vessels to keep options open. In the event that an SI is unachievable then individual IFCAs would need to apply for EMFF funding.

It is suggested that Eastern IFCA adopt a similar stance to that being taken nationally and in the event that the national approach does not proceed, seek funding for all under 12m vessels pending further analysis and the development of business cases for each fishery in the district.

Given the benefits to embedding iVMS into our fisheries management and the availability of funding to minimise the financial impact upon fishers it is recommended that the Authority agrees in principle to the introduction of iVMS across the district, subject to national developments and further analysis of requirements in each fishery within the district.

### **Risk**

There are a variety of risks associated with both pursuing the implementation of iVMS and not doing so. The risks associated with introducing iVMS to the various types of fishing vessel will be addressed in subsequent work.

The key risks associated with not introducing iVMS are that the benefits to both fisheries management and the industry outlined in this paper will not be realised.

### **Conclusion**

Three iVMS devices have now been developed which fulfil the requirements of the type approval process and funding to support implementation is likely to be available. The introduction of iVMS requirements would aid in the delivery of our main duties and making evidence based management decisions. In addition, benefits to the fishers

include better regulation resultant of better data and evidence. There is appetite for a requirement for fishing vessels to have iVMS at a national level however, Officers consider the system to be of importance enough to warrant exploring its implementation should a national approach not succeed.

#### **Vision**

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## **Action Item 11**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** J. Gregory, Acting Chief Executive Officer

#### **Eastern IFCA Constitution and Disclosable Pecuniary Interests**

##### **Purpose of report**

The purpose of this report is to present to the Authority an amended Eastern IFCA Constitution and Standing Orders which reflects further legal advice with regards to Disclosable Pecuniary Interests and dispensations under the Localism Act 2011 (c.20) and associated rationale.

##### **Recommendations**

Members are recommended to:

- **Note** the report;
- **Agree** to the proposed changes to the Constitution and Standing Orders;
- **Agree** to the new model for recording Disclosable Pecuniary Interests and the granting of dispensations under s.33 of the Localism Act 2011;
- **Direct** officers to undertake a consultation on Disclosable Pecuniary Interests.

##### **Background**

At the 23<sup>rd</sup> Eastern IFCA meeting the Authority resolved to agree to the proposed changes to the Eastern IFCA Constitution and Standing Orders and to delegate authority to the A/CEO to continue to investigate the legislative requirements with regards to Disclosable Pecuniary Interests. This action was undertaken to ensure compliance with regards to the Localism Act 2011.

##### **Report**

##### **Amendments to the Constitution and Standing Orders**

The Localism Act requires members of an Authority to declare Disclosable Pecuniary interests (DPIs). These include all the interests set out in *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012* (DPI Regulations) as set out in Appendix 1.

The interests set out in the DPI Regulations are wider ranging than those which the Authority has asked for before. As such an amended Constitution and Standing Orders has been drafted for consideration. In addition, the Localism Act also states that

members with a DPI in a matter to be considered at a meeting, that person must not participate in any discussions or vote on such a matter.

The current constitution precludes members from voting on matters for which they have a DPI however, does not restrict members from participating in discussions related to a DPI. As such, this provision is also reflected in the amended Constitution and Standing Orders.

#### Dispensations under the Localism Act 2011

Precluding members from a discussion for which they have an interest (e.g. a commercial cockle fisher in a discussion about the annual cockle fishery) would be a significant deviation from how the Authority has previously operated. MMO appointees are selected for their knowledge and experience of the local fishing industry and marine environment and this is imparted during a meeting such that the intricacies of a matter can be brought to light, to the benefit of the Authority's decisions.

Furthermore, it has been a long-standing expectation that members with interests in a matter for discussion only contribute their specialist knowledge or experience for which they were appointed to the Eastern IFCA, and do not improperly seek to favour their own interests or those of anyone connected with them.

As such, it is considered appropriate that the Authority seeks to grant dispensation from this provision of the Localism Act where appropriate. Such dispensation requires a written request from the particular MMO appointee and must be considered by the Authority in accordance with s.33(2) of the Localism Act as set out in Box 1 (below).

#### **Box 1 – section 33 (2) of the Localism Act 2011 (c.20)**

*33(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—*

*(a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,*

*(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,*

*(c) considers that granting the dispensation is in the interests of persons living in the authority's area,*

*(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or*

*(e) considers that it is otherwise appropriate to grant a dispensation*

An amended Constitution and standing Orders has been produced to reflect the above and the draft amendments are summarised in the table in Appendix 2.

## New process for requesting DPI information and grant dispensations under s.33 of the Localism Act 2011

Whilst the amendments to the Constitution and Standing Orders will adequately reflect the requirements under the Localism Act, some changes to the administrative process are also required.

On appointment, MMO appointees are required to complete a 'register of interest's form'. At present, the interests asked for on this form cover only those elements which the Authority considers relevant to Eastern IFCA. Section 29 of the Localism Act states that it is for the relevant Authority (Eastern IFCA) to determine what is to be entered in the Authority's register. As such the current register is sufficient except that, under section 30(1) a member must notify the Authority of any DPIs not on the register at a meeting where a matter is being considered which relates to a DPI.

The process for granting a dispensation under section 33 of the Localism Act requires the Authority to have considered a written request for dispensation. Legal advice has been received indicating that a robust, transparent process is required for the granting of dispensations and as such, it is unlikely that such a process could be conducted during a meeting.

Instead, it is proposed that the full suite of DPIs are declared by each MMO appointee on appointment such that written application for a dispensation can be sent (by the member) and proper consideration can be given by the Authority.

Subsequently, the Authority can retain a record of the dispensations granted, the period of the dispensation (noting that dispensations can last up to 4 years only) and importantly, the rationale for such dispensation in accordance with the principles set out in Box 1 (above).

To this end, a new form has been drafted which would capture all DPIs and a form which provides a written request for dispensation. The form is presented in Appendix 3. All DPIs can subsequently be recorded on the 'register of interests' such that dispensations can be granted, as appropriate, in advance of each meeting.

### **Risk**

Legal advice has been sought regarding the application of the provisions of the Localism Act to the procedures of the Authority to minimise the risk of any legal challenge. In reality, the Authority, including its appointed members, have always made decisions in the spirit of the Localism Act; transparently, objectively and in the absence of self-proliferation.

The present amendments to the Constitution and Standing Orders and the administration of DPIs and dispensations will remove the presence of any legal risk in relation to DPIs.

### **Conclusion**

The Authority presently operates in accordance with the spirit of the Localism Act; with transparency and objectivity and in the absence of any self-proliferation. The proposed amendments to the Constitution and Standing Orders have been drafted in accordance with legal advice received and will ensure that Eastern IFCA's procedures are in-line with the requirements under the Localism Act.

### **Background documents**

Localism Act 2011 (c.20)



## **Appendices**

Appendix 1 - Schedule 1 - The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012;

Appendix 2 - Summary of amendments to the Eastern IFCA Constitution and Standing Orders;

Appendix 3 - Register of interests / dispensation request form.

**Appendix 1 - Schedule 1 - The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

**SCHEDULE**

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(1)</sup>.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p style="text-align: right;">(a)</p> <p>under which goods or services are to be provided or works are to be executed; and</p> <p style="text-align: right;">(b)</p> <p>which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p style="text-align: right;">(a)</p> <p>the landlord is the relevant authority; and</p> <p style="text-align: right;">(b)</p> <p>the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p style="text-align: right;">(a)</p>

<i>Subject</i>	<i>Prescribed description</i>
	<p>that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b)</p> <p>either—</p> <p>(i)</p> <p>the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii)</p> <p>if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

## Appendix 2 - Summary of amendments to the Eastern IFCA Constitution and Standing Orders

Table 1. Amendments to the Eastern IFCA Constitution and Standing Orders

Chapter/para No.	Existing text	Proposed text	Rationale
Chapter 2 section 4	<p>I agree to disclose the following interests to be included in the Eastern IFCA Register of Members' Interests:</p> <ul style="list-style-type: none"> <li>Any employment, office, trade, profession or vocation related to local fishing and/or marine environmental interests carried on for profit or gain by: <ul style="list-style-type: none"> <li>Me personally</li> <li>My spouse or civil partner</li> <li>A person with whom I am living as husband and wife, or</li> <li>A person with whom I am living as if we are civil partners</li> <li>Any organisation with which I am involved</li> </ul> </li> <li>Any contracts for goods or services, works to be executed, or land/property between the Eastern IFCA and: <ul style="list-style-type: none"> <li>Me personally</li> <li>My spouse or civil partner</li> <li>A person with whom I am living as husband and wife, or</li> </ul> </li> </ul>	<p>I agree to disclose the following interests to be included in the Eastern IFCA Register of Members' Interests:</p> <ul style="list-style-type: none"> <li><u>Any employment, office, trade, profession or vocation carried on for profit or gain;</u></li> <li><u>Any payment or provision of any other financial benefit (other than from the Eastern IFCA) made or provided within the relevant period in respect of any expenses incurred by myself in carrying out duties as a member (including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;</u></li> <li><u>Any contract which is made between myself (or a body in which I have a beneficial interest) and Eastern IFCA under which goods or services are to be provided or works are to be executed which has not been fully discharged;</u></li> <li><u>Any beneficial interest in land which is within the Eastern IFCA district;</u></li> <li><u>Any licence (alone or jointly with others) to occupy land in the area of Eastern IFCA for a month or longer;</u></li> </ul>	<p>The list of interests which are to be declared now includes all those set out in the DPI Regulations.</p> <p>In addition, the requirement to publicise the register of interests (s.29)5)(b) of the Localism Act 2011) is also reflected in this section.</p>

	<ul style="list-style-type: none"> <li>• A person with whom I am living as if we are civil partners</li> <li>• Any organisation with which I or one of the people listed above is involved</li> </ul> <p>I do not need to disclose this interest if the contract has been fully discharged.</p> <p>I am aware that the Register of Members' Interests will be available for public inspection at the Eastern IFCA's office.</p>	<ul style="list-style-type: none"> <li>• <u>Any tenancy where (to my knowledge) the landlord is Eastern IFCA and the tenant is a body in which the I have a beneficial interest;</u></li> <li>• <u>Any beneficial interest in securities of a body where –</u> <ul style="list-style-type: none"> <li>• <u>that body (to my knowledge) has a place of business or land in the Eastern IFCA district; and</u></li> <li>• <u>either –</u> <ul style="list-style-type: none"> <li>○ <u>the total nominal value of the securities exceeds "25,000 or one hundredth of the total issued share capital of that body; or</u></li> <li>○ <u>if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which I have a beneficial interest exceeds one hundredth of the total issued share capital of that class;</u></li> </ul> </li> </ul> </li> </ul> <p><u>In relation to any of the following;</u></p> <ul style="list-style-type: none"> <li>• Me Personally</li> <li>• My spouse or civil partner</li> <li>• A person with whom I am living as husband and wife</li> <li>• A person with whom I am living as if we are civil partners</li> </ul>	
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		<ul style="list-style-type: none"> <li>Any organisation with which I or one of the people mentioned above am is involved.</li> </ul> <p>I do not need to disclose this interest if the associated contract has been fully discharged.</p> <p>I am aware that the Register of Members' Interests will be available for public inspection at the Eastern IFCA's office and is published on the Eastern IFCA website.</p>	
Chapter 2, section 7, paragraphs 2 & 3	<p>I may have other interests in a matter being considered at a meeting I attend, that I do not have to include in the Register. These could be other pecuniary, or non-financial, interests which arise because the matter affects me, or someone connected with me, more than it affects the general population. I agree to declare these interests as they arise.</p> <p>In deciding whether I should declare an interest of this type, I will consider whether a reasonable person who knew about the interest would perceive me as acting inappropriately if I did not declare it.</p>	<p>I may have other interests in a matter being considered at a meeting I attend, that I do not have to include in the Register. These could be other pecuniary, or non-financial, interests (<i>for example related to local fishing and/or marine environmental interests</i>) which arise because the matter affects me, or someone connected with me, more than it affects the general population. I agree to declare these interests as they arise.</p> <p>In deciding whether I should declare an interest of this type, I will consider whether a reasonable person who knew about the interest would <u>consider that the principles of openness, transparency and accountability require that I declare it.</u></p>	
Chapter 2, Section 8	<p>I will not take part in the vote at a meeting on a matter that directly or indirectly affects:</p>	<p>I will not take part in the vote at a meeting <u>for which I have a disclosable pecuniary interest (as set out in paragraph 4 above) in that matter.</u></p> <p>I agree to accept the advice of the Chair on whether I can vote at a meeting on a matter in which I have declared an interest.</p>	

	<ul style="list-style-type: none"> <li>• any income received, or expenditure, by me personally or by one of the people described in Section 4;</li> <li>• any income received, or expenditure, by an organisation described in Section 4.</li> </ul> <p>I agree to accept the advice of the Chair on whether I can vote at a meeting on a matter in which I have declared an interest.</p>		
Chapter 2, Section 9	<p>In taking part in the discussion of a matter that directly or indirectly affects something in which I have a declared interest, I will ensure that my contributions relate only to the specialist knowledge or experience for which I was appointed to the Eastern IFCA, and do not improperly seek to favour my own interests or those of anyone connected with me.</p>	<p><u>I will not take part in any discussions at a meeting of a matter for which I have a disclosable pecuniary interest (as set out in paragraph 4 above) except in accordance with any dispensation which has been granted to me.</u></p> <p><u>When, under the authority of a dispensation, I am participating in discussions of a matter that directly or indirectly affects something in which I have a declared interest, I will ensure that my contributions relate only to the specialist knowledge or experience for which I was appointed to the Eastern IFCA, and do not improperly seek to favour my own interests or those of anyone connected with me.</u></p> <p><u>I agree to accept the advice of the Chair on whether I can participate in a discussion at a meeting on a matter in which I have declared an interest.</u></p>	

### Appendix 3 - Register of interests / dispensation request form

*"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."*



#### **Non-elected Members' Code of Conduct**

### **REGISTER OF MEMBERS' INTERESTS**

<b>Name of Member:</b>		
As a member of the Eastern Inshore Fisheries and Conservation Authority, I set out below the interests that I am required to declare under the Authority's Non-Elected Members' Code of Conduct. Where I have declared an interest which is sensitive (i.e. where the disclosure of such may lead to myself or someone connected to me being subject to violence or intimidation) I have indicated this on the form (below). The Clerk and I will discuss the inclusion of this on the register. Where there are no such interests under any heading, I have written "None".		
<b>Interest</b>	<b>Myself</b>	<b>Spouse / civil partner / person with him I am living as husband and wife / person with whom I am living as if civil partners</b>
<b>Any employment, office, trade, profession or vocation carried on for profit or gain</b>	Name of employer/business:  Vocation / sector (e.g. marine energy etc. if the vocation is 'fishing' please specify the type (e.g. cockle, shrimp, whelks etc.):	Name of employer/business:  Vocation / sector (e.g. marine energy etc. if the vocation is 'fishing' please specify the type (e.g. cockle, shrimp, whelks etc.):



<b>Sponsorship</b> - Any payment or provision of any other financial benefit (other than from the Eastern IFCA) made or provided within the last 12 months in respect of any expenses incurred by myself in carrying out duties as a member (including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992		
<b>Contracts</b> - Any contract which is made between myself (or a body in which I have a beneficial interest) and Eastern IFCA under which goods or services are to be provided or works are to be executed which has not been fully discharged		

<b>Land or licences</b> - Any beneficial interest in land which is within the Eastern IFCA district and any licence (alone or jointly with others) to occupy land in the area of Eastern IFCA for a month or longer		
<b>Corporate tenancies</b> - Any tenancy where (to my knowledge) the landlord is Eastern IFCA and the tenant is a body in which the I have a beneficial interest	Land leased from the Authority (Wash Fishery Order Shellfish Lays):  Other:	

<p><b>Securities</b> - Any beneficial interest in securities of a body where that body (to my knowledge) has a place of business or land in the Eastern IFCA district; and either –</p> <ul style="list-style-type: none"> <li>• the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>• if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which I have a beneficial interest exceeds one hundredth of the total issued share capital of that class;</li> </ul>		

## Dispensations

Where an interest entered on the register would otherwise preclude you from participating in discussions on matters relating to those interests, dispensations can be applied for. To apply for such a dispensation, please complete the form below which will be regarded as a written application to the Authority for dispensation.

## **Application for dispensation – section 33 of the Localism Act (2011 c.20)**

Completion of the following form is regarded as a written request under section 33 (1) of the Localism Act 2011 for dispensation to take part in discussions for which you have a disclosable pecuniary interest.

The Chair and Vice-Chair of Eastern IFCA will, in association with the Clerk, consider whether such a dispensation is appropriate. Such dispensation will only be granted where it is considered that a contribution is crucial to the delivery of the Authority's obligations.

### Written request for a dispensation

Name: \_\_\_\_\_

*I request dispensation from section 31(4)(b) of the Localism Act (2011) in so much as I am allowed to participate in discussions relating to matters for which I have declared a pecuniary interest, where such matters relate to local fishing and/or marine environmental interests.*

*In taking part in the discussion of a matter that directly or indirectly affects something in which I have a declared interest, I will ensure that my contributions relate only to the specialist knowledge or experience for which I was appointed to the Eastern IFCA, and do not improperly seek to favour my own interests or those of anyone connected with me.*

Signed \_\_\_\_\_ Date \_\_\_\_\_

## GUIDANCE NOTES FOR COMPLETING THE REGISTER OF INTERESTS FORM

Under the Eastern IFCA's Non-elected Members' Code of Conduct and the Localism Act 2011, you are obliged to declare interests for inclusion in the Register of Interests. The purpose of the Register is to enable the Authority to demonstrate to the public that:

- all of its members are open about paid activities they engage in that could impact on the Authority's work;
- all members are committed to ensuring that, when exercising their judgement as members, they put the interests of the Eastern IFCA first;
- all members are committed to ensuring that they do not use their position to improperly promote their own interests or the interests of those close to them.

### **The interests to be declared for the Register**

The Localism Act 2011 requires that the register of interests includes the interests you hold and those related to a spouse or partner – this includes someone you live with as husband or wife or as if civil partners.

Please see below guidance on each heading in the table above.

#### **1. Any employment, office, trade, profession or vocation carried on for profit or gain**

You must declare any sources of income including:

- The name of your employer;
- If you are self-employed, the name under which you trade;
- The vocation and area of work (e.g. fishermen, marine conservation etc.)

**2. Sponsorship** - *Any payment or provision of any other financial benefit (other than from the Eastern IFCA) made or provided within the last 12 months in respect of any expenses incurred by myself in carrying out duties as a member (including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992*

This relates to...

**3. Contracts** - *Any contract which is made between myself (or a body in which I have a beneficial interest) and Eastern IFCA under which goods or services are to be provided or works are to be executed which has not been fully discharged*

- You must declare any ongoing contracts between you personally or your partner as described above.
- If the contract is with a company you/your partner own or manage, your declaration should include the name of the company.
- If the contract is with you or your spouse or partner as self-employed, it should include the trading name that you/your partner use.
- The name of your client, if you are working under contract, and receiving any income for supplying goods or services, carrying out works, or property/land transactions related to the Authority's work. For example, advice, research, consultancy for wind farm companies, food processors, local authorities, conservation groups, tourism organisations etc.

You are not required to declare your income from these sources. You should update your declaration as your circumstances change.

**4. Land or licences** - *Any beneficial interest in land which is within the Eastern IFCA district and any licence (alone or jointly with others) to occupy land in the area of Eastern IFCA for a month or longer*

- You must declare any land owned which is within the Eastern IFCA district; and
- Any licence to occupy land within the district;
- You must include land and licences owned or held by a spouse or partner.

**5. Corporate tenancies** - *Any tenancy where (to my knowledge) the landlord is Eastern IFCA and the tenant is a body in which the I have a beneficial interest*

- You must include Wash Fishery Order shellfish lays in this declaration;
- You must include lays owned by spouses or partners;
- If the tenancy (including a lay) is in the name of a company you/your partner own or manage, your declaration should include the name of the company.

**6. Securities** - *Any beneficial interest in securities of a body where that body (to my knowledge) has a place of business or land in the Eastern IFCA district; and either –*

- a) *the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or*
- b) *if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which I have a beneficial interest exceeds one hundredth of the total issued share capital of that class*
- You must declare any ownership or debt owned (i.e. securities) in relation to a business situated within Eastern IFCA's district which have a value exceeding £25,000 or 1/100<sup>th</sup> of the total share capital of that body;
- You must declare the ownership of shares in a business where the shares owned of any one class (e.g. non-voting shares, preference shares etc.) exceed 1/100<sup>th</sup> of the total share capital of that business;
- You must declare interests of your spouse or partner in relation to the above also (i.e. if your partner also has shares of securities in a company).

**The interests you include in the Register are not the only interests you must declare.** Where the work of the Eastern IFCA relates to any of your interests or the interests of those close to you, you must immediately declare this to the Chief Executive Officer or to the meeting (if this is where the matter arises).

If the interest is already in the Register, or it is of such a nature that a reasonable person would believe it must influence your judgement, you must not take part in decisions concerning the interest unless you have been granted a dispensation.

#### **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



#### **Action Item 12**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** J Gregory A/CEO

#### **Annual Report 2015/16**

#### **Purpose of report**

The purpose of this report is to present the Annual Report 2015/16 for the Authority to consider.

#### **Recommendations**

Members are recommended to:

- **Approve** the contents report;
- **Direct** the A/CEO to publish the report and distribute it to Defra.

#### **Background**

The Marine and Coastal Access Act requires Eastern IFCA to produce an Annual Report at the end of each financial year and that a copy of the report be sent to the Secretary of State (via Defra).

#### **Report**

Officers have prepared a report which is appended to this item. The report details the Authorities work over the last financial year, progress against the priorities set for that year and other organisational metrics (e.g. carbon footprint calculation etc.).

In the context of high workloads and competing demands, the Authority has successfully delivered or furthered all but one of the priorities set for 2015/16. This includes further development of management measures within marine protected areas, an innovative and dynamic cockle fishery and the continued increase in public awareness of our work.

Eastern IFCA's responsibility to manage a changeable and dynamic industry often requires reassessment of priorities. This is reflected in the new 5-year business plan which was agreed at the February Planning and Communication Sub-Committee and the annual report 2016/17, the first to report on the new Business Plan, will reflect this new model.

#### **Appendices**

1. Annual report 2015/16 (see separate attachment)

## 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



## Action Item 13

### 26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

2nd November 2016

**Report by:** Andrew Bakewell – Head of Finance

#### **Payments made and monies received during the period 1<sup>st</sup> July to 30<sup>th</sup> September 2016**

##### **Purpose of report**

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 July to 30<sup>th</sup> September is attached.

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

##### **Recommendations**

Members are asked to:

- **Note** the content of the paper

##### **Background documents**

There are no background documents to this paper



**Finance Officer's Report on Payments Made and Monies Received during the period  
1st July 2016 to 30<sup>th</sup> September 2016**

**Payments made during the period 1st July 2016 to 30<sup>th</sup> September 2016**

	<b>Month 04</b>	<b>Month 05</b>	<b>Month 06</b>	<b>TOTAL</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Transfers to EIFCA Salaries & Wages Acct.	90,000.00	80,000.00	90,000.00	260,000.00
Rent, Rates & Service Charges	1,902.50	9,462.18	3,678.18	15,042.86
General Establishment	3,848.66	12,455.42	2,210.45	18,514.53
Legal Fees				
Staff Travelling & Subsistence	597.85	333.59	433.84	1,365.28
Members' Allowances	331.20			331.20
Training	192.40	300.00		492.40
Moorings/Harbour Dues		533.42		533.42
Pisces III Operating Costs				
Hire of rib	3,875.33		1,905.90	5,781.23
Three Counties Operating Costs	4,269.89	2,375.00	8,765.37	15,410.26
JA/ST –Operating Costs	1,691.67	1,565.38	3,779.19	7,036.24
Vehicle Operating Costs	1,221.69	1,027.47	1,609.48	3,858.64
Communication and Development	628.00	44.82	208.31	881.13
Research and Environment		294.48	39.68	334.16
Enforcement	3,870.44	326.37	1,093.59	5,290.40
Wash & Nth Norf. EMS Project	150.00	669.00		819.00
Wash Fishery Order				
New minibus		17,091.25		17,091.25
Petty Cash				
VAT recoverable (Quarter)	3,457.89	7,276.91	2,850.98	13,585.78
<b>TOTAL PAYMENTS MADE</b>	<b>116,037.52</b>	<b>133,755.29</b>	<b>116,574.97</b>	<b>366,367.78</b>

**Monies received during the period July 2016 to September 2016**

	<b>Month 04</b>	<b>Month 05</b>	<b>Month 06</b>	<b>TOTAL</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Levies				
VAT				
Lay rents	668.00			668.00
HMRC Mineral Oil Rebate				
WFO – Licences	2,880.00	540.00	180.00	3,600.00
WFO – Tolls	2,400.00	450.00	150.00	3,000.00
Whelk licences			500.00	500.00
Wash & North Norfolk Coast EMS		1,000.00		1,000.00
Sale of equipment			2,750.00	2,750.00
EHO sampling				
MMO recharge	9,074.09	8,690.06		17,764.15
Court costs	2,550.00	730.00	1,260.00	4,480.00
Miscellaneous	11.63	155.64	787.70	954.97
<b>TOTAL RECEIPTS</b>	<b>17,583.72</b>	<b>11,565.70</b>	<b>5,627.70</b>	<b>34,777.12</b>

## 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



## Action Item 14

### **26th Eastern Inshore Fisheries and Conservation Authority meeting**

2<sup>nd</sup> November 2016

**Report by:** Andrew Bakewell – Head of Finance

### **Report on the Management Accounts for the second quarter of the 2016/17 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

Detailed below are the management accounts for the second quarter of the 2016/17 financial year. Actual spend is compared with the budget with explanations of the significant variances provided.

The first six months saw the following cumulative variances against budget as follows:

	£	
Salaries	14,977	CEO secondment offset by temp. structure changes
General expenditure	26,883	Insurance £9,281, Training £15,422, Court case £13,579.
Communications	699	
Enforcement	(2,166)	Whelk Tags and increased activity
Research & Env	6,333	Savings on insurance and equipment replacement
Vessels	28,968	Moorings £13,680, TC £ (715), Ribs £26,964, Hire £ (10,961)
Vehicles	862	
Income	16,986	WFO £4,170, Assets £2,840, Survey £4,000, Penalties and costs £8,270
Total	<b>93,542</b>	

## **Management Accounts Financial Year 2016/2017**

	<b>ACTUAL Year to Date Qtr 2 £</b>	<b>BUDGET Year to Date Qtr 2 £</b>	<b>MEMO  Budget For Year £</b>
<b><u>SALARIES &amp; WAGES</u></b>			
Staff Remuneration	355,631	367,820	742,992
Pension	68,617	79,080	159,743
National Insurance	35,425	27,750	55,499
<b>TOTAL</b>	<b>459,673</b>	<b>474,650</b>	<b>958,234</b>
<b><u>GENERAL EXPENDITURE</u></b>			
Accommodation	38,802	32,138	62,113
Insurance	6,719	16,000	16,000
General Establishment	51,745	55,130	85,700
Officers' Expenses	5,601	9,920	19,840
Members' Travel	1,260	2,400	4,800
Training	2,473	17,895	35,790
<b>TOTAL</b>	<b>106,600</b>	<b>133,483</b>	<b>224,243</b>
<b><u>Development &amp; Communication</u></b>			
	3,051	3,750	7,500
<b><u>Enforcement</u></b>			
	10,166	8,000	16,000
<b><u>Research &amp; Environment</u></b>			
	4,829	11,162	16,500
<b><u>VESSELS</u></b>			
Moorings & Harbour Dues	1,970	15,650	31,300
<b><u>Vessel Operating Costs</u></b>			
Three Counties	36,996	36,281	96,344
Enforcement Vessels John Allen & Sebastian Terelinck	13,576	40,540	63,830
Pisces replacement (inc hire)	14,356	3,395	5,770
<b>TOTAL</b>	<b>66,898</b>	<b>95,866</b>	<b>197,244</b>
<b><u>VEHICLES</u></b>			
Operating Costs	14,453	15,315	25,200
<b>TOTAL</b>	<b>14,453</b>	<b>15,315</b>	<b>25,200</b>
<b>TOTAL EXPENDITURE</b>	<b>665,670</b>	<b>742,226</b>	<b>1,444,921</b>

**INCOME**

Bank Interest	42		6,000
Levies	1,391,070	1.391.070	1,391,070
WFO Licence Tolls	16,170	12,000	16,500
Whelk licences	2,125	3,000	6,000
Sale of assets	2,840		
Fixed Penalties & costs	8,270		
Surveys	4,000		5,000
EHO sampling	600	3,000	6,000
Lay rents	2,939	2,000	2,500
<b>TOTAL INCOME</b>	<b>1,428,056</b>	<b>1,411.070</b>	<b>1,433,070</b>
<b>Net</b>	<b>762,386</b>	<b>668,844</b>	<b>-11,851</b>

## Management Accounts Detail Qtr 2

	Actual Year to date Qtr 2	Budget Year to date Qtr 2	2016/2017 Budget for the year
<b><u>SALARIES</u></b>			
Staff Remuneration	355,631	367,820	742,992
Superannuation	68,617	79,080	159,743
National Insurance	35,425	27,750	55,499
<b>TOTAL</b>	<b>459,673</b>	<b>474,650</b>	<b>958,234</b>
<b><u>GENERAL EXPENDITURE</u></b>			
<i><u>Accommodation</u></i>			
Rent	16,813	16,813	33,625
Business Rates	9,366	9,020	15,830
Water Rates	288	322	643
Service Charges	213	1,728	3,455
Insurance - Buildings	605	370	740
Insurance Office & General	6,719	16,000	16,000
Electricity	2,271	1,760	3,520
Cleaning	919	1,625	3,250
Maintenance & Redecoration	1,608	500	1,050
<b>TOTAL</b>	<b>38,802</b>	<b>48,138</b>	<b>78,113</b>
<i><u>General Establishment</u></i>			
Advertisements & Subscriptions	6,672	7,870	15,740
Legal & Professional Fees	10,486	5,700	11,400
Telephones (Office & Mobile)	3,977	2,500	5,000
Postage & Stationery	4,179	2,325	4,650
Equipment Hire & Renewals	3,809	2,275	4,550
IT Support (including Citrix)	25,200	26,200	27,840
Uniforms & Protective Clothing	1,215	4,545	9,090
Medical Fees	250	1,000	2,000
Recruitment		600	1,200
Sundry Expenditure inc. Meeting Costs	2,676	2,115	4,230
<b>TOTAL</b>	<b>58,464</b>	<b>55,130</b>	<b>85,700</b>
<i><u>Officers' Travel &amp; Subsistence</u></i>			
General Travel - Fares, Taxis etc	1,460	1,735	3,470
Subsistence Payments	2,254	2,000	4,000
Overnight Subsistence	1,169	2,500	5,000
Hotel - Accommodation & Meals	718	3,685	7,370
<b>TOTAL</b>	<b>5,601</b>	<b>9,920</b>	<b>19,840</b>
<i>Members' Travel</i>	1,260	2,400	4,800
<i>Training</i>	2,473	17,895	35,790
<b>TOTAL GENERAL EXPENDITURE</b>	<b>106,600</b>	<b>133,483</b>	<b>224,243</b>

**Departmental Operational Costs**

<i>Research and Environment</i>	4,829	11,162	16,500
<i>Marine Protection</i>	10,166	8,000	16,000
<i>Communication and Development</i>	3,051	3,750	7,500

	Actual Ytd Q2	Budget Ytd Q2	Budget Year
<b><u>MOORINGS &amp; HARBOUR DUES</u></b>			
Rent - Sutton Bridge Moorings	927	9,135	18,270
Maintenance	69	515	1,030
Berthing & Harbour Dues	974	6,000	12,000
<b>TOTAL</b>	<b>1,970</b>	<b>15,650</b>	<b>31,300</b>

**RESEARCH VESSEL****Three Counties**

Maintenance & Repairs	11,407	10,000	19,174
Refit			40,000
Insurance & Certification	18,763	14,281	14,281
Fuel	6,826	12,000	22,889
<b>TOTAL</b>	<b>36,996</b>	<b>36,281</b>	<b>96,344</b>

**ENFORCEMENT VESSELS****John Allen/Sebastian Terelinck**

Maintenance & Repairs	11,714	10,320	20,640
Upgrade			
Insurance & Certification	925	18,220	18,220
Fuel	937	12,000	24,970
New Vessel Preliminary Costs			
<b>TOTAL</b>	<b>13,576</b>	<b>40,540</b>	<b>63,830</b>

**PiscesIII/replacement**

Maintenance & Repairs	333	2,000	4,000
Temporary hire	14,023		
Insurance & Certification		1,020	1,020
Fuel		375	750
<b>TOTAL</b>	<b>14,356</b>	<b>3,395</b>	<b>5,770</b>

**VEHICLES**

Insurance	7,250	5,430	5,430
Fuel & Sundries	3,866	6,360	12,720
Servicing	2,666	2,950	5,900
Vehicle Tracking	671	575	1,150
<b>TOTAL</b>	<b>14,453</b>	<b>15,315</b>	<b>25,200</b>

#### **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



#### **Action Item 16**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** J. Gregory A/CEO

#### **Cross Warranting**

##### **Purpose of report**

The purpose of this report is to update the Authority on issues associated with the cross-warranting of Inshore Fisheries and Conservation Officers (IFCO) as Marine Enforcement Officers (MEO) by the Marine Management Organisation (MMO).

##### **Recommendations**

Members are recommended to:

- **Note** the report;

##### **Background**

On 6<sup>th</sup> March 2015 the Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015 came into force which had the effect of revoking, in its entirety, the Sea Fishing (Enforcement of Community Conservation Measures) Order 2000. Commonly referred to as the 'Tech Con SI', the 2000 Order provided IFCOs with standalone enforcement powers to enforce specified measures from EU technical conservation legislation (e.g. undersized fish).

The revocation had the effect of removing the standalone enforcement powers to enforce the specified measures and effectively reduced IFCO enforcement capability solely to locally made byelaws.

Confirmation was subsequently received from Defra that the revocation had been a mistake and the intention had been to keep these powers in force until further legislation could be passed.

##### **Cross-warranting**

Following the revocation of the powers the MMO and IFCA developed an interim solution pending the statutory reinstatement of the powers.

This involved the MMO interpreting s.235(1)(a) of the Marine and Coastal Access Act 2009 ("MACAA") as authority for appointing IFCOs as MEOs, subject to limitations in accordance with s.235(2) MACAA. The effect of this was intended to provide IFCOs with the common enforcement powers in Part 8 of MACAA for the purposes of enforcing "the fisheries legislation" as defined by s.238 of the Act, subject to the limitations specified in the schedule to the warrants that convey the appointment of MEO status.

Initially, this cross-warranting was limited to the use of part 8 enforcement powers as an MEO only for the purposes of enforcing the legislation that was specified in the schedule to the 'Tech Con SI.'

As the IFCA/MMO Collaboration Programme developed as a consequence of a requirement from Defra to work more closely together, the MMO and IFCA's sought to expand the scope and nature of the cross-warranting solution to include greater areas of EU and domestic legislation.

Whilst Defra initially undertook to replace the repealed 'Tech Con SI' it became less of a priority as cross-warranting appeared to be a solution that could endure.

### Legal Issues

As the scope of cross-warranting expanded from its original purpose of plugging the gap left by the revocation of the 'Tech Con SI', the legal vires underpinning cross warranting was further explored to identify any legal risk associated with it.

The conclusion was that whilst cross-warranting of IFCOs as MEOs was potentially a questionable practice, there was an acceptable level of risk associated with using cross warranting in relation to those offences that were previously listed in the schedule to the 'Tech Con SI'. The basis for this was that the measures had previously received Parliamentary scrutiny and the legislature was content to afford them to IFCOs.

The level of risk associated with passing powers which have never previously been issued to IFCOs under any form of legislation, however, was judged to be higher and there was an increasing risk that evidence secured because of the exercise of the powers may be judged inadmissible. As such it was suggested that it may not be possible for an independent Crown prosecutor, applying the evidence test of the code for Crown Prosecutors, to be satisfied that there was sufficient evidence to provide a realistic prospect of conviction.

### Reduction in Powers

In July 2016, as a consequence of the identification of legal risks to the broadened scope of cross-warranting, the powers provided by the MMO to IFCOs were reduced back to those originally provided by the 'Tech Con SI'.

### **Report**

The nature of the advice that led to the reduction in powers caused some degree of concern amongst the IFCA's, which resulted in further legal advice being commissioned by a small number of individual IFCA's and subsequently by the Association of IFCA's. Overall the advice received was, in part at least, contradictory and led to different views being taken by individual IFCA's. A small number decided not to exercise any cross-warranted powers and to effectively withdraw from enforcing EU regulations. The majority resolved to retain the cross-warranted powers pending further legal advice from Parliamentary Counsel commissioned by Defra.

The A/CEO of Eastern IFCA took the decision to retain the cross-warranted powers to enable officers to continue to enforce relevant regulations. The decision was fully documented, supported by clear rationale and it was shared with the Chair and Vice-Chair of the Authority. Whilst primarily based upon an analysis and risk assessment of the legal advice the rationale also took account of the potential



consequences of not being able to enforce regulations highly relevant to important fisheries within the district, most notably the Minimum Landing Sizes for crab and lobster.

In September 2016, the independent QC commissioned to provide advice to the MMO met with Parliamentary Counsel and they agreed a set of bullet points summarising their agreed legal view on the subject of cross warranting. It concludes that the MMO can appoint IFCOs as MEOs and that whilst it is prudent to restrict cross warranting to those matters set out in the 'tech Con SI' the MMO accepts that because IFCOs act as MEOs rather than IFCOs when cross-warranted, they can be given additional powers to enforce other legislation and that cross-warranting could be a temporary measure pending legislation. Measures to ensure that IFCOs acting as MEOs are appropriately directed are suggested and overall cross warranting is considered to be low risk.

As a consequence of the advice MMO are content to continue to cross-warrant IFCOs as MEOs pending the introduction of a new SI by Defra.

### **Risk**

The risks identified and considered in the view from the QC and Parliamentary Counsel are:

- The risk that cross warranting of individual IFCOs would be held to be unlawful is not considered significant.
- Any vicarious legal liability arising from an IFCO acting in accordance with cross warranting powers would lie with the MMO and not the relevant IFCA.
- Absent bad faith, so that the IFCO could not reasonably be said to be acting on behalf of the MMO, an IFCO would not be liable for any acts done under cross warranting.

In addition to the identified risks there is also a potential issue in relation to enforcement of Technical Conservation measures, primarily relating to minimum landing sizes, in relation to recreational sea anglers. The MMO take the view that such measures do not apply to recreational fishing whereas IFCA's take the view that they do apply, a view that is supported by legal advice.

### **Conclusion**

The combined legal view provided by Defra and the MMO supports the continuation of cross-warranting pending the introduction of a new Statutory Instrument to replace the original 'Tech Con SI', which is a high priority for Defra. As such MMO are content to continue the practice and this is supported by Defra.

J. Gregory  
A/CEO

#### **Vision**

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## **Information Item 17**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** Sandra Cowper, Marine Environment Officer (GIS)

#### **Purpose of report**

To provide an update on the Community Voice project.

#### **Recommendations**

Members are asked to:

- **Note** the report

#### **Background**

*Common Ground: Engaging stakeholders in thinking about the management of the marine environment in our district.*

Eastern IFCA committed to this project in 2015, with a view to involving a greater number and range of people to share their views about how marine resources in our district are managed. The recent designation of a new [Marine Conservation Zone \(MCZ\)](#), and ongoing assessment and management of fisheries in the existing suite of marine protected areas (MPAs) in the district have placed a firm emphasis on the need to develop appropriate management for conservation. IFCA's recognise the value of involving a variety of stakeholders to ensure we continue to develop our understanding of the different ways people use and value the coast and sea. It is also important that IFCA's evaluate what benefits and impacts management measures will have both for people and for the environment.

The Common Ground (also known as "Community Voice") project objectives are:

- To bring together diverse stakeholders (i.e. including fishermen and other sea-users, those with specialist knowledge and those responsible for decision-making and implementation) that can provide input into discussion particularly about MPA management;
- To share information and build understanding of the dynamics and possibly conflicting needs of stakeholders and the environment;
- To capture a diverse range of values of MPAs (e.g. use and non-use, monetary and non-monetary) that give all stakeholders an equitable and credible voice in considering management of sites.

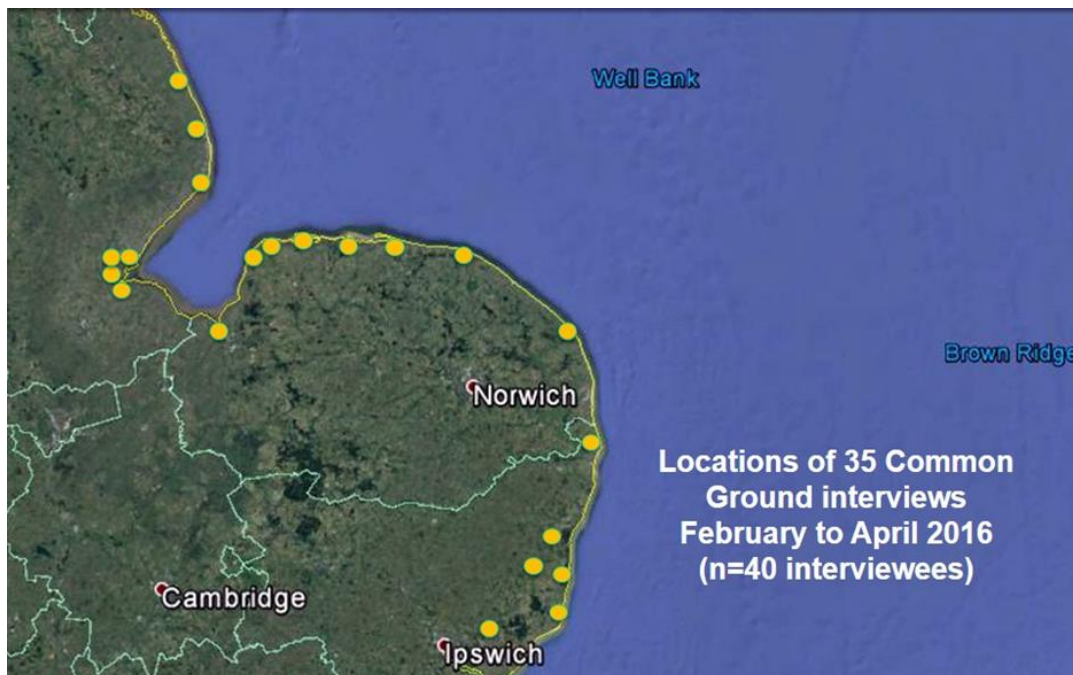
A short film about the method, and specifically how it was used in a recent project, is available here: <https://vimeo.com/150885111> A part of this was aired at a previous Authority Meeting.

## Progress to date

Work on the Community Voice film project – a novel way to gather people’s opinions – started in 2015, and has continued throughout 2016. The project is being run in partnership with the Marine Conservation Society (MCS) and with the assistance of The Wash and North Norfolk Coast European Marine Site (WNNC EMS) management scheme.

### Community Voice interviews

Project partners consulted widely for recommendations of people to be interviewed. From February to April this year, 35 interviews involving 40 stakeholders were filmed in Lincolnshire, Norfolk and Suffolk, involving a diverse range of stakeholders. The interviews included general questions about people’s connection with the coast and sea and how they use it, with specific questions about management. Interviews finally focused on stakeholder views on key areas of Eastern IFCA decision-making (e.g. fisheries and MPA management). Most interviews lasted about 1 hour.



### Community Voice films

The interviews resulted in over 30 hours of footage. Through the Summer MCS has transcribed and coded the footage, and undertaken analysis to reveal the most commonly expressed views around the questions asked during the interviews. The final output – a bespoke documentary film which reflects community views on the coast and sea and management of marine resources as faithfully and fully as possible – is to be shared with participants and the wider communities in a series of workshops.

The film’s narrative is completely shaped by the interviewees through analysis of all the interviews. In previous projects the films have been approximately 30 minutes long and have included at least one contribution from every interviewee.

The film serves as a constructive tool to help develop a shared understanding of the opinions and values participants associate with use the coast and sea in our district.

#### Community Voice workshops

The completed film will be screened at three sets of stakeholder workshops held in November 2016. The workshops will be paired, with two related workshops held in each region. Participants are encouraged to attend both workshops in their region, as ideas identified in the first will be further developed in the second. The first workshop in each region will feature the screening of the Community Voice Method film, and then identify common values associated with marine resource use across stakeholder groups. In the context of these values, key local marine management issues will be identified by the participants. The second workshop will further explore these key issues and allow participants to discuss in depth with Eastern IFCA their views and opinions on important marine management issues in each of the regions. The workshops will help identify common ground and stimulate discussion which will provide Eastern IFCA with a clear understanding of stakeholders' values, views and preferences relating to marine resource management. MCS will produce a report from each workshop which will be available online.

The workshops will be fully catered and will be held as follows:

<b>Region</b>	<b>Dates and times</b>	<b>Venue</b>
<b>Suffolk</b>	<b>Workshop 1:</b> 14 <sup>th</sup> November, 4pm - 7pm <b>Workshop 2:</b> 17 <sup>th</sup> November, 4pm - 7pm	High Lodge Haw Wood, Hinton Nr Darsham Suffolk, IP17 3QT
<b>Norfolk</b>	<b>Workshop 1:</b> 16 <sup>th</sup> November, 4pm - 7pm <b>Workshop 2:</b> 24 <sup>th</sup> November, 4pm - 7pm	Oddfellows Hall, 4 Lifeboat Plain, Sheringham NR26 8BG
<b>Lincolnshire/ The Wash</b>	<b>Workshop 1:</b> 22 <sup>nd</sup> November, 4pm - 7pm <b>Workshop 2:</b> 23 <sup>rd</sup> November, 4pm - 7pm	Curlew Centre Memorial Park, Bridge Road, Sutton Bridge Lincolnshire, PE12 9SA

*Eastern IFCA and MCS are promoting the workshops to encourage wide attendance. Authority members are encouraged to attend, to obtain valuable insights into stakeholder views on marine protected areas and fisheries management within the district.*

## Project outcomes

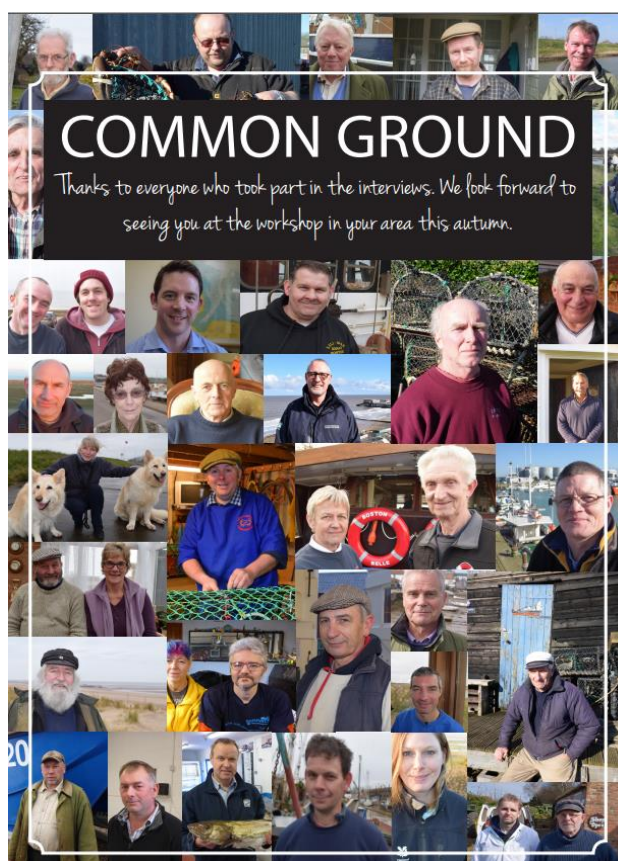
Better understanding stakeholder views and values will support Eastern IFCA's ongoing decision-making, particularly relating to fishery management within marine protected areas including the new Marine Conservation Zone.

The outputs of the Eastern IFCA project will also be used by Marine Conservation Society to shape the further development of the Community Voice Method, for its wider application within formal marine management consultations across the UK.

The Wash & North Norfolk Coast European Marine Site project will utilise the outputs to further enhance stakeholder relationships within this designated site, and to help shape future management of the Wash and North Norfolk Coast.

## Financial implications

The Common Ground project is funded by the Calouste Gulbenkian Foundation as part of their 'Valuing the Ocean' strand. Eastern IFCA and the Wash & North Norfolk Coast European Marine Site project have contributed in kind (as agreed at a previous Authority meeting), in the form of officer time for the preparation and conducting of interviews, as well as workshop preparation and facilitation.



### **Vision**

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## **Information Item 18**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** J. Gregory, Acting Chief Executive Officer

#### **Quarterly progress against Annual Priorities**

##### **Purpose of report**

The purpose of this report is to update members on progress towards the objectives established in the Business plan as priorities for 2016/17.

##### **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 the inshore fisheries industry, the marine environment and the policy landscape.

The Planning and Communications Sub-Committee agreed to the priorities for 2016/17 as set out in the 5-year Business Plan at the same meeting.

##### **Report**

The tables at the Appendix detail the progress against the key priorities for 2016-17, as set in the Business plan for 2016-21.

##### **Risk**

Since the update provided at the 25<sup>th</sup> Eastern IFCA meeting, three members of staff have left the organisation. This has obvious impacts on Eastern IFCA's ability to deliver on the priorities set in the 5-year Business Plan in the context of high workloads. This does increase the risk associated with not meeting this year's

priorities, however careful planning has mitigated against this risk. Further consideration of the staff structure will be taken in relation to the ultimate outcome of the CEO's secondment to the Marine Management Organisation, which is anticipated to be resolved in the short term.

At the 25<sup>th</sup> Eastern IFCA meeting, it was reported that Eastern IFCA is at an increased risk of not meeting the December 2016 deadline for implementing management measures in Marine Protected Areas, as set by Defra. This is a result in a change in the legal standpoint held by Defra regarding the Regulatory Notice mechanism for implementing management measures which has resulted in the proposed Marine Protected Areas Byelaw 2016 having to be redrafted. Officers have been liaising with Defra on resolving the issue and Defra are reviewing Eastern IFCA's Protected Areas Byelaw and proposed Marine Protected Areas Byelaw 2016 with a view to make recommendations on addressing any legal issues. An initial draft amended byelaw has been sent to officers and comments have been passed back to Defra. It is intended that the amended byelaw is further reviewed by the Defra legal team taking into account Eastern IFCA comments and a final draft is to be sent back to officers for a final review. This work is ongoing but a resolution is expected soon and although Defra have not been able to give an indication of timing, we have been assured that the work is a priority. It is intended that the Authority is updated (via the Regulation and Compliance Sub-Committee) on any changes in approach resultant of this work once complete.

Progress in relation to the implementation of permit schemes has also stalled as a result of Defra legal advice and a change in legal standpoint. Initially this work-stream was in relation to the management of whelk fisheries but also includes the implementation of shrimp fishing management in relation to the protection of Marine Protected Areas. As a result of the delay in the confirmation of the permit mechanism, additional work has been undertaken in relation to whelk fisheries management and has hindered progress in relation to shrimp management. Further details are provided in Action item 8 of this meeting and the table in the Appendix of this paper in relation to the permit scheme.

A potential additional work stream has arisen called Pioneer. This is a Defra initiative which seeks to find new ways of implementing Defra's proposed 25-year Environment Plan within the context of an economic growth agenda and the implication of Brexit. Four Pioneer projects are to be launched including a Marine Pioneer. Defra recognised that the IFCA's were ideally placed to deliver the Marine Pioneer given that our ways of working are already in line with the principles of the plan. The project represents an opportunity for Eastern IFCA to cement its relevance in Defra's long-term plans but would also likely reflect a significant extension of the organisation's scope in relation to our remit under the Marine and Coastal Access Act. Officers have been in dialogue with the Marine Pioneer steering group and relayed the resolution from the Authority that the project could only be led by Eastern IFCA where sufficient funding is available. Negotiations are ongoing regarding such funding.

## **Conclusion**

Authority officers are committed to delivering success across the breadth of our remit. The emphasis on closer coordination and joint working with partner agencies may present opportunities to share or better balance the prodigious work load the

Authority is bound to deliver. In addition, whilst three members of staff have left Eastern IFCA reallocation of priorities and careful planning will partially mitigate against the risk of not meeting the objectives set in the 5-year Business Plan.

### **Background documents**

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

### **Appendices**

1. Report on priorities set for 2016-17



**APPENDIX 1****Eastern Inshore Fisheries and Conservation Authority**

02 November 2016

**Quarterly Progress against Annual Priorities**

4 key priorities are established for 2016-17.

<b>Financial Year 2016-17</b>		
<b>Priorities 2016-17</b>	<b>Progress</b>	<b>Comment</b>
<p>1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by:</p> <p>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 &amp; Winterton SCI;</p> <p>b. Delivering fisheries management measures for 'Amber and Green' designated features within European Marine Sites (EMS) within the mandated timeframe (continued from 2015-16);</p> <p>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;</p> <p>d. Reviewing Regulatory Notices 1-4 (inclusive) issued under the Protected Areas Byelaw, for revocation, amendment or renewal by March 2017 (to include management measures for potting fisheries</p>		<p>The priority is at risk of missing the December 2016 deadline (set by Defra) as a result of a reviewed legal stance regarding the Regulatory Notice mechanism for implementing prohibited or restricted fishing areas.</p> <p>New legal advice prompted a review of the use of this mechanism and new guidelines are being produced with a view to inform IFCAs in the future. The current timetable for implementing measures in relation to (1.a) and (1.b) are reliant on the current mechanism and are unlikely to be achievable as the associated byelaws (i.e. the Protected Areas Byelaw and draft Marine protected Areas Byelaw 2016) are being redrafted.</p> <p>Work is underway to rectify the identified issues and Eastern IFCA is working closely with Defra to achieve this.</p> <p>Notwithstanding the above issues, work to develop protection for red risk features (<i>Sabellaria spinulosa</i> reef) in the two SCIs (1.a) has been started. Scrutiny of the feature data has exposed low confidence in feature presence at the Haisborough, Hammond &amp; Winterton SCI. Officers are in liaison with Natural England in relation to achieving conservation objectives for the site whilst ensuring measures are proportionate to the risk of feature damage. Officers are also in liaison with MMO and JNCC, to consider consistency of management across the two SCIs (the majority of which lie beyond 6nm offshore).</p> <p>Liaison with Natural England is also continuing in relation to updated advice on the <i>Sabellaria</i> reef feature in the Inner Dowsing, Race Bank &amp; North Ridge SCI. Discussions are ongoing in relation to use of the "core reef approach" and</p>

<p>on <i>Sabellaria</i> and stony reef (boulder &amp; cobble) habitats).</p>		<p>“reefiness” threshold values that trigger the requirement for fishery management. The same advice will inform the review of Regulatory Notice 1 for the Wash &amp; North Norfolk Coast SAC (1.d).</p> <p>Work relating to shrimp management measures within the Wash (1.b) is on-track in relation to effort however its delivery mechanism is still under development as a result of a change in legal standpoint from Defra. The Permit Byelaw 2016 was made by the Regulation and Compliance Sub-committee in November 2015 and the Shrimp Byelaw 2016 was made by the Authority in April 2016 and this has undergone formal consultation. Issues raised subsequent to this will have the effect that the byelaw needs to be remade and an additional formal consultation will be required. Permit conditions are under development and informal information gathering in relation to them is underway. This element of (1.b) is on track at present but may also be put at risk by the new guidance in relation to the Regulatory Notice byelaws.</p> <p>Also in relation to 1.b, proposals for closed areas for towed demersal gear to protect sensitive subtidal features in the Wash and North Norfolk Coast Special Area of Conservation have been developed through liaison with the fishing industry, Natural England and environmental NGOs. Implementation of these closures is intended to be achieved through the Protected Areas byelaw (new Regulatory Notices), pending the outcome of Defra legal advice as outlined above.</p> <p>An assessment of fisheries in the Cromer Shoal Chalk Bed Marine Conservation Zone (1.c) has been started but is not due for completion until Q4, to allow focus on the Defra deadline and to link with the publication of Conservation Advice for this site by Natural England. This work is on track.</p> <p>Regulatory Notices 1-4 (implemented through the Protected Areas Byelaw) are in the process of being reviewed, as set out in the Byelaw. Updated fishing activity information and conservation feature evidence will inform the review. Natural England has provided updated advice in relation to <i>Sabellaria</i> reef in The Wash; officers are currently working closely with Natural England in this regard. This work is currently on track but may be put at risk as a result of new guidance in relation to Regulatory Notice byelaws.</p>
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<p>2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements by:</p> <ul style="list-style-type: none"> <li>a. Developing fishery sustainability management measures for the brown shrimp fishery in conjunction with priority 1(b) above;</li> <li>b. Developing management measures for unregulated fishing activity (netting);</li> <li>c. Continuing the project to rejuvenate previously productive mussel beds in The Wash and to undertake research to establish the reason for continued decline in stocks;</li> <li>d. Reviewing fisheries management measures for crab and lobster in conjunction with the Defra-led 'stock based' sustainability project;</li> <li>e. Developing mechanisms to improve fisheries data for skates/rays, demersal and flatfish species, particularly in relation to spatial/temporal and effort information.</li> </ul>		<p>The development of shrimp measures in relation to fisheries management (2.a) is on track in that a permit scheme is in development. Permit conditions in relation to fisheries sustainability are in development with a view to have them reflect (as appropriate) the measures identified through the Marine Stewardship Council's accreditation scheme (an industry led initiative).</p> <p>Development of unregulated fishing management (2.b), management measures for crab and lobster fisheries (2.d) and the undertaking of the mussel rejuvenation project (2.c) are underway and on track. External funding opportunities (e.g. European Marine Fisheries Fund) are being considered to support a partnership project with Cefas to investigate the ongoing mortalities in the Wash mussel population.</p> <p>Development of mechanisms to improve fisheries data (2.e) is not yet underway.</p>
<p>3. To ensure that the marine environment is protected from the effect of exploitation by reviewing district wide bio-security measures including management of invasive, non-native species (roll over from 2015-16);</p>		<p>This priority has not progressed as of yet and is planned to start after priorities 1 and 2 have been further progressed.</p>
<p>4. To develop management of the fisheries regulated under the WFO 1992 by:</p>		<p>Elements of (4.b) have been progressed in the light of the court case involving fishers operating in closed areas in the 2015/16 cockle fishery. Some draft</p>

<ul style="list-style-type: none"> <li>a. Reviewing the fishery management policies;</li> <li>b. Reviewing regulations and policy notes;</li> <li>c. Developing options for greater cost recovery</li> </ul>		<p>regulations have been implemented as licence conditions such that they can have an immediate effect on the present (2016/17) cockle fishery.</p> <p>An initial internal review of management policies, Regulations and policy notes (4.a and 4.b) has been undertaken with a view to incorporate all into a 'long-term' Habitat Regulations Assessment for the Wash Fishery Order cockle and mussel fisheries. This represents a slight change in approach with regards to the original plan for achieving this priority which should result in a more cohesive management approach to the fishery in the long term. Work in this vein has started and is being progressed and is on track.</p> <p>Work relating to the development of further cost recovery (4.c) is underway and on track.</p>
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**Key:**

	<b>Complete</b>
	<b>In progress</b>
	<b>No progress</b>

#### 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



## Information Item 19

### 26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

2 November 2016

**Report by:** Simon Lee – Senior IFCO (Compliance)  
Simon Howard – Senior IFCO (Marine)

#### **Marine Protection Quarterly Reports**

##### **Purpose of report**

To provide members with an overview of the work carried out by the Marine Protection team and in particular the Area IFCOs and the vessels, *RV Three Counties*, *FPV John Allen* and *FPV Sebastian Terelinck*.

##### **Recommendations**

Members are asked to:

- **Note** the content of the reports

<b>Area/Vessel</b>	<b>Officer</b>
Area 1 (Lincs & Kings Lynn)	Jason Byrne
Area 2 (Norfolk)	Adrian Woods
Area 3 (Suffolk)	Alan Garnham
<i>RV Three Counties</i>	Simon Howard
<i>FPV John Allen</i>	Simon Howard
<i>FPV Sebastian Terelinck</i>	Simon Howard

##### **Background documents**

Area Officers and vessel quarterly reports for July to September.

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**From:** Jason Byrne Fishery Officer (Area 1)  
**To:** Julian Gregory  
**Date:** 13<sup>TH</sup> October 16  
**Ref:** Quarterly Report Area 1  
**Quarter Report:** July, Aug, Sept 16

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### **Area 1: Hale Sand – Kings Lynn**

#### **General**

Throughout this quarter fishing activity has mainly been concentrated on handraking cockles from within the Wash; there has been up to 53 vessels taking part within this fishery between Kings Lynn, Boston & Brancaster also not forgetting vessels from Leigh On Sea, other fishing activities have included potting for Crab, Lobster & Whelks, twin beaming for Brown Shrimp, handraking Mussels off Welland Wall & relaying seed Mussels within the Wash.

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### **Port Summary**

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#### **Saltfleet - Chapel point**

Only one commercial vessel has potted for Crab and Lobster having made 60 trips throughout this quarter, IFCA research team carried out some bio sampling from those landings. We also had a report from the Humber coastguard of a seal being washed up within a net along this part of the coast, this was not seen by any of the IFCA and after speaking with some of the locals who use this stretch of coast line the seal was not found.

#### **Skegness – Gibraltar Point**

Vessel based anglers have been catching Skate & Flounder just off Skegness, also reported was that a vessel has been coming down from Grimsby potting for Whelks just off the windfarms. 35 trips were achieved throughout this quarter potting for Crab & Lobster by one commercial vessel.

#### **Boston**

1,071 landings were achieved throughout this quarter between 23 vessels handraking cockles from various sands within the Wash, there are still only three main buyers for these Cockles. One further vessel managed eight trips twin beaming for brown Shrimp. Seven trips were made by one/two Brancaster vessels handraking Mussels off Welland Wall which were then relayed onto their private lays at Brancaster.

#### **Fosdyke**

One vessel based angler has reported several small Bass showing up within the Wash, this angler is fully aware of the new Bass measures. One commercial potting vessel from Wells has been lifted out of the water at the marina for refit. John Allen was bought back from Ireland by lorry after engine modifications and was put back into the water at the Marina.

#### **Sutton Bridge - Wisbech**

Anglers have had a two-day match fishing at Sutton Bridge, first day it started off fishing from the Sutton Bridge docks down to our moorings, then the second day the other side of the bridge, mainly catching flatfish, weather was good so all enjoyed the two days fishing, nice to see some activity. The old IFCA mooring at Sutton Bridge is no longer being used by us as our old barge has now been took away and possibly to be restored and end up down in the Thames as a house boat, a good end to an old part of Eastern Sea Fisheries Barge. Three Counties is now mooring up just behind Wisbech Pilots as we are awaiting our new moorings to be completed, sightings of small vessel based anglers have been seen fishing in the old Wisbech channel.

#### **Kings Lynn**

Up to 30 vessels have been handraking Cockles from within the Wash throughout this quarter totalling in 1,042 landings being achieved, some of these vessels have also

been taking Cockles from within their private mussel lays, which has caused some unhappy fishers as the lay holders can take unlimited tonnes and also work on weekends too, IFCA have asked the lay holders to keep us informed as to when the lays are being worked on. Towards the end of this quarter only 10 vessels remained to handrake cockles the other vessels have decided to gear up again for the Brown Shrimp. 14 vessels twin beamed for Brown Shrimp throughout this quarter achieving 193 landings between them. One of the processor companies has bought in approx. 208 tons of seed Mussel which has been relayed onto private lays within the Wash. One vessel which was working out of Grimsby potting for Whelks has moved from Grimsby moorings to Kings Lynn moorings at Boal Quay and has achieved 18 landings potting for Whelks throughout this quarter.

#### **Species Summary**

***NB All landing and effort (e.g. potting) figures detailed within this report are estimates based upon observations made by Fishery Officers and reports from fishermen. They are intended to be an indicator only and should not be regarded as definitive figures.***

#### **Saltfleet - Chapel Point**

<b>Number of vessel inspections:</b>		0
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Crab	81,066	99,381.00
Lobster	6,156	67,740.00
Cod	315	854.00
Velvet Crab	200	400.00

#### **Skegness – Gibraltar Point**

<b>Number of vessel inspections:</b>		0
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Crab	12,400	15,255.00
Lobster	680	7,547.00

#### **Boston**

<b>Number of vessel inspections:</b>	47	
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Brown Shrimp	5,669	24,371.00
Handraked Cockles	3,129,373	1,673,636.00

#### **Fosdyke**

<b>Number of vessel inspections:</b>	0	
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
0	0	0

#### **Sutton Bridge**

<b>Number of vessel inspections:</b>		0
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
0	0	0

<u>Kings Lynn</u>		
<b>Number of vessel inspections</b>		108
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Handraked Cockles	2,931,801	1,604,076.00
Brown Shrimp	178,879.25	778,925.00
Whelks	26,892	26,892.00

#### **Potting**

#### **Crab and lobster**

Number of pots inside 6nm fished by vessels from within area:  
Number of pots outside 6nm fished by vessels from within area:

#### **Bio-sampling of brown crab and lobster**

Number of brown crab measured during the month: Research  
Number of lobsters measured during the month: Team

#### **Whelk**

Number of pots inside 6nm fished by vessels from within area: 500  
Number of pots outside 6nm fished by vessels from within area: 0

#### **Non Commercial Activities**

#### **Recreational Sea Anglers (shore based):**

#### **Number of anglers inspected:**

<b>Locations fished:</b>	<b>Species targeted:</b>	<b>Average catch (kg):</b>
Sutton Bridge	Flatfish	0

#### **Recreational Sea Anglers (vessel based):**

#### **Number of vessels inspected:**

<b>Locations fished:</b>	<b>Species targeted:</b>	<b>Average catch (kg):</b>
Skegness	Skate	0
	Flounder	0
Wisbech Channel	0	0

#### **Charter Angling Vessels:**

#### **Number of charter vessels inspected:**

<b>Number of vessels in area:</b>	0	<b>Number of trips:</b>	0	<b>Number of anglers:</b>	0
<b>Species targeted:</b>	0	<b>Total Landings (kg):</b>	0		

**Locations fished throughout the month: 0**

#### **Fishery Officer Duties**

#### **Training:**

Conflict Resolution Training.  
Two days Intelligence gathering at Lowestoft.

#### **Other duties carried out:**

Steam ST back to S/B.  
Taxi crew.  
MMO office interviewing.  
Onboard ST patrol Wash.  
Onboard TC camera work & grabs.  
Attended PDP at office.  
Joint working MMO Grimsby.



Horseshoe Point Cockle survey.  
 Attended TCG meetings.  
 S/B moorings TC maintenance.  
 Onboard TC EHO & Sweep.  
 Attended funeral on behalf of EIFCA.  
 Attended Ipswich show.  
 Onboard TC Whelk enforcement.  
 Onboard TC cockle enforcement.  
 Titchwell mark out mussel lays.  
 Attended Shrimp Workshop meeting.

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**1<sup>st</sup> sale value of different species within this area (£/kg)**

Crab	1.20 - 1.30
Velvet Crab	2.00
Lobster	9.50 - 14.00
Cod	2.60 - 2.85
Brown Shrimp	4.29 - 5.20
Whelks	1.00
Handraked Cockles	47p - 60p

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**Eastern Inshore Fisheries and Conservation Authority**

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**From:** Ady Woods I.F.C.O (Area: Norfolk)  
**To:** J. Gregory ACEO  
**Date:** 19 October 2016  
**Ref:**  
**Report:** July - August - September

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**Area: Norfolk Coast: Heacham to Great Yarmouth**

**General**

As far as fishing is concerned, the last 3 months will take some beating for the majority of methods around this coastline. Despite there being ample shellfish about to be caught the weather has remained very good as well with only a handful of days where it may not have been fit to launch a boat from the beach.

Some troubles have been experienced by boat owners trying to get new vessels licensed, this has been down to Seafish whom have asked for greater requirements in small boats than what the boat builders say is required, to maintain strength within the hull. One vessel at Cley has eventually managed to get this sorted out and after having his boat ready to fish at the start of the season, now at the end of the season actually has a license on the vessel.

Of the other vessel, this is still trying to get things sorted out, although rather than wait for the license, the owners decided to take the vessel fishing and then have it displayed over 'Fishing News' that it was selling her catch.

A fisherman from Brancaster whilst walking the beach at Titchwell come across several tonnes of seed mussel, having notified the office, a survey was carried out and the wheels were put into motion to get a seed mussel fishery opened up as quickly as possible, whilst the seed mussel was still there.

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Around six vessels applied for a derogation to fish the seed mussel, allowing them to move the seed onto their lays mainly at Brancaster and Wells.

### **The Fisheries**

**Crabs** – For much of the past three months, the inshore fishery particularly has out fished all expectations. For normally (whatever normal is now) as soon as the visitor numbers begin to swell, and the water begins to warm, becomes still and turns clear and still like glass the crabs go off the boil, and vessels scratch about catching what they can, or alternatively buy in from the offshore fishery. Well this season there hasn't been the need to do that, as despite the sea being like gin and still with no movement the crabs have just kept on coming, and coming.

It was said by a local fisherman, that had you told their grandfathers 50 years ago that you'd be catching the amount of crabs which were landed during July and August there was no way that they would have believed you.

As always the wheels did eventually drop off, and come mid-September catches did seize in the quantities which some had become accustomed to, however with autumn just around the corner, the autumn run of crabs should soon be starting.

For the offshore fishery, this has been as buoyant, although with the inshore fishery out fishing expectations and keeping suppliers topped up, there hasn't been such a need for the offshore fishery.

**Lobsters** – As expected with the amount of crab on the ground which was being experienced, lobster catches were at a possible all time low, although this wasn't all bad, as normally the price per kg dips down to around £7 - 8 / kg during July / August whereas this year it maintained around the £11 - £12.50 mark for quite some time, until September when it eventually dropped down to £9.50 for a time.

**Whelks** – Have continued to be fished throughout the quarter, although the majority of this activity has been outside of our district. The inshore fishery has been left alone by the majority of fishers, 1 to give the ground a rest and 2 to exploit other grounds further afield whilst weather permits.

Landings for this fishery are going to be down in numbers, this however isn't a reflection of how the fishery is doing, it's purely down to lesser effort being undertaken by fewer vessels.

As autumn encroaches upon us, and sales for other species slow, more vessels will again be taking up a permit to fish the inshore waters, which will enable them to get a day's pay without having to travel to far to sea.

**Netting** – This has been particularly slow throughout this quarter, for this is one fishery which never have succeeded and likely to never do so with the sea remaining colourless, the nets hang in the water and supposedly the fish sees them!

Come September the water colour wasn't the only challenge, for our shores as normal became abundant with tonnes of red weed, this red weed gets caught up in the nets, and if you're unfortunate enough can be caught to sink your nets and even have the tide take them away.

**Angling** – As always at this time of year, the majority of species move further offshore out of casting distance, and also for most anglers the idea of swinging a lead around on an overcrowded beach doesn't bode well, and the beaches have certainly been busy. However, there are exceptions, and along the coast towards Blakeney, the shingle beaches have once again been popular with anglers, mainly when high water fall in the evening and anglers have been able to flog the waters with feathers, in the hope of catching mackerel this however hasn't been that great, the better quality fish seemed to move offshore out of casting distance and only a few joey mackerel were available to those on the beach.

Those anglers whom have been fortunate to have been fishing from a boat have reported some very good size Mackerel, being around 1lb in weight. Also throughout July and August boat anglers from Brancaster to Yarmouth have been fortunate to have been able to target Tope with the biggest I've heard of being caught was around 33lb, other target species have included skate and dogfish.

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As for the bass, fishing from both the shore and boat catches of sizeable fish have remained slow. And once again throughout July and August for those anglers which fish Cromer Pier have experienced an all-time quiet low, in numbers being caught. It wasn't until September when the first reports of any sizeable fish were being landed, this were then mainly taken overnight as anglers chose to fish the late tides from 2000hrs through to 0500hrs!

### **Emerging Issues**

The channel leading into Blakeney pit is on the move, its moving further to the east. In its current position dead centre of the channel is the wreck of the S.S Hjordis, which was a collier carrying coal which sank some 100years ago.

- For further information follow the link <http://blakeneyharbourassociation.co.uk/2016/07/navigation-warning-blakeney-harbour-entrance-24072016/>

Possibility through warming waters. An anomaly was caught during August from Cromer Pier, this being a Gilthead Bream, and also one spotted at sea by our own committee member J. Davies whilst fishing off Cromer in the form of a Sailfish, estimated to be around 8ft in length and displayed leaping from the water some 5 – 6 times before disappearing for good.

**Wind Farms** – Have remained quiet throughout the quarter.

### **Species Summary**

***NB All landing and effort (e.g. potting) figures detailed within this report are estimates based upon observations made by Fishery Officers and reports from fishermen. They are intended to be an indicator only and should not be regarded as definitive figures.***

<b>Potting Brancaster</b>			
<b>Number of times port visited</b>		<b>4</b>	
<b>Number of vessel inspections:</b>		<b>15</b>	
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>	
<b><u>July</u></b>			
<b>No data received</b>			
<b><u>August</u></b>			
Crab	1,000	3,100	
Lobster	100	1,000	
Seed Mussel	6,500	0.00	
<b><u>September</u></b>			
Crab	2,500	5,150	
Lobster	450	5,400	
Seed Mussel	12,000	0.00	
<b><u>Wells-next-the-Sea</u></b>			
<b>Number of times port visited</b>		<b>4</b>	
<b>Number of vessel inspections:</b>		<b>8</b>	
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>	
<b><u>July</u></b>			
Crab	24,275	37,252	
Lobster	1,478	15,150	
Whelk	47,302	42,571	
<b><u>August</u></b>			
Crab	33,502	60,303	
Lobster	2,261	24,305	
Mackerel	50	160	
Whelk	46,347	41,712	
<b><u>September</u></b>			

Bass	180	2,520
Crab	6,890	11,124
Lobster	569	6,117
Whelk	70,099	63,089

<b><u>Morston</u></b>		
<b>Number of times port visited</b>		<b>7</b>
<b>Number of vessel inspections:</b>		<b>2</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>

No landing data received

<b><u>Sheringham</u></b>		
<b>Number of times port visited</b>		<b>2</b>
<b>Number of vessel inspections:</b>		<b>2</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
<b><u>July</u></b>		
Crab	3,081	9,551
Lobster	105	1,106
<b><u>August</u></b>		
Crab	2,910	5,238
Lobster	65	699
<b><u>September</u></b>		
Crab	950	1,710
Lobster	107	1,150

<b><u>Cromer</u></b>		
<b>Number of times port visited</b>		<b>8</b>
<b>Number of vessel inspections:</b>		<b>29</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
<b><u>July</u></b>		
Bass	3	36
Crab	13,850	42,935
Lobster	1,669	17,107
Whelk	100	900
<b><u>August</u></b>		
Crab	22,542	69,880
Lobster	1,886	20,274
Whelk	365	347
<b><u>September</u></b>		
Bass	100	1,400
Crab	11,195	30,023
Lobster	2,291	24,628
Whelk	380	360

<b><u>Cley, Weybourne, E Runton, W Runton, Overstrand, Mundesley &amp; Bacton</u></b>		
<b>Number of times port visited</b>		<b>33</b>
<b>Number of vessel inspections:</b>		<b>2</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
<b><u>July</u></b>		
Crab	4,156	12,884
Lobster	784	8,036
<b><u>August</u></b>		
Crab	730	1,315
Lobster	94	1,010
<b><u>September</u></b>		
Crab	1,258	2,264
Lobster	613	6,589

<u>Sea Palling</u>			
Number of times port visited		2	
Number of vessel inspections:		3	
Species	Landings (kg)		Value of catch (£)
<u>July</u>			
Crab	2,400		7,440
Lobster	462		4,736
Skate	30		60
<u>August</u>			
Crab	2,350		7,285
Lobster	583		6,268
<u>September</u>			
Crab	1,020		3,162
Lobster	245		110

<u>Caister &amp; Gorleston</u>			
Number of times port visited		7	
Number of vessel inspections:		1	
Species	Landings (kg)		Value of catch (£)
<u>July</u>			
No data received			
<u>August</u>			
Whelk	1,097		1,000
<u>September</u>			
Whelk	226		204

<u>Potting</u>			
<b>Crab and lobster</b>			
Number of pots declared to be fished inside 6nm:		7,800 – 8,529	
Number of pots declared to be fished outside 6nm:		6,780	

<b>Bio-sampling of brown crab and lobster</b>			
Number of brown crab measured during the quarter:		200	
Number of lobsters measured during the quarter:		320	

<b>Whelk</b>			
Number of pots declared to be fished inside 6nm:		350	
Number of pots declared to be fished outside 6nm:		3,850	

<u>Non Commercial Activities</u>			
<u>Recreational Sea Anglers (shore based):</u>			
Number of anglers inspected:		40	
Locations fished:	Species targeted:	Average catch (kg):	
Cley	Mackerel / Bass	0.25 – 1.00	
Weybourne	Mackerel	0.25	
Salhouse	Mackerel	0.25	
Cromer Pier	Bass / Mackerel	1.00	

<u>Recreational Sea Anglers (vessel based):</u>			
Number of vessels inspected:		2	
Locations fished:	Species targeted:	Average catch (kg):	
Brancaster	Mackerel / Bass	1.0 / 0.0	
Trimingham	Mackerel / Bass	0.5 / 0.0	
Trimingham	Crab / Lobster	10 / 1.0	

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## **Fishery Officer Duties**

### **Training:**

#### **July**

12 – Niton Self Defence Training

### **Other duties carried out:**

#### **July**

01 – WFH

04 – Move Sebastian Terelinck from Lowestoft to Kings Lynn

05 – WFH – Interview planning – timesheets

06 – Joint working with MMO

07 – WFH

08 – Interviewing at MMO LT

11 – WFH – case file updated – 1/4ly report updated

12 – Training

13 – Day trip on FPV ST

14 – WFH

15 – Annual leave

17 – patrol and landings Cromer to Cley

19 – Patrol and Landings Cromer to Brancaster

20 – Patrol and landings Cromer to Gorleston

21 – Landings Cromer – WFH

22 – Visit Jonas Seafood with Julian Gregory – Meetings at office

25 – Patrol Cromer to Brancaster to display 'Seizure of pots' notifications

26 – Move Sebastian Terelinck to Levington – patrol Suffolk rivers

27 – MFV ST patrol Suffolk rivers

28 – Landings Sea Palling – WFH

29 – Landings Cromer – WFH

#### **August**

01 Patrol Cromer to Wells

02 am WFH – pm Landings Brancaster

03 TOIL

04 MMO ATCG – check over Sebastian Terelinck

05 Rest day

06 Ipswich Maritime show

07 Rest day

08 WFH – Email, stats, monthly

09 Update statements, patrol Cromer to Morston, wash car

10 TOIL

11 WFH – getting loose ends tidied up before annual leave

12 TOIL

13 to 28 Annual leave

29 Bank holiday

30 Catch up with email, fellow officers and the happenings of around our coast

31st Day trip on-board FRV Three Counties

#### **September**

02 Landings Cromer – Statement writing

05 Annual leave

06 Annual leave

07 Report writing

08 Annual leave

09 Annual leave

12 Annual leave

13 Annual leave

14 Patrol Cromer to Brancaster

15 Patrol Cromer to Lowestoft

16 WFH Updating patrol forms, email, stats etc.

19 Annual leave

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20 Patrol Cromer to Morston  
 21 Landings at Wells  
 22 Case file and into office  
 23 weekly / monthly TCG  
 26 Landings Cromer  
 27 Patrol Cromer to Titchwell – view mussels  
 28 Landings Cromer to Weybourne  
 29 Patrol Cromer to Gorleston  
 30 Patrol Cromer to Brancaster

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**1st sale value of different species within this area (£/kg)**

Bass	£12.00 - £16.00
Crab	£1.80 - £3.10
Lobster	£9.50 - £11.50
Skate	£2.00
Whelk	£0.90

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**From:** Alan Garnham Fishery Officer (Area 4)  
**To:** Simon Lee  
**Date:** 14/10/2016  
**Ref:**  
**Quarterly Report:** July – September 2016

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**Area 4: Pakefield – Felixstowe Ferry**

**General**

1<sup>st</sup> July saw the change from a RSA no take on bass to allowing the take of one sizeable bass per day. It also saw the introduction to the RSA take size increase from 36cm to 42cm. The rise in size was introduced earlier for the commercial fishermen and it seems to be working with no complaints.

Uniformed patrols were increased especially in the Suffolk rivers to educate the angler either boat or shore fishing. From the first month of implication it appears most anglers are aware of the changes and seem compliant. Bass in the rivers appear to be well stocked with commercial and RSA reporting good catches and seeing healthy stocks of all class. During July larger class of bass still appeared to be at sea with one netter catching three 18lb bass in one net 200yds from the shore.

In some marinas I saw the water boil with small bass. Mullet were in the rivers throughout July from the bottom of the estuaries right up to the sluice gates in any of the rivers.

In the clear water up the River Orwell right in the town of Ipswich I have seen plenty of clam mussel and oyster this year.

Commercially the odd box of cod was taken but it was another good month for sole and roker. Many commercial fishermen reported taking boxes of large flounder and saying they are up some six to eight hundred percent. Price on the market remained poor so many fish were returned or stored for pot bait.

During July shell fish potters reported a poor season for lobster but takings of quality crab have increased even with the clearer water. This is in line with the reports on the North Norfolk coast.

Whelk fishing effort has decreased with only one boat commercially fishing within the six-mile limit in Suffolk during July.

Fishing on the beaches this time of the year is mainly for the pleasure holiday angler or just the fair weather angler. Catches have been very varied on species with whiting

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appearing so early. Other catches of bass, thornback ray, sole, flounder, dab and rockling have been reported. It appears the dogfish have disappeared.

On the RSA boats most have been hauling in smoothhound and thornback ray although this has eased as the month went on with several boats totally blanking.

Kayak fishing has been very popular this month with some excellent reports being caught including the odd codling.

August was obliging with the weather with sunny warm days and many boats able to get to sea. Sea temperature increased and become clear in many areas although weed has been floating around. Many fishing boats have taken the opportunity of resting up with planned boat maintenance or family holidays whilst the children are off from school. It's been a very good month for bass and mullet in the rivers with some good catches commercial and recreational in all rivers within Suffolk. Over the Suffolk border I have been assisting with routine shoreline and port checks at Great Yarmouth and Breydon water. I have had reports of 30 bass a session being caught at Breydon water but most were returned. On one occasion I witnessed a young lad land a bass measuring 58 cm and taking that home for his grandma. He and grandmother will cherish that forever.

At sea all commercial fishermen spoken to report high numbers of thornback ray and a huge increase in large Flounders.

Shellfish – lobsters and crab potting has eased with low numbers being taken.

Sole fishing (trawling) has been ticking over with some good catches but of smaller size.

On the beaches recreational fishing has been very quiet although a number of sole have been caught at night. Good fishing has been had on rod and line in all the rivers using either lures or ragworm for bait.

From routine shore and boat inspections it appears the majority of anglers are fully aware of recent bass legislation restrictions.

September was exceptionally warm throughout with Tuesday 13<sup>th</sup> September recording the hottest day since 1911. With these high temperatures the sea is very warm and this has not brought the cod in with most commercial fishermen and RSA anglers reporting not seeing a cod for the entire month. So different from last year. Other reasons could be the fact the herring haven't arrived giving good feed for the cod to follow in on. Also the water has been gin clear in the rivers and at sea.

Bass fishing continues to be a good sport especially in all estuaries with many bass being caught and returned using light gear. I noticed and had it pointed out to me that there appears to be an increase in small fry of bass and mullet within all rivers including Lake Lothian.

Thornback ray are still here in good numbers throughout the district and now appear to be on the coast most of the year.

Whiting have arrived especially on the beaches although most are just pin 'undersize whiting'. Fishing at night is better as they come in close and on some evenings when I fished I was catching and returning over 30 fish a night.

I have received reports from potters and netters of the change in sea bed between Aldeburgh and Southwold with the sea bed becoming barren and changing to mud. They believe this caused by a combination of cable laying silt at Sizewell or constant beach and cliff erosion in the same area.

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## **Port Summary**

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### **Pakefield**

No commercial inspections this quarter it appears there is less fishing activity from the beach. Rsa beach fishing still occurs with fishing matches on this popular open beach but nothing of significance has been caught here just the usual mixed summer species of dab flounder and sole at night.

### **Southwold**

July was a steady month with fishing effort being quiet with holidays and boat maintenance. Area has been very good for sole thornback ray and the odd bass. Potting activity was low. This continued throughout the quarter.



Throughout the quarter fishermen report a huge increase in flounders being caught. Cod haven't appeared in numbers and most fishes believe this won't happen till The New year. During September *MFV- Our Carole 11* changed over to whelking outside the six-mile area and has several landings for the month at Southwold.

No beach reports.

#### **Dunwich & Sizewell**

Fishing in the boats has been very good and steady with a variety of summer species. on the beach it has been quiet with a few sole being caught at night

Commercial fishermen report the sea bed has changed significantly this year with the sea bed being covered in mud. Bass fishing has been very quiet and can be confirmed by the lack of sea birds hovering and diving around the outfall pipes.

#### **Thorpeness & Aldeburgh**

Commercial fishermen report steady fishery with a variety of species being caught with sole being targeted mainly due to the good price increase at market. There seems a huge increase in the amount of flounder being caught in the nets with several boxes being caught per day. Some of these are being returned as there is a very low price at market or they are kept for pot bait

Most commercial boats have been very active taking daily catches for the fish huts to sell direct off the beach. Lobster/crab landings have been varied with some buying in from Cromer to relieve the huge summer holiday traffic visiting the fish huts. Again Sole Thornback ray smoothound and flounder has been very good against the fishing effort. Bass has been very quiet at sea with some being taken in The River Alde/Ore. Again no cod showing for the commercial beach boats with a mixed fishery as reported for Dunwich and Sizewell.

#### **Orford**

Again good reports of fish being landed of mixed species including bass thornback ray smoothound and sole.

Lobster and crab has been slow close in but good stocks of lobster reported on distant wrecks of 30 miles. In the river fishing has been good for bass and flounder.

During September no cod off Orford and again good mixed fishery with sole making a good price at the moment sole became the predominant target. A few bass came through on the odd day but gin clear water made it difficult to catch. In the river Alde and Ore good reports of bass and Sole were taken.

#### **Felixstowe**

Commercial fishermen as with other ports have been targeting bass and sole around the Hollesley bay. Fishing methods vary with drift netting or others converted to trawling. Area is still full of roker with many boats report discarding 30stone a day. RSA boats report catching good quantities of Thornback ray and smoothound.

During September most commercial boats took to coming out of water with the fact that the cod haven't arrived they took advantage of the weather and had the boats out for annual refits or change of gear. Some boats continued with trawling for sole and made good money whilst the prices were high. Bass and Mullet were still being taken from all three local rivers and made good prices on the market.

Rsa boat catch reports were extremely low with many not bothering with going to sea.

### **Species Summary**

*All landing figures detailed within this monthly report are derived from estimates of catches based on observations made by Fishery Officers and reports made by fishermen to Fishery Officers.*

<b><u>Pakefield</u></b>		
<b>Number of vessel inspections:</b>		<b>2</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Herring	250	250.00
Whelks (Lowestoft)	25,168	22,725.18

<b><u>Southwold</u></b>		
<b>Number of vessel inspections:</b>		<b>1</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Cod	1,785	6,847.50
Roker	1,200	2,737.50
Sole	6,340	103,315.00
Flounder	1,430	1,430.00
Dabs	300	300.00
Dogfish	305	702.50
Bass	1,000	16,000.00
Smoothound	760	2,410.00
Red Gurnard	35	350.00
Brill	127	1,208.00
Turbot	62	584.00
Lobster	487	6,052.00
Crab	640	2,534.00
Whelks	3,875	3,487.50
<b><u>Dunwich &amp; Sizewell</u></b>		
<b>Number of vessel inspections:</b>		<b>3</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Cod	80	320.00
Roker	232	599.00
Sole	1,380	22,630.00
Bass	549	8,784.00
Flounder	808	808.00
Dab	252	252.00
Lobster	332	3,250.50
Crab	185	736.50
<b><u>Thorpeness &amp; Aldeburgh</u></b>		
<b>Number of vessel inspections:</b>		<b>11</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Cod	675	2,562.25
Roker	1,320	3,585.00
Sole	10,874	175,756.00
Brill	167	1,588.00
Dogfish	335	777.50
Flounder	8,168	8,168.00
Smoothound	885	2,902.50
Bass	313	4,318.00
Dabs	755	755.00
Lobster	507	6,336.00
Crab	4,500	21,799.50
<b><u>Orford</u></b>		
<b>Number of vessel inspections:</b>		<b>4</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Cod	758	2,863.00
Roker	410	1,135.00
Sole	8,435	137,075.00
Brill	83	782.00
Turbot	88	828.00
Flounder	3,800	3,800.00
Dabs	425	425.00
Smoothound	840	2,690.00
Bass	571	9,136.00
Lobster	800	10,080.00
Crab	2,495	8,810.50

<u>Felixstowe</u>		
<b>Number of vessel inspections:</b>		<b>6</b>
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Cod	500	882.50
Roker	1,820	5,005.00
Sole	22,920	370,850.00
Brill	52	468.00
Dogfish	195	455.00
Flounder	7,300	7,300.00
Dabs	520	520.00
Mullet	514	8,224.00
Bass	784	12,544.00
Smoothound	410	1,032.50
Lobster	1,420	17,620.00
Crab	885	3,533.50

### **Potting**

#### **Crab and lobster**

Number of pots inside 6nm fished by vessels from within area:	Average
	2,400
Number of pots outside 6nm fished by vessels from within area:	Average 126

#### **Bio-sampling of brown crab and lobster**

Number of brown crab measured during the quarter:	30
Number of lobsters measured during the quarter:	25

#### **Whelk**

Number of pots inside 6nm fished by vessels from within area:	400
Number of pots outside 6nm fished by vessels from within area:	1,100

### **Non Commercial Activities**

#### **Recreational Sea Anglers (shore based):**

<b>Number of anglers inspected:</b>	<b>61</b>	
<b>Locations fished:</b>	<b>Species targeted:</b>	<b>Average catch (kg):</b>
Felixstowe	Any	1
Aldeburgh	Any	1
Kessingland	Any	1

#### **Recreational Sea Anglers (vessel based):**

<b>Number of vessels inspected:</b>	<b>26</b>	
<b>Locations fished:</b>	<b>Species targeted:</b>	<b>Average catch (kg):</b>
Felixstowe	Cod thornback	Varied month to month
	Smoothound	month
River Orwell	Bass	nil

#### **Charter Angling Vessels:**

<b>Number of charter vessels inspected:</b>	<b>0</b>		
<b>Number of vessels in area:</b>	<b>17</b>	<b>Number of trips:</b>	<b>220</b>
<b>Species targeted:</b>		<b>Number of anglers:</b>	<b>1,100</b>
		<b>Total Landings (kg):</b>	
Cod			250
Thornback Ray			780
Bass			50
<b>Locations fished throughout the month:</b>			

Within area

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**Fishery Officer Duties**

**Training:**

12 July – Conflict resolution training

**Other duties carried out:**

5<sup>th</sup> July – Quarterly and monthly report

6<sup>th</sup> July – Stour and Orwell Public forum

7<sup>th</sup> July – MMO operations meeting Pakefield

11<sup>th</sup> July- Monthly and quarterly report

13<sup>th</sup> July – Joint working with MMO officer

14<sup>th</sup> July – Responding to consultation reports

22<sup>nd</sup> July – Monthly TCG meeting at Kings Lynn

25<sup>th</sup> July – Annual leave

4<sup>th</sup> Aug – MMO operations meeting Pakefield

19<sup>th</sup> Aug – Inspect various restaurants with MMO officers x3

24<sup>th</sup> Aug – Seafarers ENG/1 medical

15<sup>th</sup> Sept till 27Sept – Annual leave

29<sup>th</sup> Sept – Cefas bass meeting with all IFCA's at Pakefield

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**Average 1st sale value of different species within this area (£/kg)**

Cod	3.60
Roker	2.70
Bass	16.00
Smoothound	3.16
Sole	16.16
Brill	9.50
Turbot	9.42
Mullet	4.50
Dab	1.00
Dogfish	2.50
Flounder	1.00
Lobster	12.50
Crab	3.96

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## **EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

TO: J Gregory  
FROM: S P Howard  
DATE: 13<sup>th</sup> October 2016

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### **Three Counties**

#### **Quarterly Report July - September 2016**

##### July

EHO/DSP, Sweep and Meat counts samples were collected from both side of the Wash. Side scan surveys in the mouth and inner Wash looking for seabed areas for the shrimp survey beam trawl sites were also conducted. The areas which had been surveyed using the side scan system where then surveyed using the day grab and camera drops to establish the suitable areas for the shrimp beam trawls.

Both the Thief and Roger/Toft open areas for the cockle fishery were surveyed by enforcement officers on foot, covering the effects of the hand worked cockle fishery by recording the positions of the cockle boats dried out on the sand, the depths of the rings and the amount left on the sand after the cockles had been gathered.

##### August

EHO/DSP samples were collected at the start of the month from both sides of the Wash. Both of the open areas for the cockle fishery were again surveyed by enforcement officers on foot, using the same method as the previous month.

Pot hauling took place along the Skegness coastline approximately one nautical mile from the beach, as a result a number of pots where retained aboard Three Counties before being stored in unit-A at Kings Lynn.

Side scan surveys took place covering the areas for the shrimp survey sites looking at the types of seabed for the brown shrimp beam trails. This was followed by a number of day grab and camera drops covering the sites surveyed using the side scan surveys.

##### September

EHO/DSP and Sweep samples were collected from both side of the Wash as well as recording the movements of the fishing vessels around the Wash.

Enforcement officers surveyed areas of the fishing actives of the hand working cockle boats gathering cockles from the Toft, Roger and Thief sands. The methods used to collect the information consisted of the LAT/LONG position of the vessel dried out on the sand, the depth of the rings on the sand and how well the cockles were gathered from the area worked by the cockle boats on the sands.

Day grab surveys of the seabed were completed, using the day grab and camera drops around the Sunk sand deep water area at each site the sediment type, size of shell, any Sabella and any other items standing in or on the seabed were recorded.

The same site as above had a dive team dropped onto the seabed to cover the survey site using the underwater cameras and a GPS attached to the surface buoy marking their position. This helped build a bigger picture when the drift data was plotted on the side scan, day grabs and camera drops from the previous survey data.

The rest of the month was taken up with the annual mussel surveys to find the extent of density of the mussel beds around the Wash.

**EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

TO: J Gregory  
FROM: S P Howard  
DATE: 13<sup>th</sup> October 2016

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**John Allen**

**Quarterly Report July - September 2016**

July

Engine rebuild at Redbay continued.

August

Engine rebuild at Redbay continued.

September

John Allen returned from Redbay back to Fosdyke by flatbed lorry. MCA surveyor came aboard to return John Allen back to active service. All went well, some minor items just need to be addressed but the workboat code ticket was issued to the vessel.

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**EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

TO: J Gregory  
FROM: S P Howard  
DATE: 13<sup>th</sup> October 2016

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**Sebastian Terelinck**

**Quarterly Report July - September 2016**

July

The vessel patrolled from Sutton Bridge down to Lowestoft, making observations of fishing activities while steaming along the coast.

Whilst patrolling from Lowestoft down to Levington fishing activities were again monitored. The following patrol took place in the River Orwell up to the Orwell Bridge checking for bass fishing from the anglers fishing in the River Orwell.

A further patrol took place in the River Stour for any fishing activities from unregistered vessels or any bass fishing activities.

Whilst travelling Lowestoft back up to Kings Lynn observations were made of any fishing activities on the way up from Lowestoft.

August

Film crew for Channel 4 Food Unwrapped came aboard to film the cockle boats working the Thief sand.

Sebastian Terelinck steamed round from Kings Lynn to Wisbech to be lifted out of the water to be jet washed clean because of a drop in speed and then lowed back in the water and returned to the mooring at Sutton Bridge.

A patrol took place from Sutton Bridge out into the Wash and then up the coast to look for any fishing activities. On the way out a number of dhans were seen in the mouth of the Wash. Some of the dhans were lifted to see what was on the end of them.

The vessel patrolled from Sutton Bridge down and along the coast to Lowestoft to monitor fishing activities

#### September

This was a quite month for patrols with two members of the enforcement staff leaving the team.

The MCA surveyor came aboard to carry out a mid-term workboat survey which the vessel passed. The SWL test was conducted on the aft a-frame which again the vessel passed.

### **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



## **Information Item 20**

### **26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

2<sup>nd</sup> November 2016

#### **Reports by:**

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

#### **Marine Environment Quarterly Reports**

- a) **Senior Research Officer's Quarterly Report**
- b) **Senior Marine Environment Officer's Quarterly Report**

#### **Purpose of report**

The Authority runs a year-round programme of research projects and environmental work. This paper enables Members to be kept informed of key activities undertaken by the Authority's Research and Environment team during the previous quarter, July to September 2016, any issues that have arisen either 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**

##### **a) Senior Research Officer's Quarterly Report**

Over the past two years the Authority has conducted assessments of all the fisheries occurring within marine protected areas in our District. During this process it was identified that the shrimp beam trawling fishery in The Wash and North Norfolk Coast SAC could be having an adverse impact on a number of seabed features, including sub-tidal mixed and sub-tidal muddy sediments. Because the majority of the scientific literature that helped inform this assessment was conducted using heavier fishing gear than is used for the brown shrimp fishery, however, the Authority is planning a major project over the coming two years to study the impact of the types of beam trawls used in the Wash. The study will also look at the effect a comparable set of SeeWing beam trawls have. This project, which is one of the most ambitious conducted by the Authority, will be conducted in



collaboration with Imperial College London, Plymouth Marine Laboratory, Cefas and vessels belonging to the local industry. Over the past three months a business case for the project has been written to support the application for £200,000 of European Maritime and Fisheries Fund (EMFF) funding. During this period, twelve days have been spent at sea conducting habitat mapping surveys in order to identify suitable areas of subtidal mixed sediment in which to conduct the study. These surveys have involved a combination of side scan sonar, underwater camera surveys and day grab surveys. At one site, divers from SeaSearch also assisted the process by videoing the seabed along transects running through the site. So far, it has been harder than anticipated to find an area of suitable seabed that is of the correct sediment type, large enough to contain the required replicate sites and is within a specified depth range.

Bio-sampling for the crustacean project has continued throughout the past quarter. This has involved intensive sampling at processors and fishermen's holding tanks, supplemented with sampling conducted by IFCOs during routine catch inspections. This has enabled over 1,900 brown crabs and 600 European lobsters to be measured so far during 2016. These data are used to inform mortality regression models that help estimate the impact the fisheries have on the stocks. The data collected over the years for this project create a good foundation for the next phase of the project, which will focus on assessing the suitability of a range of management mechanisms to ensure the long term viability and sustainability of these important fisheries.

After a long hiatus in which specimen samples were unobtainable, work to carrying out size of maturity (SOM) assessments of whelk stocklets in the EIFCA district has recommenced this quarter. A working relationship with a fisherman operating out of Lowestoft has resulted in an agreement to provide EIFCA with two unsorted samples of whelk per month. These are being dissected and measurements taken in order to determine the size at which the whelks reach maturity within our district. This information can be used to help set an appropriate minimum landing size (MLS). In addition, size frequency data collected concurrently to SOM data should allow for mortality rates to be assessed using methods similar to those developed for the crustacean project. The next stage in this project should look towards extending the study through the development of similar working relationships with fishermen operating in other areas around the district.

In September we received information from a local fisherman that there had been a successful settlement of seed on a small mussel bed at Titchwell. This bed generally supports a small stock of mussels that are firmly attached to an outcropping of Neolithic peat. In this state, any attempts to harvest the mussels with dredges, rakes or forks would cause irreparable damage to the fragile peat feature. On occasions, however, the bed has attracted high densities of seed mussels that form a light attachment to the older mussels. As these young mussels grow, they form loose bunches that are susceptible to being washed away during storms. Past surveys have shown mussel seed on this bed is highly ephemeral. The bed was assessed shortly after we received the information. This confirmed there had been a good settlement of seed on the bed, and that the bunches of mussels were loose enough that careful harvesting with forks or rakes would not cause damage to the underlying peat. A Test of Likely Significant Effect (TLSE) was submitted to Natural England with the intention of opening a limited fishery on this bed. Natural England rapidly returned a favourable response allowing the bed to be opened before the stocks were washed away.

Mussel settlements have not been limited to Titchwell. The annual autumn inter-tidal mussel surveys in the Wash also commenced in September. By the end of the month nine beds had been surveyed, all of which were found to have benefitted from moderate settlements of seed. Following several years of poor recruitment, coupled with high mortalities, this is an encouraging sign. The beds are still in very poor condition, and the current size of seed too small for relaying or even significantly increasing the overall biomass of the stocks, but given another year's growth, could potentially support a limited fishery. In or around some of the beds, mussel seed was found to have attached to cockles. With an abundance of cockles on the inter-tidal beds at the moment, it is possible that settlement of mussel seed among them may create some new beds. If this has been the case, however, they are unlikely to become apparent until the seed has grown. Weather permitting, it is hoped to complete the surveys by the end of October.

During the course of the mussel surveys, the opportunity was also taken to visit the mussel regeneration sites where culches of cockle shells had been laid in an attempt to attract mussel seed. Three small plots located near the Trial Bank mussel bed, which had shell deposited in 2014, were found to support natural-looking ridges of mussels. These were a mixture of mussels that had settled there last year and new seed from this year. Both of the sites on the Mare Tail and Gat sands, where shells were deposited in March this year, were found to support low densities of mussel seed. Earlier in the quarter we had also attempted to enhance seed settlement by collecting it directly from the water column. This had involved suspending nets of shells from our data buoy, the plan being to lightly spread these shells over the regeneration sites after being in the water column for a few months. Unfortunately, this aspect of the study failed because the nets holding the shells chafed away before they were recovered.

Last year the small cockle beds at Horseshoe Point and Grainsthorpe Haven had supported sufficient adult cockles to potentially support a fishery. Although it had been anticipated that these cockles would be vulnerable to "atypical mortality" and as such unlikely to survive another year, problems associated with accessing the site had prevented us opening a fishery. The beds were surveyed again this year at the end of July. As expected, the majority of the adult cockles had died. There had been a light settlement of cockle spat on the beds during 2015, but this was not in sufficient densities to support a viable fishery this year, even were the access issues to be resolved. In the absence of a fishery, East Lindsey District Council have reduced water quality sampling from monthly to quarterly. While the water classification is temporarily suspended under this sampling frequency, by maintaining quarterly sampling, the classification can be regained quickly again should the need arise.

The cockle beds in the Wash have also been regularly assessed during the past quarter for signs of atypical mortality, ridging, or excessive fishery disturbance. Increasing the daily quota to three tonnes per day resulted in the majority of the vessels targeting the thicker stocks on the Thief and Roger/Toft sands. This seems to have successfully prevented the ridging that had otherwise been expected on these two areas. While the stocks on Wrangle and Friskney were anticipated to be less prone to ridging, high levels of atypical mortality were expected. Previous die-offs on these two beds had resulted in up to 95% of the adult cockles being lost. This year, however, survival appears much better, with mortality estimated at 40%. Most of the beds that have been visited seem to have benefited from a new settlement of spat, although the full extent of this will not be clear until the next surveys are conducted in April 2017.

While our vessel has been at sea conducting mussel surveys, we have been able to assist a researcher working for the Sea Mammal Research Unit at the University of St Andrews to collect seal scats from the sands supporting seal colonies. Partially digested otoliths in the scats can then be used to identify which fish species have been eaten, and their sizes. So far, samples have been collected from colonies on the Gat, Hull Sand, Daseley's, Seal Sand and the Tofts.

In July members from the research and environment teams attended a Cefas-IFCA liaison day at Cefas's Lowestoft building. This provided an opportunity for team members to meet Cefas staff from a number of different teams and for everyone to gain a better understanding of the types of work each of us does. The afternoon involved a discussion on ways we currently work together on collaborative projects and ways in which this collaboration could be improved.

The creation of a temporary Staff Officer post at the beginning of the year resulted in several staff members temporarily shuffling their posts in order to backfill positions. This ultimately created a temporary vacancy in the research team. Although this post was filled in April, that officer left in June after being offered permanent full-time employment in Anglesey. Rather than attempting to fill the post for the remaining six months, partial coverage has been provided by employing Hannah Torrice on a part-time basis. Hannah, who is a student taking a gap year before going to university to study forensic science, is also on the crew of the Hunstanton lifeboat. During the past quarter Hannah has assisted other team members with crustacean bio-sampling, dissecting whelks for the size of maturity study, mussel surveys and the EHO and SWEEP sampling regimes.

Ron Jessop, Senior Research Officer

#### b) **Senior Marine Environment Officer's Quarterly Report**

##### Introduction

The Eastern IFCA Research and Environment Plan 2016/17 reflects the priorities in the Eastern IFCA 2016-2020 Business Plan. This report provides an update on progress for projects set out in the Research & Environment Plan 2016/17. This report includes a summary of the main pieces of case work, and any ongoing issues arising from this work.

#### **EP2016A: Assessment of commercial fishing in Marine Protected Areas, and EP2016B: New management of commercial fisheries in Marine Protected Areas**

This work remains the key priority for the Environment team, as it directly supports the Authority's fulfilment of obligations relating to MPAs, and must be completed within strict timelines set out by Defra (assessments and implementation of any associated fisheries management measures are to be completed by December 2016).

During the quarter, the Authority has received feedback from Natural England on the final suite of fisheries impacts assessments, and officers have undertaken to amend the assessment documents to take account of this feedback.

Considerable effort has also been directed at understanding habitat data for Haisborough, Hammond & Winterton Site of Community Importance (HHW SCI, a site that extends well beyond the 6nm EIFCA boundary off the East Norfolk coast). This is important as Natural England have advised that areas of this site be managed as *Sabellaria spinulosa* reef, which – under the Revised Approach to fisheries management in marine protected areas – would require closure of these areas to towed demersal fishing operations. Officers attended a useful workshop with Natural England and Joint Nature Conservation Committee in September 2016, where data sources were examined in detail and outstanding questions were clarified. Eastern IFCA has planned additional surveys of the areas in question, to be funded using additional money provided by Defra for marine protected area work. Authority officer contacts with Cefas, developed following a networking event in July, have resulted in the provision of additional survey data to improve the evidence base for this site in a very timely manner.

Key ongoing work areas are summarised in Table 1.

**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	Action required
The Wash & North Norfolk Coast SAC	Beam trawling (shrimp)/subtidal sandbanks (subtidal mixed sediment and subtidal mud)	Adverse effect; mitigation required to reduce impact and research required to improve evidence around light beam trawl impacts	Sign off assessment with NE;  Implement closed areas – initially via shrimp permitting byelaw;  Effort limitation (shrimp permitting byelaw);  Beam trawl impact study in conjunction with industry, academic and Cefas partners
The Wash & North Norfolk Coast SAC	Potting/ <i>Sabellaria spinulosa</i> reef;  Potting/subtidal stony reef	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

Site name	Interaction and matrix risk level	Assessment conclusion	Action required
Inner Dowsing, Race Bank & North Ridge SCI	Potting/ <i>Sabellaria spinulosa</i> reef	Not yet assessed (straddling site latterly transferred to EIFCA)	Review updated NE feature advice; undertake assessment
Inner Dowsing, Race Bank & North Ridge SCI	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef	High-risk interaction (red risk on matrix) so no assessment required	Agree updated core reef approach with NE;  Apply closed areas using updated (2016) Protected Areas byelaw
Haisborough, Hammond & Winterton SCI	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef	High-risk interaction (red risk on matrix) so no fishery impact assessment required	Undertake additional survey  If required, apply closures via updated (2016) Protected Areas byelaw
Cromer Shoal Chalk Beds MCZ	All commercial fishing within site on all designated features [all risk levels]	To be assessed in Q4 (site designated January 2016; site outside of Defra deadline)	Undertake assessment; ensure liaison with local fishermen

Officers have started to outline "Monitoring and Control Plans" for marine protected areas in the Eastern IFCA district. The objective is to set out how fishing activity will be monitored, where feature evidence will be sourced, and how the effectiveness of fisheries management measures will be assessed. The plans will be a formalisation of existing Authority activity, rather than a proposal for completely new Authority actions. However, a new aspect will be the specification of what levels of fishing activity are acceptable within each site, and what intervention could be applied should activity levels increase sufficiently to risk damage to the site features/site integrity. The creation of these plans will help highlight evidence gaps and identify priority areas for Eastern IFCA research and marine protection activity in relation to marine protected areas. Work on these plans will be undertaken in Q3 and Q4. Eastern IFCA will liaise closely with MMO, Natural England and other IFCAs in relation to the development of these plans.

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 environment team members 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. No meetings of these groups were held during the quarter, primarily because the project managers for both sites resigned. A replacement project manager for the Wash & North Norfolk Coast was successfully recruited in September 2016 and is due to start in post in November 2016.

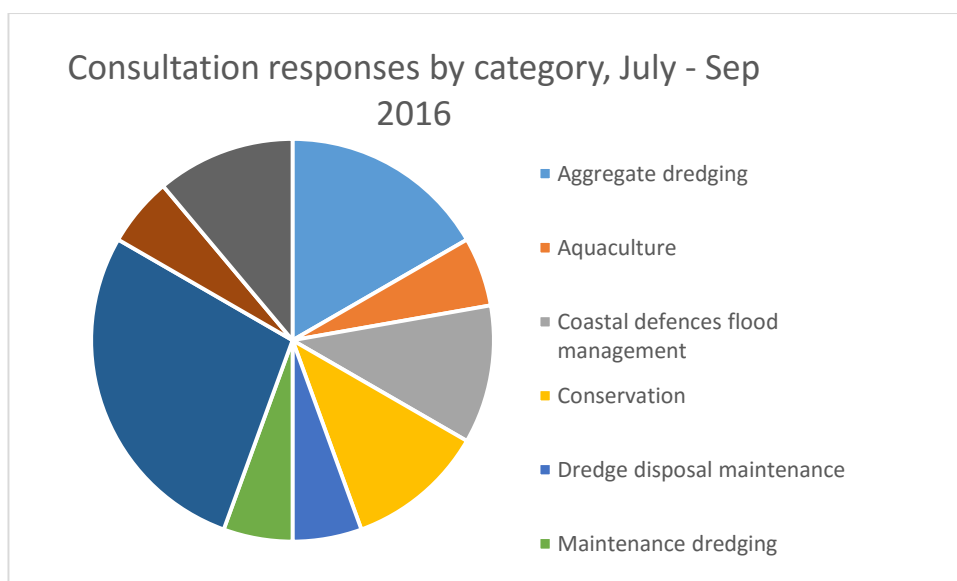
#### **EP2016E: Eastern IFCA input to consultations on marine developments**

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.

During the last quarter (July to September 2016), a total of 18 responses were produced by the environment team, as indicated in the breakdown in Table 1 and associated graph.

*Table 1 Eastern IFCA Consultation Responses by category, July - September inc. 2016*

<b>Consultation category</b>	<b>No. of responses</b>
Aggregate dredging	3
Aquaculture	1
Coastal defences/flood management	2
Conservation	2
Dredge disposal maintenance	1
Maintenance dredging	1
Offshore energy renewables	5
Pipeline and cables	1
Ports	2
<b>Total</b>	<b>18</b>



In the category “Offshore energy renewables”, three of the applications were not of immediate significant relevance, being either minor variations to existing conditions, not within our district or at a very long date in the future. The two remaining consultations both resulted in Eastern IFCA examining and commenting on pathways whereby effects on the environment could have direct impacts on fishing opportunities – in one case an assessment of the potential impacts of noise on crustaceans. In the other, we considered the potential effects on the value of spawning habitat of fish species important in our district by activities occurring just outside our district.

The Aquaculture consultation related to an application for a (private) Several Order for mussel aquaculture within the Stour estuary. As the proposed activity straddles the border between Eastern IFCA district and Kent & Essex IFCA district, assessment of this consultation required appreciable liaison with Kent & Essex in addition to the usual factors considered in such work. Eastern IFCA had highlighted a range of issues in a previous (2015) consultation on this application; the applicant had demonstrated how these issues have been considered and it was concluded that the activity, if managed as described, would be unlikely to have significant impacts on the estuary or its wildlife and existing fisheries.

A consultation connected with “Coastal defences flood management” related to extraction of sediment. Eastern IFCA commented to the effect that monitoring for the presence of *Sabellaria* must occur before any such extraction, and the project be managed to avoid impacts on this feature, which we go to such lengths to protect from damage caused by fishing activities.

Eight applications for exemption from Eastern IFCA byelaws have been received within the period July – September 2016. It was determined that one of these required no such exemption; the remaining seven were all approved, having received conservation advice from Natural England where appropriate (i.e. where they were to occur within a marine protected area). Three of the applications related to fish sampling activity, the remaining four to exemption from Eastern IFCA Byelaw 4 in order to permit the collection of seed mussels from an ephemeral bed at Titchwell. To date, it has been possible to grant

exemptions for every applicant for this activity – all of these exemptions expire on 31<sup>st</sup> October 2016.

***EP2015D – Community Voice (Common Ground) project***

An update on this innovative project is given at Agenda Item 17. Members are encouraged to attend the forthcoming workshops in their part of the district if available. These meetings will provide an opportunity to view the films created using through interviews, which identify people's views and values for our coast and sea, and importantly will highlight areas of common ground. They will also be opportunities to discuss priority issues in the district with a wide range of stakeholders.

**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 research and environment work on the Authority's website and newsletter.

Judith Stoutt, Senior Marine Environment Officer



**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

**Information Item 21****26th Eastern Inshore Fisheries and Conservation Authority meeting**

2 November 2016

**Report by:** Nichola Freer, Head of HR

**Purpose of report**

To inform members of the progress of the HR plan to 2018 and specifically an update of the HR activity planned to be completed during this financial year.

**Recommendations**

**It is recommended that members:**

- **Note** the contents of the report

**Background**

The Head of HR took up post in 2012 and developed a 3-year strategic plan of the key HR activity required to support the achievement of Defra's high level objectives. This plan has been successfully delivered and as such a further strategic plan has been developed during quarter one of this year to support the delivery of required HR activity to 2018. This report gives an overview of current activity in support of this plan.

**Update of specific activity**

The key activity for 2016 focuses on:

- Developing line manager capability
- Developing the performance review process
- Review of current organisational structure
- Employee engagement
- Management systems

**Staff leaving & structural review**

Since the last report, we have seen 3 members of staff tender their resignations. This has left 2 vacancies in the marine enforcement team and one within the environment team.

As we have done previously, the Executive team are currently undertaking a structural review before advertising any vacancies. A number of factors need to be taken into account, such as the outcome of the current CEO secondment (which we are due to hear about in the coming weeks) and the use of the agile office space we have secured within the CEFAS offices at Lowestoft.

Members are to be reassured that short term measures are in place so as not to detrimentally impact day to day operations.

#### Policy review – update to flexible working

The Head of HR periodically reviews the Authority's people policies and processes to make sure that they comply with current employment law and best practice. The latest policy to be reviewed and updated is flexible working.

#### Best employers survey

The Head of HR and acting CEO attended a workshop run by ERAS to gain a more detailed understanding of the survey and interpretation of the results. This will support the development of the employee engagement plan going forward.

**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

**Information Item 22****26<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

02 November 2016

**Report by:** J. Gregory A/CEO

**Defra Correspondence****Purpose of report**

The purpose of this report is to apprise members of the content of a letter received from Defra.

**Recommendations**

Members are recommended to:

- **Note** the content of the letter

**Report**

On 28<sup>th</sup> July 2016 a letter was received from Dr Gemma Harper, Deputy Director for Marine, Department of Environment, Food & Rural Affairs. The letter is attached and essentially advised that following the outcome of the EU referendum it remains 'business as usual' in relation to the management of Marine Protected Areas.

J. Gregory  
A/CEO

**Attachment**

Letter from Dr Gemma Harper



Department  
for Environment  
Food & Rural Affairs

Marine  
Defra  
Nobel House  
17 Smith Square  
London SW1P 3JR

T: 03459 335577  
helpline@defra.gsi.gov.uk  
[www.gov.uk/defra](http://www.gov.uk/defra)

28<sup>th</sup> July 2016

Dear IFCA Committee member,

I would like to express the Government's gratitude for the recent strides the IFCAs have made to protect our marine environment and promote sustainable fisheries. With over 24 legacy byelaws, 27 new byelaws and currently a further 10 byelaws expected by the end of 2016, the IFCAs' innovative and pioneering work has already made a significant contribution to the successful implementation of the Government's Revised Approach to the Management of Commercial Fisheries in European Marine Sites and the delivery of a well-managed UK MPA network.

We are aware that the vote to leave has raised some stakeholder concerns within the IFCAs' districts and we hope the lines below will help support the IFCAs in their work when responding to these, as well as wider queries in general:

- We are still a member of the EU and we will continue to engage with EU business and be engaged in EU decision-making in the usual way. Once Article 50 is invoked, we will remain bound by EU law until the withdrawal agreement comes into force. The period between invocation of Article 50 and our eventual exit from the EU is two years unless the other Member States agree to extend.
- European Marine Sites are a key component of the UK's national commitment to create a network of Marine Protected Areas within the UK marine area under the Marine and Coastal Access Act 2009 and the Government's Blue Belt manifesto commitment. European Marine Sites further contribute to the UK's international commitments to help establish a well-managed network of MPAs in the North-east Atlantic under the OSPAR Convention and the Convention on Biological Diversity. We therefore expect IFCAs to continue to apply the requisite management measures to the sites in line with the current regulations.

I encourage IFCAs to raise any specific concerns they may have directly with Defra.

Yours sincerely,

Dr Gemma Harper  
Deputy Director for Marine, Department of Environment, Food & Rural Affairs