

## 21<sup>st</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 28<sup>th</sup> October 2015 at 1030 hours.

### Members Present:

Cllr Tony Goldson	Chair	Suffolk County Council
Cllr Michael Baker		Norfolk County Council
Stephen Bolt		MMO Appointee
Roy Brewster		MMO Appointee
Cllr Peter Byatt		Suffolk County Council
John Davies		MMO Appointee
Connor Donnelly		Natural England Representative
Cllr Richard Fairman		Lincolnshire County Council
Paul Garnett		MMO Appointee
Ian Hirst		Environment Agency Representative
Ceri Morgan		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
Cllr Margaret Wilkinson		Norfolk County Council
Stephen Worrall		MMO Appointee
Stephen Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance
Greg Brown	MEO – Data Lead
Jason Byrne	IFCO
Nichola Freer	Head of HR
Luke Godwin	Project Officer
Julian Gregory	Acting Chief Executive Officer (ACEO)

### Minute Taker:

Jodi Hammond

### EIFCA15/68 Item 1: Welcome by Chair

The Chair welcomed members to the meeting and advised that he was hopeful that Cllr Peter Byatt would be able to attend the meeting, following a very long period of ill health.

### EIFCA15/69 Item 2: Apologies for Absence

Apologies for absence were received from: Mr Bagley (MMO Appointee) and Cllr Cox (Norfolk CC)

### EIFCA15/70 Item 3: Declarations of Members Interest

There were no declarations of interest to declare which had not already been registered with the Clerk.

**EIFCA15/71 Item 4: Minute of the 19<sup>th</sup> Eastern IFCA Meeting, held on 3 June 2015**

Members acknowledged the minutes were an accurate record of the discussions which had taken place during the meeting.

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

**Proposed: Cllr Turner**

**Seconded: Mr Worrall**

**All Agreed**

**EIFCA15/72 Item 5: Matters Arising**

EIFCA15/59: HORSEHOE POINT COCKLE FISHERY: Members were advised this fishery had not come to fruition this year. One of the main factors for this had been the increased TAC available in the Wash.

**EIFCA15/73 Item 6: Minutes of the Extraordinary Eastern IFCA Meeting held on 21 August 2015**

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

**Proposed: Cllr Fairman**

**Seconded: Mr Worrall**

**All Agreed**

**EIFCA15/74 Item 7: Matters Arising**

There were no Matters Arising.

**EIFCA15/75 Item 8: Health & Safety Risks and Mitigation**

The Acting CEO advised this was the standard report for the quarter. Since the previous report there had been several incidents most of which were minor. There had however, been two worthy of noting.

1. FPV Pisces III was in a collision with the dock wall at Sutton Bridge, the result of which was one officer being taken to A&E as a precaution and the vessel being written off by the insurance company. Crew Education with regard to RIB operation was to be undertaken.
2. The Isuzu 4x4 vehicle had become stuck on a foreshore as a very high tide was coming in. The vehicle suffered substantial damage and was written off, with a cost to the Authority of between £2,000 - £3,000. This incident was still a matter of formal investigation.

Members were advised that in terms of overall risks there was no significant change, with the rating remaining the same as stated in the previous report. Work was continuing in reducing the element of higher risk.

Members agreed to note the report.

**EIFCA15/76 Item 9: Annual Report 2015-15**

Members were reminded that the report was produced annually and it was a requirement that it be forwarded to the Secretary of State. This report

had been approved 'out of session' by members of the Planning & Communication sub-committee, it now required the Members to direct the Acting CEO to publish the report and forward it to Defra.

Dr Bolt advised members that AIFCA had prepared a report to cover the four years since the inception of IFCAs. This would be a 24 page brochure to run alongside Defra's 4 year report. He believed the AIFCA report would do a good job of selling the work of IFCAs, the catchphrases he had adopted to apply to IFCAs were 'can do' and 'value for money'.

Referring to the EIFCA Annual Report the Acting CEO advised for a small organisation there was a colossal amount of work which was carried out to a good standard, he believed members should be grateful for the hardwork and commitment from staff, and requested they agree to publish the Annual Report.

Members Agreed to note the report and directed the Acting CEO to publish it on the EIFCA website and distribute it to Defra.

**EIFCA15/77 Item 10: IFCA and MMO Joint Working**

Members were advised there had been communication between IFCAs, the MMO, AIFCA and Professor Sam Evans with regard to exploring the possibilities of joint working between IFCAs and the MMO. The outcome of these meetings was the belief that joint working could drive forward financial savings. A proposal consisting of six areas where joint working could be undertaken, ranging from Admin to joint intel working, had been accepted by AIFCA and authority members were being asked for their support.

Mr Pinborough advised that he was in agreement with some elements but questioned if there was any progress in reaching an agreement with regard to data collection. The Acting CEO advised that in the long term there would be, but on a local level progress was being made towards a permitting byelaw. Mr Pinborough accepted this would encourage better data collection on a local level but still felt there was a long way to go before data collection between the MMO and EIFCA was harmonious.

**Members Resolved to note the report and Agree to the full engagement of Eastern IFCA in the joint working programme.**

**Proposed: Cllr Fairman**

**Seconded: Mr Garnett**

**All Agreed**

*At this point Councillor Byatt arrived at the meeting. The Chairman welcomed him back officially after his long bout of illness.*

**EIFCA15/78 Item 11: Proposed Higher Level Objectives**

When IFCAs had been endorsed in 2011 the common guidance had included Higher Level Objectives to assess their performance. The initial 23 HLOs were relatively complete, consequently Defra had developed new HLOs and success criteria, to link in to the UK Marine Policy Statement. These HLOs were grounded in pragmatism and would help to guide the work of IFCAs. The majority of IFCAs had agreed to the proposals, with the exception of one which expressed reservations.

Mr Pinborough accepted the review of HLOs but questioned whether there would be any change to the vision statement, he queried whether it was still relevant. Dr Bolt advised that he had not heard any suggestion of the vision being reviewed but he was happy to take the comment back and ask the question.

Mr Williamson had reservations about signing up to the proposal as there was reference to the word 'productive' which he was not happy to sign up to.

**Members Resolved to adopt the HLO with the recommendation that the word productive be removed.**

**Proposed: ??????**

**Seconded: ??????**

**EIFCA15/79 Item 12: Payments made and monies received during the period July 2015 to September 2015**

The report summarised the money spent and received on behalf of the Authority. It was noted that receipts were relatively low, but this was due to the majority of receipts taking place in March/April when the annual levy was received.

The most significant spend during the period was noted to be £126,000 which was a deposit payment for the new vessel.

**Members agreed to receive the report.**

**EIFCA15/80 Item 13: Quarterly Management Report**

This report compared six months actual expenditure to six months of the budget.

There had been an underspend in General Expenditure and Salaries which were due to changes in staff and anticipated expenditure on the office rearrangement not yet having taken place. Inevitably expenditure compared to the budget would even itself out as the financial year progressed. The Head of Finance anticipated there would be a small underspend at the end of the year.

Cllr Byatt questioned whether the increase mileage had been anticipated, which the Head of Finance advised was due to a change in construct which, had for the moment been deferred following the CEO secondment, he anticipated would revert back once the CEO was back in the office.

**Members Resolved to formally note the report.**

**Proposed: Cllr Fairman**

**Seconded: Mr Shaul**

**All Agreed.**

**EIFCA15/81 Item 14: Finance & Personnel Sub-Committee 15 October 2015**

The Head of HR advised the main HR matters discussed during the meeting had been:

- 2 appointments confirmed for the positions of IFCO crewman and MEO.
- The CEO had completed the review of the CEO/DCEO job descriptions, the result of which had been the resolution to increase the DCEO scale to E04 and the CEO scale was increased in range.

The Head of Finance advised the main point of discussion had been related to the statement of accounts and the annual return. The process of which had been completed. There had also been agreement to minor amendments of the Expenses Policy and an update on the progress of the office refurbishment.

Members were also advised that FPV Sebastian Terrelinck had been delivered largely within the expected expenditure. The final cost was 0.6% above the original quote due to negotiated changes.

The moorings project which members had previously agreed to outlay funds for had not yet begun but it was anticipated work would begin in Spring of 2016. In the meant time the current mooring would be maintained so that it was fit for purpose. Mr Stipetic questioned whether a marine licence had been applied for with regard to the new moorings, the Acting CEO advised there was an application in with the MMO.

### **Members Agreed to note the report.**

## **EIFCA15/82 Wash Cackle Fishery 2015**

The Acting CEO briefed members on how the fishery had been operated during the year.

It had initially been anticipated there would be less TAC than the previous year, however, a further look at the Roger/Toft/Trap indicated there was potential for additional TAC to be taken. An Extraordinary meeting of the Authority had agreed to the additional TAC and directed that the original TAC being applied to all the other beds and the new TAC be taken from the Roger/Toft/Trap bed. Natural England agreed to the proposed change in TAC.

Approximately 3,000t could be taken from the Roger/Toft/Trap sand and 1,300t remained from the original TAC to be taken off all other beds, which represented a substantial increase on the original TAC.

Unfortunately there had still been some members of the industry who had chosen to breach the rules and reports had been received of double tiding and taking more daily quota than was permitted. The consequence of this had been increased enforcement activity.

The Acting CEO requested additional delegated powers to apply for the 2015 fishery only, which would enable him to:

- Specify immediately the opening/closing of the fishery without giving 7 days' notice.
- Dispense with the 7 day notice period for closing the fishery, therefore allowing immediate closure of the fishery if necessary.

Councillor Turner enquired whether there had been any action taken with regard to infringements, to which the Acting CEO advised there were a number of on-going investigations with regard to fishing closed areas and other transgressions. Councillor Turner felt it was very important to apply a zero tolerance approach to illegal activity as it was unfair to those who were not breaching the rules.

Further discussion took place with regard to the alleged transgressions, during which Mr Donnelly advised there could be environmental risks associated with these behaviours, and Mr Brewster advised that following a meeting with EIFCA officers the allegations of illegal fishing had stopped.

The Acting CEO advised in terms of risk to the fishery there had been no real concern as there had already been agreement to fish the Roger/Toft/Trap sand until it was no longer viable. The main concern had been the taking of more than the daily quota.

Mr Pinborough did not think an incident involving 20 vessels sounded like a small incident and questioned when there was likely to be an outcome to the investigation. It was also questioned how long the transgression had gone on for.

Mr Brewster advised it had happened over a 2 week period at which point the industry threatened to stop the offenders coming into port to land their catch

Mr Williamson felt there were two very separate offences. One being the taking of more than the daily quota which he considered unacceptable and the Authority should come down hard on those offenders. The other alleged offence of fishing an area not yet open he felt needed more thought as there had been very exceptional circumstances and the bed had subsequently been opened. The Acting CEO advised the bed was not open at the time and the mitigating factors had to be put to NE, who needed to have confidence in those factors.

There followed further discussion on the level of fines available and whether licences could be suspended in the event of evidence of illegal fishing. Members requested a report at the next meeting, however the Acting CEO requested the report be deferred until all cases had been completed.

**Members Resolved to delegate power to the Acting CEO to immediately (without 7 days' notice) specify opening and closing times for the fishery and to specify upon which tides it is permissible to fish on the sands and on which tide catch can be landed, for the duration of the 2015 fishery.**

**Proposed: Mr Worrall**

**Seconded: Mr Stipetic**

**All Agreed**

**Members Resolved to delegate the power to the Acting CEO to dispense with the customary 7 days' notice when closing the fishery upon exhaustion of the TAC or when the Roger/Toft/Trap sand (or any part therefor) is judged to no longer be viable.**

**Proposed: Mr Spray**

**Seconded: Dr Bolt**

**All Agreed**

**EFICA15/83 Item 16: Review of Wash Fishery Order management policies**

The report advised members that the management policies reflected the conservation issues of the cockle and mussel fisheries. Inevitably over time there had been changes and it was felt this was an appropriate time to review the policies to reflect the changes.

**Members Resolved to direct officers to undertake a review of the shellfish management policies.**

**Proposed: Mr Morgan**

**Seconded: Mr Pinborough**

**All Agreed**

**EIFCA15/84 Item 17: Review of Wash Fishery Order Regulations and Policy Notes**

The Wash Fishery Order was a mechanism to manage the fisheries and it was paramount this mechanism was fit for purpose. Concerns had been raised with regard to the Regulation and Policy notes and loop holes within them. The Project Officer advised it was essential the Authority ensure the Site was protected. Whilst the WFO would be due for renewal in 2022 it was felt it would be of benefit to review the Regulation and Policy notes in time for next seasons' cockle fishery. Members were advised of some of the changes which could be made, this was not an exhaustive list and there were likely to be more changes to make once the process began. The Project Officer suggested the process should start with consultation with the industry.

Mr Garnett queried how many licences were currently in operation. The Project Officer advised the issuing of licences did not form part of the regulations, however, the Acting CEO advised there was still a moratorium in existence for issuing entitlements when they became available. Mr Garnett queried whether it was possible to review the number of entitlements without changing the order. He also felt that reviewing the Order would take a long time, particularly as the initial order took 7 years to devise rather than the anticipated 5 years. The Acting CEO advised that he did not anticipate the review of the order would be as complex.

Mr Worrall expressed concern at how a decision could be made on the management of the fisheries when there was potentially a £10m fine if the site was damaged. The Project Officer advised that EIFCA work very closely with NE and make every effort to minimise the risk as much as possible, which Mr Donnelly confirmed was the case.

The Acting CEO advised the Annual Plan already set out a substantial workload for the year at the top of which was work on MCZs and working to replace the Emergency Byelaw for whelks, in addition to this EIFCA had also inherited another red risk MCZ area from the MMO which had a large area of sabellaria reef within it. This additional workload may prohibit the officers from completing the policy review in time for the next fishery.

Cllr Byatt queried what level of lose??? needed to be encountered before further enforcement presence was dictated, the Acting CEO advised that officers took part in a monthly Tactical Coordinating Group which was supported by a weekly discussion to ensure enforcement was targeted in the most appropriate places. He also advised that the implementation of iVMS should eradicate some of the concerns.

**Members Resolved to direct the officers to review the Wash Fishery Order 1992 Regulations and Policy notes and to delegate responsibility for the review to the Regulation & Compliance sub-committee.**

**Proposed: Mr Morgan**

**Seconded: Mr Worrall**

**All Agreed**

## **EIFCA15/85 Item18: Wash Fishery Order Cost Recovery**

The Head of Finance reminded members that there had previously been discussions around the workload directed at the Wash Fishery Order and the cost implications. As a meeting with the county councils' Finance Directors had advised in the future there would be no more money

available than was already being levied and the future of New Burdens funding was still unknown it was necessary to consider where the budget was being spent. A considerable amount of resources were spent on enforcing the WFO so officers were considering increasing the contribution from the industry via their licence fees.

The Secretary of State had approved a licence fee schedule from 2012 until 2017, the Head of Finance suggested work should begin on reviewing the mechanism in place to make the WFO self-funding in order to put it to the Secretary of State by 2017.

Mr Williamson commented that with more work being put on IFCA's from Europe surely they should be providing funds to carry this work out, he felt the industry would be prepared to offer vessel time to help reduce EIFCA costs. Mr Brewster also questioned if others were paying their share, originally the levy on County Councils had been for fisheries not conservation and EU directives, he felt it wrong that the money was now going on these areas and the industry were being asked to pay.

The Acting CEO advised that options were being looked for. Members discussed the funding implications and ways other bodies/IFCA's were attempting to recover funds. Mr Worrall suggested officers should look at how other industries are affected by EU regulations, he felt it would be of interest to see how much they pay compared to what the fishing industry pay, it may provide some useful background.

Dr Bolt advised that he felt there was a strong case for continued financial support from Central Government but there was also the counter argument that IFCA's are tasked with statutory duties and funding should be provided by local authorities, however the reality is that additional funding is not available at a local level.

Mr Shaul questioned why the industry would be asked to cover the full cost when they are only able to take 1/3<sup>rd</sup> of the available TAC. Mr Brewster also commented that as another large area of sabellaria had just been mentioned there would soon be nowhere left to fish and more EFICA funds would be directed at protecting it.

The Head of Finance advised this was just a starting point indicative of the cost IFCA incurs and it was necessary to look at ways to bolster resources to sustain IFCA going forward.

**Members Resolved to direct the officers to identify options for increased cost recovery for the management of the Wash fisheries managed under the Wash Fishery Order 1992 for timely consideration by the Finance and Personnel sub-committee.**

**Proposed: Cllr Fairman**

**Seconded: Mr Stipetic**

**With 2 votes against and 0 abstentions the resolution was passed.**

## **EFICA15/86 Item 19: Community Voice Project**

Members were briefed on a project developed in the USA to draw out a wide range of opinions, which officers were considering using in the Management of Marine Protected Areas.

The project involved a number of face to face video interviews which were then analysed to get overall opinions. Sussex IFCA had already used this method with some degree of success.

A short promotional film was provided to give a fuller brief to members.

Mr Worrall questioned whether this was a project which would be carried out once or whether it would be repeated for individual byelaw reviews, which would have a cost implication attached to it.

The Acting CEO advised it was anticipated the project would be solely used for the management of Marine Protected Areas but he believed it would be a one off project which could be referred to over several years.

**Members Agreed to note the report.**

**EIFCA15/87 Item 20: Calendar of meetings to October 2016**

The proposed meeting schedule followed that for previous years with the exception of the Statutory Meeting previously held in the last week of October being moved to the first week of November to avoid school half term dates, and included sub-committee dates for meetings which were required to take place,. There would be additional sub-committee dates during the year as the need arose.

The Chair requested that all County Councillors check availability for statutory meetings and report back to the Chair.

Councillor Byatt questioned whether meetings would be held in other areas of the district, he felt that as the local fisheries were diminishing it would be a good idea to raise EIFCAs profile and generate interest. The Chair advised there had previously been meetings held in Suffolk, and the Acting CEO added that there would be an EIFCA vessel based in Suffolk.

**Members agreed to approve the calendar of meetings.**

**EIFCA15/88 Item 21: *Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for Item 22 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act.***

***Proposed: Mr Stipetic***

***Seconded: Cllr Wilkinson***

***All Agreed***

*At this point members of the public were asked to leave but EIFCA officers sitting in the public gallery were permitted to stay.*

**EIFCA15/89 Item 22: Amended Salary Structure**

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

This was an item for members to note. The EFICA salary scale is largely guided by the LGA but the item was included for members to note the revised scale.

**Members Agreed to note the report**

**EIFCA15/90 Item 23: Quarterly progress against Annual Plan**

Members were advised that most of the workload was on track with the exception of the review of biosecurity measures which had not been started as planned.

**Members agreed to note the report.**

**EIFCA15/91 Item 24: Marine Protection Quarterly Reports**

Mr Shaul advised that he believed the landing data in Cromer for Bass was seriously wrong as was the first sale value, it was agreed he would speak to the Acting CEO after the meeting.

**Members Agreed to note the report.**

**EIFCA15/92 Item 25: Marine Environment Quarterly Reports**

**Members Agreed to note the report**

**EIFCA15/93 Item 26: HR Update of Activity**

**Members Agreed to note the report**

**EIFCA15/94 Item 27: Any Other Business**

No other items had been raised for discussion

There being no other business the meeting closed at 1230 hours.