

## 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		MMO Appointee
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 conditions, 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 IFCOs 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 IFCOs 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 reach 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.

There being no other business the meeting closed at 1252 hours.