

28th 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".



An Extraordinary meeting of the Eastern IFCA took place at Hanse House, South Quay, King's Lynn, PE3- 5GN, on 22nd March 2017 at 0935 hours.

Members Present:

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| Cllr Tony Goldson | Chair | Suffolk County Council |
| Cllr Hilary Cox | Vice Chair | Norfolk County Council |
| Shane Bagley | | MMO Appointee |
| Roy Brewster | | MMO Appointee |
| Cllr Peter Byatt | | Suffolk County Council |
| Emma Dixon-Lack | | MMO Representative |
| Ceri Morgan | | MMO Representative |
| Cllr Richard Fairman | | Lincolnshire County Council |
| Paul Garnett | | MMO Appointee |
| Rob Spray | | MMO Appointee |
| Cllr Tony Turner MBE JP | | Lincolnshire County Council |
| Steven Williamson | | MMO Appointee |
| Stephen Worrall | | MMO Appointee |

Eastern IFCA (EIFCA) Officers Present:

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|-----------------|--------------------------------|
| Andrew Bakewell | Head of Finance |
| Luke Godwin | Staff Officer |
| Julian Gregory | Chief Executive Officer (ACEO) |

Minute Taker:

Jodi Hammond

EIFCA17/25 Item 1: Welcome by the Chair

The Chair opened the meeting at 0935 hours.

EIFCA17/26 Item 2: Apologies for Absence

Apologies for absence were received from Cllrs Baker (NCC) & Wilkinson (NCC) and Messrs Bolt, Davies, Donnelly, Hirst, Pinborough, and Shaul.

EIFCA17/27 Item 3: Declarations of Members Interest.

In line with Declarations already recorded, Messrs Bagley, Brewster, Garnett and Williamson all declared an interest in item 5.

EIFCA17/28 Item 4: Resolution

Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for item 5, on the grounds that it involved the likely disclosure of

exempt information as defined in Paragraph1 of Schedule 12A of the Act.

Proposed: Cllr Cox

Seconded: Mr Worrall

With 1 abstention, the motion was carried.

EIFCA17/29 Item 5: Consideration of applications for WFO licences

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

The CEO advised members that following this item being discussed at the previous Statutory Meeting additional legal advice had been sort.

The Staff Officer gave a brief recap of the background to allocation of WFO licences and changes that had taken place since the inception of the Order.

The current issue was that a WFO Entitlement Holder wished to sell his vessel to a pre-qualified skipper and was requesting that the Entitlement which was currently attached to this vessel could be passed to the person buying the vessel, under Policy note 12. Whilst this Policy Note had previously been amended, in 2008, the Entitlement Holder had stated he was not aware of the amendment.

Legal interpretation was that the Policy Note was clear and provided a legitimate expectation that the Entitlement would be passed to the party buying the vessel.

The Staff Officer advised that whichever route the Authority were to take there was a risk of damaging the Authority's reputation, there was an indication of serious angst amongst the industry with regard to the possibility of the waiting list being circumvented by passing over this Entitlement, however the legal advice was that the 'least worse case' would be to issue the licence.

Members questioned whether the fact that the current Entitlement holder had been sent a letter in 2008 explaining the changes to the Policy Note was not sufficient evidence that he was aware of the change, however legal advice had been sort on this point and the response was that it was not enough to absolve legal expectation.

There was also concern of a conflict of interest with regard to legal representation. On this point the CEO advised if there was any conflict it was with the solicitors not the Authority.

Ownership of the vessel was also questioned however, again legal advice was that there was a distinction between legal ownership and beneficial ownership and in this instance, there had been no illegal practice, even if it as not in keeping with the ethos of the Order.

Whilst Mr Spray was sympathetic with the concerns of the industry he felt the legal advice didn't give EIFCA a fighting chance but what the

Authority needed to do was mitigate against similar situations in the future.

It was questioned whether there were any other similar situations which could make similar requests retrospectively, the Staff Officer did not believe that by passing this Licence Entitlement on was setting a precedent for any others, particularly as interim measures had been put in place to close this loophole. Mr Morgan felt the whole Entitlement system had been a mess for quite some time and questioned what the timescale was for it being sorted out. The CEO advised it was a priority item carried forward from the previous years' Business Plan however reviewing the WFO and policy notes was no mean feat, the Order was due to expire in 2022. He felt that unfortunately in this case the Authority had been backed into a corner by previous Administrations.

After careful consideration of the information available members were asked to vote on the recommendations.

Members agreed to Note the assessment of the application and the risk inherent in relation to both options.

Members Resolved to Agree to grant a WFO licence on the condition that current Entitlement holder does not take out another licence and relevant evidence of the sale of the vessel was provided within three months of the date of this meeting.

Proposed: Mr Spray

Seconded: Cllr Cox

With 6 votes in favour, 0 votes against, and 2 abstentions the motion was carried.

Following the decision members requested that in future an item of this importance not be left until almost the end of long agenda, as it had been at the previous meeting, the CEO agreed to take this request on board.

The ability for the party buying the vessel to get on to the waiting list was questioned, however this party was not on the waiting list, this matter had allowed him to completely circumvent the waiting list as well as the moratorium on issuing licences which had been put in place in 2011.

There being no other items of business the meeting closed at 1030 hours.