

30th 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 25th October 2017 at 10300 hours.

Members Present:

Cllr Paul Skinner (Vice Chair)	Lincolnshire County Council
Stephen Bolt	MMO Appointee
Cllr M Chenery of Horsbrugh	Norfolk County Council
Cllr Peter Coupland	Lincolnshire County Council
Cllr M Vigo di Gallidoro	Suffolk County Council
Paul Garnett	MMO Appointee
Ian Hirst	Environment Agency Representative
Charlie Moffat	Natural England Representative
Keith Shaul	MMO Appointee
Rob Spray	MMO Appointee
Steven Williamson	MMO Appointee
Stephen Worrall	MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance
Sandra Cowper	Marine Science Officer
Luke Godwin	Staff Officer
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Charlotte Siely	IFCO

Other Bodies Represented

Bex Lynam	Wildlife Trust
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Minute Taker:

Jodi Hammond

EIFCA17/57 Item 1: Welcome by the Clerk

In the absence of the Chairman, the Vice Chairman opened the meeting at 1030 hours, welcoming new Members to the meeting. As there were new members present everyone round the table introduced themselves.

EIFCA17/58 Item 2: Apologies for Absence

Apologies for Absence were received from: Cllrs Collis (NCC) and Goldson (SCC), Messrs Bagley (MMO Appointee), Davies (MMO Appointee), Morgan (MMO Appointee) and Ms Dixon-Lack (MMO Representative).

At this point Cllr Chenery enquired whether the final appointment from Norfolk County Council had been made. As it had not he agreed to chase it up.

EIFCA17/59 Item 3: Declarations of Members Interest

In addition to the Declarations already recorded Messrs Garnett and Williamson advised they had a direct interest in Item 17 on the agenda. The Chair also advised he knew a lay holder but not in a fishing capacity.

EIFCA17/60 Item 4: Minutes of the 29th EIFCA Meeting, held on 7th June 2017

Members were advised of an error in the list of attendees as Mr Holborn had not been present.

Mr Garnett queried the reference to individuals in the summary of Item EIFCA17/48. He also advised that reference to P Garnett was not himself. The CEO agreed to review the matter.

Members Resolved these were a correct record of the proceedings.

Proposed: Mr Worrall

Seconded: Mr Garnett

All Agreed

EIFCA17/61 Item 5: Matters Arising

The CEO updated member that he had been advised the SI to reinstate powers to IFCA Officers should be imminent. He did advise caution though as it may take longer than expected.

EIFCA17/40 SUB-COMMITTEES: The CEO reiterated the previous comment with regard to an outstanding NCC member and agreed to chase the matter up.

EIFCA17/46 WASH COCKLE FISHERY: The CEO advised that the annual surveys had indicated 2017 would be a good year for cockles, however, in reality, the yield had been low. Despite this the fishery was ongoing. Since the opening of the fishery the CEO had taken the decision to open an area on the Gat Sand following findings of sizeable stock which could be lost to storms. Despite seeking the view of commercial fishers on the Authority the consensus was not conclusive, so the CEO had made the decision to open the area due to the fact there was a risk of losing the stock based on historical survey data. This had proved to be a contentious decision as some of the stock was relatively small.

Mr Garnett advised that he had fished the area in question over the previous few days, and whilst he was not happy to be landing small

cockles a good price was being paid for them, and he felt that as there was stock in other areas by taking from this particular area it should not have a detrimental effect on the fishery. Had the stocks been better in other areas he would not have fished for these cockles, but it was also worth considering it was better to earn something from this stock rather than it all being lost in a bad winter.

Mr Worrall queried whether there was any reason the fishery had not met the expectations of the fishery and whether the methodology needed to be reviewed. The CEO believed the methodology to be quite robust. He added that the Research Officers were not complacent and should a pattern arise then a review would be carried out, but he did not think this was necessary based on 1 years' experience. Mr Garnett added that the water had been unusually clear this year, as the colour in the water was due to algae on which cockles feed he felt this could have affected the yield and then exacerbated A-typical mortality as the cockles would be under extra stress from being hungry.

Mr Williamson was able to confirm that cockles being landed to the processors were not meeting the yield expected of the size being landed.

Cllr Chenery queried whether any monitoring was carried out regarding food for the cockles. Mr Garnett advised that some work had been done on Chlorophyl research but funding had been withdrawn. The CEO advised that food availability was monitored as a reduction in food availability could result in stocking of lays being prohibited. Mr Garnett advised that the issue did not appear to be specific to the Wash as similar concerns had been expressed by mussel fishermen in Brancaster.

This was further acknowledged by Mr Spray who advised that water temperature was lower than usual and less diversity in animal life had been found when diving on the reefs.

In relation to the controversial opening of the Gat Sand, the CEO advised that EIFCA Officers had received correspondence which was adversarial in tone alleging long term mismanagement of the fishery by EIFCA. The CEO felt this was disappointing and did not bode well for the future when consultation begins on replacing the WFO, fortunately this was only the view of the minority.

EIFCA17/61 Item 6: Health & Safety Risks

Two minor incidents had occurred since the last report, one being a near miss when deploying the day grab, there were no injuries and the procedure when deploying had been modified.

The second incident occurred whilst taking divers to sea. The incident occurred when one diver did not follow the protocol in place. Whilst the matter had been dealt with on the day the Head of

Finance & HR felt it was important to take account of the incident and to mitigate against in the future.

Mr Spray, advised that having worked to make diving with EIFCA possible it was important that the divers work with the crew. Unfortunately, on this occasion one volunteer had not followed the guidelines, which he believed was due to a problem when signalling to the surface, which should not have happened. He advised that no one would volunteer with them again if they could not follow the protocol.

With regard to the H&S Risk Table, members were advised that there were always new risks being identified, and taking this into account the number of outstanding risks was small. The most significant risks were usually around vessel operation, which were dealt with through training and procedures.

The CEO advised members that EIFCA had a comprehensive suite of Risk Assessments and when required help was provided through Norfolk CC.

Members Agreed to Note the report.

EIFCA17/62 Item 7: Finance & Personnel sub-committees held on 21st June and 11th October 2017

Having read the paper provided members were content to acknowledge the content.

Members Agreed to note the content of the report.

EIFCA17/63 Item 8: Payments made and monies received during the period 1st April 2017 to 30th September 2017

Members were advised this was a regular report detailing payments made and money received during the specified period. As expected the most significant outgoing was the payment for salaries & wages and all other budget headings were on track for that expected at the time of year.

Mr Shaul questioned what a FAP was. The CEO advised that in the event of fisheries offences there was an opportunity to issue a FAP which was a financial penalty rather than going to court. If this opportunity was declined then the case would go to court.

Members Agreed to note the content of the report.

EIFCA17/64 Item 9: Quarterly Management Accounts for quarters 1 & 2 of 2017-18

This report compared the expenditure to date against the expected expenditure.

During this period there had been a saving in the Salaries and Wages budget, due to vacancies and delays in recruiting the Head of Operations post.

An overspend in insurance was due to insurance policies being brought in line, which meant some had been paid for an 18 month period.

The training budget was slightly overspent due to new starters being given basic training and some upskilling of current staff to build some resilience into skippering capability.

A saving was noted in the Fishery Protection budget due to FPV John Allen having been out of action for 3 months whilst modifications/repairs were carried out.

The CEO advised members that he and the Head of Finance & HR had met with representatives from the three county council finance departments who were all content to allow a cost of living increase in the budget and from 2019 an increase to boost reserves to cover future large purchases.

Members Agreed to note the content of the report.

EIFCA17/65 Item 10: Annual Report.

A requirement of the Marine & Coastal Access Act is for the Authority to produce an Annual Report at the end of each financial year, which is sent to the Secretary of State via Defra.

The CEO advised that the format was a slight variation on previous reports but he felt the content was self-explanatory. Members worked through the report, it was noted the MPA work schedule was moving slightly slower than anticipated which was attributable to a number of factors.

Cllr Coupland enquired what New Burden funding was, which the CEO explained was a funding stream which was agreed in 2011 amounting to about a quarter of the budget. This funding had been approved until 2020, but at this point it was not known if it would continue after this date. The CEO however believed this funding was a lever for Defra to ensure IFCA's continue to deliver on some important work streams and he therefore remained optimistic the funding would continue. Dr Bolt believed that as part of the Fairer Funding review it may be that the funding would come via the County Councils but would not be ring fenced.

The CEO thanked all Officers for the work they had put into the Annual Report but in particular IFCOs Brown and Godwin for their hard work.

Members Resolved to;

- **Approve the Annual Report 2016-17**
- **Direct the CEO to publish the report and distribute it to Defra.**

Proposed: Mr Worrall

Seconded: Mr Spray

All Agreed.

EIFCA17/66 Item 11: MPA Fishery Management Update

The report had been included to provide members with an update on progress. Despite being behind schedule the work stream was a top priority which was constantly being worked on.

The CEO advised members on the work which had been carried out on the various risk categories.

Particularly of note was the amber risk relating to the shrimp fishery which was not yet regulated, the CEO felt this would ultimately come down to closed areas. Additionally, EIFCA had inherited two red risk areas which had initially been the MMO's responsibility as they straddled the 6 mile limit, however it had been determined that EIFCA would be responsible for regulating them. Discussions were ongoing with NE regarding the level of closure required.

Work was also continuing with regard to the Cromer Shoal area which was on track for the timeframe.

The CEO felt it important members be aware the MPA workstream was slightly behind schedule. He also advised that representatives from the Lincolnshire and Norfolk Wildlife Trusts had written requesting a timeline for completion and offering assistance if required.

Members Agreed to note the content of the report.

EIFCA17/67 Item 12: Marine Protected Areas Byelaw

Senior IFCO Godwin gave members a summary of the work which had been carried out previously on Protected Areas.

He advised that subsequent to the approval of the Protected Areas Byelaw Defra legal had advised the flexibility was unlawful, in terms of allowing IFCAs too much flexibility. Defra spent 18 months amending the byelaw in line with the legal advice, the outcome being that EIFCA can no longer amend closed areas they must now rescind one byelaw and make another to change the open and closed areas. The revised byelaw includes an amendment to the original coordinates to reflect an error during the original drafting, however, this amendment had no real impact on the extent of the closed area.

Members were advised there was a typing error in the papers on page 45. "0.002%" should read "0.02%"

Taking Defra's advice into account Senior IFCO Godwin did not feel that to any intense and purpose there was any change to fishers by adopting the revised byelaw. Other than the need for them to be informed of the revised coordinates.

Mr Garnett was concerned that this was a change to the original flexible approach which was what the industry had agreed to. The CEO advised that it would now be incumbent on the Authority to build in reviews of the byelaw and go through the process of making a new byelaw when amendments to the closed areas were required.

Mr Williamson expressed concern for the future and requested and questioned whether there was a definitive goal to close the Wash to commercial fishing?

The COE advised that from the Authority's perspective this was not the intention. Ms Moffat advised there needed to be a precautionary approach, hence the length of time it was taking to develop the shrimp closures, there was no desire to unnecessarily close area.

Dr Bolt advised to close the Wash to commercial fishing would be contrary to Defra's Marine Policy and the aims of Blue Growth. IFCA need to meet sustainable levels but he did not see any driver that would suggest commercial fishing be stopped within the Wash.

Members Resolved to:

- **Note the content of the report**
- **Agree to the amendments made to the Marine Protected Areas Byelaw 2016 by the Secretary of State under s.155(4) of the Marine and Coastal Access Act 2009**

Proposed: Mr Worrall

Seconded: Mr Spray

All Agreed

Members Resolved to Direct Officers to submit the Marine Protected Areas Byelaw for approval by the Secretary of State without further consultation.

Proposed: Mr Worrall

Seconded: Dr Bolt

All Agreed

EIFCA17/68 Item 13 – Calendar of Meetings to October 2018

The COE advised that where it possible to schedule sub-committee meetings these dates had been included, along with those for the Statutory Meetings. Other sub-committees would be called on an adhoc basis when the need arose.

Members Resolved to Approve the calendar of meetings
Proposed: Cllr Chenery
Seconded: Mr Garnett
All Agreed

EIFCA17/69 Item 14 – Vessel Procurement

For the benefit of new members the CEO briefly explained to members the asset reserves which EIFCA had accumulated in order to be able to replace vessels/vehicles etc as required.

Members were advised the Research Vessel which had been commissioned in 2001 had been in service for 16 years, and inevitably the annual maintenance was becoming more expensive. The current vessel had been designed solely for the purpose of carrying out research activities with the ability to dry out on the sand. Since the advent of smaller protection vessels there were now some enforcement duties which required a more robust vessel, such as hauling shanks of pots, which suggested it may be prudent to replace the research vessel with a dual purpose vessel with research as its primary function.

Consideration had been given to contracting a vessel rather than commissioning a new one, however this was both complex and cost prohibitive.

It was therefore, the CEOs belief that with the growing requirement to carry out inspections at sea a dual vessel was more appropriate, with the potential to enforce out to 12nm also being taken into account. It was also his belief that specialist advice should be sought as Officers are not vessel designers and it would free up Officer time.

Mr Williamson thought the EU Exit would have played a part with Defra being willing to put money into a vessel which was adequate to carry out more enforcement in the future. The CEO did not think Defra would be willing to provide funding particularly as the effect of the EU Exit was still unknown.

Mr Worrall questioned the ability to defer the purchase until the effects were known, however the CEOs concern was the age of the current vessel, and whatever the outcome of the EU Exit a replacement vessel was required.

Cllr Vigo di Gallidoro enquired whether it would be a UK built vessel, the CEO advised there was a procurement process to go through, the final destination of the build could not be predicted.

Mr Spray had been part of a previous Vessel Working Group, and recalled how difficult it was to cater for every eventuality. He felt the

onus was on the authority to plan for what can be foreseen and maybe add in some additional capability.

Mr Garnett was concerned whether the current vessel would be serviceable for the length of time required to design and build a new vessel. The CEO anticipated the timeframe would be 18 months to 3 years and he was sure the current research vessel would be operational for a further 3 years.

Members Resolved to:

- **Agree that RV Three Counties would be replaced with a suitable vessel to meet the Authority's research and enforcement requirements.**
- **Agree to the establishment of a project, under the leadership of the CEO, to deal with the design, procurement, build and delivery of a vessel to replace RV Three Counties, drawing upon professional support as required.**
- **Agree that project progress will be reported to the Finance & Personnel sub-committee.**

Proposed: Mr Worrall

Seconded: Mr Spray

All Agreed.

At this point it was Agreed to slightly vary the Agenda and consider items 20-23 on the Agenda prior to items 15-19

EIFCA17/70 Item 20 – Community Voice Project update

The project had been funded through MSC with the objective of engaging with communities around the coast.

The CEO explained the process, advising that meetings had been held at a variety of venues through the district, engaging with stakeholders. It was a big piece of work to meet the objective of being seen and heard around the district.

The final report had been received, which the Officers now needed to review and consider developing an action plan. Although it was already recognised there was a need to improve the footprint in Suffolk.

Cllr Skinner thanked all the officers and members of the public who had been involved and had input into the process.

Members Agreed to note the content of the report.

EIFCA17/71 Item 21 – Quarterly progress against Business Plan priorities

Th CEO updated members on progress which had been made, advising that MCS were starting a new project 'Agents of change'

which would be based on two sites to engage with stakeholders regarding crab and lobster fisheries and Marine Conservation Zones.

It was noted that a joint Mussel Project was being brokered with Hull University, Bio-security was ongoing and the cost recovery project had gone out for consultation.

Cllr Vigo di Gallidoro commented that bass stocks were reportedly in difficulty in other areas, and questioned if this was the same in the EIFCA district. The CEO advised that bass stocks were in a precarious position Europe wide. The Authority had considered additional regulations but had ultimately decided these were not appropriate.

EIFCA17/72 Item 22 – Marine Protection Quarterly Report

These had been produced in a more business like format, and the content no longer contained fisheries data collected by area officers. This was due to the inconsistency of data collection methodology around the district and there were sometimes concerns that the figures were not accurate and could be misleading. The CEO advised the MMO were running a project to improve data recording. It was anticipated this would be in place in approximately 18 months.

Mr Spray remained concerned about the gap between MMO figures and useful data to conduct regulations, so was very pleased to hear there was a new collection method coming.

Members Agreed to note the content of the report.

EIFCA17/73 Item 23 – Marine Science Quarterly Reports

The report was included as a matter of information. The CEO advised that the mussel surveys had been delayed this year, due to a change in approach by NE. EIFCA were concerned this was potentially a principle change. However, agreement had been reached and EIFCA had been granted up until the end of November to complete the surveys. The CEO felt a little long may be needed but this would be addressed when appropriate.

Mr Garnett noted the report for the Horseshoe Point cockle fishery stated there were access issues from the shore. He felt it was worth noting it was possible to seek access by boat which would negate the access issues and the fishery could be exploited. His concern was that the report read as though it was not possible to have a fishery there.

The CEO advised that current legislation does not permit access by boat. Mr Garnett felt it did not prohibit it either. He believed there

was a fishery available to exploit and there was a need to sort out access.

At this point the meeting broke for lunch and for presentations to be made to two ex-Authority Members who had given long service and to a member of staff on completion of 30 years service.

Councillor Tony Turner had served from July 1997 to May 2017 whilst Councillor Hilary Cox had served from July 2009 to May 2017. The loss of both these members from the Authority had left a big gap and they were both thanked for their service to EIFCA and its predecessor ESFJC and wished well for the future.

Jodi Hammond was thanked for thirty years service, having been employed permanently by ESFJC on 1st October 1987.

ESFJC17/74 Item 15: Resolution

It was Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items 16, 17, 18 &19 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act.

Proposed: Mr Williamson

Seconded: Cllr Chenery

All Agreed

EIFCA17/75 Item 16: WFO Applications

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

Mr Williamson questioned whether or not he needed to leave the room as in future he could be the person being discussed. He was advised that the dispensation allows members to remain for discussion but not vote.

Senior IFCO Godwin advised that the Authority administer the WFO which enables the issuing of licences. As part of this the Authority has the discretion to reissue/transfer licences if it enables business continuity.

Members were asked to consider three cases which involved either transfer from father to son or a change in business partner.

Members were advised that to allow continuity of business all these requests satisfied the policies on the condition the authority received proof of transfer of ownership and the current licence holder relinquished any right to any future licences.

Concern was expressed that the owner looking to transfer 7 licences still held other licences which were not referred to, it was brought to

the authority's attention so they were aware of this in case at a later date there was an attempt to pass these to a third party. The CEO advised that if there were other licences the holder could apply at a later date to have consideration given to a transfer of them.

Members considered the information provided in the papers.

Members Resolved to:

- **Note the investigation into each application**
- **Agree to Application 1 to transfer 7 WFO licences from father to son, pending the receipt of evidence of the transfer of ownership of the associated vessels and on the condition that the current holder formally surrenders any 'entitlement' to a further WFO application.**

Proposed: Cllr Vigo di Gallidoro

Seconded: Cllr Chenery

All Agreed

- **Agree to Application 2 to transfer 1 WFO licence from father to son pending the receipt of evidence of the transfer of ownership of the associated vessel and on the condition that the current holder formally surrenders any 'entitlement' to a further WFO application.**

Proposed: Mr Worrall

Seconded: Dr Bolt

All Agreed

- **Agree to Application 3 to transfer 1 WFO licence from father to son pending the receipt of evidence of the transfer of ownership of the associated vessel and on the condition that the current holder formally surrenders any 'entitlement' to a further WFO application**

Proposed: Cllr Chenery

Seconded: Mr Worrall

All Agreed

EIFCA17/76 Item 17 Wash Fishery Order Shellfish Lays

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

Under the WFO EIFCA issue lays for aquaculture. The Authority had received two requests to transfer of lays.

The first application involved two lays being passed from father to son.

The second application related to an agreement on the Toft sand to share lays, this activity is prohibited under the WFO without the Authority's consent. Investigations had established this process

was already ongoing which was a breach of the lease conditions. In addition to this it had become evident there had been movement of stock from outside the Wash without permission which was a biosecurity breach.

With regard to the second application it was not thought there would be a detrimental effect to the environment or stocks and in terms of industry viability it may enhance it. Therefore, it would be reasonable to seek approval from the Minister as the request would result in an area in excess of 10 hectares. However, agreement from all parties involved was needed and to date there was a signature missing as well as some other anomalies, not least of which would be the need to redraft the lease as the current lease conditions would be difficult to enforce.

During this process it had been noted there were no policies in place for lays which could put the Authority at risk. Consequently, policies had been devised for the granting of lays, which would become part of a more complete review with the consultation of licence conditions.

Members discussed the information provided. Concern was expressed with regard to the movement of seed from outside, this was however, felt to be a compliance issue which brought significant risk to the fishery and therefore action needed to be taken.

Mr Garnett explained the principle of sharing and how it allowed fishers to lay seed over a number of years so they are available to fish in rotation with different year classes.

Senior IFCO Godwin felt here was a need for consultation to investigate whether there were any other arrangements of this nature already in place.

Members discussed in detail the breaches to the lease conditions and the bio-security which had already taken place and whether action should be taken. It was felt necessary to remind lay holders of their obligations and if similar breaches occurred in future the lease holder would have their lay removed. It was felt that on this occasion a written warning could be sent which would ensure that in the event of any further transgression it would be easier to make the decision to remove the lay.

Following extensive discussion members Resolved:

- **Note the investigations in the requests**
- **Agree to transfer 2 WFO lays from father to son**
Proposed: Mr Worrall
Seconded: Cllr Vigo di Gallidoro
All Agreed

- **Agree in principle to the proposed agreement regarding the Toft Lays between listed lay holders. Subject to consultation with ALL lay holders on the Toft Sand.
Proposed: Cllr Chenery
Seconded: Dr Bolt
All Agreed**

- **Delegate to the CEO, Chair and Vice Chair of the Authority powers to**
 - **Consent the agreement pending provision of satisfactory legal advice and agreement from all parties**
 - **Implement amended leases**
 - **Obtain consent from the Minister as required****Proposed: Cllr Chenery
Seconded: Mr Worrall
All Agreed**

- **Agree to implement interim WFO Shellfish lays policies set out in Appendix 3
Proposed: Mr Worrall
Seconded: Dr Bolt
All Agreed**

- **Direct Officers to undertake a more complete review of WFO Shellfish Lay Policy in parallel with the pending review of policies associated with the Regulated fishery.
Proposed: Mr Worrall
Seconded: Dr Bolt
All Agreed**

- **Direct Officers to redraft WFO leases to reflect issues identified and to issue the new leases as required after cancelling existing leases.
Proposed: Dr Bolt
Seconded: Mr Worrall
All Agreed**

EIFCA17/77 Item 18 – CEO Update

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

The CEO gave an update on current workstreams including progress towards IVMS, EU Exit, and changes in Authority members.

EIFCA17/78 Item 19 – Association of IFCA minutes

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

Dr Bolt advised new members that the Association was funded through New Burden Funding and its role is to represent IFCAs at a national level.

At this time the Association had three main workstreams, these being the EU Exit, IFCAs four year report to parliament and Tranche 3 of MPAs. All of which Dr Bolt gave a short resume about.

Members asked a variety of questions including whether the MMO and IFCAs were likely to become one organisation. Dr Bolt responded that in his view the overriding IFCA model of local decision making should not be lost.

EIFCA17/79 Any Other Business

There were no other matters for discussion

There being no other business the meeting closed at 1443 hours.