

## 33<sup>rd</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 on Wednesday 18<sup>th</sup> July 2018 at 1030 hours.

### Members Present:

Cllr T Goldson	(Chair)	Suffolk County Council
Cllr Paul Skinner	(Vice Chair)	Lincolnshire County Council
Roy Brewster		MMO Appointee
Cllr M Chenery of Horsbrugh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
John Davies		MMO Appointee
Cllr FitzPatrick		Norfolk County Council
Ian Hirst		EA Representative
Charlie Moffatt		NE Representative
Rob Spray		MMO Appointee
Cllr M Vigo di Gallidoro		Suffolk County Council
Stephen Worrall		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance and HR
Jon Butler	Head of Operations
Sandra Cowper	Marine Science Officer
Luke Godwin	Staff Officer
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Ron Jessop	Senior Marine Science Officer
Judith Stoutt	Senior Marine Science Officer

### Other bodies Represented

T Davy	Wildlife Trust
E Thorpe	Natural England
P Tyack	MMO

### Minute Taker:

Jodi Hammond

The Clerk welcomed members to the meeting.

### EIFCA18/54 Item 1: Apologies for Absence

Apologies for Absence were received from: Cllr Collis (NCC) and Messrs Bagley, Bolt, Garnett and Shaul (MMO Appointees)

### EIFCA18/55 Item 2: Declarations of Members Interest

There were no Declarations of Interest in addition to those already registered.

**EIFCA18/56 Item 3: Minutes of the 32<sup>nd</sup> EIFCA Meeting, held on 25<sup>th</sup> April 2018**

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

**Proposed: Mr Worrall**

**Seconded: Cllr Skinner**

**All agreed**

The CEO advised that items 19 & 23 would be brought forward from Information Items to Action Items as a decision was required. They would be discussed after Item 14.

**EIFCA18/57 Item 5: Matters Arising**

EIFCA18/11 PULSE FISHING: The CEO advised that a letter had been sent to Defra as requested by the Authority, to register the Authority's concerns regarding Electric Pulse fishing. Defra's response was included in the papers.

Enquiries had been made regarding the potential for 5% of beam trawling licences to be permitted to pursue EPT, the result was that it was at the discretion of the member state, currently there were 12 EPT licences in the Eastern region. Mr Tyack advised that this had been reduced to 10 and there was no intention of issuing any additional EPT licences at this time.

EIFCA18/12 MUSSEL FISHERY: The CEO advised that the fishery was due to open the following weekend. A variation had been made to the conditions for opening and closing due to heights of the tides and fishing was also to be allowed over two tides rather than one. These were administrative changes but still required the agreement of both the Chair and Vice Chair.

EIFCA18/42 OFFICE ACCOMMODATION: The Head of Finance advised that negotiations were ongoing, suggested terms were with the Authority's solicitors.

EIFCA18/46 OPERATION BLAKE: The CEO updated members on the PSP issue. A temporary sampling regime was in place with the goodwill of CEFAS, to ensure there was no contamination within the food chain. Indications were that levels of toxins in edible species had been relatively low or non-existent. The issue appeared to be with starfish where levels well in excess of the regulatory maximum had been detected which could be fatal if eaten. The CEO advised that since the previous Authority meeting the Head of Finance had identified an EMFF grant for a project to look into PSP, this is not a project which has been carried out in the past by other agencies. Before submitting the grant bid the CEO required a proposal from the Authority to go ahead.

**Members Resolved to put in a bid for EMFF grant funding for a project looking into the spread of PSP.**

**Proposed: Cllr Goldson**

**Seconded: Rob Spray**

**All Agreed**

#### **EIFCA18/58 Item 6: Health & Safety Risks**

The Head of Operations advised members that he had been reviewing Health & Safety across the Authority.

A new pot hauler had been fitted on FPV Sebastian Terrelinck, suitable training was being sought as currently only one Officer was competent to use it.

Review of Risk Assessments was ongoing and would be completed shortly.

Areas of mandatory training had been identified, which included manual handling and first aid. Mr Tyack advised the MMO have a team who may be able to assist with this.

Cllr Coupland queried the incident of verbal abuse, this was an ongoing investigation, but body worn cameras were being considered. The CEO advised that most interactions were cordial and productive, there were only the odd 1 or 2 that could get heated verbally but he had never felt the threat of violence.

Mr Davies felt there may be some contention with new Fishery Officers who were less capable and possibly slower handling catches, a particular issue in warm weather which puts the shellfish under stress, he added he was not defending the verbal abuse but wanted it noted some of the issue could be the Officers responsibility.

**Members Agreed to Note the report.**

#### **EIFCA18/59 Item 7: Report on a meeting of the Finance & Personnel sub-committee held on 27<sup>th</sup> June 2018**

The Head of Finance & HR advised members the budget for 2018/2019 had been slightly revised to take into account additional funding for the training budget, and changes to the salaries as a result of harmonisation of hours.

Members were also advised there had been amendments to roles and responsibilities in line with the evolution of the Authority and changes in circumstances.

Cllr Vigo -di Gallidoro queried whether anger management training was provided to ensure Officers could deal with incidents of verbal abuse. The CEO advised that all enforcement officers undergo Conflict Resolution Training which provides guidance on what action should be taken.

**Members Agreed to Note the report.**

**EIFCA18/60 Item 8: 2018-2019 Budget Update**

The Head of Finance & HR advised that the overall change to the budget was an increase of approximately £8,300 the biggest change being in salaries as a result of a finalised LGA salary agreement.

**Members Resolved to Agree to the revised 2018/19 budget as presented to the Finance and Personnel sub-committee held on 27<sup>th</sup> June 2018.**

**Proposed: Cllr FitzPatrick**

**Seconded: Mr Worrall**

**All Agreed**

**EIFCA18/61 Item 9: Approval of the annual accounts for the year ended 31<sup>st</sup> March 2018**

This report had been considered and approved by the Finance & Personnel Sub-Committee, it now required approval from the full Authority.

**Members Agreed to note the annual statement of accounts as submitted to the F&P Sub-Committee and the Joint committee return sent to PKF Littlejohn for audit scrutiny.**

**EIFCA18/62 Item 10: Payments made and monies received for the period 1<sup>st</sup> April 2018 - 30<sup>th</sup> June 2018**

In line with the audit requirements members were presented with the Authority's receipts and payments for the previous quarter. There were the usual large payments for the beginning of the financial year, which included the refit of three Counties, AIFCA subs and insurance. In addition, there was a payment to cover a pension shortfall.

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

**EIFCA18/63 Item 11: Quarterly Management Accounts**

The report provided members with actual expenditure figures compared to the annual budget.

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

**EIFCA18/64 Item 12: Meeting of the Marine Protected Areas sub-Committee held on 6<sup>th</sup> June 2018**

The sub-committee was held for the sole purpose of discussing the opening of the 2018 Cockle fishery. Members were provided with the findings of the annual surveys. As a result of discussions the decision had been made to open the 2018 handworked cockle fishery at the end of June, with a TAC of 4462 tonnes. The daily quota was 2 tonnes per day and the CEO was delegated powers, in conjunction with the Chair and Vice Chair to amend regulations during the fishery if necessary.

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

### **EIFCA18/65 Item 13: Inshore Vessel Monitoring System Project Update**

The CEO reminded members there was a move to ensure all u12m vessels were fitted with iVMS units, at this time there was a one-off opportunity to provide vessels with a unit at no cost, using EMFF funding.

There had been issues identified regarding transferring ownership of the units to individuals and the associated terms and conditions of grant. The CEO believed there could be a contract between individuals and EIFCA which would mitigate the situation in the event of non-compliance regarding the use of units. Legal advice had been commissioned by the Association of IFCAs. The matter had previously been discussed by the F&P sub-committee who had agreed to underwrite the risk for the Pathfinder in the Wash but it was felt agreement was required from the full Authority for the rest of the project.

**Members Resolved to:**

- **Note the content of the report**
- **Delegate authority to the CEO, Chair of the Authority and Chair of the F&P sub-committee, to take the decision on the utilisation of Eastern IFCA funds to support the project when advice on the transfer of ownership of iVMS units and transfer of terms and conditions of grant had been received.**

**Proposed: Cllr M Vigo Di Gallidoro**

**Seconded: Cllr Chenery of Horsbrugh**

**With only one vote against the and no abstentions the motion was passed.**

### **EIFCA18/66 Item 14: Marine Protected Areas fishery management measures (new byelaws)**

Members were advised this had been a significant piece of work which had finally reached the point where management measures could be proposed. Members were provided with presentations to support the proposal for two byelaws.

SMSO Stoutt guided members through the requirement for management, proposed mitigation and supporting evidence for spatial closures. Members were advised the proposed MPA Byelaw 2018 would allow spatial closures to restrict the impact by shrimp trawling.

MSO Cowper provided information of the evidence basis for selecting closed areas, which would include existing areas as well as additional areas being proposed for closure to protect *sabellaria* as a result of the revised definition of 'core reef'.

There was concern that these proposed closures had not been put to fishermen prior to the meeting, however there had been an informal meeting held in Sutton Bridge as well as two additional meetings in the EIFCA offices.

Mr Davies queried whether the closures applied to static gear and was advised the closures only applied to bottom towed gear.

Members discussed the proposed closures and noted the evidence base came from both NE feature extent data as well as data from EA, CEFAS and EIFCA. The closures for the 'corridor' off the north Norfolk coast would be seasonal from the end of April to mid-October.

Members were advised the MPA Byelaw 2018 would replace the current byelaw and would preserve exemptions in relation to rights in common. The Shrimp Permit Byelaw 2018 would enable regulation, it would involve the requirement to hold a permit in order to fish this would enable effort to be limited if necessary. It was anticipated there would be two categories of permit, applying to fishing inside the WNNCEMS and outside the WNNCEMS.

*At this point Mr Spray left the meeting*

Mr Davies queried the use of IVMS and the need to return to port if the unit was not working. He felt there needed to be some flexibility otherwise vessels could be left in port on weekends and bank holidays when there was no engineer available to fix the unit. Mr Brewster agreed with this and advised that the unit he had on board went wrong regularly but he was able to inform the MMO who then allowed him to continue fishing. The CEO advised that IVMS reliability rates were quite high and he believed there was a need to be strict with the enforcement of the byelaw otherwise fishers may be inclined not to get units fixed or just state they are inoperable. The CEO believed that with experience judgement could be applied but the starting point needed to be strict adherence to the regulation. Mr Davies queried Data Protection which the CEO advised was taken into account, data would not be shared, information would only be used by EIFCA and MMO for management purposes.

Mr Worrall thanked the Officers involved for an impressive piece of work.

**Members Resolved to:**

- **Note the content of the paper and the requirement to introduce new management to the shrimp fishery to meet conservation duties**
- **Agree to make the Marine Protected Areas Byelaw 2018 as set out in Appendix 3**
- **Agree to make the Shrimp Permit Byelaw 2018 as set out in Appendix 6**
- **Agree to introduce the proposed Category One and Category two Shrimp Permits with the conditions as set out in Appendices 8 and 9.**
- **Agree to introduce eligibility criteria for shrimp permits as set out in Appendix 10**

**Proposed: Cllr FitzPatrick**

**Seconded: Cllr Vigo Di Gallidoro**

**All Agreed**

**Members Resolved to Direct Officers to undertake a formal consultation for the proposed byelaws.**

**Proposed: Cllr Skinner**

**Seconded: Mr Worrall**

**All Agreed**

**Members Resolved to Agree to delegate authority to the CEO, following formal consultation, to make changes to the byelaw that do not alter the intent of the management measures and to submit to the Minister for approval.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Davies**

**All Agreed.**

**Members Agreed to note that additional closed areas were being considered for ecological and fishery benefits, for progression as a later date.**

## **EIFCA18/67 Item 19 – MMO Appointee Dispensations**

Under the Localism Act the Authority had the ability to grant dispensations to MMO Appointees which would enable them to comment on matters for which they had declared an interest but would not allow them to vote. Since the last full Authority meeting two members had been re-appointed to the Authority as they were both members of the MPA sub-committee which sat prior to a full Authority meeting, in line with the Constitution & Standing orders, the Chair and Vice chair of the Authority had taken the decision to

grant dispensations to both members in order to ensure a full and frank discussion at the sub-committee meeting.

**Members Resolved to:**

- **Note the content of the report**
- **Agree to the continuation of the dispensations for other members for the period of their current appointment to the Authority.**

**Proposed: Mr Worrall**

**Seconded: Cllr Vigo Di Gallidoro**

**All Agreed**

**EIFCA18/68 Item 23 – Association of IFCA Minutes**

Although normally considered an information item, this set of minutes referred to the possibility of greater collaboration between IFCAs and the MMO. With this in mind the CEO asked members to consider whether they agreed in principle to further collaborative working specifically between Eastern IFCA and the MMO, who were potentially developing a more regionalised model.

**Members Resolved to:**

- **Note the content of the report and the minutes of the AIFCA meeting held on 5<sup>th</sup> June 2018**
- **Agree that the CEO engage with senior officers from the MMO to hold preliminary discussions on opportunities for greater collaborative working**
- **Agree that the CEO, in consultation with the Chair and Vice-Chair of the Authority, engage in any preliminary work required to develop proposals for greater collaboration.**

**Proposed: Cllr Goldson**

**Seconded: Cllr FitzPatrick**

**All Agreed**

At this point the meeting was adjourned for 15 mins to allow members a break (1238 hours)

*Cllr Vigo Di Gallidoro left the meeting.*

**EIFCA18/69 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 on the grounds that they involve the likely disclosure of exempt information as defined in sections 100(A) (2) and (3) or Paragraph 1 of Schedule 12A of the Act**

**Proposed: Cllr FitzPatrick**

**Seconded: Mr Worrall**

## **All Agreed**

### **EIFCA18/70 Item 16: Trawling Byelaw Dispensation**

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

Members were reminded that the implications of transferring ownership of a vessel from father to son had previously been discussed. Under the byelaw the change of ownership suggested loss of the dispensation.

Legal advice had been sought and it was noted there was a difference between legal ownership and beneficial ownership in this case beneficial ownership would not change as the vessel would still remain in the ownership of the company. The vessel was only shown to have an individual owner in order to comply with the WFO regulations.

Officers felt that provided the ownership of the vessel reflected that beneficial ownership remained with the company the dispensation would be able to remain with the vessel.

#### **Members Resolved to:**

- **Note the content of the report**
- **Agree to maintain the dispensation from Byelaw 12 in relation to the vessel in question in the event that the vessel changes ownership from father to son on the condition that either party produces a transcript, issued by the Registry of Shipping and Seamen, confirming that beneficial ownership of the vessel is in the name of the company**
- **Agree to issue a new policy regarding Byelaw 12 (inshore Trawling Restrictions- as set out in Appendix 2.**

**Proposed: Mr Davies**

**Seconded: Mr Worrall**

**All Agreed**

### **EIFCA18/71 Item 17 – Fishing Industry Correspondence**

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

The CEO summarised for members the historical decision to declare a number of parties as vexatious correspondents.

A meeting with the local MP, EIFCA and the correspondents had been cancelled. Subsequent to this the CEO had attended a meeting of the NFFO at which one of the correspondents had been present and it became apparent to the Assistant CEO of the NFFO that there was a communication problem, he therefore offered to mediate between the correspondents and EIFCA in an attempt to improve the working relationship.

Subsequently a cordial and constructive meeting took place with a clear exchange of views on various issues associated with the questions originally asked. Both parties agreed to work towards establishing a more constructive working relationship.

**Following discussion, Members Resolved to;**

- **Note the content of the report**
- **Agree that the parties involved in writing letters be regarded as a single entity in relation to engagement with the Authority**
- **Agree to remove the designation of vexatious correspondents for the group of correspondents.**
- **Agree that the Authority would engage in established a constructive working relationship with the parties involved.**

**Proposed: Mr Worrall**

**Seconded: Cllr FitzPatrick**

**All Agreed**

Members also felt it could be beneficial to establish a Wash Fisheries Advisory Group comprising representatives from all sectors of the Wash Fishing Industry and Eastern IFCA Officers, not large numbers but sufficient to ensure transparency.

**EIFCA18/72 Item 18: Complaint Against the Authority**

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

In 2016 an RSA member had lobbied EIFCA campaigning for stronger measures to be brought in to protect bass stocks, EIFCA were asked to consider extending a moratorium on fishing. At the time the Authority had agreed to extend the moratorium under an Emergency Byelaw subject to investigation. Following investigation it transpired that the advice provided had been selective and the decision was made not to continue with the Emergency Byelaw.

Suffolk CC recently contacted EIFCA Officers regarding a complaint. As EIFCA had never received a complaint there had been no need to put in place the Grievance Procedure.

Subsequent investigation found a complaint had been made to SCC in December 2017 but only put to EIFCA at the end of June 2018. The CEO had established the nature of the complaint and provided members with relevant correspondence. It was his belief there had not been an official complaint but guidance from SCC was that a written response should be provided.

**Members Resolved to:**

- **Note the content of the report**
- **Agree that the CEO draft a response to the complainant.**

- **Agree that the response would be sent to Suffolk County Council once agreed with the Chair and Vice Chair of the Authority.**

**Proposed: Mr Worrall**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed**

**EIFCA18/73 Item 20 – Quarterly progress against Annual Priorities**

**Members Agreed to note the report.**

**EIFCA18/74 Item 21 – Marine Protection quarterly reports**

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

**EIFCA18/75 Item 22 – Marine Science Quarterly Reports**

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

**EIFCA18/76 Item 24 – Felixstowe fishery monitoring scheme**

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

**EIFCA18/77 Item 25 - Any Other Business**

**POTENTIAL EMERGENCY BYELAW**

Members were advised that the judgement of a court case was pending regarding the definitive boundary of a private fishery. The outcome of this case could result in an area of 'no mans land' which would fall outside the area to which the WFO 1992 regulations currently apply. In order to ensure the designated features of this area were not damaged it may be necessary to put in place an Emergency Byelaw to close the fishery until such time as surveys could be carried out to determine whether or not opening it would have a significant effect on the integrity of the WNNCSAC, the Wash SPA or the bivalve mollusc stocks. Effectively the Emergency Byelaw would apply all the regulation of the WFO 1992 to the area in question.

Members considered the potential implications for the designated features and felt that in the event of the court judgement ruling in such a way that an area of seabed had no management measures attached to it the CEO should bring in the Emergency Byelaw with immediate effect.

**Members Resolved to:**

**Note the content of the report.**

**Agree in principle to make an emergency byelaw and associated flexible permit conditions and eligibility criteria to protect bivalve shellfish stocks and the designated features of the Wash and North Norfolk Coast Special Area of Conservation and The Wash Special Protection Area;**

**Agree to direct the CEO not to call an extraordinary Eastern IFCA meeting if the Emergency Wash Byelaw is made;**

**Agree to initially close the fishery within the Wash restricted area under paragraph 16 of the Emergency Wash Byelaw 2018 if the Emergency Wash Byelaw is made;**

**Agree that the CEO will determine the viability of opening a fishery in the Wash restricted area during 2018;**

**Agree, if the Emergency Wash Byelaw is made to delegate authority to the CEO to open the fishery or parts of the fishery under paragraph 16 of the Emergency Wash Byelaw 2018 if it is determined that a fishery will not have significant effects on site integrity of the Wash and North Norfolk Coast Special Area of Conservation, The Wash Special Protection Area or the bivalve shellfish stocks within the same.**

**Agree, if the Emergency Wash Byelaw is made to delegate authority to the CEO to close the fishery or parts of the fishery under paragraph 16 of the Emergency Wash Byelaw 2018 if it is determined that there will be an enhanced risk to site integrity of the Wash and North Norfolk Coast Special Area of Conservation, The Wash Special Protection Area or to the bivalve shellfish stocks within the same or if the Total Allowable catch is expended.**

**Proposed: Cllr Chenery or Horsbrugh**

**Seconded: Cllr FitzPatrick**

**All Agreed**

#### **WFO REGULATIONS UPDATE**

Members were advised that following an earlier decision by the Authority to agree to the inclusion of use of functioning electronic monitoring devices as an amendment to WFO 1992 Regulation, an amendment was now required to ensure electronic devices report once every 3 minutes not every 10 minutes as in the original paperwork which would bring the WFO regulations in line with the national approach and ensure consistency. This would not incur additional costs for the users.

**Members Resolved to:**

**Note the content of the report**

- **Agree to amend the reporting rates required in the WFO Regulations from 'once in every ten minutes' to 'once in every three minutes'**
- **Agree to the revised definition of an I-VMS device as set out in Appendix 2**

**Proposed: Cllr FitzPatrick**

**Seconded: Cllr Skinner**

**All Agreed.**

There being no other business the meeting closed at 1335 hours.