

## 34<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 on Wednesday 7<sup>th</sup> November 2018 at 1030 hours.

### Members Present:

Cllr T Goldson	(Chair)	Suffolk County Council
Cllr Paul Skinner	(Vice Chair)	Lincolnshire County Council
Shane Bagley		MMO Appointee
Dr S Bolt		MMO Appointee
Roy Brewster		MMO Appointee
Cllr M Chenery of Horsbrugh		Norfolk County Council
Cllr D Collis		Norfolk County Council
Tania Davey		MMO Appointee
John Davies		MMO Appointee
Charlie Moffatt		NE Representative
Rob Spray		MMO Appointee
Keith Shaul		MMO Appointee
Paul Tyack		MMO Representative
Mike Warner		MMO Appointee
Stephen Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance and HR
Greg Brown	Project Officer / IFCO
Jon Butler	Head of Operations
Luke Godwin	Senior IFCO - Regulation
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Ron Jessop	Senior Marine Science Officer
Judith Stoutt	Senior Marine Science Officer
Rebecca Treacy	Marine Science Officer

### Minute Taker:

Jodi Hammond

### EIFCA18/78 Item 1: Welcome

The Clerk welcomed members to the meeting, introducing new MMO Appointee members, Tania Davey and Mike Warner.

The Chair also advised members he had received a letter from IFCA Chief Officers Group thanking the CEO for the work he is doing on the IVMS project and the significant contribution he has made to the project as the Senior Responsible Owner.

## **EIFCA18/79 Item 2: Apologies for Absence**

Apologies for Absence were received from Messrs Garnett, Hirst and Worrall (MMO Appointees), and Councillors Coupland (LCC), FitzPatrick (NCC) and Vigo Di Gallodoro (SCC).

## **EIFCA18/80 Item 3: Declarations of Members Interest**

Messrs Bagley, Brewster and Williamson declared an interest in Item 12 on the agenda, relating to the Marine Protected Areas Byelaw 2018 and the Shrimp Permit Byelaw 2018.

## **EIFCA18/81 Item 4: Minutes of the 33<sup>rd</sup> EIFCA Meeting, held on 18<sup>th</sup> July 2018**

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

**Proposed: Cllr Skinner**

**Seconded: Cllr Chenery of Horsbrugh**

**All agreed**

## **EIFCA18/82 Item 5: Matters Arising**

EIFCA18/65 IVMS PROJECT UPDATE: The CEO reminded members that they had previously been made aware of the potential of issues with the funding model with respect to potential risks associated with being the applicant for EMFF funding. AIFCA had commissioned legal advice and whilst it was possible for the issues identified to be mitigated there was a varying appetite for risk amongst the IFCA's. As a consequence, the decision had been taken not to proceed with the IFCA's as applicants. It was now hoped the MMO would be able to act as the applicant. The decision would be made at a board meeting on 13<sup>th</sup> November. In this scenario IFCA's would still be engaged with the project, which would continue as a joint project.

EIFCA18/66 MPA FISHERY MANAGEMENT MEASURES: An Emergency Byelaw had been made to protect the unregulated area of the Wash. Following which it was possible to open an area to cockle fishing. The next step would be to decide how to regulate this area, once the Emergency Byelaw expired.

In addition to these matters arising the CEO reminded members there had previously been discussion with regard to greater collaborative working with the MMO. The matter was going to be investigated further at an exploratory workshop on 15<sup>th</sup> November. Members would be advised of the outcome.

## **EIFCA18/83 Item 6: Health & Safety Risks**

Having reviewed H&S procedures the Head of Operations was able to advise training requirements had been identified and would be completed during the following months.

More incidents had been identified than in previous months, which was felt to be an indication that Officers were now being made aware of the true picture. It was noticeable that items of equipment were failing on Three Counties.

There had been two further incidents of aggression towards Officers and the decision had been taken to purchase Body Cameras, which would be used for H&S as well as evidence gathering. Mr Shaul questioned whether members of the public would be made aware of the presence of these cameras when they were being used. The CEO advised that the use of video surveillance was only an issue if used covertly. It was intended the cameras were to be worn overtly and that officers would advise they would be recording. It was hoped the cameras would have the effect of calming down any contentious situations.

Cllr Chenery of Horsbrugh queried who would do the H&S training. The Head of Operations advised there would be a one-day Fire Risk Assessment which he would attend himself and all other Officers would receive 1.5 hrs of generic H&S training.

**Members Agreed to Note the report.**

## **EIFCA18/84 Item 7: Disclosable Pecuniary Interests revisions**

The CEO advised members this review had been carried out to ensure the Authority remained compliant with the Localism Act 2011 as well as ensuring all members eligible to vote were given the opportunity to do so.

The Senior IFCO (Regulation) talked members through the review process and the decisions made on whether dispensations could be granted. It was noted that in some instances, contribution to debate was permissible but without the ability to vote. The generic approach had been tailored slightly to ensure, for example, fishers were not prevented from voting on all fisheries rather than just the ones in which they took part.

A new register had been put together which also catered to the specific requirements of the two new members as legal advice was that employment was considered a DPI. However further investigation had revealed it was not a direct DPI, this was all explained in detail in the papers provided.

Members were advised that should any new interests arise as a result of items on the agenda they were obligated to advise the Officers.

**Members Resolved to:**

- **Note the revised list of Disclosable Pecuniary Interests for MMO appointees, the rationale for its revision and the assessment of revised DPI conflicts with Authority Business.**
- **Agree to grant dispensations from s.31(4) of the Localism Act 2011 (c.20) to MMO Appointees, as set out in Appendix 2, to allow participation in discussions and where relevant, voting on matters for which they have a Disclosable Pecuniary Interest for the period of four years or until their term of service is expired (whichever is first)**  
**Proposed: Cllr Chenery of Horsbrugh**  
**Seconded: Cllr Skinner**  
**All Agreed**
- **Agree to implement the recommended procedure with regards to considering DPIs prior to meetings.**  
**Proposed: Cllr Chenery of Horsbrugh**  
**Seconded: Dr Bolt**  
**All Agreed**

**EIFCA18/85 Item 8: Report on the Finance & Personnel Sub-Committee held on 17<sup>th</sup> October 2018**

The Head of Finance & HR briefly outlined the matters discussed by the sub-committee.

Members were given a verbal update on the progress of renegotiating the office lease. New terms had been negotiated, with the assistance of a solicitor, the new terms meant the lease would be a rolling 1-year lease meaning the Authority would only be responsible for one years lease at the point in time that alternative accommodation became available.

The Vessel Replacement process was ongoing however the tender process for design and oversight of the build had revealed the Officers had underestimated the cost involved for this process, Members were therefore advised the cost was likely to be in the region of £1.25k. Selection of a supplier to undertake this work was progressing with Executive Officers meeting potential companies during the following week.

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

**EIFCA18/86 Item 9: Finance Officers Report on payments made and monies received during the period 1<sup>st</sup> July to 30<sup>th</sup> September 2018**

This paper provided members with a monthly breakdown of expenditure and income against budget headings.

The Head of Finance & HR explained the slightly higher than expected expenditure, such as training which included payment in advance for a training programme which would take place over two years, and the overhaul of the engine on John Allen which had cost £1800.

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

**EIFCA18/87 Item 10: Finance Officers Quarterly Management Accounts**

The report was based on actual expenditure figures to date. The obvious underspend was due to the IT maintenance contract not having been charged for – this had been addressed. Income was slightly less than anticipated as a result of the licence toll increase not having been implemented.

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

**EIFCA18/88 Item 11: Annual Report 2018**

The Report was produced on an annual basis in accordance with Defra guidance and it followed the same format as in previous years.

The Chair believed it was an excellent report. The CEO thanked the Project Officer for taking the lead on co-ordinating the Report, and all Officers who had contributed to its content.

**Members Resolved to Approve the Annual report 2017/2018 and to Direct the CEO to publish the report and distribute it to Defra.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Dr Bolt**

**EIFCA18/89 Item 12: Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018**

The CEO reminded members that the development of the HRA for shrimp fisheries had been very challenging over the last 2 years. The result was a requirement for a byelaw to apply closed areas and for a mechanism to manage fishing effort. The two byelaws had been out for formal consultation, the results of which formed

the basis for this item.

The consultation had identified an issue with iVMS and an issue with a closed area which didn't appear to have justification for its closure, it was therefore thought to be more prudent to remove that closed area until suitable supporting evidence was available.

The Senior IFCO (Regulation) advised there had been 38 responses, discussion with Defra Policy department, as well as legal advice from EIFCA's solicitors.

Members were advised there had been a potential issue identified with the use of iVMS, consequently the Shrimp Permit Byelaw had been amended to state vessels within the District would need to have iVMS operating at all times if they were named on a shrimp permit. Closures of the two most inshore areas on the North Norfolk coast were also proposed to be removed until further evidence was available. In addition, the use of Veil nets also required further investigation. An updated impact assessment had been provided for members consideration.

These changes raised the question of whether a further period of consultation was required. As changes to the use of iVMS were considered a fundamental difference the proposal was to begin re-consultation following the same method of advertisement previously employed. The other elements were not considered to be significant enough to necessitate re-consultation.

The CEO emphasised this was not saying the closures were not necessary just that there was not a sufficiently clear link in the HRA that justified it. It was entirely possible that further work would identify such evidence, and this would be a priority.

Ms Moffatt advised that NE had not had time to consider the impact removing these two closed areas would have on the advice they had provided. They would need time to reconsider, which may result in a differing opinion on the site integrity once the changes were considered.

Ms Davey questioned whether the two areas in question were not considered as much at risk because of their sediment type. The Senior IFCO (Regulation) advised the areas consisted of intertidal sand and a mix of subtidal sand, mixed sediment and mud and were not deeper than 10m below chart datum and therefore the methodology used in the other closures did not necessarily apply.

The recommendation was to proceed with the byelaw having removed these two areas. The process had taken two years, during which no protection had been put in place so it would

therefore seem prudent to get some protection in place whilst reviewing the two other areas.

Mr Williamson expressed his concern with regard to the future of the shrimp fishery and all the proposed closures. He was very grateful for the work IFCA were putting into ensuring the fishery remained viable.

The CEO advised members that all consultation responses were provided in Appendix 1 to the papers, he advised one which had been received from the MCS had been a significant objection. EIFCA and NE met with MCS to discuss their objection but felt there was nothing to warrant any further changes.

Ms Moffatt proposed an amendment to the proposed recommendation. The proposal was to add wording to the affect that members would agreed to make the changes to the byelaws as set out in Table 1, 'subject to agreement from NE regarding the impact to the HRA'. Ms Moffatt advised NE would have to review the advice and if there was detailed evidence there then the byelaws could progress with the original closures rather than waiting for the next re-iteration.

The amendment was seconded by Ms Davey.

*The CEO requested a recess to consider the proposed amendment. The meeting was postponed from 1125-1135 hrs.*

The Chair enquired whether the CEO was happy to accept the proposed amendment. The response was negative on the basis that the CEO believed it was important to get protection in place as soon as possible. He believed that, if justified, the additional two areas would be added within a matter of weeks/months and as such he felt this represented very low risk overall.

The seconder was asked whether they wished to speak at this point or later. Ms Davey opted to speak later. Other comments on the amendment were requested.

Mr Spray expressed his concern that protection should be in place as soon as possible with additional protection being added at a later date.

Ms Davey advised that her main concern was the lack of evidence to support these two areas. She appreciated it had taken a lot of time and effort to reach this stage but believed NE advice was important to ensure there was no adverse effect. However, she added that providing these areas were addressed and reinstated within a matter of months she thought it could be acceptable.

**Members were asked to vote of the amendment:**

**To make the changes to the byelaws set out in Table 1, subject to agreement from NE, having considered the effects on the HRA.**

**Proposed: Ms Moffatt**

**Seconded: Ms Davey**

**With two votes in favour, 1 abstention and all other votes against, the motion to amend was not carried. The motion was dismissed.**

**Members Resolved to:**

- **Note the summary of consultation responses and Eastern IFCA's consideration of the objections raised at Appendix 1.**

- **Agree to make the changes to the byelaws as set out in Table 1.**

**Proposed: Cllr Skinner**

**Seconded: Cllr Chenery of Horsbrugh**

**With 2 abstentions and all others who were eligible to vote voting in favour the motion was carried.**

- **Direct Officers to re-consult on the Shrimp Byelaw 2018 regarding the amendment related to provisions for inshore Vessel Monitoring Systems**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Dr Bolt**

**With no abstentions and no votes against the motion was carried.**

- **Direct the CEO to submit the Marine Protected Areas Byelaw 2018 as set out in Appendix 7 for confirmation by the Minister.**

**Proposed: Cllr Collis**

**Seconded: Cllr Chenery of Horsbrugh**

**With no abstentions and no votes against the motion was carried.**

- **Agree to delegate authority to the CEO, following 're-consultation' on the matters set out, to make changes to the Shrimp Permit byelaw that do not alter the intent of the management measures and to submit to the Minister for approval.**

**Proposed: Dr Bolt**

**Seconded: Cllr Chenery of Horsbrugh**

**With no abstention and no votes against the motion was carried.**



**EIFCA18/90 Item 13: Formal operating procedure for introducing, varying or revoking permit conditions.**

Members were advised there had been a process in place under the old Protected Areas Byelaw, which has subsequently been revoked. A procedure is required in relation to the issuing, varying or revoking of flexible management measures under the Whelk permit byelaw 2016 and the proposed Shrimp permit Byelaw 2018.

**There being no questions members agreed to Note the content of the report and Resolved to adopt the revised formal operating procedures as set out in the Appendix to the paper.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Shaul**

**All Agreed**

**EIFCA18/91 Item 14: Calendar of Meetings**

Members were provided with a list of dates for meetings which could be pre-scheduled in 2019.

Whilst reviewing the dates it became apparent that the meeting scheduled for 1<sup>st</sup> May would not be acceptable as it would clash with District and Borough councillors canvassing for re-election. It was Agreed to amend the date to 15<sup>th</sup> May. The CEO then advised of an administrative difficulty with the meeting scheduled for 24<sup>th</sup> July, it was suggested this be put back to 31<sup>st</sup> July.

Members also considered the sub-committee structure, it was noted that some of the sub-committees only met once a year and it may be possible to review their remit in line with the next review of the standing orders.

**Members Resolved:**

- **To approve the calendar of meetings with the exception of the Statutory Meetings in May and July which would be changed to the 15<sup>th</sup> and 31<sup>st</sup> respectively.**

**Proposed: Cllr Goldson**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed**

- **To Direct officers to undertake a review of the sub-committee structure.**

**Proposed: Mr Shaul**

**Seconded: Mr Davies**

**All Agreed**

**EIFCA18/92 Item 15 – Report to Parliament on the conduct and operation of Inshore Fisheries and Conservation Authorities**

Each year Defra prepare a report on the conduct of IFCAs. Previously this had been an in-depth look, this year a different approach had been taken. IFCAs had been asked to complete a self-assessment questionnaire.

Dr Bolt advised there had also been an open consultation, however he was not aware what level of response had been received. He was concerned the timescale for putting the report before parliament could be delayed due to EU exit. Under normal circumstances he would expect it to be March 2019.

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

**EIFCA18/93 Item 16 – Fisheries White Paper Consultation**

**Members considered the paper and Agreed to note the content of the report.**

**EIFCA18/94 Item 17 – Resolution**

**Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for item 18 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act.**

**Proposed: Cllr Collis**

**Seconded: Mr Davies**

**All Agreed**

**EIFCA18/95 Item 18 – Complaint against the Authority**

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

Members had been advised at the previous meeting that a complaint had been made to Suffolk County Council implying EIFCA were failing in their duties. This complaint had never been made to EIFCA. As a response the CEO had provided a detailed report, which SCC had used to respond to the complainant.

SCC had raised a question with regard to the allocation of MMO appointees, to which the CEO had advised them the selection was entirely the responsibility of the MMO.

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

**EIFCA18/96 Item 19 – Quarterly progress against Business Plan priorities**

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

**EIFCA18/97 Item 20 – Marine Protection Quarterly Reports**

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

**EIFCA18/98 Item 21 – Marine Science Quarterly Report**

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

**EIFCA18/99 Item 22 - Association of IFCA Minutes**

Dr Bolt advised members the Defra spending review 2019 would address the funding beyond 2020. AIFCA were building a business model to support IFCAs beyond 2020, Defra were seeking a strong case to continue central funding.

The Chair advised that at every available opportunity he raises this matter with MPs, and suggested other Councillors take the same opportunities.

There being no other business the meeting closed at 1203 hours.