



## **27<sup>th</sup> EIFCA Statutory Meeting**

**To be held at:**

**The Boathouse Business Centre  
1 Harbour Square, Nene Parade  
Wisbech, Cambs PE13 3BH**

**Wednesday  
15<sup>th</sup> February 2017**

**1030 hours**

**Vision**

The Eastern Inshore Fisheries and Conservation Authority 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



Meeting: 27<sup>th</sup> Eastern IFCA Meeting

Date: 15 February 2017

Time: 10:30hrs

Venue: The Boathouse Business Centre,  
1 Harbour Square, Nene Parade,  
Wisbech, Cambridgeshire, PE13 3BH

**REVISED****Agenda**

- 1 Welcome - *Chair*
- 2 To accept apologies for absence - *Chair*
- 3 Declaration of members' interests - *Chair*

**Action items**

- 4 To receive and approve as a true record, minutes of the 26<sup>th</sup> Eastern IFCA Meeting, held on 2 November 2016 - *Chair*
- 5 Matters arising (including actions from last meeting) – *Clerk*
- 6 Health and Safety risks and mitigation – *Hd Fin*
- 7 Meeting of the Finance and Personnel Sub-Committee 25 Jan 17 – *CEO/Hd Fin*
- 8 Provisional budget for 2017/18 and provisional forecast for 2018/2022 - *Hd Fin*
- 9 Payments made and monies received during the period Oct 16 to Jan 17 – *Hd Fin*
- 10 Quarterly Management Accounts – *Hd Fin*
- 11 Crustacean fisheries management – *Research Officer (P. Welby)*
- 12 Mussel Fishery 2017 – *SRO/CEO*
- 13 Mussel Regeneration Project 2014-2016 – *SRO*
- 14 WFO 1992 Cockle Fishery Management - *CEO*
  - a. WFO 1992 Licence Fees – *CEO/Hd Fin*
  - b. Development of WFO 1992 Cockle Management Plan and Long-term (25-year) HRA – *SRO/MEO*

- c. WFO 1992 Regulations – *Staff Officer*
- d. WFO 1992 Management Policy – *Staff Officer*
- 15 Cackle Fishery 2017-18 management arrangements - *CEO*
- 16 Revision of WFO licence tolls in line with inflation for the 2017-2018 financial year - *Hd Fin*
- 17 Meeting of the Regulation and Compliance Sub-Committee 13 December 2016 – *CEO*
- 18 Bass Management Measures – *CEO*
- 19 *To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items 16 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act*
- 20 Consideration of applications for WFO licences – *CEO / Staff Officer*

#### **Information items**

- 21 Quarterly progress against Annual Plans – *CEO*
- 22 Marine Protection quarterly reports – *CEO*
- 23 Marine Environment Quarterly Reports:
  - a. Senior Research Officer
  - b. Senior Marine Environment Officer
- 24 Update of HR activity – *Hd Fin*

#### **Any other business**

- 25 To consider any other items, which the Chairman is of the opinion are Matters of Urgency by reason of special circumstances, which must be specified in advance.

J. Gregory  
 Chief Executive Officer  
 31 January 2017

## 26<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 2<sup>nd</sup> November 2016 at 1030 hours.

### Members Present:

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
John Davies		MMO Appointee
Emma Dixon-Lack		MMO Representative
Cllr Richard Fairman		Lincolnshire County Council
Paul Garnett		MMO Appointee
Ian Hirst		Environment Agency Representative
Tom Pinborough		MMO Appointee
Keith Shaul		MMO Appointee
Rob Spray		MMO Appointee
Cllr Tony Turner MBE JP		Lincolnshire County Council
Stephen Worrall		MMO Appointee
Stephen Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance
Dawn Cummins	Procurement Officer
Sandra Cowper	MEO
Luke Godwin	Staff Officer
Julian Gregory (ACEO)	Acting Chief Executive Officer
Ron Jessop	Senior Research Officer
Simon Lee	IFCO
Laura Rutland	Research Officer
Judith Stoutt	Senior MEO

### Minute Taker:

Jodi Hammond

### EIFCA16/72 Item 1: Welcome by Vice Chairman

The Chairman welcomed members to the meeting and began by announcing the retirement of Mr John Stipetic who had been a member of EIFCA since its inaugural meeting and had been a valued member, always willing to share his vast experience, knowledge and encouragement. This was followed by a

presentation to Mr Stipetic on behalf of staff and members of EIFCA.

Following this the Chairman welcomed Emma Dixon-Lack to the meeting, who would be taking over the position of MMO Representative.

The Chairman then advised members that Phil Haslam had announced his intention to accept a permanent post with the MMO. This had been discussed by the F&P sub-committee who had agreed to appoint Julian Gregory to the post of CEO on receipt of Phil Haslam's formal resignation. As Mr Gregory had been covering the role for the previous year it was felt this was the appropriate step to take, and the Chair looked forward to welcoming Mr Gregory to the role once the official notice had been received.

#### **EIFCA16/73 Item 2: Apologies for Absence**

Apologies for Absence were received from: Messrs Donnelly (Ne Representative), Bolt and Morgan (MMO Appointees) and Cllr Wilkinson (NCC).

#### **EIFCA16/74 Item 3: Declarations of Members Interest**

There were no additional Declarations of Interest, only those previously recorded.

#### **EIFCA16/75 Item 4: Minutes of the 25<sup>th</sup> EIFCA Meeting, held on 27<sup>th</sup> July 2016**

Mr Davies advised that he was not an EA Representative, and the minutes were amended to reflect his membership as an MMO Appointee.

**Members Resolved to sign the minutes as a true record of the meeting.**

**Proposed: Cllr Cox**

**Seconded: Mr Garnett**

**All Agreed**

#### **EIFCA16/76 Item 5: Matters Arising**

EIFCA16/59 SHRIMP BYELAW 2016 Members were advised this would be discussed under a later agenda item.

EIFCA16/57 WASH COCKLE FISHERY: Members were advised the initial TAC had been exhausted, however following consultation with fishers and NE the decision had been taken to extend the fishery by permitting an additional TAC on a specified

sand for a period of 4 weeks. The industry had taken the decision not to continue to pursue the extension due to the level of spat on the sand in question.

**EIFCA16/63 MARINE PIONEER PROJECT:** At the previous meeting members had agreed in principle to being part of the project but reserved final judgement until more information was available. The members view had also been participation was only an option if full funding was provided.

The ACEO had been provided with further information which indicated the project had a far broader scope than had initially been envisaged, in conjunction with DSIFCA and AIFCA concerns about this had been expressed to Defra, at which time it was again reiterated that full funding would be required and revised figures for the project cost were submitted.

It was the ACEOs belief that it was now unlikely IFCA's would be the lead Authority for this project, but the MMO would take on the role which would also mean a complete change to the expectations of the project.

Mr Worrall felt this was potentially a very big and far reaching project which would need a large budget, and with no set time frame it was potentially open ended, with this in mind he would be worried to take on such a large project.

**EIFCA16/67 MARINE PROTECTION QUARTERLY REPORTS:** The ACEO provided an update on Bass. A meeting had taken place with MMO, Defra and Recreational Angling representatives at which it was noted that new draft measures would be announced in December. The ACEO believed this may mean a complete prohibition for commercial fishermen other than those using rod and line. It was proposed recreational fishers would have a bag limit of 10 fish/month however the ACEO did not believe this was enforceable. As these were only draft proposals EIFCA would be providing feedback to Defra.

Mr Pinborough believed the proposals would be watered down before they were put in to action and the end result would be much the same as were in force for 2016, but it would be December before the final outcome was known.

## **EIFCA16/77 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 4 reportable incidents none of which were major incidents. All four incidents had been addressed and any necessary action taken.

The Risk table showed most of the identified risks were moving in the right direction with only one remaining in the red zone, this was still ongoing with the management team actively taking steps to address it.

Members were advised that Ann Hacon, the H&S consultant from NCC had spent a day onboard RV Three Counties during which a risk assessment of the vessel was completed, the outcome of which was very positive.

Members Agreed to Note the report

#### **EIFCA16/78 Item 7: Finance & Personnel Sub-Committee Meeting held 19<sup>th</sup> October 2016**

**HR:** The Head of Finance advised members that whilst the bi-annual employee engagement survey results appeared to show a backward step in engagement with staff the feedback received from the course organisers was positive and they felt for such a small number of staff this outcome was expected. However, the Management team would be taking steps to address the highlighted issues.

**FINANCE:** A meeting had taken place with finance directors from the three county councils which had been extremely positive. The key area of discussion had been moving forward and future expenditure, with this in mind the directors had been reasonably keen for EIFCA to continue developing reserves to cover the purchase of future assets.

#### **EIFCA16/79 Item 8: Permit Byelaw Update**

The Staff Officer advised members there had been a slight change of direction since the introduction of the Emergency Whelk Byelaw.

Whilst developing the permanent byelaw a broader look had resulted in the development of a permitting byelaw. The principle being a one permit approach for many species.

The key difference between this and a traditional byelaw being the separation between prohibition and permission. Following scrutiny by Defra legal they were not convinced there was enough clarity in the new approach and were therefore not willing to accept it, which meant EIFCA had to act quickly to establish an alternative byelaw. Fortunately, this was put before the minister and consent received to coincide with the expiry of the extended period for the Emergency Byelaw.

Going forward this would mean the Shrimp Byelaw would need to be written in a similar style to that of the Whelk Byelaw, as clear direction had now been given.

The ACEO was frustrated that it had not been possible to adopt an innovative approach and that two sets of scrutiny, MMO and Defra, had to be gone through which differed in opinion, before a byelaw could be adopted. He had raised the matter with AIFCA and he felt the process needed to be revised to allow more innovation and efficiency.

**Members Agreed to note the report.**

#### **EIFCA16/80 Item 9: Shrimp Byelaw 2016 Update**

The Staff Officer reminded members that EIFCA had to put in place measures to protect the WNNCEMS from damage by shrimp fishing. Consequently a byelaw had been made in April, however this now required remaking to overcome the issues encountered with the permitting byelaw.

In addition to this there were issues with the implementation of spatial areas. Defra had raised concerns with the Regulated Areas Byelaw which meant there was now no mechanism in place to address the closure of spatial areas.

The Staff Officer advised there were two methods of limiting effort in the interim, one being limiting the number of permits and the number of days they could be used to fish and the other being to issue as many permits as were requested until a certain level of fishing had been achieved, at which point there could be a limit put on the number of tows per month. These options would be considered at a R&C sub-committee in December.

Currently there was a draft drawn up of areas to close following consultation with fishers.

The Staff Officer advised that the introduction of IVMS would make applying the threshold method much easier and would assist the shrimp accreditation project as it would complement the project and make protecting habitats easier.

Members were advised that the current level of fishing aimed at the shrimp fishery was below the maximum that could be allowed. Mr Fairman questioned how long the shrimp season lasted, Mr Williamson advised that the fishery continued all year but peaked in Sept-Dec with a slump during Spring/Summer although it would vary on a yearly basis.



## **EIFCA16/81 Item 10 : Inshore Vessel Monitoring System**

The ACEO advised members that vessels over 12m were already required to be fitted with VMS, and discussion regarding under 10m vessels had been ongoing for several years.

There had now been progress in that three 'type approved' units had been developed which would be commercially available. With this in mind it was hoped that the EMF funding stream could be used to secure between 80/90% of the purchase of these units to enable all under 12m vessels to be fitted with IVMS. In the initial roll out the remaining cost would be met by IFCA's, subsequent costs would have to be met by the industry.

The ACEO advised the use rate was still to be established but it was expected to be a very modest/low cost to the user

IFCA Chief Officers believed IVMS should be a national approach and were making the case that it would have benefits across the board, for fisheries management, MPA management, monitoring and control, compliance and marine planning. It was therefore hoped there would be support for a national approach, if this was not achieved each IFCA would have to put it in place themselves.

Mr Pinborough questioned whether there was a timescale for this, and whether there was sufficient time to get the funding, he also questioned how it would effect vessels from outside the district.

The ACEO advised that for an SI to be put in place would take 2 years, however it was hoped funding could be secured in advance of the SI. Visiting vessels would need to have IVMS of an approved category onboard their vessel in order to fish within EIFCA district.

Cllr Turner enquired whether the industry had been involved in discussion on the use of these units, to which the ACEO advised the matter had not been formally discussed.

Mr Garnett advised that currently over 12m vessels were fitted with AIS systems, which pole once every 2 hours when working in specific areas but were not applicable to shrimp and cockle fishing, how would this be addressed? The ACEO advised there had been assurance that VMS would work as IVMS.

Members spent time discussing signal reliability and any network sim cards as well as the practicality of IVMS on small open beach boats which would be subject to weather and theft.

Data security was also questioned but the ACEO advised data would not be shared and any analysis would use aggregated data.

**Members Agreed to Note the report and Resolved to Agree in principle to the introduction of IVMS on all under 12m fishing vessels through the Eastern IFCA District, subject to national developments and further analysis of local requirements.**

**Proposed: Cllr Turner**

**Seconded: Mr Worrall**

**With 2 votes against and no abstentions the motion was carried.**

**EIFCA16/82 Item 11: EIFCA Constitution and Disclosable Pecuniary Interests**

Following the annual review of the Constitution in April there remained an outstanding issue, concerning the Localism Act, which was carried forward until further information had been gathered.

The Staff Officer had established there were two outstanding issues relating to the Register of Interests and the ability to vote.

Firstly, it was necessary for ALL pecuniary interests to be disclosed and secondly those members who had disclosed an interest would not be able to vote or take part in discussion. However, the make-up of the Authority was such that it would be necessary for members with pecuniary interests to be able to take part in discussion, therefore it would be necessary to grant them dispensations under Section 33 of the Localism Act.

This will require a written application from the member following by formal consideration by the authority. Any agreed dispensation would be valid for 4 years.

**Members Resolved to Agree to the new model for recording Disclosable Pecuniary Interests and the granting of dispensation under s.33 of the Localism Act 2011.**

**Members also Agreed to direct officers to undertake a consultation on Disclosable Pecuniary interests.**

**Proposed: Mr Worrall**

**Seconded: Cllr Byatt**

**All Agreed**

**EIFCA16/83 Item 12: Annual Report 2015/16**

In addition to the 5 year Business Plan the Authority also produce an Annual Report. The Report for 2015/16 financial year had been compiled, following the format of previous years, and

members were asked to approve the report in order that it could be published and forwarded to the Minister.

**Members Resolved to Approve the content of the report and to Direct the ACEO to publish the report and distribute it to Defra.**

**Proposed: Mr Worrall**

**Seconded: Cllr Cox**

**All Agreed**

**EICA16/84 Item 13: Payments made and monies received during the period July 2016 to Oct 2016**

Members were advised there were no particularly notable items of expenditure during the quarter and at this point in the year the expenditure was as was expected.

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

**EIFCA16/84 Item 14: Quarterly Management Accounts**

The Quarterly Accounts gave an overview of expenditure to date compared to annual budget. At this point expenditure to date was less than anticipated largely due to the continued secondment of the CEO, but also in part due to the reduced insurance premium which had been negotiated. Some saving had been achieved in the vessel budget following one of the vessels being out of action for a while, and the rent on the moorings having been reduced more quickly than anticipated.

Mr Shaul questioned what would happen when staffing levels were reassessed, the Head of Finance advised that there had already been temporary measures in place and discussions would take place to ascertain what steps should be taken now but it was anticipated the current working arrangements would remain in place until the end of the current financial year.

Cllr Byatt, congratulated the Head of Finance for the reduction in insurance costs and queried the lack of refund for the Mineral Oil Rebate. The Head of Finance advised, the system had been automated for the first time this year and was obviously experiencing teething problems, however, he had resubmitted the claim and hoped it would be received shortly.

**Members Agreed to note the Management Accounts.**

**EIFCA16/85 Item 15: Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for item 16 on the grounds that it involves the**

**likely disclosure of exempt information as defined in Paragraph 1 of Scheduled 12A of the Act.**

**Proposed: Cllr Fairman  
Seconded: Mr Pinborough  
All Agreed**

**EIFCA16/86 Item 16: Cross-Warranting**

The ACEO advised that although the matter had been dealt with by Officers he felt it appropriate to formally advise members of the issues which had been encountered with IFCO warrants as a result of new legislation.

In march 2015 the new legislation came into force which revoked all others, unfortunately it also revoked the legislation which gave IFCOs the powers to enforce some regulations, other than byelaws. The revocation was an oversight by Defra so to overcome the matter the MMO cross warranted IFCOs under MACAA. The intention was for this to be a temporary measure until the SI could be reinstated. Over time the collaborative working powers were extended to allow additional powers however, there was some concern with regard to legal risk so the extended powers were revoked.

At this point advice was taken from the MMO QC the outcome of which was that it was acceptable to continue with the original cross warranted powers.

In order to completely clarify the position Defra have agreed to redraft the SI as a matter of urgency. Until that comes into force EIFCA IFCOs would continue to work under the MMO cross warrants.

**EIFCA16/87 Item 17: Community Voice Project update**

Members were reminded that previously the decision had been taken to participate in the Community Voice Project in order to inform the future management of MPAs.

Up to this point filming had taken place of interested parties from which the common ground had been established. And views of marine management throughout the district were recorded.

The project had reached the stage of holding workshops in each of the three counties to view the compiled film and discuss the common issues.

Each workshop would take place over two evenings with a maximum of 30 people at each one. Members were invited to attend if they wished.

**EIFCA16/88 Item 18: Quarterly progress against annual Priorities**

Members were advised that with the exception of biosecurity risks all priorities were progressing as planned.

Members Agreed to note the report

**EIFCA16/89 Item 19: Marine Protection Quarterly Reports**

**Members Agreed to note the report**

**EIFCA16/90 Item 20: Marine Environment Quarterly Reports**

**Members Agreed to note the report.**

**EIFCA16/91 Item 21: Update of HR Activity**

**Members Agreed to note the report.**

**EIFCA16/92 Item 22: Defra Correspondence**

**Members Agreed to note the report**

**EIFCA16/93 Item 23: Any Other Business**

FUTURE MEETING DATES: Normally the meetings dates for the next years meetings would be provided at this meeting however as attempts were being made to arrange a meeting to take place at Sutton Bridge to allow members to view the new moorings and the vessels the meeting dates would be circulated later in the month.

RESIGNATION OF CEO: Cllr Turner commented on the announcement of the resignation of the CEO. Cllr Turner had been part of the rigorous recruitment process which Phil Haslam had handled well and with humour. Cllr Turner felt as a CEO Phil had been firm but fair and did an extremely good job. Cllr Turner had very much enjoyed working with Phil and wished to thank him very much and wish him good luck.  
All members were in agreement.

There being no other business the meeting closed at 1218 hours.

### **Vision**

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## **Action Item 6**

### **27th Eastern Inshore Fisheries and Conservation Authority meeting**

15 February 2017

#### **Health and Safety update**

**Report by:** Nichola Freer – Head of HR

#### **Purpose of report**

The purpose of this report is to update members on health and safety activity, risks and associated mitigation over the last reporting period

#### **Recommendations**

It is recommended that members:

- **Note** the contents of this report

#### **Background**

H&S law requires employers to assess and manage risks and, so far as is reasonably practicable, ensure the health, safety and welfare all of its employees and others affected by workplace activities.

The Authority has declared its intent to promote and nurture an appropriate health and safety culture throughout the organisation.

#### **Incidents**

The table below summarises the incidents that have occurred from November 2016 to January 2017:

Date	Nature of incident	Injury / damage occurred	RIDDOR Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
10.11.16	Near miss	None. Highlight potential loss/injury to person. Possible man overboard	N	Y	S Howard	Pot Hauling SoP to be developed and action points highlighted resolved. Modifications made to equipment to enable safer handling
15.11.16	Incident	Smoke in engine room	N	Y	S Howard	External engineer called out and has rectified the problem
22.11.16	Accident	Flipchart stand fell onto officer and hurt back & leg	N	Y	A Bakewell	Copy of the accident report sent to the event organisers whose flipchart it is

## Risks

The project to develop a full suite of current risk assessments for all routine activity undertaken by employees, as reported last period, is well underway. Officers have completed the majority of the key assessments, which have been quality reviewed by our H&S partner at Norfolk County Council.

The long-standing risk that arose from the material state of the old Sutton Bridge mooring has now been reviewed and removed from the risk register, as the new mooring facility at Sutton Bridge is now complete and in operation. The new facility has a full range of the up to date safety provisions that are to be expected from modern moorings.

Members would wish to be aware of the H & S risks at *Appendix 1*.

## Eastern IFCA Health and Safety risks

Risk	Intervention	Residual Risk	Risk rating* (Current)	Risk rating* (Previous)
Failure to develop a full suite of risk assessments to cover the range of activity undertaken by Eastern IFCA officers	<ul style="list-style-type: none"> <li>• Introduction of revised management system (policies and process)</li> <li>• Managers tasked to review and develop the suite of risk assessments</li> <li>• Training session on risk assessments for first line managers</li> </ul>	<ul style="list-style-type: none"> <li>• New or unusual activities may be overlooked and not have a risk assessment in place</li> </ul>	<b>Treat</b>	<b>Treat</b>
Unreported incidents/unilateral decisions with little regard for safe working practices.	<ul style="list-style-type: none"> <li>• Leadership</li> <li>• NCC H&amp;S officer led review of policy and procedure</li> <li>• Training</li> <li>• Equipment</li> <li>• Management systems to capture incidents</li> <li>• Routine agenda items at all meetings at all levels of Authority</li> </ul>	<ul style="list-style-type: none"> <li>• Injury to personnel as a result of failure to acknowledge or adhere to H&amp;S direction and guidance</li> </ul>	<b>Treat</b>	<b>Treat</b>
Inappropriate conduct of vessels at sea	<ul style="list-style-type: none"> <li>• Leadership</li> <li>• Briefings</li> <li>• Formal training and assessment</li> <li>• Periodic review of performance</li> <li>• Sharing lessons learned from <i>FPV Pisces</i> incident in July 15</li> </ul>	<ul style="list-style-type: none"> <li>• Death/injury of personnel/third parties through un-seamanlike operation of vessels at sea</li> </ul>	<b>Treat</b>	<b>Treat</b>



Whole Body Vibration	<ul style="list-style-type: none"> <li>• Risk awareness training to manage impacts.</li> <li>• Health monitoring process to be developed.</li> </ul>	<ul style="list-style-type: none"> <li>• Personal injury from boat movement owing to lower resilience as a result of individual physiology</li> </ul>	<b>Treat</b>	<b>Treat</b>
Lone working operations	<ul style="list-style-type: none"> <li>• Management scrutiny of any proposal for lone working.</li> <li>• Introduction of electronic support means</li> </ul>	<ul style="list-style-type: none"> <li>• Failure of devices to give requisite support.</li> <li>• Personnel interventions render devices unreliable or unworkable.</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
Staff injury/long term absence through inappropriate posture at office work stations	<ul style="list-style-type: none"> <li>• Information.</li> <li>• Training.</li> <li>• Risk assessment.</li> <li>• Provision of suitable bespoke equipment where reasonable.</li> <li>• Access to NCC H&amp;S team.</li> <li>• Occupational health assessment</li> <li>• KLWNBC H&amp;S specialist advice</li> </ul>	<ul style="list-style-type: none"> <li>• Individual failure to adhere to guidance</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
Staff stress through exposure to unacceptable behaviour of stakeholders	<ul style="list-style-type: none"> <li>• Introduction of Unacceptable Behaviour policy</li> <li>• Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy.</li> </ul>	<ul style="list-style-type: none"> <li>• No change in behaviour of some stakeholders.</li> <li>• Long term sickness caused by stakeholder hostility</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>

	<ul style="list-style-type: none"> <li>Dialogue with Stakeholders to ensure appropriate tone of communications</li> </ul>			
Damage to vehicles, trailers and/or equipment through inappropriate operation.	<ul style="list-style-type: none"> <li>Formal trailer training for unqualified officers</li> <li>Refreshers for those with previous experience</li> <li>Periodic vehicle maintenance checks training</li> </ul>	<ul style="list-style-type: none"> <li>Failure to adhere to training</li> <li>Mechanical failure of vehicle or trailer</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> <li>Staff briefing</li> <li>Management overview to ensure rostered duties are appropriate and achievable</li> <li>Reasonable work adjustments</li> <li>Routine periodic medical assessment (ML5)</li> </ul>	<ul style="list-style-type: none"> <li>Individual health fragilities</li> <li>Individual lifestyle choice</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>

\*

<b>Risk Rating</b>
<b>High</b>
<b>Medium</b>
<b>Low</b>

<b>Risk Treatment</b>	
<b>Treat</b>	Take positive action to mitigate risk
<b>Tolerate</b>	Acknowledge and actively monitor risk
<b>Terminate</b>	Risk no longer considered to be material to Eastern IFCA business
<b>Transfer</b>	Risk is outside Eastern IFCA ability to treat and is transferred to higher/external level

### **Vision**

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## **Action Item 7**

### **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

15 February 2017

**Report by:** Julian Gregory - CEO  
Andrew Bakewell – Head of Finance

### **Meeting of the Finance & Personnel Sub-committee held on 25 January 2017**

#### **Purpose of report**

To inform members of the key outputs and decisions from the Finance & Personnel Sub-Committee meeting held on 25 January 2017.

#### **Recommendations**

Members are asked to:

- **Note** the content of the report.

#### **HR Matters**

A report was given to update members on proposed developments in relation to roles and responsibilities for some officers and to seek approval for a modest growth in establishment.

There are currently several vacancies within the organisation. For information, these are:

Deputy CEO  
Head of HR  
Marine environment officer x 1  
Marine research officer x1  
IFCO x1  
IFCO Engineer x1

These vacancies have arisen over a period of time and have not been filled because of the uncertainty in relation to the CEO role with the previous incumbent being on secondment. It should be noted that there are individual reasons behind each of the vacancies and is not thought to be indicative of a trend.

Following a review of the marine protection function, approvals were given to re-designate one Senior IFCO post to Senior Skipper and the introduction of an additional Senior IFCO. A change to role for a grade 6 IFCO to become the IFCO/Engineer was also agreed. Approval was also given to bring the current marine environment and research teams together to become a single Marine Science team which will create greater resilience & flexibility, equity and more effective identification and use of interdependencies.

With regard to the executive team, the Head of HR role was clearly essential in terms of making the transition from a Sea Fisheries Committee to and IFCA and ensuring all people policies and good employment practice are in place. However, having achieved this and embedded good practice during the last 4 or 5 years it has become clear that an organisation of this size does not require an on-going Head of HR. Members agreed that this role should not be replaced and that options for providing HR support are explored by officers.

Members also agreed for the change in role designation from Deputy CEO to Head of Operations as that role will be responsible for the delivery of all operational outputs across marine protection and Marine Science.

An update of HR activity was given. This report can be found as Information Item 22.

### **Finance Matters**

Members were presented with a report detailing the updated provisional estimates for the year 2017/18 which would be put before the full authority for adoption as the 2017/18 budget and support approval of the levy to be set for the year. The most significant change from the previous forecast was an increase in the level of savings resulting from CEO secondment and additional vacancies.

A further report detailed expenditure estimates for the period to March 2022 based on the 2017/18 forecast allowing for inflation and any other anticipated changes. The main areas subject to change:

- Increased income from cost recovery initiatives (WFO, Sampling, Permitting)
- Savings on running costs from 2019/20 (anticipated timeframe for replacement research vessel)
- New burden funding was only re-affirmed until 2020, however forecast assumed funding at a similar level would continue albeit under a different guise. Dr. Bolt expressed concern about the impact of the “Fairer Funding Review” suggesting that IFCAs engage with LGAs during the process. Cllr. Byatt added that with the forthcoming elections and potential political changes EIFCA should endeavour to increase awareness of its existence and the importance of its role to a wider audience within the constituent councils.

A verbal report was given to update members on the Moorings Project this confirmed that the outstanding works were confined to a pathway to be constructed along the

bank top from the car park to the access gantry. A further item for completion was the lease between FDC and EIFCA. Members were also informed that the H&S red risk relating to the moorings was no longer effective as the new facility no longer presented a hazard.

The Head of Finance, under any other business, tabled a report to inform members of the imminent scheduled replacement of Authority assets the rationale behind selection, timing and funding was detailed in the report.

Vehicles to be procured via Local Government Purchasing Scheme would attract a 24% discount for Skoda models

2 Skoda Yetis -1 for the Lowestoft Office and 1 for the CEO  
1 Skoda Fabia – Office pool car

Vessel replacement

Following receipt and evaluation of three quotes a Humber 6.0 mtr Ocean Pro had been selected and would be ordered as soon as the funding bid process was concluded.

Cllr. Byatt asked about the availability of a 4 wheel drive vehicle in emergency situations. The CEO advised that a 4x4 was currently Suffolk based and available if required.

Full details are to be found in the minutes of the F&P sub-committee 25<sup>th</sup> January 2017.

**All resolutions were duly agreed by the members.**

### **Background Papers**

Unconfirmed minutes of the F&P sub-committee meeting held on the 25 January 2017.

### Vision

The Eastern Inshore Fisheries and Conservation Authority 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



### Action Item 8

## 27th Eastern Inshore Fisheries and Conservation Authority meeting

### **Provisional budget for 2017/2018 and to note the provisional forecast for 2018/2022**

**Report by:** Andrew Bakewell – Head of Finance

#### **Purpose of report**

To set out the Provisional Estimates of Expenditure for the financial year 2017/2018 which have been recommended for approval by the Authority by the Finance and Personnel Sub-Committee (FPSC) at their meeting held on 25th January 2017, and to set out the Provisional Forecast of Estimates for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2022 to be noted by the Authority.

#### **Recommendations**

To Resolve, in accordance with Section 101(6) of the Local Government Act 1972, to approve estimates of expenditure for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018, and to note the Provisional Forecast of Estimates of expenditure for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2022.

#### **Members are asked to**

- **Approve** the Provisional Estimates for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018
- **Note** the Provisional Forecast of Estimates for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2022.

#### **Background**

The FPSC, having considered the draft estimates of expenditure for financial year 2017/2018, resolved to recommend to the Authority that the constituent County Councils contribute a standstill levy in the total sum of £1,391,070.

The Levy which includes 'New Burden' funding would be in the proportions set out in the Statutory Instrument establishing the constitution of the Authority ie. The following proportions:

	Norfolk County Council 38.5% £	Suffolk County Council 28.9% £	Lincolnshire County Council 32.6% £
Contribution from County Council Funds	383,816	288,111	324,998
New Burden Funding Allocation	151,999	114,420	127,726
Total Levy	535,815	402,531	452,724

Proposed expenditure under the main budget heads is shown on the sheet attached to this report.

The Authority is asked to confirm the FPSC's recommendation to Levy a total of £1,391,070 and approve the estimates of expenditure for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018.

The Authority is further asked to note the Forecasts of Estimates of expenditure for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2022. The Forecast of Estimates is attached to this report.

New Burden Funding confirmed at current level until 2020.

### **Background documents**

Unconfirmed Minutes of FPSC meeting held 25<sup>th</sup> January

## Provisional Estimates of Expenditure 2017/2018

	2016/2017 Budget Inc. Infl	2016/2017 Act/Proj	2017/2018 Preliminary Estimate
	£	£	£
Salaries & Wages	958,234	852,353	993,076
General Expenditure	224,243	207,082	201,405
<u>Departmental Operational Costs</u>			
Research and Environment	16,500	6,000	8,000
Marine Protection	16,000	15,000	17,500
Communication and Development	7,500	3,500	3,500
<u>Vessels</u>			
Moorings & Harbour Dues	31,300	4,200	5,500
Research Vessel - Three Counties	96,344	86,500	94,250
Enforcement Vessels – JA/ST	63,830	45,000	55,000
Open RIB	5,770	26,034	10,500
Vehicles	25,200	39,441	24,500
<b>TOTAL EXPENDITURE</b>	<b>£ 1,444,921</b>	<b>£ 1,285,110</b>	<b>£ 1,413,231</b>
 INCOME	 -42,000	 -54,750	 -65,000
<b>EXPENDITURE LESS INCOME</b>	<b>£ 1,402,921</b>	<b>£ 1,230,360</b>	<b>£ 1,348,231</b>
<i>LESS New Burden Funding</i>	-394,145	-394,145	<b>-394,145</b>
Standstill Levy	-996,925	-996,925	<b>-996,925</b>
<u><b>Surplus/(Shortfall)</b></u>	<u><b>£ (11,851)</b></u>	<u><b>£ 160,710</b></u>	<u><b>£ 42,839</b></u>
 Percentage reduction from Base Levy ( £1,329,236)	 <b>-25.0%</b>	 <b>-25.0%</b>	 <b>-25.0%</b>



## Provisional Estimates 2017/2022

	2016/2017 Estimate Incl. Infl £	2017/2018 Preliminary Estimate £	2018/2019 Forecast £	2019/2020 Forecast £	2020/2021 Forecast £	2021/22 Forecast £
<b><u>SALARIES &amp; WAGES</u></b>						
Staff Remuneration	660,224	757,803	776,750	792,300	808,150	824,310
Superannuation	127,914	157,563	170,885	178,300	185,875	185,600
National Insurance	64,215	77,710	79,700	81,250	82,850	84,500
<b>TOTAL</b>	<b>852,353</b>	<b>993,076</b>	<b>1,027,335</b>	<b>1,051,850</b>	<b>1,076,875</b>	<b>1,094,410</b>
<b><u>GENERAL EXPENDITURE</u></b>						
Accommodation	62,656	64,125	70,000	71,500	73,000	73,500
Insurance	6,746	7,000	7,200	7,500	7,750	7,850
General Establishment	116,440	97,780	99,750	102,000	104,000	106,000
"One off" costs not reserved						
Officers' Travel and Subsistence	11,240	16,250	17,250	17,750	18,250	18,500
Members' Travel	4,000	4,250	4,500	4,500	4,750	4,800
Training	6,000	12,000	12,000	12,000	12,000	12,000
<b>TOTAL</b>	<b>207,082</b>	<b>201,405</b>	<b>210,700</b>	<b>215,250</b>	<b>219,750</b>	<b>222,650</b>
<b><u>DEPARTMENTAL OPERATIONAL COSTS</u></b>						
Research and Environment	6,000	8,000	8,500	8,750	9,000	9,200
Marine Protection	15,000	17,500	18,500	19,000	19,500	20,000
Communication and Development	3,500	3,500	4,000	4,000	4,250	4,400
<b><u>VESSELS</u></b>						
Moorings & Harbour Dues	4,200	5,500	6,000	6,250	6,500	6,700
<b>Three Counties</b>						
Operating Costs	86,500	94,250	99,000	70,000	75,000	77,500
<b>Enforcement Vessels</b>						
<b>RIB(S)</b>						
Operating Costs	45,000	55,000	56,000	58,000	60,500	62,000
<b>Pisces III/replacement</b>						
Operating Costs	26,034	10,500	12,500	12,750	14,000	14,250
<b>TOTAL</b>	<b>161,734</b>	<b>165,250</b>	<b>173,500</b>	<b>147,000</b>	<b>156,000</b>	<b>160,450</b>
<b><u>VEHICLES</u></b>						
<b>Vehicles</b>	<b>39,441</b>	<b>24,500</b>	<b>25,500</b>	<b>26,000</b>	<b>26,500</b>	<b>27,000</b>
<b>TOTAL EXPENDITURE</b>	<b>1,285,110</b>	1,413,231	1,468,035	1,471,850	1,511,875	1,538,110
<b>INCOME</b>	<b>-54,750</b>	-65,000	-75,000	-80,000	-85,000	-90,000
<b>NET EXPENDITURE</b>	<b>1,230,360</b>	1,348,231	1,393,035	1,391,850	1,426,875	1,448,110
<b>Levy</b>	<b>-996,925</b>	-996,925	-1,016,865	-1,037,200	-1,057,950	1,079,110
"New burden"	<b>-394,145</b>	-394,145	-394,145	-394,145	394,145	394,145
Asset replacement	<b>160,710</b>	42,839	17,975	39,495	25,220	25,145

## Assumptions

- After 8 years of standstill levy an increase of 2% per annum included from 2018/19 onwards
- Three Counties replaced 2018/19 operational 2019/20.
- Income increases to reflect move to full cost recovery for WFO, sampling and other chargeable activities.
- "New Burden" funding confirmed at current level until 2020, replacement source of funds assumed at standstill level for 2020/21.
- Inflation where applicable 2% per annum.
- Salaries increased at 2% per annum to include annual settlements and increments where appropriate. No change in comple from 2017/18.

#### **Vision**

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#### **Action Item 9**

### **Eastern Inshore Fisheries and Conservation Authority meeting**

15 February 2017

**Report by:** Andrew Bakewell – Head of Finance

#### **Payments made and monies received during the period 1<sup>st</sup> October to 31<sup>st</sup> December 2016**

#### **Purpose of report**

It is an audit requirement that the Authority's receipts and payments are presented to Members on a quarterly basis.

The report on Payments made and monies received during the period 1<sup>st</sup> October to 31<sup>st</sup> December is attached.

The payments have been made in accordance with EIFCA's Financial Regulations and the necessary processes and approvals have been carried out.

#### **Background documents**

There are no background documents to this paper

**Finance Officer's Report on Payments Made and Monies Received during the period**  
**1<sup>st</sup> October 2016 to 31<sup>st</sup> December 2016**

**Payments made during the period 1<sup>st</sup> October 2016 to 31<sup>st</sup> December 2016**

	<b>Month 07</b>	<b>Month 08</b>	<b>Month 09</b>	<b>TOTAL</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Transfers to EIFCA Salaries & Wages Acct.	90,000.00	80,000.00	70,000.00	240,000.00
Rent, Rates & Service Charges	1,706.23	3,315.65	10,736.06	15,757.94
General Establishment	4,476.44	4,903.54	940.02	10,320.00
Legal Fees	43.60	1,620.00	615.10	2,278.70
Staff Travelling & Subsistence	956.39	1,762.36	207.78	2,926.53
Members' Allowances	88.20	89.30	2,103.20	2,280.70
Training	250.00	500.00	200.00	950.00
Moorings/Harbour Dues	332.04	900.00		1,232.04
Hire of rib		1,969.43	1,905.90	3,875.33
Three Counties Operating Costs	1,994.49	3,068.21	247.83	5,310.53
FPVs JA & ST –Operating Costs	223.43	12,505.70	3,439.44	16,168.57
Vehicle Operating Costs	1,528.75	1,653.90	717.82	3,900.47
Communication and Development		30.00		30.00
Research and Environment		42.92	16.95	59.87
Enforcement	96.64	638.86	425.51	1,161.01
Wash & Nth Norf. EMS Project	117.00	157.49	313.62	588.11
Wash Fishery Order				
New vessel				
Office upgrade	8,993.00			8,993.00
Petty Cash		200.00		200.00
VAT recoverable (Quarter)	3,178.40	5,797.23	3,333.51	12,309.14
<b>TOTAL PAYMENTS MADE</b>	<b>113,984.61</b>	<b>119,154.59</b>	<b>95,202.74</b>	<b>328,341.94</b>

**Monies received during the period October 2016 to December 2016**

	<b>Month 07</b>	<b>Month 08</b>	<b>Month 09</b>	<b>TOTAL</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Treasury Deposit Interest			6,680.05	6,680.05
VAT				
Lay rents				
WFO – Licences	1,440.00			1,440.00
WFO – Tolls	1,200.00			1,200.00
Whelk licences	125.00		600.00	725.00
Wash & North Norfolk Coast EMS			5,500.00	5,500.00
Fixed Penalty Fine			60.00	60.00
EHO sampling		6,400.00	1,600.00	8,000.00
MMO- CEO costs				
Miscellaneous	26.20	151.53	5,586.29	5,764.02
<b>TOTAL MONIES RECEIVED</b>	<b>2,791.20</b>	<b>6,551.53</b>	<b>20,026.34</b>	<b>29,369.07</b>

**Notes:-**

Payments –

Office upgrade includes cost for the Meeting Room IT.

Receipts -

EHO sampling receipts, fees increased to achieve greater cost recovery.

Miscellaneous includes belated repayment of Fuel Duty.

### **Vision**

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Action Item 10

## **27th Eastern Inshore Fisheries and Conservation Authority meeting**

15 February 2017

**Report by:** Andrew Bakewell – Head of Finance

### **Report on the Management Accounts for the third quarter of the 2016/17 financial year**

#### **Purpose of report**

To set out the Quarterly Management Accounts for members to note.

#### **Recommendations:**

Members are asked to formally **note** the Management Accounts.

Detailed below are the management accounts for the first nine months of the 2016/17 financial year. Actual spend is compared with the apportioned budget with explanations of the significant variances provided.

The first nine months saw the following cumulative variances against budget made up as follows:-

	£
Salaries	53,006
General expenditure	14,856
Communications	2,525
Enforcement	700
Research & Env.	7,475
Vessels	23,288
Vehicles	7,937
Income	20,830

The position at the third quarter shows net expenditure well within budget a trend that will continue in the 4<sup>th</sup> quarter pending recruitment to vacant positions.

**Management Accounts**  
**Financial Year 2016/2017**

	<b>ACTUAL</b> Year to Date Qtr 3 £	<b>BUDGET</b> Year to Date £	<b>MEMO</b> Budget For Year £
<b><u>SALARIES &amp; WAGES</u></b>			
Staff Remuneration	515,956	557,244	742,992
Pension	99,231	119,807	159,743
National Insurance	50,482	41,624	55,499
<b>TOTAL</b>	<b>665,669</b>	<b>718,675</b>	<b>958,234</b>
<b><u>GENERAL EXPENDITURE</u></b>			
Accommodation	54,764	46,585	62,113
Insurance	6,746	16,000	16,000
General Establishment	84,085	67,740	85,700
Officers' Expenses	8,234	14,880	19,840
Members' Travel	3,540	3,600	4,800
Training	3,423	26,843	35,790
<b>TOTAL</b>	<b>160,792</b>	<b>175,648</b>	<b>224,243</b>
<b>Development &amp; Communication</b>	3,100	5,625	7,500
<b>Enforcement</b>	11,300	12,000	16,000
<b>Research &amp; Environment</b>	4,900	12,375	16,500
<b><u>VESSELS</u></b>			
Moorings & Harbour Dues	3,200	23,475	31,300
<u>Vessel Operating Costs</u>			
Three Counties	46,750	45,000	96,344
Enforcement Vessels incl			
John Allen	29,750	48,000	63,830
Pisces III/ rib hire	17,787	4,300	5,770
<b>TOTAL</b>	<b>97,487</b>	<b>120,775</b>	<b>197,244</b>
<b><u>VEHICLES</u></b>			
Operating Costs	10,963	18,900	25,200
<b>TOTAL</b>	<b>10,963</b>	<b>18,900</b>	<b>25,200</b>
<b>TOTAL EXPENDITURE</b>	<b>954,211</b>	<b>1,063,998</b>	<b>1,444,921</b>
<b><u>INCOME</u></b>			
Bank Interest	6,680		5,000
Levies	1,391,070	1,391,070	1,391,070
WFO Licence Tolls	10,260	7,500	10,000
Whelk licences	2,850	4,000	5,000

Other	15,000	3,000	4,000
Surveys	4,000	5,000	5,000
EHO sampling	8,600	6,000	8,000
Lay rents	2,940	4,000	5,000
<b>TOTAL INCOME</b>	<b>1,441,400</b>	<b>1,420,570</b>	<b>1,433,070</b>
<b>Net Expenditure</b>	<b>487,189</b>	<b>356,572</b>	<b>-11,851</b>

### Vision

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## Action Item 11

### 27th Eastern Inshore Fisheries and Conservation Authority meeting

15 February 2017

### Crustacean Fishery Management

**Report by:** P. Welby, Research Officer

#### Purpose of report

The purpose of this report is to inform members of the extent and status of crustacean trap fisheries in the district and to seek direction pursuant to the implementation of management.

#### Recommendations

Members are asked to:

- **Note** the contents of the paper
- **Agree** in principle to the need for management measures for crustacean fisheries within the district
- **Direct** officers to develop proposed management measures for crustacean fisheries within the district

#### Background

Trap fisheries targeting crustaceans operate throughout the EIFCA district from Saltfleet in Lincolnshire down through Norfolk and as far as Felixstowe Ferry at the Authority's southern limits. Whilst prevalent throughout the district most activity is focused along the North Norfolk coast; an area with a long tradition of fishing for brown crab (*Cancer pagurus*) and European Lobster (*Homarus gammarus*).

Most vessels active in the EIFCA district fall into the <10m category and the fishery has traditionally operated within 2nm, being more accessible to vessels without the capacity to fish further out. However, advances in technology, including the introduction and advancement of motor engines, improved vessel design and fishing gear has steadily increased the range that potters can operate over (Turner et al 2009). Despite this a significant number of operators still fish traditional grounds often within sight of the shore.



MSAR (Monthly Shellfish Activity Return) records collated from the >10m fleet between 2006-2015 indicate average annual landings in the district of ~748 tonnes for target species combined however; recent years have seen landings significantly higher than this average (913 tonnes and 950 tonnes for 2014 and 2015 respectively).

Brown crab accounts for most of the crustacean landings in the district each year with lobster accounting for less than a quarter of total landings (Average catch proportions = 87% crab and 13% lobster 2006-2015). Despite the large disparity in landed proportions, crab and lobster contribute more equally to the mean value of the catch due to the higher sale value of lobster. Annually the fishery is worth ~£2.2 million with crab and lobster contributing 54% and 46% to this respectively.

Beyond monetary value many of the towns and ports in this area have a strong association with crab and lobster fisheries and this industry has become an intrinsic part of their culture and character. This heritage has become the basis for several events that take place throughout the year and helps to drive tourism in the area.

Fisheries for brown crab and European lobster are currently managed nationally through MMO licencing and regionally by IFCA byelaw while international EU regulations set limits on minimum landing size (MLS). EU MLS restrictions for crab are also reflected in UK law by statutory instrument which has increased MLS for this species outside of the Authority's district (Undersized Edible Crabs Order 2000 (2000 No 2029)). No new entitlements are currently being authorised by the MMO effectively limiting entry into the fishery.

MLS in the EIFCA district are set at 115mm carapace width (CW) for *C.pagurus* and 87mm carapace length (CL) for lobster. MLS for *C.pagurus* was nationwide however, reviews in 1986 and 1990 saw this raised in other districts to between 130-160mm however; the area falling within EIFCAs jurisdiction was given derogation to retain the smaller MLS based on the perception that individuals in the Norfolk population are on average smaller than in other areas (Addison & Bennett 1992). Table 1 in appendix 1 highlights all regulations relevant to trap fisheries targeting crustaceans in the EIFCA district.

### **Drivers to Implement Crustacean Fishery Management Measures**

The 2015/16 Strategic Assessment placed fisheries for crab and lobster as a high priority based on the limited regulation in place to manage the fishery e.g. effort, gear or catch control, combined with low confidence in activity data. This acted as the driver to consider management needs along with the following points.

- Indications that stocks are approaching or exceeding exploitation rates that would result in Maximum Sustainable Yield.
- Demand from various members of the industry to consider implementing management.

- Obligations under the Marine and Coastal Access Act 2009 (MACAA) and the Marine Strategy Framework Directive 2008 (MSFD) to achieve good environmental status.

Initial assessments of the fishery carried out in 2013-2014 utilised catch and effort data from Monthly Shellfish Activity Returns (MSARs) submitted by <10m vessels as a condition of their MMO shellfish licence. Model data from this assessment suggested that while there were no imminent risks to the fishery, levels of effort were at or approaching maximum sustainable limits.

Assessments carried out by Cefas in 2014 indicated that the Southern North Sea crab stocks were near maximum reference point limits for fishing mortality (Cefas 2014a) and that Lobster stocks had exceeded maximum fishing mortality limits in East Anglia (Cefas 2014b).

Consequently, EIFCA carried out in-house assessments of fishing mortality using data collected from port and processor bio-sampling (Length frequency data taken from landed catch) which approximated the Cefas methods. Findings reflected those of the Cefas assessments. Levels of fishing mortality were estimated as being beyond upper reference point limits for mortality in both crab and lobster.

Coincidental to assessment results there has been a call from industry for crustacean fishery management measures to be considered; amidst concern over stock sustainability, market value of catch and displacement of vessels from other districts.

EIFCA carries the responsibility under Section 153 of the Marine and Coastal Access Act 2009 (MACAA) to ensure the sustainable exploitation of sea fisheries resources. Additional objectives are also set by the Marine Strategy Framework Directive 2008 (MSFD) to achieve Good Environmental Status (GES) in EU marine waters by 2020; in this case issues identified with the crustacean fishery resonate with descriptor 3.

Descriptor 3 implies that Stocks should be, exploited sustainably consistent with high long-term yields, have full reproductive capacity to maintain stock biomass, and that the proportion of older and larger fish/shellfish should be maintained (or increased), as an indicator of a healthy stock.

Good Environmental Status is achieved only if all three attributes are fulfilled. This implies that all commercially exploited stocks should be in a healthy state and that exploitation should be sustainable, yielding the Maximum Sustainable Yield (MSY). As such there is increasing pressure to ensure that management is in place to support the sustainability of commercially exploited stocks.

## **Management Objectives**

Considering the issues identified in the crustacean fishery and the apparent need for management it is appropriate that clear objectives for any measures are established, these should be as follows;

- Reduce the overall rate of exploitation and promote an increase in the proportion of older/ larger individuals in the stock.
- Prevent or reduce incidental mortality on immature pre-recruits.
- Maintain or improve reproductive potential in the stock.
- Promote custodianship from industry and involvement in regulating process.
- Monitor the effectiveness of measures and assess progress towards MSY.

## **Potential Management Measures**

Whilst it would be inappropriate to make firm recommendations before further consideration and consultation; there are several measures that have been explored at this early stage which should be highlighted for further investigation.

- Minimum landing size increase for brown crab
- Mandatory escape gaps in pots
- Permitting scheme to enable effort controls
- Closed areas
- V-notching programme for lobster

A desk based study of peer reviewed literature would be useful to indicate where such measures have been successful in other fisheries and how they may be applied to the EIFCA district.

## **Potential Issues/ Problems**

Estimates indicate a greater need for concern regarding lobster stocks in the EIFCA district than Brown crab. As such stricter measures, may be required to ensure sustainability for lobster however; as potting for crustaceans operates as a mixed fishery targeting both species with the same gear often at the same time, any technical measures introduced are likely to impact on both aspects of the fishery. As such stricter measures designed to optimise beneficial impacts on lobster stocks may have undesirable impacts on the viability of the crab fishery; conversely less stringent measures that optimise the viability of the crab fishery may not meet the conservation requirements required by the MSFD 2008 to meet the criteria set out by descriptor 3. Additional measures that limit the exploitation of lobster may be required to ensure that management of both stocks is effective at maintaining sustainability and viability for both species.

## **Conclusions**

Given that recent assessments indicate crustacean stocks within the Authority are approaching or exceeding MSY exploitation rates, that there has been a call from industry to strengthen management and, that EIFCA has obligations under MACCA

and WFD to ensure sustainable management of exploitable marine resources; it would seem appropriate to consider the implementation of measures to ensure future sustainability and viability in this important fishery and to review the options available to achieve this.

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## Appendix 1

**Table 1: Current regulations relating to EIFCA crustacean fisheries**

Regulation	Effect	Intent
MMO Vessel Licencing shellfish permit	Prohibits the fishing for shellfish without relevant permits	Limits entry into the fishery as no new permits are being issued.
Council Regulation 850/98 ANNEX XII for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.	Prohibits landing of organisms below minimum legal landing sizes (115mm CW for brown crab, 87mm CL for European lobster)	Prevents removal of organisms from the fishery before reproductive maturity is reached.
Statutory instrument: Undersized Edible Crabs Order 2000 (2000 No 2029)	Increases MLS for brown crab ( <i>Cancer pagurus</i> ) to at least 130mm CW in areas outside of the Eastern Sea Fisheries Committee district.	Increases national minimum landing size for crab in areas outside of the EIFCA district while maintaining the lower 115mm CW EU MLS for the Norfolk population.
Lobster and Crawfish (Prohibition of Fishing and Landing) Order 2000	This Order prohibits fishing for, and landing of, lobsters and crawfish bearing a V notch or mutilated in such a manner as to obscure a V notch.	Protects brood stock that has been marked for protection using a V notch cut into the tail of the animal.
EIFCA Byelaw 5: - Prohibition on the use of edible crab ( <i>Cancer pagurus</i> ) for bait	Prohibits the use of edible crab in any form (cooked or uncooked) as bait.	Prevents animals below MLS or of low commercial value from being removed from the fishery without being landed.
EIFCA Byelaw 6: - Berried (egg-bearing) or soft shelled crab ( <i>Cancer pagurus</i> ) or lobster ( <i>Homarus gammarus</i> )	Prohibits removal from the fishery any edible crab or lobster that is soft-shelled or bearing eggs.	Protection of current and future brood stock and prevention of poor practice in landing low quality catch.

EIFCA Byelaw 7: - Parts of shellfish	Prohibits the landing of edible crab ( <i>Cancer pagurus</i> ), Velvet crab ( <i>Necora puber</i> ) or lobster ( <i>Homarus gammarus</i> ) or parts thereof which cannot be measured to ensure compliance with MLS regulations.	Closes a loophole where parts of undersized animals could be landed potentially removing immature organisms from the fishery.
EIFCA Byelaw 9: - Re-deposition of shellfish	Requires that any shellfish, the removal of which is prohibited, shall be returned to the sea immediately and as nearly as possible in the place from which they were taken.	Ensures that organisms are returned to or as close to as possible the habitat from which they were taken, thus ensuring a greater chance of their survival on return to the sea.
EIFCA Byelaw 10: - Whitefooted edible crab	Prohibits the landing of 'whitefooted' crab ( <i>Cancer pagurus</i> ) between the 1 <sup>st</sup> of November and the 30 <sup>th</sup> of June.	Additional to byelaw 6, this regulation further prevents the landing of poor quality catch by prohibiting 'whitefooted' crabs which have not fully hardened after moulting from being landed

### Vision

The Eastern Inshore Fisheries and Conservation Authority 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



### Action Item 12

## 27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

15 February 2017

**Report by:** Ron Jessop, Senior Research Officer

### Wash Mussel Fishery 2017

#### **Purpose of report**

The purpose of the report is to inform members of the status of the WFO inter-tidal mussel stocks and to agree management measures for the 2017-2018 mussel fishery.

#### **Recommendations**

Members are recommended to:

- **Note** the results of the 2016 autumn surveys described below and shown in attached figures.
- **Note** that while the Conservation Objective target for Total Stock has been narrowly achieved, the majority of the beds are in poor condition.
- **Note** that while natural mortalities have been lower this year than recently, the stocks are still considered to be highly vulnerable to future losses.
- **Note** that due to the differences in the dynamics of the mussel populations growing on the Welland Bank, those stocks are not included in this management, but are subject to their own individual management.
- **Agree** that due to the current poor condition of the beds and their vulnerability to further losses, neither a harvestable fishery or a seed mussel relaying fishery can be opened without having an adverse impact on the sustainability of the stocks and the favourable SSSI condition of the site.

#### **Background**

The intertidal mussel stocks in The Wash have traditionally provided a valuable resource for the local fishing industry; either being harvested directly for market or re-laid from poor-growing beds within the regulated fishery to leased lay ground within the several fishery. These stocks also provide an important habitat for invertebrate communities and an essential food resource for the internationally important communities of birds that reside or over-winter in the Wash. Despite their importance to both fishermen and wildlife communities, however, heavy fishing activity coupled with low recruitment resulted in a crash in the stocks in the 1990s. Following this decline strict fishery management measures were introduced but recovery was slow until an exceptional spatfall in 2001 rejuvenated several of the beds and helped new ones to develop. Following the recovery of the stocks from this crash, an increasing

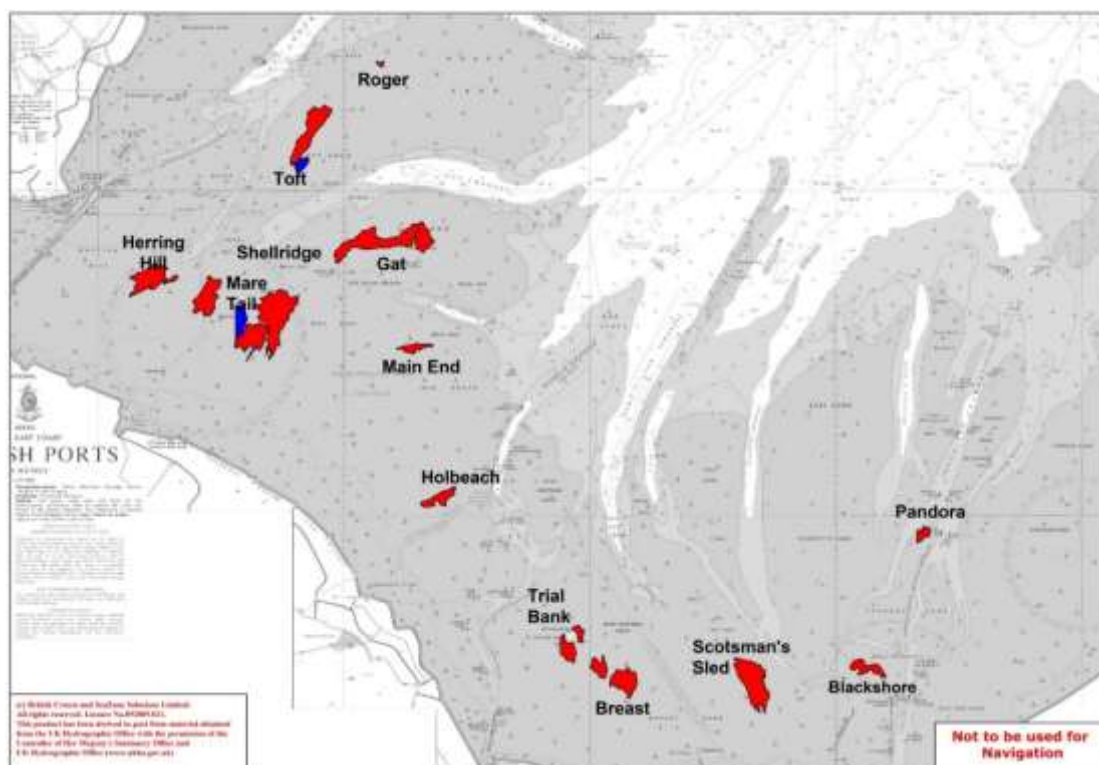
awareness of the mussel beds as an important environmental resource led to a comprehensive review of the management measures for shellfish in the Wash being conducted. This review resulted in a set of shellfish management policies being agreed between the Authority, Natural England and fishermen in 2008. These policies have subsequently formed the framework guiding the management measures for the Wash mussel and cockle fisheries.

Although adhering to the management policies helped to stabilise the mussel stocks above their 12,000 tonnes Conservation Objective target for a time, a further crash between 2009 and 2010 caused the stocks to decline from 15,188 tonnes to 9,626 tonnes. Cefas attributed the cause of this die-off to an unusually high abundance of the parasitic copepod, *Mytilicola intestinalis*. In the three years following this decline the biomass of the stocks did recover sufficiently to achieve the 12,000 tonnes target once more, but there has been increasing concern over the state of the beds. In recent years recruitment has tended to be poor and mortality high. Some of the decline can be attributed to an ageing mussel population, particularly on those beds that first settled in 2001 and have since received little subsequent settlement. Of greater concern, however, have been the recent high levels of mortality observed among younger mussels that are typically 2 or 3 years old. In several cases these die-offs have resulted in the sudden decline of beds that had previously appeared to be in good states of health. Although this was most noticeable in the sharp decline of the Gat beds, recent surveys have shown most of the beds to be in a state of steady decline. Although the *Mytilicola intestinalis* parasite does not usually kill its host, to date no further causal factors have been identified that could explain the die-off of these younger mussels. The age these mussels are dying at, however, suggests spawning could be a contributing factor in combination with other impacts that have reduced the condition of the mussels.

#### 2016 STOCK ASSESSMENT FOR THE WFO 1992 REGULATED MUSSEL STOCKS

In order to inform the Authority's management of the mussel fishery, the Wash inter-tidal mussel beds are monitored annually each autumn. The 2016 surveys commenced on September 17<sup>th</sup> and were completed on October 18<sup>th</sup>. Further surveys on three small patches of mussels on the Mare Tail sand were planned for later in October, but poor weather prevented these from being conducted. During the course of the surveys, 17 areas of mussel bed were surveyed. In addition to these inter-tidal beds, the mussels on the Welland Bank were also surveyed. Figure 1 shows the distribution of these beds.





**Figure 1 – Chart showing the distribution of mussel beds surveyed during 2016**

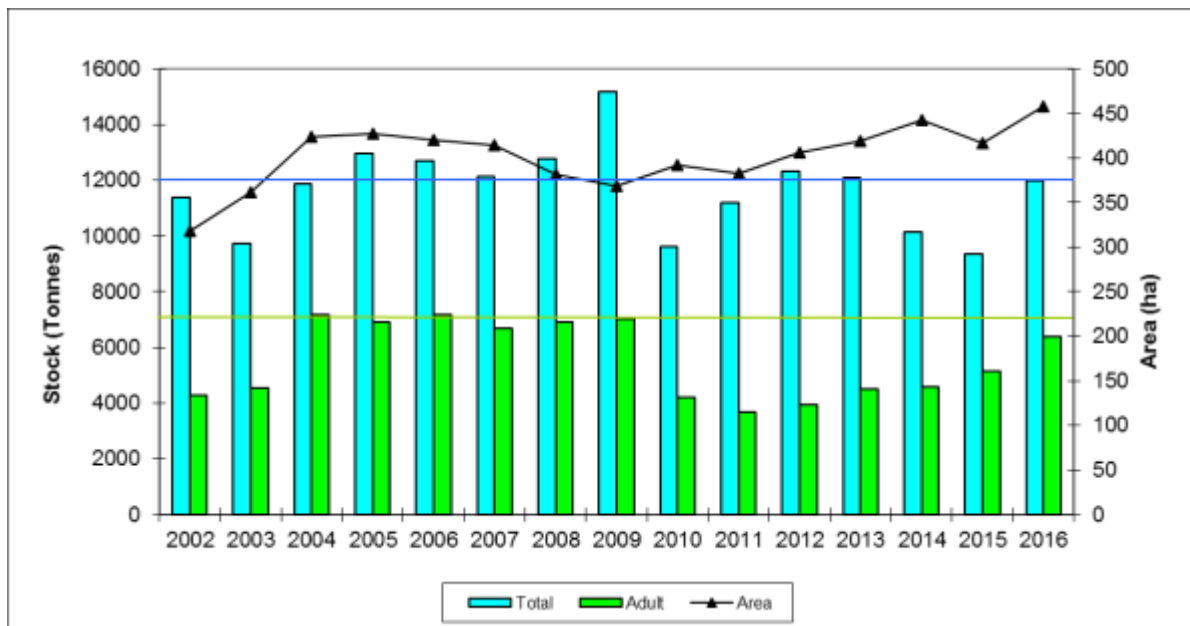
The surveys found that although the beds still appeared to be in a vulnerable condition following several years of decline, most of them had benefitted from a moderate settlement of seed since the previous year. In addition to settling within existing beds, in some areas seed was found to have settled among patches of ridged out cockles that bordered mussel beds. Two such areas, adjacent to the South Mare Tail and Toft beds, are highlighted in blue on the chart in figure 1. Similarly, the Blackshore bed has resettled after losing 95% of its stock during the previous three years. Although this widespread settlement provides optimism for further recovery in the coming years as these juvenile mussels grow, at present their small size and sparse density do not provide an opportunity for a seed fishery.

The surveys also found that natural mortality was less evident than in recent years, when high proportions of the 2 and 3 year-old mussels have died. The reduction in mortality this year is potentially due to the population supporting lower levels of these vulnerable cohorts this year following poor spatfalls between 2012 and 2014. If this is the case, the recent reduction in mortality is likely to be a brief hiatus rather than an end to the problem. For this year, though, the reduction in mortality, coupled with recruitment and growth, has helped the overall mussel biomass to increase from 9,376 tonnes to 12,002 tonnes<sup>1</sup>. Figure 2 summarises the stocks found on each bed surveyed. This shows that the majority of the beds have increased in biomass since the previous year's survey.

<sup>1</sup> This figure does not include three small beds that we were unable to survey this year. Previous survey results indicate these beds would support a combined stock of approximately 120 tonnes.

	2016							2015	
BED	AREA (ha)	COVERAGE (%)	DENSITY (kg/0.1m)	TOTAL STOCK (tonnes)	STOCK >45MM (tonnes)	% ≥45MM (%)	BED DENSITY (Tonnes/ha)	TOTAL STOCK	% CHANGE
Mare Tail North	68	37	0.86	2190	1187	54.2	32.2	1969	11.2
Mare Tail South	30.6	34	0.7	718	173	24.1	23.5	632	13.6
Mare Tail South (ext)	15	27	0.13	53	0	0.0	3.5	0	-
Mare Tail East	Unsurveyed							79	-
Mare Tail West	31.6	41	0.33	435	87	20.0	13.8	239	82.0
Shellridge	Unsurveyed							0	-
Toft	40.8	37	1.4	2148	1936	90.1	52.6	1428	50.4
Toft Ext	6.7	46	0.22	69	27	39.1	10.3	0	-
Roger	1.4	32	0.69	31	23	74.2	22.1	31	0.0
Gat, West	35.3	42	0.73	1095	681	62.2	31.0	828	32.2
Gat, Mid	21.5	37	0.63	496	325	65.5	23.1	225	120.4
Gat, East	17.1	45	0.71	549	355	64.7	32.1	373	47.2
Main End	8.98	31	0.64	179	121	67.6	19.9	55	225.5
Holbeach	14.6	52	0.34	254	57	22.4	17.4	280	-9.3
Herring Hill	34.6	35	0.85	1014	338	33.3	29.3	748	35.6
East Herring Hill	Unsurveyed							41	-
Trial bank	19.6	32	1.01	635	193	30.4	32.4	695	-8.6
Breast, West	11.6	24	1.12	308	145	47.1	26.6	259	18.9
Breast, East	25.4	30	1.13	853	390	45.7	33.6	804	6.1
Scotsman's Sled, East	53.1	19	0.59	584	180	30.8	11.0	518	12.7
Blackshore	15	23	0.57	202	13	6.4	13.5	50	304.0
Pandora	6.6	28	1.01	189	144	76.2	28.6	122	54.9
<b>TOTAL</b>	<b>457</b>			<b>12002</b>	<b>6375</b>	<b>53.1</b>	<b>26.2</b>	<b>9376</b>	<b>28.0</b>
Welland Bank	2.5	75	2.38	438	345	78.8	264.2	442	-0.9

**Figure 2 – Table summarising the details of the mussel stocks on individual beds at the time of the 2016 surveys**



**Figure 3 – Inter-tidal mussel stock levels in the Wash since 2002 and their Conservation Objective targets**

Figure 3 shows total biomass and the level of adult mussel stocks present on the inter-tidal beds since 2002, compared with their Conservation Objective targets of 12,000 tonnes and 7,000 tonnes respectively. Although the adult stocks had remained close to the Conservation targets between 2004 and 2009, heavy mortalities during 2010 caused these stocks to decline sharply. Impaired by high proportions of young mussels dying as they reached maturity, the subsequent recovery has been slow. At 6,375 tonnes, the adult stocks are still below their Conservation Objective target.

Boosted by the recent spatfall and mussel growth, the target for total mussel biomass has narrowly been achieved. The majority of the beds still appear in poor condition, however, and are thought to be vulnerable to further decline.

The mussel stocks in the Wash have traditionally supported harvestable fisheries that have focused on the adult stocks and seed fisheries that have targeted the juvenile stocks. Due to declines in both of these stocks, however, there hasn't been a harvestable fishery since 2009 or a seed fishery since 2013. While the fishery management policies developed for these fisheries aim to achieve the conservation targets, they do not necessarily mirror them. While the Conservation Objective targets for total and adult stocks are 12,000 and 7,000 tonnes respectively, the management policies can allow the stocks to be fished down to 10,000 tonnes total stock and 5,000 tonnes adult stock. Fishing down to these levels is only permitted, however, when there is strong evidence suggesting the stocks will recover sufficiently to achieve the conservation targets by the following survey. Supported by such evidence, several of the fisheries between 2004 and 2009 did allow stocks to fall below the Conservation Objective targets. In those instances, the evidence generally showed there had been a good spatfall that would grow well and little evidence of widespread mortality. The current situation is very different. The spatfall observed this year, while better than

recent years, is not exceptional, and while the mortality this year has been lower than recent trends, this is thought to be a hiatus rather than an end to the situation. It is felt, therefore, that a mussel fishery this year would be to the detriment of the stocks and prevent them from achieving their conservation targets next year.

### The Welland Bank

Although the mussels that grow on the rocks of Welland Bank training wall are inter-tidal and are surveyed during the same period as the other beds, it has been recognised that the dynamics of these stocks are sufficiently different from the other inter-tidal beds to manage them separately. Because the mussels are attached to rocks that form part of the river bank, they cannot be dredged. The numerous crevices between the rocks also provide a suitable habitat and shelter for mussel spat to settle and grow, protected from both predators and fisheries. Surveys have found that the stocks on this wall attract regular settlements of seed and have recovered well from the hand-worked fisheries that have occurred there. Because the risk of over-fishing these stocks is considered much lower than on the other beds, in 2015 the decision was made to manage them separately to the other inter-tidal beds. The mussels on the Welland Bank are currently open to the handwork fishery and are planned to remain so.

### Risk

In addition to traditionally providing a valuable fishery resource, the inter-tidal mussel stocks in The Wash are an important habitat for invertebrate communities and an essential food resource for the internationally important communities of birds that reside or over-winter in the Wash. The Authority is responsible for managing these stocks through the Wash Fishery Order 1992. Failure to maintain the beds in a good ecological condition could result in high mortalities among the bird populations that are reliant on them. Deterioration of the stocks also threatens the long-term sustainability of the fishery and impairs subsequent recovery.

### Conclusion

Although the stocks have shown a recovery from last year and have achieved the Conservation Objective target for total stock, the beds are in a poor condition and are vulnerable to further die-offs. As a fishery this year is likely to impede recovery and result in the conservation targets not being achieved next year, **it is recommended the inter-tidal beds are not opened to the 2017 fishery.**

This recommendation does not include the stocks on the Welland Bank, which are the subject of bespoke management.

### **Vision**

The Eastern Inshore Fisheries and Conservation Authority 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



### **Action Item 13**

## **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

15 February 2017

**Report by:** Ron Jessop, Senior Research Officer

### **Mussel Regeneration Project - 2014-2016**

#### **Purpose of report**

The purpose of the report is to inform members of the results from the Mussel Regeneration Project that the Authority has conducted between 2014-2016.

#### **Recommendations**

Members are recommended to:

- **Note** that with support from the fishing industry, the Authority conducted a research project between 2014 and 2016 to explore the feasibility of using a culch of cockle shells to regenerate the inter-tidal mussel beds.
- **Note** that the results from the study show the shells do facilitate the settlement of mussel seed in densities comparable to those found on natural mussel beds.
- **Note** that the quantity of shells required would be prohibitive for large-scale regeneration projects, but could be used for smaller-scale regeneration projects on the Regulated beds or by fishermen to attract seed onto their lays.
- 
- **Agree** a letter should be sent to all Lay holders, detailing the results of the study and its potential for them to use as a method of attracting mussel seed onto their lays.

#### **Background**

The results from past mussel surveys indicate the majority of the mussel settlement that occurs in the Wash happens within existing mussel beds. Healthy mussel beds with a good coverage and high mussel density create a raised structure of live mussels and dead shell bound together with byssus threads. This is an important habitat for attracting fresh settlements of seed, which then find shelter from weather and protection from predators among the crevices. When fishery pressure or natural mortalities cause a bed to decline, however, the mussel densities can fall below the critical thresholds required to create raised structures. Once in this state, having reduced their potential to attract new seed, these beds struggle to attract sufficient recruitment to reverse their decline. Even if these beds are closed to further fishing, the decline can be terminal or very slow to recover from.

Following several years of high natural mortality, many of the inter-tidal mussel beds in the Wash have reached the stage where they are struggling to recover. With their decline continuing irrespective of fishery closures, in 2014 the Authority explored ways of facilitating a recovery. Relaying partially grown mussel seed from elsewhere is an effective way of accelerating the recovery of a bed. The cost of mussel seed is prohibitive for large-scale rejuvenation projects, however, and could not be sustained long-term as a viable management option. Instead the Authority trialled the use of culch to attract seed.

A culch of shell has long been recognised as an important substrate for growing bivalve molluscs, particularly in the oyster aquaculture industry. Observations made during the annual inter-tidal mussel surveys have highlighted that mussel shells alone appear to be a poor medium for recruitment, however. Dense patches of mussel shell often remain in the ground following fisheries or natural mortality, but these areas frequently take many years to recover. Mussel seed has frequently been observed to have settled in gullies containing either ridged out cockles or cockle shells, though. The reason for this difference in ability to attract mussel seed may be in the disposition for mussel shells to lay flat on the ground and become buried, while cockle shells being more rounded, tend to remain raised, providing a suitable habitat for attachment. As there is an abundance of relatively cheap cockle shells that are a by-product of the cockle fishery, in 2014 the Authority conducted a trial to determine whether it would be possible to attract mussel settlement by laying a culch of cockle shells close to a mussel bed. The purchase of the cockle shells and charter of the fishing vessels used to lay the shells during the course of these experiments were funded from the Wash Fishery Order 1992 Propagation Fund.

During the initial trial, in which 72 tonnes of cockle shell were laid in three 20m x 20m plots near the Trial Bank mussel bed on Inner Westmark Knock, the results were inconclusive. Although the shells did have a positive impact, attracting fifteen times as many mussels to the shelly areas compared to the nearby bare control sites, the numbers were not large and would not have been cost effective as a long-term solution. Mussel settlement throughout the Wash during 2014 was poor, though, so approval was given to continue the study. The plan to lay 200 tonnes of cockle shell in 2015 was cancelled because the experimental site received a dense settlement of cockle spat, but in 2016 200 tonnes of shell were deposited on two alternative sites near the Gat and Mare Tail mussel beds.

Monitoring at all the experimental sites has continued. In 2015 the initial trial sites on Inner Westmark Knock were found to have attracted a much better settlement of seed than the previous year. Although most of the mussels that had attached to the cockle shells were too small to be readily visible without close observation, they were present in densities of 157 mussels/m<sup>2</sup>. This was comparable with many of the inter-tidal mussel beds. When monitored again in September 2016, the three plots were found to support several natural-looking ridges of mussels that had grown from the previous

year's seed. In addition, there had also been another settlement that had boosted the average mussel density over the plots to 921 mussels/m<sup>2</sup>. This density is higher than the average densities found on any of the inter-tidal beds barring the nearby Trial Bank bed. Due to their current small size, however, these mussels only have a biomass of 890kg, which equates to 7 tonnes/hectare.

Both the Gat and Mare Tail sites were also found to have attracted seed since being laid six months earlier. These were present in densities of 466 mussels/m<sup>2</sup> on the Mare Tail site and 148 mussels/m<sup>2</sup> on the Gat site. In terms of mussel biomass, these equate to 4.5 tonnes/hectare on Mare Tail and 5.4 tonnes/hectare on the Gat. While the biomass estimated for the Mare Tail is predominantly composed of new seed, the figure for the Gat has been inflated by the ingress of some larger mussels that had washed out of the nearby wild bed.

#### Feasibility of laying cockle shell culch commercially

The mussel regeneration project was conducted to determine if laying a culch of cockle shells could be used as a feasible method of rejuvenating mussel beds. The initial results from the experiment have shown the shells do successfully attract seed mussels at levels comparable to those seen on the wild mussel beds. The question of whether this is a feasible proposition in terms of cost however, is still to be answered. After 2½ years 890kg of mussels have accumulated on the three Trial Bank plots, while after six months the larger sites on the Mare Tail and Gat have collected 2.4 tonnes and 1.3 tonnes respectively. As it cost £5,000 to lay 72 tonnes of shell on the Trial Bank sites and £15,000 to lay 200 tonnes of shell on the Gat and Mare Tail sites, the outlay greatly exceeds the value of the mussels that have currently been attracted to the sites. At present, though, the individual mussels that have settled on the shells are still small and of relatively low weight. Although it is planned to continue monitoring these sites during the annual Autumn mussel surveys, at the moment the experiment has not been running long enough to determine what biomass of harvestable-sized mussels this seed will develop into. In order to recover the costs of laying the shell, however, the Trial Bank site would need to produce mussel densities equivalent to 120 tonnes/hectare. Even with good settlement and growth this density is unlikely to be achieved. Unless the culch remained after harvesting, facilitating further settlements, the depth of shell deployed on this site is not likely to be cost effective. On the Gat and Mare Tail sites, where the cockle shells were not laid as deep as on the Trial Bank plots, mussel densities of 58 tonnes/hectare would be required to recover the cost of laying the shell. That density is equivalent to that seen on an established, healthy mussel bed, so is potentially achievable.

Even though the culch has been demonstrated to successfully attract settlement of seed, the amount of shell required to conduct large-scale recovery programmes might prove prohibitive. It could be suitable for smaller-scale programmes to facilitate recovery of bare patches within existing beds, or encouraging settlement in environmentally important areas, however. There are also applications for the industry, where the method could be used to encourage the settlement of seed onto their lays.

The two main costs associated with laying the shells during the experiment were purchasing the shells and the charter of fishing boats to lay the shells on the designated sites. If fishermen were able to access the shells cheaper and willing to invest their own time, possibly while conducting other fishing activities, this could be a viable solution of attracting seed on their lays. It would, however, be wise for them to conduct a small-scale feasibility study at such sites before investing heavily. On soft ground, as was trialled on the Inner Westmark Knock sites, the shells quickly sank into the sediment before creating a firm foundation and stabilising. Also, depending on local environmental conditions, not all locations might be as successful at attracting seed. All three of the experimental plots used in this study were situated close to natural mussel beds where there might be a predisposition for mussel larvae to settle. Elsewhere, the chance of success might be reduced.

### Conclusion

The project showed that a culch of cockle shells can be used to successfully encourage the settlement of mussel seed, but the quantity of shells required would prohibit the Authority from conducting large-scale regeneration projects. The method could be used for smaller-scale regeneration of environmentally important sites, however, or for the fishermen to attract mussel seed onto their lays.



## Vision

The Eastern Inshore Fisheries and Conservation Authority 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



## Action Item 14a

### 27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

**Report by:** Julian Gregory, CEO and Andrew Bakewell, Head of Finance

### Wash Fishery Order Licence Fees

#### Purpose of report

To inform members of the annual cost to the Authority of managing the cockle and mussel fisheries under the Wash Fishery Order 1992 and to propose a model for an incremental approach to cost recovery.

#### Recommendations

Members are recommended to:

1. **Note** the content of the paper
2. **Agree** to the principle of ultimately seeking full cost recovery with an incremental approach and review when 50% cost recovery is achieved
3. **Agree** that option 2 to merge the two elements of the licence fee is adopted including exploring options for the future of the WFO reserve fund of c.£120k.
4. **Agree** that option 3c to introduce a fixed licence fee to achieve 50% cost recovery is implemented with two equal increments over two years commencing in 2018
5. **Direct** officers to take steps to implement the above options to include engagement with licence holders where appropriate and seeking Ministerial consent

#### Background

Prior to the formation of the IFCA in 2011 the Eastern Sea Fisheries Joint Committee existed to manage the fishing activities taking place along the coastline of Lincolnshire, Norfolk and Suffolk. The authority was funded by the three county councils, presumably to support the important economic benefits to their regions. As such cost recovery for activities in support of fishing activity was not commonplace and was often not permitted in legislation. However, since the introduction of the Marine and Coastal Access Act 2009 (MaCAA 09) significant additional duties have been placed on IFCAs for conservation and protection of the marine environment and amendments were made that enabled greater cost recovery. To recognise the new duties additional funding was granted from Defra, however this coincided with a 25% reduction in the levy from the County Councils, a reduction which has been maintained in recent settlements.

The Authority, in common with many other organisations funded from the public purse, is under pressure to continually deliver more for less and to find ways of generating more income. As such identifying opportunities for income generation and ensuring judicious expenditure of public money is a key consideration for the Authority.

The Authority currently manages the cockle and mussel fisheries in The Wash under the auspices of the Wash Fishery Order 1992 (WFO 1992). Such management involves several activities, most notably annual surveys/stock assessments and regulation/enforcement of fishery regulations. The WFO 1992 enables the Authority to apply a toll for the issue of licences and the amount of the toll can be varied with the consent of the Minister.

Prior to the introduction of MaCCA 09 tolls could only be applied for the 'improvement and cultivation' of a regulated fishery under the Sea Fisheries (Shellfish) Act 1967. This was amended by MaCAA 09, which provided that tolls could be applied '...for purposes relating to the regulation of...' the fishery. The amendment also enabled costs associated with making the 1992 order to be passed on to fishers.

The toll structure was last reviewed in 2012 when there was a detailed consultation exercise, which included a proposal for a cost recovery mechanism. The results were discussed at the 4<sup>th</sup> Eastern IFCA meeting of 26 January 2012, and members resolved:

- Not to recoup the cost for setting up the Order at that time
- That licence Fee would be set for 5 years, with annual increases for inflation
- That licence renewal would be expiry date of previous licence
- That charging for propagation would continue
- That an additional element of licence fee would be charged to defray a proportion of the cost of managing the fishery based on 5% and 10% of the cost of the cockle survey being applied to handwork and dredge licences respectively.

### Current Position

Detailed costings indicate that vessel based shellfish surveying in support of the Wash fisheries costs c£3,000 per day. The estimated total cost of facilitating and managing an annual cockle and mussel fishery will likely exceed £170,000 (Appendix 1). It should be noted that in 2012 it was estimated to be £222,000.

The current level of charges and mechanism for annual increases for permits for cockle fishing in the regulated fishery under the Wash Fishery Order 1992 were established and approved by the Secretary of State in 2012 for the 5-year period to 2017. The permit cost has two elements, one being the administration fee payable to the General Fund and the other a propagation fee which is held as a reserve to maintain and improve the fishery. The charges to apply for 2016/17 (unchanged from 2015/16) are as follows:

	<b>Administration</b>	<b>Propagation</b>	<b>Total</b>
Hand worked	180.00	150.00	330.00

During the 2016-17 season 58 licences were issued with a resultant income to the Authority of £10,440 for administration and £8,700 went to the propagation fund. The average price of cockles per tonne during this fishery was in the region of £500-600 and the TAC was circa 8,500 tonnes, giving the fishery a value in the region of £4.25 million. This meant that income to the Authority for managing the fishery was less than 0.25% of the catch value for 2016. The total amount generated by the licence fee was £19,140, which equates to less than 0.5% of the catch value for the year.

Noting that 2016 was an exceptional year for the TAC the figures for a more conventional TAC of 3,000 tonnes at the same cockle price would give a value of £1.5 million. Income to the Authority for managing the fishery would be circa 0.7% of the catch value for the year. The total amount generated by the licence fee would be £19,140, which equates to circa 1.3% of the catch value for the year.

It is clear from analysis of the activities required to facilitate and manage the fishery that Authority expenditure does not correlate to the value of the fishery and that the current level of cost recovery represents less than 7% of actual costs incurred.

Examination of the Propagation Fund indicates that it is under-utilised, which raises questions about its utility and therefore its continuance. Analysis of the fund from 2009/10 shows:

	£
2010 opening balance	88,450
Up to 2016 income	52,755
Up to 2016 spend	(22,630)
2016 closing balance	118,575

Majority of the spend was for the rejuvenation project, buying and laying cockle shells on selected areas.

## Report

Having identified the cost to the Authority of managing the Wash fisheries and the low level of cost recovery, several options to increase income have been developed for illustrative purposes. All options are based upon the full 62 licences being issued and cockle values of £500 per tonne, which is a conservative estimate. It should be noted that all models are based upon the value of the cockle fishery only due to the absence of a mussel fishery in recent times. Whilst enforcement costs for the mussel fishery could be deducted all research costs are still incurred as surveys are conducted annually.

Whilst business models vary, estimates of gross income per vessel are included to provide some level of context. In all cases, it is assumed that the full cost would go to the Authority and that the propagation fund will be discontinued.

### Option 1 – Status Quo

This option would be to maintain the status quo and to make no change to the licence fee structure, save to plan for annual increments in line with inflation.

This option would have no impact upon the viability of industry as costs would remain the same for fishers. It would not improve the financial position for the Authority as income would remain at a very low level and the fishery would, in effect, continue to be subsidised by the public purse with just over 6% of actual costs incurred being recovered.

### Option 2 – Merge Administration and Propagation

This option would see the full licence fee (currently £330 per licence) go to administration with the full £20,460 being recovered by the Authority. Alongside this any future requirement for 'propagation' expenditure would be included in the overall costs to the Authority for managing the fisheries.

This option would have the effect of increasing cost recovery from just over 6% of costs incurred to just over 12%. The propagation fund currently has circa £118,000 and has not been routinely used to support the fishery. Some funding was used to support the mussel regeneration project but this was not substantial and amounted to circa £20k.

This option would have no impact upon the viability of industry as costs would remain the same for fishers. It would slightly improve the financial position for the Authority but income would remain at a low level and the fishery would, in effect, continue to be subsidised by the public purse. It would have little impact upon the objectives of the propagation fund as that has, in effect, been under-utilised.

It should be noted that this option will require the consent of the Minister and that the position regarding the current balance will require further research.

### Option 3 – Fixed Licence Cost

This option would see a fixed cost per licence and there are three sub-options options to achieve 100%, 75% or 50% cost recovery. Further options could be developed to introduce incremental increases to phase cost recovery over a set number of years to ultimately achieve the desired level. The model is based upon the current maximum of 62 licences and shows the percentage of catch value for differing levels of TAC. Cost recovery is based upon the full licence fee going to the Authority.

*Option 3a - 100% Cost Recovery*

<b>TAC</b>	<b>2000</b>	<b>3000</b>	<b>4000</b>	<b>5000</b>
Licence cost <b>100%</b>	£2,750	£2,750	£2,750	£2,750
Income per vessel	£16,129	£24,193	£32,258	£40,322
% of catch value	17%	11.4%	8.5%	6.8%
EIFCA recovery	£170,500	£170,500	£170,500	£170,500

*Option 3b – 75% Cost Recovery*

<b>TAC</b>	<b>2000</b>	<b>3000</b>	<b>4000</b>	<b>5000</b>
Licence cost <b>75%</b>	£2,060	£2,060	£2,060	£2,060
Income per vessel	£16,129	£24,193	£32,258	£40,322
% of catch value	12.8%	8.5%	6.4%	5.1%
EIFCA recovery	£127,720	£127,720	£127,720	£127,720

*Option 3c – 50% Cost Recovery*

<b>TAC</b>	<b>2000</b>	<b>3000</b>	<b>4000</b>	<b>5000</b>
Licence cost <b>50%</b>	£1,375	£1,375	£1,375	£1,375
Income per vessel	£16,129	£24,193	£32,258	£40,322
% of catch value	8.5%	5.7%	4.3%	3.4%
EIFCA recovery	£85,250	£85,250	£85,250	£85,250

These options would have a greater impact upon fishers, which would vary depending upon the level of cost recovery introduced. It is difficult to assess the impact upon individual business models but the estimated gross income per vessel together with the cost of the licence as a percentage of catch value provides some context.

The benefit of a fixed fee would be that it would be easy to administer; the level of cost recovery would be clear and the level of income would be predictable.

*Option 4 – Mixed Fixed and Variable Licence Cost*

This option would see a licence fee comprising a fixed element and a variable element that would be linked to the quantity of cockles landed by each vessel. Two sub-options are presented with different fixed and variable levels.

*Option 4a - £750 Fixed and £20 per tonne variable*

<b>TAC</b>	<b>2000</b>	<b>3000</b>	<b>4000</b>	<b>5000</b>
Licence cost (ave)	£1,395	£1,715	£2,040	£2,360
Fixed element	£750	£750	£750	£750
Variable/tonne	£20	£20	£20	£20
Income per vessel	£16,129	£24,193	£32,258	£40,322
% of catch value	8.7%	7.1%	6.3%	5.9%
EIFCA recovery	£86,500	£106,500	£126,500	£146,500
% of cost	50.9%	62.6%	74.4%	86.2%

*Option 4b - £1000 Fixed and £25 per tonne variable*

<b>TAC</b>	<b>2000</b>	<b>3000</b>	<b>4000</b>	<b>5000</b>
Licence cost (ave)	£1,805	£2,210	£2,610	£3,015
Fixed element	£1,000	£1,000	£1,000	£1,000
Variable/tonne	£25	£25	£25	£25
Income per vessel	£16,129	£24,193	£32,258	£40,322
% of catch value	11.2%	9.1%	8.1%	7.5
EIFCA recovery	£112,000	£137,000	£162,000	£187,000
% of cost	65.9%	80.6%	95.3%	110.0%

These options would see costs to fishers being aligned to income, which may help some business models and would involve a shared approach to the prosperity, or otherwise, of the fishery. It would inevitably introduce some administrative challenges and the potential for some to seek to minimise their recorded landings to reduce the variable element of the licence fee. Full cost recovery would be more difficult for the Authority and the level of income could not be guaranteed.

## **Conclusion**

When considering the issue of cost recovery, it is important to note that all responsibility for management of the fishery, including undertaking annual surveys/stock assessments, effectively falls to the Authority. Each year Licence holders are provided with detailed charts showing the distribution of cockles/mussels, which enables fishers to focus on those areas that are most likely to be productive. This service is currently provided largely at the expense of the public purse, with circa 6% of costs incurred being recovered by the Authority.

It is suggested continuing with very low levels of cost recovery is not sustainable for several reasons. Firstly, the remit of the organisation changed substantially with the transition from a Sea Fisheries Committee to an IFCA and the competing demand upon finite resources mean that judicious management is a necessity. Secondly, the ongoing financial pressures placed upon the funding authorities means that budgets are under scrutiny and there is a clear requirement to ensure that best value is achieved wherever possible and that costs are recovered where it is appropriate to do so. Thirdly, the level of cost associated with managing the fisheries under the WFO 1992 stands in stark contrast with the current level of cost recovery and that the significant financial reward from the fishery is entirely to the benefit of commercial undertakings.

It is acknowledged that one of the key duties of an IFCA is to ensure a viable industry and that as such a balanced approach to cost recovery is appropriate. This, combined with the complexity in establishing a model that works for both the industry and the Authority indicates that an incremental approach to cost recovery is adopted.

The options set out in this paper are intended to illustrate different approaches to cost recovery and a hybrid of options 2 and 3 is proposed.

It is recommended that the principle of ultimately seeking full cost recovery is adopted but in the context of an incremental approach that would build in a review before deciding whether to recover a higher proportion of costs. The steps in achieving this would be to adopt option 2 to discontinue the propagation fund with options for existing funds to be explored. Under-utilisation of this fund is a key reason for this together with it being used to lessen the impact upon licence holders in the short-term. How or if this can be achieved will need to be explored but it is suggested that it should be done as soon as practicable.

Alongside this it is recommended that option 3c is adopted, with increases in licence fees to 50% cost recovery being phased in over a two-year period with two equal increments of £522.50 starting in 2018. This would see an increase in licence fee from 330 to £852.50 in year one and to £1375 in year two. Upon completion of this a further review and impact assessment would be undertaken to inform decision making on any further increases in licence fees.

## **Appendices**

### **Appendix 1 – Fishery Management Costs**

## **Background Papers**

Confirmed minutes of the 4<sup>th</sup> Eastern IFCA meeting of 26 January 2012

## Appendix 1 - Fishery Management Costs

### Cockle Fishery

<b>Typical cockle season</b>									
<b>Research</b>				Days	Crew	duration	Man hrs	Cost/hr	
Survey									
Enforcement				15	3	12	540	23.73	12,814.20
Research				15	2	12	360	23.52	8,466.21
Analysis and reports	RWJ			20	1	8	160	27.35	4,376.09
									25,656.50
<b>Enforcement</b>									
	1st 2 weeks	Remainder		Total	Crew	duration	Man Hrs.	Cost/hr	
Patrols (sea)	4	24		28	3	4	336	23.73	7,973.28
Monitor sands	1	10		11	4	7	308	23.73	7,308.84
Landings	32	52		84	2	2.5	420	21.91	9,202.20
							1064		24,484.32
<b>Administration</b>									
Catch returns				26	1	2.5	65	21.91	1,424.15
Patrol Forms				84	1	0.25	21	21.91	460.11
Planning and briefing					1	10	10	27.35	273.50
									2,157.76
<b>Vessel costs</b>									
				trips	cost/day				
Survey	TC			15	1,530.00				22,950.00
Patrols	JA/ST			28	880.00				24,640.00
Monitor	JA/ST			11	880.00				9,680.00
									57,270.00
<b>Other costs</b>					Cost/trip				
Vehicles	KL to moor	18 miles		54	2.07				111.78
	KL to Boston	72 miles		42	8.28				347.76
									459.54
Subsistence:-					crew				
Survey -	Meals			15	5	17.33			1,299.75
	Nights			9	5	33.27			1,497.15
Patrols				28	3	8.67			728.28
Monitor				11	4	6.41			282.04
Landings				84	2	6.41			1,076.88
									4,884.10
									114,912.22



## Mussel Fishery

<b>Typical year</b>									
<b>Research</b>				Days	Crew	duration	Man hrs	Cost/hr	
Survey									
Enforcement				20	3	12	720	23.73	17,085.60
Research				20	2	12	480	23.52	11,288.28
Analysis and reports	RWJ			4	1	8	32	27.35	875.22
									29,249.10
<b>Enforcement</b>									
	1st 2 weeks	Remainder		Total	Crew	duration	Man Hrs.	Cost/hr	
Patrols (sea)					3	4	0	23.73	-
Monitor sands					4	7	0	23.73	-
Landings					2	2.5	0	21.91	-
							0		-
<b>Administration</b>									
Catch returns					1	2.5	0	21.91	-
Planning and briefing						10	0	27.35	-
									-
<b>Vessel costs</b>									
				trips	cost/day				
Survey	TC			20	1,530.00				30,600.00
Monitor	JA/ST				880.00				-
									30,600.00
<b>Other costs</b>									
					Cost/trip				
Vehicles	KL to moor	18 miles		20	2.07				41.40
									41.40
<b>Subsistence:-</b>									
					crew				
Survey -	Meals			20	5	17.33			1,733.00
	Nights			1	5	33.27			166.35
Monitor					4	6.41			-
									1,899.35
									61,789.85

### **Vision**

The Eastern Inshore Fisheries and Conservation Authority 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



**Action Item 14b**

## **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

15<sup>th</sup> February 2017

**Report by:** Ron Jessop, Senior Research Officer  
Stephen Thompson, Research Officer

### **Development of WFO 1992 Cockle Management Plan and Long-term (25-year) HRA**

#### **Purpose of report**

The purpose of the report is to inform members of the progress made in developing a long-term (25 year) Habitats Regulation Assessment and a Cockle Management Plan for the Wash Fishery Order 1992 cockle fishery and to approve the approach being taken.

#### **Recommendations**

Members are recommended to:

- **Note** the content of the paper
- **Note** that the long-term (25 years) Habitats Regulation Assessment and the draft Cockle Management Plan have been submitted to Natural England for informal advice
- **Agree** in principle to the proposed approach to managing the cockle fishery
- **Direct** officers to consult WFO 1992 licence (entitlement) holders on the proposed Management Plan
- **Delegate** authority to the CEO to develop the plan and to submit to Natural England together with the long-term (25 years) Habitats Regulations Assessment for formal consultation

#### **Background**

The Wash Fishery Order 1992 regulations and policy notes and the Wash Fishery Order 1992 Shellfish Policies are currently being reviewed. A long-term (25 year) Habitats Regulation Assessment for the Wash hand-worked cockle fishery is also being developed to negate the requirement for annual assessments, bringing this fishery in line with other fisheries that have been assessed in the past two years. Because these documents are all closely interconnected, they are being reviewed and developed in conjunction with each other. The review of the Wash Fishery Order 1992 regulations and policy notes will be dealt with in other papers, whilst the development of the long-term HRA and the review of the Shellfish Policies are detailed here.

## Report

### Long-term (25 years) Habitats Regulation Assessment for the Wash hand-worked cockle fishery

Officers have produced many Habitat Regulation Assessment (HRA) documents for fisheries throughout the Eastern IFCA district recently, as part of our management of protected features within Marine Protected Areas. All have examined the relevant fisheries as on-going activities. To date, the fisheries for bivalve molluscs (cockles and mussels) within the Wash Fishery Order 1992 regulated fishery have been the subject of annual HRA documents, produced (in the case of the Wash cockle fisheries) following the annual stock assessment surveys. There is now a well-established routine to produce these HRAs, which incorporates several important pieces of data such as survey results, information on numbers and distribution of seals and birds and calculations, principally the Total Allowable Catch (TAC).

It is proposed to move towards the production of a long term (25 year) HRA for the hand worked cockle fishery within The Wash to bring this fishery in line with all others throughout the district. This reflects the confidence that Eastern IFCA have that the fishery can be an economically and environmentally sustainable contributor towards the achievement of healthy seas, sustainable fisheries and a viable industry.

The proposed long term HRA (Appendix 1) is based on the examples which have in recent years proven acceptable to all parties. As the essential calculations to support the fishery and ensure compliance with the requirements of sound management of the features of conservation interest within the site will no longer be undertaken as a component of an annual HRA these calculations have been codified within the Cockle Fishery Management Plan (Appendix 2) as described in more detail below. The HRA is contingent on the fishery being managed in accordance with the Cockle Fishery Management Plan.

An essential requirement of long term management to ensure compliance with the mandatory conservation objectives of the site is that there be ongoing periodic reviews of activity levels and feature conditions. This will be achieved by means of the Monitoring and Control Plan (MCP) for the Wash and North Norfolk Coast European Marine Site (currently in preparation). The MCP will define a range of thresholds of activity level, or condition of protected features which will require review of the Cockle Fishery Management Plan to ensure that the conditions specified in the Long-Term HRA continue to be met.

The relationship between the various component parts of the overall management scheme is illustrated in Figure 1. It can be seen that each component of the overall management scheme interacts with all others, and this provides feedback loops which will ensure that the integrated management programme can adapt to potential future developments whilst still meeting the conservation objectives of the relevant Marine Protected Areas.

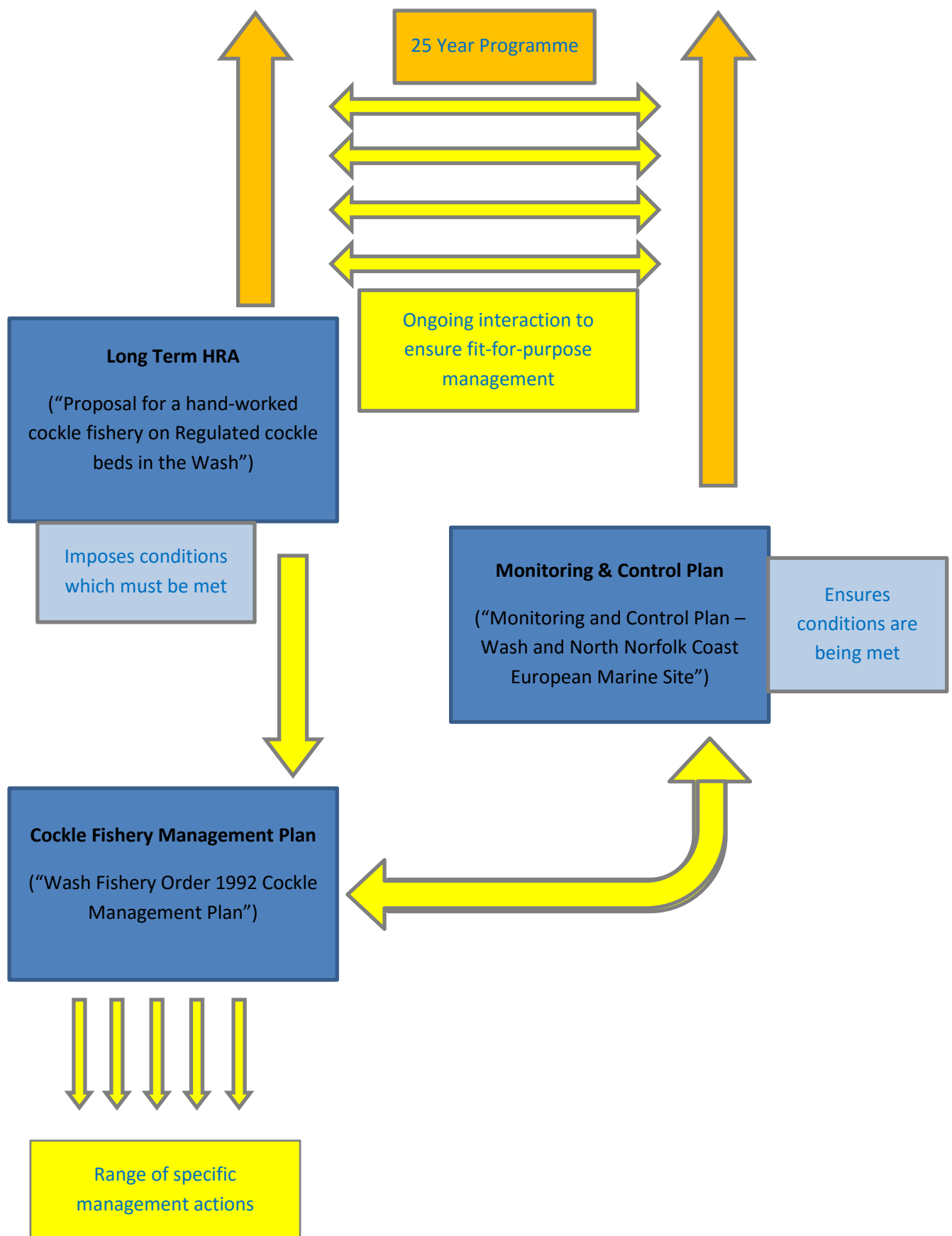


Figure 1 Schematic Relationship between Long Term HRA, Cockle Fishery Management Plan, relevant Monitoring & Control Plan, and management outcomes

### Cockle Fishery Management Plan for the Wash cockle fishery

In 2008 several relevant byelaws and regulations, plus a range of non-legislative measures and principles were consolidated into a suite of Shellfish Management Policies. Since being formally agreed between Eastern Sea Fisheries Joint Committee, Natural England and the fishing industry, the 23 management measures listed in the policy for the cockle fishery have formed the framework around which the fishery has since been managed.

Although these policies have helped bring relative stability to the fishery and kept disturbance to the site's environmental features within accepted thresholds, shellfish stocks will always fluctuate in response to environmental parameters that are outside the control of fisheries managers. This has been particularly true with the Wash cockle stocks, which since 2008 have suffered high levels of "atypical" mortality. Some years these natural mortalities have greatly exceeded the stocks that have been harvested, and need to be considered as an in-combination effect when determining the size of an annual fishery. To an extent, gaining a better understanding of the dynamics of the "atypical" mortality problem in recent years has enabled the Authority to predominantly target stocks that are considered vulnerable to natural losses – either from "atypical" mortality or from "ridging-out". This has helped to not only reduce the in-combination effects that would otherwise have occurred, but some years has also benefited the industry with larger fisheries than would otherwise have been possible.

The shellfish policies that were agreed in 2008 were developed before "atypical" mortality became problematic in the Wash. As such, they do not have measures or a framework to adaptively respond to the situation. While the review of the policies was initially planned to introduce measures that would enable a more adaptive management approach, when considered alongside the plans to develop a long-term HRA for the fishery and a review of the WFO 1992 regulations and policy notes, it became apparent that something was needed that would link the HRA, the policies and the regulations together. As such, the shellfish management policies were developed into a more thorough Cockle Management Plan. Combining environmental requirements highlighted in the long-term HRA with socio-economic and stock sustainability drivers, the new plan contains a suite of updated policies that will facilitate an adaptive management approach to the Wash cockle fishery. In turn, the policies within the plan have helped to inform the review of the WFO 1992 regulations and policy notes, highlighting where additional regulation is required.

While the 2008 Shellfish Policies form the foundation for the Cockle Management Plan, there are some significant differences between the two documents that members should consider.

1. While the 2008 Shellfish Policies considered both the Wash cockle and mussel fisheries in a single document, it is intended to develop separate management plans for the two fisheries. Fisheries that occur during the interim period in which their respective plans are being developed will be managed in accordance with the existing Shellfish Policies.
2. The decision as to whether the fishery should be dredged, hand-worked or a combination of the two is an emotive subject. There has not been a dredged cockle fishery in the Wash since 2008. This has mainly been due to socio-economic drivers

encouraging most fishermen to oppose dredge fisheries, but there are also various environmental and management considerations. Nevertheless, most years' officers have continued to spend considerable time detailing proposals that include options for dredge fisheries. This situation was raised at a Full Authority meeting on 27<sup>th</sup> April 2016. After discussion, members decided that although hydraulic suction dredges should not be totally banned, future cockle fisheries should default to being hand-worked, with dredges retained only as a contingency option if exceptional circumstances required their use. Taking this decision into account, the Cockle Management Plan contains a section detailing the measures that will be in place if a dredge fishery does occur, but takes the stance that future cockle fisheries will be, by default, hand-worked fisheries.

3. Appendices 1-3 of the plan describe the procedures used for calculating the annual TAC for the fishery and provide a framework supporting adaptive management procedures that can be implemented when natural cockle mortality is predicted to be high. This framework is designed to help make the best management decisions depending on the circumstances and can result in fisheries being focused onto vulnerable stocks, ring-fencing some areas out of the TAC, or even potentially increasing the TAC to allow large quantities of vulnerable cockles to be harvested before they die.
4. The daily vessel quota is currently 2 tonnes per day. The large TAC set for the 2016 fishery highlighted a need for occasionally increasing this quota, however, particularly when high levels of mortality are predicted to occur over the summer months. Appendix 4 of the plan, therefore, describes a procedure for increasing the daily vessel quota when the TAC is high, or there is felt a need to harvest vulnerable stocks before they die. This measure also supports the long-term HRA, in which it was identified the birds would be most vulnerable to fishery disturbance during the winter months.
5. A number of additional measures have been introduced that were not included in the 2008 Shellfish Policies. These include:
  - i. Some of the measures that were introduced in the Good Practice Guide concerning "prop-washing", spreading unharvested cockles back into the rings and preventing disturbance to the sandbanks when steaming on and off the sands.
  - ii. The requirement for fishermen to use a sorting device (either a net or riddle) when Year-0 juvenile cockles are present in significant quantities on a bed being fished, and not to shovel them directly into bulk bags as is currently common practice.
  - iii. The requirement for vessels participating in the fishery to have an Inshore Vessel Monitoring System of an approved design on board. This measure will only be implemented once the Authority has decided upon an approved design and agreed a process for fitting them on vessels.
6. A formal procedure for opening and closing the cockle fishery was agreed with fishermen in 2011. This process was developed into the Cockle Charter, a document that the Authority approved in 2012. Because the opening and closing of the fishery should also be included in the Cockle Management Plan rather than a separate document, the procedures within the Cockle Charter have also been

reviewed and the resulting procedure included in the plan. There are two main differences between procedures listed in the charter and those in the plan:

- i. The charter refers to writing annual HRAs. These will no longer be necessary once the long-term HRA has been approved.
- ii. Step 5 of the charter is for the survey data and management proposals to be presented to the Authority and for the members to discuss and approve. While there has been a heavy reliance in the past to involve the Authority members in the final decision-making stage of opening the fishery, with a detailed plan in place, it was felt appropriate to delegate this task to the CEO on the basis that it will be a routine fisheries management function undertaken within the parameters of the Management Plan.

### Next steps

The introduction of the Long-term (25 years) HRA and the Cockle Management Plan will require formal consultation with Natural England and the fishing industry. Drafts of both were submitted to Natural England in January for their initial comments. If the Authority agrees with the approach that is being taken with the development of the HRA and Plan, the next stage will be to formally consult with licence (entitlement) holders regarding the contents of the Management Plan and then with Natural England regarding the contents of both documents. Following this consultation, both documents (with any amendments) will be brought back to the Authority for final approval.

### **Financial implications**

Although there will be an initial administration cost associated with developing the long-term HRA and Cockle Management Plan, over time these will negate the cost of developing annual HRAs.

### **Legal implications**

It should be noted that over recent years there have been challenges to the practice of 'prop washing' in conjunction with the hand-worked fishery. These have included complaints from solicitors representing undisclosed clients, correspondence from local MPs representing certain elements of the fishing industry and complaints to the EU. Whilst the Authority has been able to respond constructively and to rebut the claims being made there is the possibility of further challenge.

### Conclusion

In order to respond to evolving environmental and fishery needs, a Wash Fishery Order 1992 Cockle Fishery Management Plan has been developed in conjunction with a long-term (25 years) Habitat Regulations Assessment for the Wash hand-worked cockle fishery. These documents will then help to inform the review of the Wash Fishery Order 1992 regulations and policy notes that is also being conducted, helping to highlight the potential requirement for new legislation to be introduced. While the HRA highlights potential risks the fishery may cause to the environment, and the management plan introduces measures to mitigate those risks, a further document will be developed to help monitor whether the management measures are being effective. This additional document will take the form of a Monitoring and Control Plan for the Wash and North Norfolk Special Area of Conservation. Together, these documents will provide a

modern, adaptive management framework that will support a successful fishery within a heavily designated site.

## **Appendices**

Appendix 1 - Draft Long-term (25 years) Habitat Regulations Assessment for the Wash Fishery Order 1992 hand-worked cockle fishery

Appendix 2 - Draft Wash Fishery Order 1992 Cockle Management Plan

## **Background documents**

1. 2008 Wash Fishery Order 1992 Fishery Policies (available on EIFCA website at [http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/05/WFO\\_Shellfish\\_management\\_policies\\_2008.pdf](http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/05/WFO_Shellfish_management_policies_2008.pdf) )
2. 2012 Cockle Charter



### **Vision**

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**Action Item 14c**

## **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

15<sup>th</sup> February 2017

**Report by:** Luke Godwin, T/Senior IFCO / Staff Officer

### **Wash Fishery Order 1992 Regulations Review**

#### **Purpose of report**

The purpose of the report is to present a review of the current Regulations made under the Wash Fishery Order 1992 and propose new Regulations to be made by the Authority.

#### **Recommendations**

Members are recommended to:

- **Note** the content of the paper
- **Note** the rationale for the proposed Regulations and associated impact Assessment in Appendix 2
- **Agree** to make the proposed Regulations in Appendix 1
- **Direct** Officers to undertake a formal consultation with licence (entitlement) holders in relation to the proposed Regulations

#### **Executive Summary**

The Wash Fishery Order 1992 (WFO) enabled Eastern IFCA to implement regulations to manage shellfish fisheries within The Wash. These fixed measures are generally supplemented with flexible 'licence conditions' which vary annually.

Regulations made under the Order are not consistent with modern legislative wording and gaps have been identified in the elements of the fishery they cover. As such, existing regulations have been reviewed to update wording and process and new regulations are proposed which consider recent lessons learnt.

Impacts on the industry are likely to be minimal as the proposed regulations reflect administrative changes save for the requirement to have electronic monitoring devices on board. The proposed Regulations will require a formal consultation and consideration by legal advisors and the Minister before coming into effect.

## **Background**

The WFO 1992 enables Eastern IFCA to introduce Regulations for managing certain shellfish fisheries within the Wash. These are used, in addition to the licence conditions, to ensure that fishing activity reflects the requirements of the Habitat Regulation Assessments and the Fisheries Management Plan.

The Wash shellfish fisheries have changed markedly since the introduction of the WFO. Cockle fisheries are more dynamic and have suffered recently from high levels of mortality and high levels of stock. In addition, new enforcement related issues have arisen which were not present or did not present as high a risk when the Order was first introduced.

As such, a review of Wash Fishery Order Regulations was identified as a priority over the 2016/17 financial year.

## **Report**

### Aims of the review

The aims of the review are as follows:

- To update the wording and format of the regulations to reflect modern legislative standards. Regulations should be clear, transparent, easily understood and written in plain English.
- Reflect contemporary fishing practices and issues – new licence conditions were used to manage the 2016/17 cockle fishery. These reflected lessons learnt from previous fisheries and enabled more effective enforcement of a sustainable and viable fishery.
- Reflect outputs from the long-term HRA and updated Fisheries Management Plan.

The list of proposed amended and new regulations can be found at Appendix 1 and the rationale for the proposed changes is discussed in more detail below.

### Summary of proposed amendments to existing Regulations

#### *Restrictions on the use of dredges*

Regulations 1, 4, 5 and 6 previously set restrictions on the use of fishing gear to prosecute the WFO fisheries. This included a general prohibition (in Regulation 1) for any fishing activity, including hand-working, unless equipment met specifications set out in the schedule of the regulation. This schedule primarily referred to gear meeting the 'requirements of ESFJC Byelaw 3'.

Regulations 4 and 5 (Appendix 1) are proposed to replace the original regulations which take into account the process set out in Byelaw 3 (Molluscan shellfish methods of fishing) which the original regulations relied on. This includes restrictions relating to breakage rates and on bottom-towed-gear which have a damaging effect on the environment. Regulations 4 and 5 set out that 'bottom-towed-gear' must not be used unless it meets criteria set out by Eastern IFCA.

The proposed regulations provide additional flexibility which enables Eastern IFCA to set different criteria for different shellfish fisheries. Given that there has not been a 'dredge fishery' for cockles since 2008 and that a new dredge fishery would only occur in exceptional circumstances, the management measures which would be required are less understood. No Habitat Regulation Assessment has been completed for a dredge fishery in some time and as such, the new flexibility proposed would enable Eastern IFCA to meet any requirements of such an assessment to enable a dredge fishery.

The general prohibition on fishing which originally existed has also been removed (i.e. it does not include a prohibition on fishing by hand or hand rake) such that this can be dealt with separately. This is intended to provide additional clarity to the regulations.

### *Daily catch restrictions*

The original 'daily catch restrictions' were set out in regulation as fixed amounts which could be taken per calendar day. The daily catch restriction during the hand-work cockle fishery 2016/17 was increased to 3 tonnes per day by way of an 'enforcement policy' (i.e. public notice that EIFCA Officers would not enforce the 2 tonne daily quota unless more than 3 tonnes were removed from the fishery).

The long-term HRA and Fisheries Management Plan highlight that the cockle fishery is more dynamic than it had been previously and, as was the case last year, can benefit from increased daily quota. Proposed Regulation 9 includes a 'flexible' regulation for daily catch restrictions for the hand-work fishery to reflect the changeable conditions of the fishery.

In addition, the wording of the proposed Regulations makes an allowance for sorting of catch. Previously, the wording of the Regulation had prohibited the 'taking' of more than the daily catch restriction (as well as fishing for and removing from the fishery). Analysis of relevant case law has indicated that 'taking' relates to simply putting fish or shellfish in bags regardless of the fisher's intent to remove them altogether. Therefore, the wording of the original Regulation precluded fishers from taking more than the daily quota in order to sort the catch (i.e. to retain 2 tonnes of cockles, a fisher may take 3 tonnes and return 1 tonne to the fishery after sorting for size). The revised wording allows for fishers to 'take' more than the daily catch restriction provided they intend to sort the catch.

It should be noted that proposed Regulation 8 (sorting of catch) also requires fishers to immediately return any material rejected from sorting as nearly as possible to the place from which it was taken. As such, the revised wording of the proposed daily catch restriction Regulation is not considered to have been weakened or less enforceable.

Daily catch restrictions in relation to dredged cockles or mussel fisheries have not been amended.

### *Seed movement*

Article 12 of the WFO requires that fishers must obtain written authorisation from the Authority to remove 'seed' (i.e. juvenile) shellfish from the fishery, for the purpose of cultivating the Regulated fishery. Article 12 also provides that the Authority can

authorise the removal of seed at such times and in such quantities as the Authority may direct.

The original regulation refers to this provision and requires that fishers also provide certain details relating to the transport of seed over land including the destination of the seed and the registration of any vehicle used. Legal advice has indicated that this regulation is required to empower the Authority to request this information.

Advice from the Fish Health Inspectorate has indicated that there is a requirement to record the destination of seed as they require this information as part of an annual audit of shellfish movement. There is no requirement to report the registration of vehicles used to transport seed over land. As such, this requirement has been removed from the proposed Regulation.

Proposed Regulation 12 (appendix 1) is an amended version of the original regulation. The wording has been amended to reflect modern legislative practices and the requirement to provide vehicle registration details has been removed.

#### *Vessel Length Restriction and minimum size for mussels*

Neither of these were amended save for revised wording in-line with modern practices. The effects of the regulations remain the same.

#### Summary of proposed new Regulations

##### *Electronic monitoring devices (proposed Regulation 3)*

The proposed regulation would require all vessels operating within the WFO fisheries to have an operational iVMS or VMS+ device on board and to report once in every 10 minutes. As reported at the 26<sup>th</sup> Eastern IFCA meeting, the requirement for vessels to electronically report their positions will act as a deterrent against breaching 'closed areas' and provide additional evidence in any case brought against fishers saving time and resource on the part of the fishers and the public purse.

Eastern IFCA intends to obtain funding (European Maritime and Fisheries Fund) to cover the cost of the units and installation of iVMS on vessels which do not currently have VMS+ (as per the current requirement for vessels over 12m in overall length). The Regulation would however impose a cost on fishers in relation to reporting via the device but this cost is likely to be nominal. The requirement to report from an electronic monitoring device would extend to vessels with VMS+ units.

The recommended Regulation also includes an exemption by written authority from Eastern IFCA. The intention of this is to consider allowing some fishing without a functioning iVMS or VMS+ unit where a faulty device occurs. Such an authorisation would come with conditions (for example manual reporting, restrictions on fishing in certain high-risk areas or a functioning AIS unit).

### *Sorting of catch (proposed Regulation 8)*

Included in the proposed Regulations is a requirement to return any discards resultant of sorting catch as close to the place from which they were taken as possible. This was not previously a requirement under the original regulations.

This reduces the risk of spreading any diseases throughout The Wash, for example 'atypical mortality' which is currently thought to effect only certain beds.

This proposed regulation does not require fishers to sort catch but does require fishers who do sort catch to deposit any catch rejected through sorting evenly and thinly over the seabed as nearly as possible from where it was taken to increase the chance of any juvenile individuals re-settling and surviving.

A requirement to sort catch was considered in line with the long-term HRA. Generally, juvenile cockles are protected from fishing mortality using closed areas (i.e. beds with high density of cockles are not opened). Any requirement to sort or riddle catch is considered more appropriate as a licence condition such that it can be required in circumstances where it is needed (e.g. the contingency fishery on a bed dominated by juveniles as in 2016).

### *Weekly catch returns (proposed Regulation 13)*

This was not previously a regulation but was included as a 'policy note' and was included as a licence condition during the 2016/17 cockle fishery. Its inclusion as a regulation in its own right reflects the importance of data provided from the fishers in managing the fishery. This also enables more effective enforcement of this requirement.

### *Transshipping prohibition, requirement to land (cockles) and dual fishing prohibition (proposed Regulations 14, 15 and 16 respectively)*

These were introduced as licence conditions during the 2016/17 cockle fishery and reflected a need in relation to the effective enforcement of the fishery. Resultant of poor behaviours (albeit undertaken by the minority of fishers) during previous fisheries, including leaving cockles in the river for collection at a time when officers were not at the port, these restrictions make it harder to breach the daily catch restrictions.

The success of these measures during the 2016/17 fishery to temper poor behaviours reflect their importance as management measures. Including these measures as regulations further increases the deterrent to breach daily catch restrictions as regulations have a higher 'penalty level' than licence conditions (i.e. fines in relation to enforcement action are likely to be higher which provides an additional deterrent).

### *Standard Bags (proposed Regulation 17)*

This has been an agreed management measure since 2013. Its inclusion as a regulation reflects the positive effect it has had on enforcement of daily catch restrictions.

### *Prop washing (proposed Regulation 18)*

Prop-washing involves spinning a vessel in tight circles over cockle beds to dislodge cockles from the sediment, making them easier to collect. Prop-washing can, if done incorrectly or maliciously, cause significant damage to the seabed however, no regulation or licence condition has ever been used to manage its use. As such, the only response previously available to the Authority to respond to damaging prop-washing activities has been to close the fishery altogether.

Its inclusion as a regulation means that elements of the practice can be restricted and enforced on an individual (rather than closing the fishery to all). This represents a more proportionate approach to managing the practice and should provide for a more sustainable fishery which is conducted without the potential for damage to habitats.

### **Impacts**

The requirement to have a functioning electronic monitoring device will incur costs on the fishers. Whilst Eastern IFCA intends to seek funding to cover the initial cost of iVMS units and installation, further maintenance costs and the payment for sending reports will be the responsibility of the fishers. A single report costs in the region of £0.02 but contracts are likely to cost between £100-£150 per annum.

No other impacts are identified as a result of the new measures. The majority of 'new' restrictions reflect measures implemented last year through licence conditions. Other amendments reflect wording or format changes rather than changes in the effect of regulations. An impact assessment is provided in Appendix 2.

### **Next Steps**

As with the byelaw making process, regulations require a formal consultation and consent from the Minister. If the proposed regulations are made by the Authority, officers will undertake a formal consultation to gather concerns and views from the industry.

The proposed Regulations are under consideration by a legal advisor and may be subject to some changes prior to formal consultation.

### **Financial implications**

No significant financial implications have been identified aside from some relatively minor costs associated with consultation and legal advice.

### **Legal implications**

There are limited legal implications at this stage of the process. Officers have been advised that the same process for making byelaws should be observed for making regulations under the Order. Observing this process will ensure due diligence in the development and implementation of the regulations.

### **Conclusion**

The proposed regulations reflect the evolution of the Wash fisheries, particularly the cockle fishery, since the Wash Fishery Order (1992) was developed. In addition, modern practices in the wording of regulations have been applied to provide more clarity and make the regulations more easily understood.

There are limited impacts on the fishers in relation to the effects of the new regulations which are primarily a result of the cost of maintaining electronic monitoring devices.

## **Appendix 1 - Proposed Wash Fishery Order 1992 Regulations Interpretation**

### **1. In these Regulations:**

- 1) “the Order” means the Wash Fishery Order 1992;
- 2) “Regulated Fishery” means a fishery undertaken under the authority of a licence issued under Article 8(1) of the Wash Fishery order 1992;
- 3) “Several Fishery” means fishing under the authority of a lease granted under Article 6(1) of the Wash Fishery order 1992.
- 4) “prescribed species” means any of the species specified in the Wash Fishery Order 1992 as prescribed species.
- 5) “cockle” means any bivalve mollusc belonging to the genus *Cerastoderma*;
- 6) “mussel” means any of the species belonging to the genus *Mytilus*;
- 7) “harvestable mussel fishery” means a mussel fishery, the licence conditions for which, allow for mussels fished for, taken or removed from the fishery to be sold directly to a market;
- 8) “relaying mussel fishery” means a mussel fishery, the licence conditions for which do not allow mussels to be sold directly to market but instead, must be relayed for the purpose of aquaculture;
- 9) “licence” means a licence granted under Article 8(1) of the Wash Fishery Order 1992;
- 10) “bottom-towed-gear” means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;
- 11) “prop-washing” means the practice of turning a vessel in tight circles to aid the fishing of cockles;

### **2. Application**

The following Regulations apply to persons fishing under the authority of a licence.

### **3. Electronic monitoring devices**

- 1) A person must not fish for, take or remove from the fishery, retain on board or land, any of the prescribed species using a vessel unless a functioning vessel monitoring device is on board the vessel which must report to the UKFA Hub at least once in every ten minutes.
- 2) Eastern IFCA may provide written exemption from 3(1) for a specified period for reasons relating to malfunctioning electronic monitoring



devices and fishing must be undertaken in accordance with any conditions contained within such authorisation.

- 3) For the purposes of sub-paragraph 1, an electronic monitoring device includes any of the following devices:
  - a) 'Blue Tracker I-VMS' manufactured by AST Marine Sciences;
  - b) 'SC2' manufactured by Succorfish;
  - c) 'Watching Man Pro' manufactured by Marine Instruments S.A.; or
  - d) A VMS+ device approved by the Marine Management Organisation.

#### **4. Bottom-towed-gear restrictions**

- 1) A person must not fish for, take or remove from the fishery any of the prescribed species using bottom-towed-gear unless a written certificate of approval for that bottom-towed-gear has been provided by the Authority in accordance with Regulation 5.
- 2) A person must not fish for, take or remove from the fishery, cockles using;
  - a) more than one instrument of bottom-towed-gear; or
  - b) a hydraulic suction dredge with an aggregate dredge head width of more than 76cm.
- 3) Without written authorisation from the Authority, a person must not fish for, take or remove from the fishery, mussels using a mussel dredge with an inside opening of more than one meter in width.
- 4) A person must not fish for, take or remove from the fishery any of the prescribed species other than cockles using more than two instruments of bottom-towed-gear.

#### **5. Bottom-towed-gear - Approval**

- 1) A provisional certificate of approval may be issued which will be valid for one month.
- 2) A full certificate of approval may be issued, which will be valid until 31 December following the date the certification is issued, where bottom-towed-gear meets the following conditions:
  - a) The bottom-towed-gear does not result in more than 10% by weight of the target species being visibly damaged;
  - b) The Authority has been advised by scientists who appear to them to be suitably qualified that the bottom-towed-gear does not cause unacceptable damage to associated habitats;

- c) Bottom-towed-gear and associated catch sorting equipment is of a specification required by the Authority for reasons relating to fisheries management or are pursuant of meeting 4(1)(a) and 4(1)(b) above.

- 3) For the purpose of this regulation, an organism is considered visibly damaged when on examination it is seen that there are visible cracks, chips or there is other damage to the shell. The damage rate will be determined using representative samples of shellfish retained and rejected by the operation of the bottom-towed-gear.

## **6. Vessel restrictions**

- 1) A person must not use a vessel exceeding 14 meters in overall length to fish for, take or remove from the fishery any of the prescribed species unless authorised by the Authority in accordance with sub-paragraph 2.
- 2) The Authority may exempt vessels from sub-paragraph 1 where evidence is provided that the owner or skipper of the vessel has used the vessel to fish for, take or remove from the fishery any of the prescribed species from within the Regulated Fishery prior to the date of the advertisement of the Order.
- 3) Exemption in accordance with sub-paragraph 2 shall cease if the vessel changes ownership.

## **7. Use of tenders**

- 1) A person must not use a tender to a vessel unless:
  - a) fishing for, taking or removing from the fishery mussels or cockles;
  - b) all catch placed on the tender is placed on the licenced vessel to which it is associated at the earliest opportunity;
  - c) the tender is six metres in overall length or less; and
  - d) the tender has an outboard engine with a power of ten horsepower or less.
- 2) A person must not use more than one tender or a tender which has an inboard engine.

## **8. Sorting of catch**

Any material rejected through the sorting of catch of any of the prescribed species must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area

## **9. Daily catch restrictions (cockles)**

- 1) A person must not, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 8) or remove from the fishery more than the maximum weight of cockles specified in the licence conditions by hand.
- 2) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 8) or remove from the fishery more than 4000 kilograms of cockles by dredge.
- 3) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.
- 4) A person must not fish for, take or remove from the fishery any cockles by hand if, during the same calendar day, that person has fished for, taken or removed any cockles by dredge.
- 5) A person must not fish for, take or remove from the fishery any cockles by dredge if, during the same calendar day, that person has fished for, taken or removed cockles by hand.

## **10. Daily catch restrictions (mussels)**

- 1) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 8) or remove from the fishery:
  - a) More than 4000 kilograms of mussels during a harvestable mussel fishery; or
  - b) More than 8000 kilograms of mussels during a relaying mussel fishery.
- 2) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.
- 3) A person must not fish for, take or remove from the fishery any mussels from a harvestable mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a relaying mussel fishery.
- 4) A person must not fish for, take or remove from the fishery any mussels from a relaying mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a harvestable mussel fishery.

## **11. Mussels (*Mytilus edulis*) minimum size**

- 1) A person must not remove from the boundary of the Wash Fishery Order 1992 any mussel (*Mytilus edulis*) from within the Regulated Fishery which are less than 45mm in length but must return such immediately to the sea in accordance with sub-paragraph 2 unless they being fished for, taken or removed as part of a relaying mussel fishery.
- 2) Mussels and any material arising from the sorting of mussels must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

## **12. Seed movement**

Without prejudice to the Article 12 of the Wash Fishery Order 1992, a person must not transport any shellfish under an authorisation granted by said article by road unless an application for such is completed which will require the following information:

- a) Destination of the shellfish; and
- b) The date of the proposed transport.

## **13. Weekly catch returns**

An accurately completed weekly catch return form, supplied by Eastern IFCA, must be returned for each week of fishing, to Eastern IFCA offices by no later than Friday of the calendar week following any fishing activity.

## **14. Transshipping prohibition**

A person must not tranship or otherwise relocate any of the prescribed species, or containers of any description containing any of the prescribed species, fished from the Regulated Fishery from one vessel to another unless moving catch from a tender to its associated vessel or vice versa.

## **15. Requirement to land (cockles)**

- 1) A person fishing for cockles must:
  - a) take any cockles fished for from the Regulated fishery straight to port;
  - b) land such cockles immediately; and
  - c) not leave cockles on the sand or deposited in the water in bags for later collection.
- 2) A person must not land cockles fished for from the Regulated fishery on more than one occasion during one calendar day.

## **16. Dual fishing prohibition**

- 1) A person must not fish for, take or remove from the fishery any of the prescribed species from the Regulated Fishery on the same calendar day as fishing for, taking or removing from the fishery the same prescribed species from outside of the Regulated Fishery or from a Several Fishery.
- 2) A person must not have on board any bottom towed gear which could be used to fish for, take or remove from the fishery any of the prescribed species when fishing for, taking or removing from the fishery any of the prescribed species from a hand-work fishery.

## **17. Standard bags**

A person must not land mussels or cockles fished from the Regulated Fishery in any container other than a bag which must:

- a) be of the following dimensions:
  - i. 120 centimetres or 60 centimetres in height;
  - ii. 97 centimetres in depth;
  - iii. 97 centimetres in width: and
- b) have the words 'Wash Fishery Order' written on at least two sides with lettering which is at least 4 inches tall.

## **18. Prop-washing**

- 1) A person fishing for cockles must not:
  - a) use an anchor which affixes the vessel to the bottom of the seabed during the practice of prop-washing;
  - b) conduct prop-washing in such a manner as to cause more than one ring to be formed in the seabed;
- 2) A person must spread any cockles dislodged from prop-washing thinly and evenly over the ground, as nearly as possible to the area from which they were dislodged before leaving the bed.

## Appendix 2 – WFO Regulations: Impact Assessment

<b>Title: Wash Fishery Order Regulations</b> <b>IA No:</b> <b>EIFCA004</b> <b>Lead department or agency:</b> <b>Eastern Inshore Fisheries and Conservation Authority</b> <b>Other departments or agencies:</b>				<b>Impact Assessment (IA)</b>			
				<b>Date: 03/02/2017</b>			
				<b>Stage: Development/Options</b>			
				<b>Source of intervention: Domestic</b>			
				<b>Type of measure: Secondary Legislation</b>			
				<b>Contact for enquiries:</b> Julian Gregory – CEO (01553 775321)			
<b>Summary: Intervention and Options</b>				RPC Opinion: <b>N/A</b>			
<b>Cost of Preferred (or more likely) Option</b>							
<b>Total Present Value</b>	<b>Net</b>	<b>Business Net Present Value</b>	<b>Net cost to business per year (EANCB: 2014 prices; 2015 present value)</b>	<b>In scope of One-In, Two-Out?</b>	<b>Measure qualifies as</b>		
£-66,710		£-66,710	£7,376	<b>No</b>	<b>NA</b>		
<b>What is the problem under consideration?</b> Eastern IFCA manages certain shellfish fisheries within The Wash through the Wash Fishery Order (1992). This enables EIFCA to implement regulations in relation to fishing activity. These Regulations require review to ensure wording reflects modern legislative standards and to address any gaps in the current regulations.							
<b>Why is government intervention necessary?</b> The Wash is one of the most heavily designated conservation sites in the UK and managing shellfish fisheries therein requires regulation to prevent damage to designated features.							
<b>What are the policy objectives and the intended effects?</b> Objectives: To manage long-term, sustainable shellfish fisheries within The Wash which do not have an impact on site integrity (in relation to the protected status of the site). Intended effects: to remake regulations considered appropriate using wording which is transparent and understandable. To require electronic monitoring devices on vessels fishing within the Wash Fishery Order fisheries. To implement primarily administrative restrictions which reduce the risk of over-fishing, habitat damage and non-compliance with other regulations.							
<b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)</b> <b>Option 0. Do nothing</b> – This option does not further any of EIFCA's duties. <b>Option 1. Wash Fishery Order Regulations</b> The preferred option is option 1 – The proposed Regulations reflect modern legislative practices and improve clarity. The proposed Regulations also include measures which have previously been implemented as licence conditions. These measures, in addition to the requirement to have an electronic monitoring device will also improve compliance (by introducing additional deterrents) but also enable EIFCA to manage the fishery more dynamically.							
<b>Will the policy be reviewed?</b> It will be reviewed. <b>If applicable, set review date:</b> n/a							
Does implementation go beyond minimum EU requirements?				<b>Yes</b>			
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.				<b>Micro</b> Yes	<b>&lt; 20</b> Yes	<b>Small</b> Yes	<b>Medium</b> Yes
						<b>Large</b> Yes	
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)				<b>Traded:</b> N/A		<b>Non-traded:</b> N/A	

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Chief Executive Officer: \_\_\_\_\_ Date: \_\_\_\_\_

## Summary: Analysis & Evidence Policy Option 1

### Description:

#### FULL ECONOMIC ASSESSMENT

Price Base Year 2016	PV Base Year 2016	Time Period Years 10	Net Benefit (Present Value (PV) (£m))		
			Low: Unknown	High: Unknown	Best Estimate: Unknown

COSTS	Total Transition (Constant Price) 1 Years	Average Annual (excluding transition) (Constant Price)	Total Cost (Present Value)
Low	£0	£6,200	£53,368
High	£51,000	£9,300	£131,052
Best Estimate	£0	£7,750	£66,710

**Description and scale of key monetised costs by 'main affected groups'**  
The only cost considered relates to the requirement for vessels to have an electronic monitoring device on board although these are considered low scale in the context of the first sale value of the primary fishery within The Wash (circa £1.15 million annually).

**Other key non-monetised costs by 'main affected groups'**  
None identified.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Unknown	Unknown	Unknown
High	Unknown	Unknown	Unknown
Best Estimate	Unknown	Unknown	Unknown

**Description and scale of key monetised benefits by 'main affected groups'**  
Monetised benefits cannot be estimated in relation to the proposed Regulations.

**Other key non-monetised benefits by 'main affected groups'**  
Increased transparency of regulations will likely improve compliance and reduce costs related to prosecutions. The proposed Regulations will further the sustainability of shellfish fisheries within The Wash and reduce risk of environmental damage to designated features which will lead to improved ecosystem functioning.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5%
Assumptions: n/a Sensitivities/risk: non-compliance with proposed Regulations leads to over fishing and habitat damage.		

#### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of Measure qualifies as OITO?	
Costs: £7,376	Benefits: N/A	Net: £-7,376	No	N/A



## **Evidence base**

### **1. Introduction**

Defra's revised approach to managing fishing activity in European Marine Sites (EMS) required Eastern IFCA to ensure that fishing activity does not have an adverse effect on site integrity in EMS which occur within the IFC District. This requirement derives from Article 6 of the Habitats directive and the Conservation of Habitats and Species Regulations (as amended) 2010 (SI 2010/490). Furthermore, Eastern IFCA are required under the Marine and Coastal Access Act 2009 to further the conservation objectives of any Marine Conservation Zones within the Eastern IFC district.

Eastern IFCA also has a duty to take action to ensure the sustainable exploitation of fisheries within its district as per section 153 of the Marine and Coastal Access Act 2009. In carrying out its duties Eastern IFCA is obliged to ensure good environmental status of fish and shellfish stocks as per the Marine Strategy Framework Directive (2008/56/EC) namely; sustainable fisheries with high long-term yields, stocks functioning at full reproductive capacity, and to maintain or increase the proportion of older and larger individuals.

Eastern IFCA manages certain shellfish fisheries within The Wash through the Wash Fishery Order 1992 (WFO) which enables Eastern IFCA to licence fishing and to introduce Regulations. The Wash is a designated Marine Protected Area (Wash and North Norfolk Coast Special Area of Conservation, The Wash Special Protection Area) and supports significant shellfish fisheries. Regulations are used, in addition to the licence conditions, to ensure that fishing is sustainable and does not have a significant impact on site integrity.

### **2. Rationale for intervention**

The Wash shellfish fisheries have changed markedly since the introduction of the WFO. Cockle fisheries are more dynamic and have suffered recently from high levels of mortality and high levels of stock. In addition, new enforcement related issues have arisen which were not present or did not present as high a risk when the WFO was first introduced.

New regulation is required to reflect the changes in shellfish fisheries and to provide a more consistent set of measures which also reflect modern legislative practices and increased transparency for those affected.

### **3. Policy objectives and intended effects**

The policy objectives are as follows:

1. To ensure long-term, sustainable shellfish fisheries within The Wash;
2. To ensure fishing activity does not have a significant impact on site integrity within the MPAs;
3. To provide management which is transparent and clear.

The proposed Regulations effect fishing undertaken under the authority of a WFO licence. Intended effects of the measures (which represent additional requirements from the original measures) are as follows:

1. To dynamically set daily catch restrictions in relation to hand-work cockle fisheries to better reflect the needs of any given fishery;
2. To require vessels to use an electronic monitoring device;
3. To require fishers to return any material rejected as a result of sorting catch, as nearly as possible from where they were taken;
4. To provide weekly catch data to Eastern IFCA,
5. To prohibit transshipping of cockles gathered by hand;
6. To require fishers to land cockles as soon as possible and not leave cockles on the sands or in rivers for later collection;
7. To prohibit fishing in any other fishery within the same calendar day as having fished within a WFO fishery;
8. To require fishers to use a bag of a specified description to land shellfish;
9. To prohibit the methods of 'prop-washing' which are likely to damage the environment;
10. To increase compliance with measures through increased transparency of measures.

#### **4. Background**

The Wash Fishery Order (1992) empowers Eastern IFCA to manage certain shellfish fisheries within The Wash (Cockles, Clams, Oysters, Queens, Scallops and mussels). In recent years, the cockle fishery has been the dominant fishery generating an average first sale value of £1.15 million over the period 2010 to 2015 (inclusive – Marine Management Organisation landings data) and the recent 2016/17 fishery is estimated to have had a first sale value of £4 million (although this was an exceptional year).

In addition, three businesses within Eastern IFCA's district process the shellfish from these fisheries providing an important tertiary economic benefit in terms of associated full-time jobs (engineers, factory workers, secretaries etc.).

Eastern IFCA has undertaken a review of the Regulations made under the WFO in the context of contemporary fisheries and associated issues. This review has identified gaps in the regulatory structure (informed by enforcement activity over recent years) and some inconsistencies in the wording of the Regulations. This review forms part of a wider review into the management of the WFO fisheries including a long-term Habitats Regulation Assessment which has also identified some gaps in the current Regulations.

The review has led to the development of new Regulations, some of which reflect existing requirements but with revised, modern wording. Other new measures are proposed as regulations to fill the gaps identified in the review.

## 5. The options

**Option 0: Do nothing** – The do-nothing option would not provide an appropriate regulatory framework in the context of contemporary WFO fisheries and would fail to provide appropriate transparency of the requirements placed on fishers.

**Option 1 (*preferred option*) proposed Wash Fishery Order (1992) Regulations:** The proposed Regulations reflect the Authority's duties in relation to the protection of MPAs and to managing fisheries in a transparent and evidence-based manner.

Option 1 is detailed further in the appended document – Action Item 14c of the 27<sup>th</sup> Eastern IFCA Meeting (15 February 2017).

## 6. Analysis of costs and benefits

### Option 0 – Do nothing

The direct cost to business is zero as no additional restrictions would be put in place.

Current Regulations are not transparent and do not reflect the key risks associated with WFO fisheries. Negative outcomes resulting from market failure (particularly relating from exploitation of common goods) are more likely to occur without appropriate regulatory measures. Resultant over-exploitation of the fishery and habitat damage could lead to direct economic impacts on the associated fisheries in the long-term. Impacts on the habitats within The Wash could have wider impacts relating to eco-system functioning, reducing the productivity of other fisheries having wider, indirect economic impacts.

There are no benefits associated with this option.

### Option 1 – (*preferred option*): Proposed Wash Fishery Order (1992) Regulations

#### **Business cost / benefits**

Proposed Regulations which reflect only a change in the wording of existing Regulations, rather than a change in their effect are not considered in this analysis as their inclusion in the current proposal does not represent an additional impact. This is the case for proposed regulations 4, 5, 6, 7, 10, 11 and 12.

Additional restrictions within the proposed Regulations have been assessed below.

#### *Electronic monitoring devices (proposed Regulation 3)*

**iVMS and VMS+ installation costs** – Eastern IFCA intends to implement the requirement to install iVMS alongside a funding bid to cover the cost of iVMS installation. It is intended that the cost of requiring additional units will be mitigated entirely through a combination of EMFF funding and Eastern IFCA funding support. The 'low' and 'best' estimate for this requirement is therefore £0.

Vessels over 12m in length will not require installation of electronic monitoring devices under this regulation as VMS+ devices are already required by the MMO.

As many as 51 vessel will potentially require installation of iVMS units, the cost of which is estimated at £1000 per vessel (informed by informal dialogue with MMO). Therefore, the 'high' estimate for this requirement is £51,000.

**iVMS and VMS+ reporting costs** – The cost of reporting via iVMS is currently commercially sensitive therefore costs are estimated based on VMS+ billing rates using the General Packet Radio Service (GPRS). A VMS+ report is currently charged at £0.02 but can also be paid for as part of a monthly or yearly contract which could reduce the associated costs. Informal dialogue with the MMO has indicated that the annual cost of a subscription is between £100 and £150. The 'low' estimate of this cost takes into account all 62 potential licence holder paying £100 per annum for the subscription (£6,200 per year) and the 'high' cost is based on all vessel having a £150 per annum subscription (£9,300 per year). The 'best' estimate is the average between the 'high' and 'low' estimates which is £7,750.

#### *Sorting of catch (proposed Regulation 8)*

There is unlikely to be a cost associated with this measure. The Regulation may require vessels to spend more time sorting catch over the area which had previously been fished instead of doing so whilst steaming home, which will potentially have a nominal cost in terms of the fishers time (and potentially a knock on effect to wages based on an hourly rate).

However, this Regulation is considered an important measure in relation to preventing the spread of any diseases found on particular shellfish beds. The Wash cockle fisheries currently suffer high levels of mortality (known as 'atypical mortality'), the cause of which is not confirmed. The effects of this mortality are currently limited to certain areas within The Wash but could spread throughout without suitable biosecurity measures.

Whilst the benefits of the measure cannot be accurately reflected in monetary value, prevention of the spread of 'atypical mortality' reduces the likelihood of economic losses through large scale mortality events.

#### *Daily Catch Restrictions (cockles) (proposed Regulation 9)*

Existing Regulations restrict catch of cockles from a hand-work cockle fishery to two tonnes per calendar day. The proposed Regulation 9 enables Eastern IFCA to vary the daily catch restriction. This will enable Eastern IFCA to manage exploitation more dynamically to reflect the needs of the fishery in line with the WFO Fisheries Management Plan.

Varying the daily catch restriction is not anticipated to have an economic impact on fisheries. As per the WFO Fisheries Management Plan, the daily catch restriction will not be reduced to below the established two tonnes per day. Increasing the catch restriction (i.e. to three or four tonnes per day) will enable the majority of fishers to take additional catch.

#### *Weekly catch returns (proposed Regulation 13)*

This is already an established requirement on fishers which has previously been reflected as a licence condition. Whilst there is a burden on fishers time in

completing such, Eastern IFCA does provide pre-paid envelopes to mitigate the cost of postage.

The fishery is managed through a 'total allowable catch' – the removal of which is monitored through the analysis of data provided by the fishers. Accurate and timely catch returns are therefore crucial to the management of the fishery. However, compliance with this measure is relatively poor and the inclusion of this measure as a Regulation rather than a licence condition increases the deterrent to non-compliance as it will have a higher associated 'penalty level' (and higher associated fines for non-compliance). Increased compliance with this measure reduces the risk of Eastern IFCA closing a fishery prematurely as a result of limited fisheries data and as such will likely have a beneficial effect (i.e. the fishery is less likely to be closed precautionarily as the Total Allowable Catch is approached).

*Transshipping prohibition, requirement to land (cockles) and dual fishing prohibition (proposed Regulations 14, 15 and 16 respectively)*

No costs are anticipated with these proposed regulations which are primarily 'administrative' in their nature. The measures do however reduce the risk of non-compliance which has the benefit of reducing potential prosecution costs and costs associated with over-fishing and habitat damage.

*Standard Bags (proposed Regulation 17)*

There is a cost associated with the procurement of 'bags' of the required specification however, this is already an established requirement on fishers which has previously been reflected as a licence condition.

*Prop washing (proposed Regulation 18)*

No additional costs are anticipated as a result of this Regulation as it effectively 'relaxes' the original regulation which prohibited 'prop-washing' in any form. This enables fishers to employ a fishing method which is more effective and less time-consuming than 'traditional' hand-raking alone. As such it is likely to have a beneficial economic impact although this cannot be accurately reflected as a monetary value.

### **Public costs / benefits**

There are limited 'public costs' associated with these measures. The requirement for vessels to use iVMS will most likely reduce costs to the Authority in relation to enforcement as it acts as a deterrent (particularly in relation to 'closed areas') and provide additional evidence in any case brought against fishers saving time and resource on the part of the fishers and the public purse.

### **One In Two Out (OITO)**

**OITO is not applicable as the proposal relates to local government Regulation introducing local management and therefore not subject to central government processes.**

## **Small firms impact test and competition assessment**

**No firms are exempt from the proposed Regulations as it applies to all firms who use the area, it does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.**

## **Conclusion**

The proposed Regulations reflect the evolution of the Wash fisheries, particularly the cockle fishery, since the Wash Fishery Order (1992) was developed. In addition, modern practices in the wording of regulations have been applied to provide more clarity and make the regulations more easily understood.

There are limited impacts on the fishers in relation to the effects of the new regulations which are primarily a result of the cost of maintaining electronic monitoring devices. These costs are considered of small scale in the context of shellfish fisheries worth in excess of £1 million per annum on average.

## ***Recommended option:***

The recommended option is option 1.

## Annex A: Policy and Planning

Which marine plan area is the MPA and management measure in?

East Inshore Marine Plan

Have you assessed whether the decision on this MPA management measure is in accordance with the Marine Policy Statement and any relevant marine plan?

- Yes

If so, please give details of the assessments completed:

Marine Plan Policy	Policy Text	Policy screened in or out from assessment	Assessment of plan policy
<b>Policy AGG1</b>	Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised unless there are exceptional circumstances.	×	Does not apply.
<b>Policy AGG2</b>	Proposals within an area subject to an Exploration and Option Agreement with The Crown Estate should not be supported unless it is demonstrated that the other development or activity is compatible with aggregate extraction or there are exceptional circumstances.	×	Does not apply.
<b>Policy AGG3</b>	Within defined areas of high potential aggregate resource, proposals should demonstrate in order of preference: a) that they will not, prevent aggregate extraction b) how, if there are adverse impacts on aggregate extraction, they will minimise these c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the application if it is	×	Does not apply.

	not possible to minimise or mitigate the adverse impacts		
<b>Policy AQ1</b>	<p>Within sustainable aquaculture development sites (identified through research), proposals should demonstrate in order of preference:</p> <p>a) that they will avoid adverse impacts on future aquaculture development by altering the sea bed or water column in ways which would cause adverse impacts to aquaculture productivity or potential</p> <p>b) how, if there are adverse impacts on aquaculture development, they can be minimised</p> <p>c) how, if the adverse impacts cannot be minimised they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	×	
<b>Policy BIO1</b>	Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).	✓	The measures will further the ecosystem functioning within the Wash and North Norfolk Coast SAC with potentially positive effect on biodiversity.



<b>Policy BIO2</b>	Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.	×	
<b>Policy CAB1</b>	Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant.	×	Does not apply.
<b>Policy CC1</b>	Proposals should take account of: <ul style="list-style-type: none"> <li>• how they may be impacted upon by, and respond to, climate change over their lifetime and</li> <li>• how they may impact upon any climate change adaptation measures elsewhere during their lifetime</li> </ul> Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.	✓	These management measures are likely to result in increased ecosystem functioning which will provide additional resilience to natural systems.
<b>Policy CC2</b>	Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal.	✓	Measures will have little impact on emissions of greenhouse emissions.

<b>Policy CCS1</b>	<p>Within defined areas of potential carbon dioxide storage,(mapped in figure 17)proposals should demonstrate in order of preference:</p> <p>a) that they will not prevent carbon dioxide storage</p> <p>b) how, if there are adverse impacts on carbon dioxide storage, they will minimise them</p> <p>c) how, if the adverse impacts cannot be minimised, they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	×	Does not apply.
<b>Policy CCS2</b>	<p>Carbon Capture and Storage proposals should demonstrate that consideration has been given to the re-use of existing oil and gas infrastructure rather than the installation of new infrastructure (either in depleted fields or in active fields via enhanced hydrocarbon recovery).</p>	×	Does not apply.
<b>Policy DD1</b>	<p>Proposals within or adjacent to licensed dredging and disposal areas should demonstrate, in order of preference</p> <p>a) that they will not adversely impact dredging and disposal activities</p> <p>b) how, if there are adverse impacts on dredging and disposal, they will minimise these</p> <p>c) how, if the adverse impacts cannot be minimised they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or</p>	×	Does not apply

	mitigate the adverse impacts		
<b>Policy DEF1</b>	Proposals in or affecting Ministry of Defence Danger and Exercise Areas should not be authorised without agreement from the Ministry of Defence.	×	Does not apply
<b>Policy EC1</b>	Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported.	✓	Shellfish fisheries within The Wash are of national importance. Management will allow for longer-term, sustainable fisheries to be continued in the absence of larger quotas in other fisheries.
<b>Policy EC2</b>	Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas.	✓	At least three processor plants (which process shellfish) are known to process shellfish from The Wash – furthering viable shellfish fisheries will support jobs in addition to fishing activity (e.g. factory cleaners, admin etc.).
<b>Policy EC3</b>	Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.	×	Does not apply.

<b>Policy ECO1</b>	Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.	✓	The management of the Wash shellfish fisheries, in line with the Habitat Regulations (2010), will have a benefit on the biodiversity and wider ecosystem functioning and services.
<b>Policy ECO2</b>	The risk of release of hazardous substances as a secondary effect due to any increased collision risk should be taken account of in proposals that require an authorisation.	✓	Measures are not likely to increase the likelihood of collisions.
<b>Policy FISH1</b>	Within areas of fishing activity, proposals should demonstrate in order of preference: a) that they will not prevent fishing activities on, or access to, fishing grounds b) how, if there are adverse impacts on the ability to undertake fishing activities or access to fishing grounds, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with their proposal if it is not possible to minimise or mitigate the adverse impacts	✓	None of the proposed regulations are likely to prevent fishing opportunity.
<b>Policy FISH2</b>	Proposals should demonstrate, in order of preference: a) that they will not have an adverse impact upon spawning and nursery areas and any associated habitat b) how, if there are adverse impacts upon the spawning and nursery areas and any associated habitat, they will minimise them	✓	Shellfish fisheries (molluscs) are unlikely to impact on nursery habitats.

	<p>c) how, if the adverse impacts cannot be minimised they will be mitigated</p> <p>d) the case for proceeding with their proposals if it is not possible to minimise or mitigate the adverse impacts</p>		
<b>Policy GOV1</b>	Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.	×	Does not apply.
<b>Policy GOV2</b>	Opportunities for co-existence should be maximised wherever possible.	×	Does not apply.
<b>Policy GOV3</b>	<p>Proposals should demonstrate in order of preference:</p> <p>a) that they will avoid displacement of other existing or authorised (but yet to be implemented) activities</p> <p>b) how, if there are adverse impacts resulting in displacement by the proposal, they will minimise them</p> <p>c) how, if the adverse impacts resulting in displacement by the proposal, cannot be minimised, they will be mitigated against or</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts of displacement</p>	✓	No displacement anticipated.
<b>Policy MPA1</b>	Any impacts on the overall Marine Protected Area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an	✓	The proposed regulations manage fishing activities such that they are not incompatible with the conservation objectives of the Wash and North

	ecologically coherent network.		Norfolk Coast SAC or the Wash SPA.
<b>Policy OG1</b>	Proposals within areas with existing oil and gas production should not be authorised except where compatibility with oil and gas production and infrastructure can be satisfactorily demonstrated.	✓	Does not apply.
<b>Policy OG2</b>	Proposals for new oil and gas activity should be supported over proposals for other development.	×	Does not apply.
<b>Policy PS1</b>	Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance should not be authorised in International Maritime Organization designated routes.	×	Does not apply.
<b>Policy PS2</b>	Proposals that require static sea surface infrastructure that encroaches upon important navigation routes (see figure 18) should not be authorised unless there are exceptional circumstances. Proposals should: a) be compatible with the need to maintain space for safe navigation, avoiding adverse economic impact b) anticipate and provide	×	Does not apply.

	for future safe navigational requirements where evidence and/or stakeholder input allows and c) account for impacts upon navigation in-combination with other existing and proposed activities		
<b>Policy PS3</b>	Proposals should demonstrate, in order of preference: a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this c) how, if the interference cannot be minimised, it will be mitigated d) the case for proceeding if it is not possible to minimise or mitigate the interference	✓	Does not apply.
<b>Policy SOC1</b>	Proposals that provide health and social well-being benefits including through maintaining, or enhancing, access to the coast and marine area should be supported.	✓	Does not apply.

<b>Policy SOC2</b>	<p>Proposals that may affect heritage assets should demonstrate, in order of preference:</p> <p>a) that they will not compromise or harm elements which contribute to the significance of the heritage asset</p> <p>b) how, if there is compromise or harm to a heritage asset, this will be minimised</p> <p>c) how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or</p> <p>d) the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset</p>	×	Does not apply.
<b>Policy SOC3</b>	<p>Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:</p> <p>a) that they will not adversely impact the terrestrial and marine character of an area</p> <p>b) how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them</p> <p>c) how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	×	Does not apply.



<b>Policy TIDE1</b>	<p>In defined areas of identified tidal stream resource (see figure 16), proposals should demonstrate, in order of preference:</p> <p>a) that they will not compromise potential future development of a tidal stream project</p> <p>b) how, if there are any adverse impacts on potential tidal stream deployment, they will minimise them</p> <p>c) how, if the adverse impacts cannot be minimised, they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	×	Does not apply.
<b>Policy TR1</b>	<p>Proposals for development should demonstrate that during construction and operation, in order of preference:</p> <p>a) they will not adversely impact tourism and recreation activities</p> <p>b) how, if there are adverse impacts on tourism and recreation activities, they will minimise them</p> <p>c) how, if the adverse impacts cannot be minimised, they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	×	

<b>Policy TR2</b>	<p>Proposals that require static objects in the East marine plan areas, should demonstrate, in order of preference:</p> <p>a) that they will not adversely impact on recreational boating routes</p> <p>b) how, if there are adverse impacts on recreational boating routes, they will minimise them</p> <p>c) how, if the adverse impacts cannot be minimised, they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	✓	Proposals do not require static objects to be used.
<b>Policy TR3</b>	<p>Proposals that deliver tourism and/or recreation related benefits in communities adjacent to the East marine plan areas should be supported.</p>	✓	No direct effect on this policy although, increased ecosystem functioning will potentially increase the value of the site with regards to designated species (including for example, migratory bird species) which could lead to increased benefits through tourism.
<b>Policy WIND1</b>	<p>Developments requiring authorisation, that are in or could affect sites held under a lease or an agreement for lease that has been granted by The Crown Estate for development of an Offshore Wind Farm, should not be authorised unless</p> <p>a) they can clearly demonstrate that they will not compromise the construction, operation, maintenance, or decommissioning of the Offshore Wind Farm</p> <p>b) the lease/agreement for</p>	×	Does not apply.

	<p>lease has been surrendered back to The Crown Estate and not been re-tendered</p> <p>c) the lease/agreement for lease has been terminated by the Secretary of State</p> <p>d) in other exceptional circumstances</p>		
<b>Policy WIND2</b>	Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.	×	Does not apply.

### Vision

The Eastern Inshore Fisheries and Conservation Authority 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



### Action Item 14d

## 27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

15<sup>th</sup> February 2017

**Report by:** Luke Godwin, T/Senior IFCO / Staff Officer

### Wash Fishery Order 1992 Policy Review

#### **Purpose of report**

To inform members of an initial review of the current Wash Fishery Order 'Policy Notes' and to propose interim changes pending completion of a full review.

#### **Recommendations**

Members are recommended to:

- **Note** the content of the paper
- **Agree** to the changes to policy notes as set out in Appendix 1
- **Agree** to implement interim policies as set out in Appendix 2
- **Direct** Officers to undertake further review and revision of the policy notes, including consultation with license holders.

#### **Executive Summary**

The Wash Fishery Order 1992 (WFO) enables Eastern IFCA to licence fishing activity for certain shellfish fisheries within The Wash. This is administered as per the provisions of the WFO but also within the framework provided by the 'management policy statement and guidance notes'. These have been subject to a review.

The review has identified that many of the current 'policy notes' do not constitute policy but are either guidance or restrictions, which sometime duplicate the WFO 1992 or associated Regulations. It is proposed that these are removed to provide some additional clarity to the document. Other notes have been identified as in contradiction to the WFO and it is recommended that these are removed. Further amendments have been recommended to reduce the potential risk of legal challenge, should Eastern IFCA action the policies.

It is recommended that all current policy notes are replaced by interim policy notes and over-arching policies in the short-term pending a more complete review and revision of the policy notes. It is recommended that such a review is undertaken which will include consultation with the industry, legal advisors and Defra.

## **Background**

The Wash Fishery Order 1992 (WFO) includes provisions which enable Eastern IFCA to administer licences to fish within certain shellfish fisheries within the Wash. The key provisions of the Order are as follows:

- Eastern IFCA can issue licences in such numbers and to such persons as it considers appropriate;
- a person is entitled to a licence by Article 8(8)(b) i.e. they have held a licence within the last 24 months, subject to any limits on the number of licences or the number of relevant offences relating to an applicant.

To augment the provisions of the Order, a 'management policy statement' has been developed over time, which provides a framework for administering the provisions of the Order.

Policy notes have been implemented and amended several times since the enactment of the Order. As such the 'management policy statement' has become disjointed, difficult for a lay person to understand and can be interpreted inconsistently. Many of the policies are now inappropriate because they were introduced in response to a specific issue relevant at a specific time. Furthermore, contemporary issues are not reflected and require further consideration.

## **Report**

The existing policy notes have been reviewed and recommendations for each are set out in Appendix 1. Key changes are described below. It is proposed that these amendments are introduced as an interim measure, pending further review of the measures. It is also proposed that some 'over-arching' policy statements are introduced to provide additional clarity pending a more complete review. Interim policy notes and an overarching policy statement are set out in Appendix 2.

Development of new policy notes will require further dialogue with the industry, legal advisors and Defra. New policy notes will reflect contemporary issues relating to the WFO and will provide additional clarity in how Eastern IFCA administers the licencing system. Recommendations with regards to the direction of travel for new policy notes are also presented below, including some of the key contemporary issues which should be considered.

## **Interim measures**

Interim measures are proposed to reduce the risk of legal challenge in relation to the current wording of the policy notes and to generally simplify the current policies.

### Separation of genuine 'policy' from guidance and regulation

The management policy statement currently includes guidance and some restrictions as well as 'policy'. The separation of these is considered to provide additional clarity for fishers. The table in Appendix 1 indicates the notes which correspond to actual policy as opposed to guidance or regulation.

Policy notes 7 and 8 are recommended as new Regulations in Action Item 14c of this meeting.

It should be noted that the removal of any policy notes which reflect existing legislation (i.e. are considered guidance) does not in any way suggest that the regulation should not be complied with and is simply removing unnecessary duplication.

**Recommendation** – that the changes to policy notes identified as guidance or restrictions (as set out in Appendix 1) are removed.

It should be noted that all policy notes that are to remain are set out in Appendix 2.

#### Key issues identified with policy notes

Development of policy notes since the enactment of the Order has led to over complication and misinterpretation. This is particularly the case in relation to the interpretation of an 'entitlement' and the 'issuing' of licences. Some of the policy notes are very poorly worded potentially representing a risk of legal challenge to the Authority.

#### Vessel named on a licence

Policy note 4 states that *'no vessel named in a licence issued under Article 8 of the Order may be used to dredge, fish for or take the prescribed species within the regulated fishery under the authority of such a licence unless...'*

The wording of this Policy note is more aligned to a regulation rather than a condition of the issuing of a licence. Given that this note implies that a licence is already issued in association with a named vessel, this policy note is not effective. In addition, policy notes do not represent restrictions which can be enforced (save for the refusal to issue a licence), therefore, a person in contravention of this note would not be liable to enforcement action.

Further, the policy note contained reference to the Ministry of Agriculture, Fisheries and Food (MAFF) rather than the Marine Management organisation.

**Recommendation** – the wording is amended to reflect its status as a policy note, rather than a regulation as follows (also presented in Appendix 2, note 2 - amendments in bold):

***No vessel shall be named on a licence issued under Article 8 of the Order unless such a vessel is a British Registered Fishing Vessel and in possession of the relevant licence issued by the Marine Management Organisation (MMO) applicable to its length. The production of the Registration Certificate and the relevant MMO licence must accompany any application by the owner for a licence.***

#### Conflict between Policy note 12 and the moratorium on issuing new licences

The moratorium on issuing licences was agreed at a Marine Protected Areas Sub-Committee meeting in November of 2011. The Moratorium is in place to allow for a review to be conducted into 'latent capacity' within the fishery but related only to the issuing of 'new' licences (i.e. to persons who do not have an entitlement to a licence) to allow for the continuation of business reliant on the WFO fisheries.

Policy note 12 requires that Eastern IFCA 'shall' issue a licence to a person who becomes the owner of a vessel which was previously named on a licence. Consideration of the wording of note 12 indicates that this is an unintended consequence of the wording of the policy.

Legal advice has been sought on the interpretation of policy note 12. Officers have been advised that, the current wording leaves little room for discretion by the Authority in relation to issuing a licence to the owner of a vessel which was previously named on a licence (further details in Action item 20).

This amounts to a distinct loophole which enables persons to circumvent the waiting list and the moratorium on new licences being issued by purchasing a vessel which was previously named on a WFO licence. Furthermore, it effectively increases the value of any vessel named on a WFO licence as it guarantees the new owner will be able to participate in WFO fisheries.

**Recommendation** – Policy note 12 is amended such that there is no requirement on Eastern IFCA to issue a licence to a person who purchases a vessel which was named on a licence (proposed wording presented in Appendix 2 – note 3).

#### Relevant offences and loss of entitlement

Policy Notes 18 and 19 relate to fishers losing their entitlement to a licence where they have committed relevant offences. This is provided for in Article 8(9) of the Order which states that if a licence holder has committed a 'relevant offence' on two or more occasions within 24 months of an application, they do not have an entitlement to a licence. In addition, the Order refers to the eligibility of persons to be named on a licence as a nominated representative, applying the same rule.

The policy notes go further than the provision of the Order:

- Note 18 – states that being convicted of two offences over a period of 5 years removes an entitlement;
- Note 19 – states that being convicted of a single 'relevant offence' or a 'policy note' removes an entitlement.

These are in contradiction to the Order i.e. if Eastern IFCA refused a licence to a person as per these policy notes, we may be doing so in contravention of the Order. This would present a potential risk of legal challenge.

The Marine and Coastal Access Act 2009 did amend the Sea Fisheries (Shellfish) Act 1967, to reduce the number of 'relevant offences' which needed to be committed before an 'entitlement' could be removed from two to one. This amendment was not however, reflected in the WFO as an amendment. As such, there remains some legal ambiguity as to whether Eastern IFCA could lawfully apply notes 18 and 19.

**Recommendation** – Policy notes 18 and 19 are removed. The potential for the removal of an entitlement in relation to 'relevant offences' is investigated as per Article 8(9) of the Order. Further dialogue with Defra is undertaken with regards to the implementation of the amendment in the Sea Fisheries (Shellfish) Act 1967 in relation to the WFO.

### 'Pre-qualified list' criteria and crew safety certificates

Policy notes 13 and 14 require that for anyone to be named on a licence or act as skipper on a vessel within a WFO fishery, they must meet certain criteria. These are a suitable level of experience of fishing in The Wash and relevant safety training. These policy notes promote safe working practices at sea and prevent damage being caused to the environment through a lack of working knowledge.

**Recommendation** – Policies relating to 'pre-qualification' criteria are retained. Policy notes 13 and 14 are amended to simplify the wording and are consolidated into a single policy note (note 4 – Appendix 2).

### **Overarching Policy Statement**

Given the ambiguity of the wording of some of the measures, it is proposed that an overarching policy statement is produced as an additional interim measure. This sets out the key objectives of the Authority in relation to the licence system and clarifies the intention of the policy notes.

**Recommendation** – The interim policy notes are supplemented with the following over-arching policies:

- Pending the completion of a review of the policy, Eastern IFCA will not issue any licences to persons who are not entitled to such and will not consider applications from the waiting list.
- Eastern IFCA may consider the issuing of a licence to a person without an entitlement only when the continuation of a business is at risk.
- Changes to vessels named on licence should only be because of vessel breakdown or pre-notified vessel replacement.
- Eastern IFCA will investigate changes in the ownership of vessels and changes to the named representatives or Deputies of licences so as to deter any attempted circumvention of the moratorium or waiting list.
- Only fishers with relevant experience and safety training will be permitted to fish under WFO licences to prevent damage to the Wash or unsafe practices.

### Development of new policy notes

A more complete review of the 'policy notes' is recommended with the following objectives:

- Policy notes written in plain English;
- Wording is amended such that policy notes are not open to different interpretations and are of least risk to legal challenge;
- Contemporary issues are identified and addressed through new policy notes.

Significant limitations have been identified in relation to the current set of policy notes. The following have been identified as being of most concern:



### *'Renting out' of licences*

The owner of a vessel who is the holder of a WFO licence can name any person (who is named on the 'pre-qualified list') on a licence to fish from their vessel. This was presumably included in the Order to allow for legitimate business models to name employees as nominated representatives.

Whilst the Order requires the licence holder to be the 'owner' of a vessel, it does not distinguish between a 'legal owner' and a 'beneficial owner'. The legal owner of the vessel may have the majority shares in the vessel but a third party may be the beneficial owner, retaining the majority of any income generated by the vessel. As such, a person with an entitlement to a licence can come into ownership of a vessel 'on paper' such that the 'real' owners can fish within the WFO fisheries as a nominated representative.

There are concerns that in some cases, licences are currently being 'rented out' in this way when they should have been 'given up' such that the licence could eventually be issued to a person on the waiting list. This has caused some conflict within the industry, particularly in relation to persons from 'outside' of the local area gaining access to the fishery whilst 'local fishers' may still be on the waiting list.

Ultimately this has the effect of diluting Eastern IFCA's control over the management of the licence system and our ability to service any requests on the waiting list. This is obviously an unintended consequence of the Order and policy notes which is not conducive to the ultimate aims of the Authority.

There is the potential that the interim amendment to policy note 12 (proposed policy 3 – Appendix 2) will have the effect of addressing this, at least in part, but further consideration is required.

### *Transfer of ownership of a vessel*

The Order states that a licence is issued "to the applicant, who shall be the owner of the vessel...". This is further expanded upon in policy note 4 which requires the production of the vessels 'registration certificate' and associated 'MAFF licence'. These are used to determine if the applicant is the genuine owner of the vessel.

Concerns have been raised that such documents are too easily amended and/or produced fraudulently. It has been suggested that Eastern IFCA should request an MCA safety inspection certificate in addition to the Certificate of Registry to establish ownership.

Having liaised with the MCA with regards to the issue we have been advised that this would not provide any additional evidence as to the ownership of a vessel as the Safety Certificate is requested by the MCA and is checked prior to a Certificate of Registry being issued. With regards to fraudulent claims of the transfer of ownership, this would be an issue regardless as either document could be faked.

### Waiting list

The waiting list does not currently form part of the 'policy notes' and as such, the manner in which it operates is interpreted solely from previous meeting papers and minutes. The list was originally intended to operate under a 'first come first serve' basis. At the Statutory Meeting of 25 July 2007, officers proposed that the number of licences currently held by a person should be taken into account when determining who should get next licence (i.e. if a person did not have a current licence, they would be considered ahead of those on the list who do hold a licence). Members directed officers to consult further with the industry. It does not appear that this was ever considered further.

Pending a review on the appropriate number of licences, applications on the waiting list will not be considered. In the event that further licences can be issued, the manner in which the applicants on the waiting list are considered requires consideration. Furthermore, it is unlikely that all those on the waiting list will be able to fish under a WFO licence before the Order expires in 2022, given the current slow rates of licence turnover.

It is proposed that consideration of applications on the waiting list forms part of the proposed review and that further legal advice is sought.

### Number of licences

At a Statutory Meeting of the Committee April 29 2009, members directed officers to further consult the industry on the reduction of cockle dredge licences to 55 however, it appears that this didn't happen. A key aspect of this reduction which officers were intending to investigate was whether the number of 'dredge' licences could be reduced without also reducing the number of 'hand-work' licences.

The 'entitlement' to a licence is subject to any limitation on the number of licences issued in any one year (which is in turn subject to any direction from the Minister). Given that a dredge fishery is unlikely in the near future and that the number of licences could be limited in any case, it is proposed that the review recommended in 2009 with regards to dredging licences is regarded as discontinued. Should a dredge fishery occur a Habitats Regulation Assessment will be produced which would likely indicate a suitable number of licences to prevent damage to the site and over-exploitation of the stock.

The Marine Protected Areas Sub-Committee also placed a moratorium on the issuing of hand-work licences in 2011, pending a review into the appropriate levels of exploitation. The current long-term Habitats Regulation Assessment indicates that the number of licences issued does not have a significant impact on the site. As such, it is considered that any limitation on the number of licences would relate solely to the socio-economics and sustainability of the fishery.

**Recommendation** – The moratorium on issuing WFO licences is reaffirmed to enable officers to conduct a longer-term review of how the WFO licencing system is administered (as set out in the over-arching policies at Appendix 2).

## **Impacts**

No impacts are identified because of the interim measures. These reflect a status quo in relation to what was originally intended through the policy notes. The recommended changes are largely administrative in nature.

## **Financial implications**

No significant financial implications have been identified aside from some relatively minor costs associated with consultation and legal advice.

## **Legal implications**

Eastern IFCA is empowered to implement restrictions on the issuing of licences (Article 8(5) of the Order states that, *subject to any directions given by the Minister, Eastern IFCA may issue licences... to such persons... as the [Authority] may determine*) and policy notes reflect restrictions on the issuing of licences as under this provision.

The development of new 'policy notes' will include dialogue with Defra to determine if the Minister wishes to make any directions with regards to the policy notes to ensure due process is observed.

The current wording of the 'policy notes' potentially leaves Eastern IFCA at risk of challenge, particularly with regard to policy note 12. As such, the interim measure of suspending the issuing licences of policy note 12 is considered an appropriate measure to reduce the risk of legal challenge.

## **Conclusion**

It is proposed that the 'Management Policy Statement' is ultimately replaced with new conditions however, this will require further dialogue with the industry, legal advisors and Defra. It is recommended that some interim policy notes are implemented in the short term pending completion of the wider review. These interim policies reflect those that are required for effective management of the licencing system. It is also proposed the interim policy notes are supplemented with an over-arching policy statement to aid the interpretation of the existing notes. This is intended to reduce any risk of legal challenge in the short-term.

## Appendix 1 – Review of policy notes

Note	Brief	Addition to Order or Regulations (yes/no)	Found in	Recommendation / rationale
1	Prohibition on persons fishing without a licence	no	Order - 8(1)	<b>Remove</b> – Reflects a provision of the Order (duplication)
2	No person to be named on a licence (including a nominated representative) unless they appear on the pre-qualified list	yes	n/a	<b>Retain in Policy / further review</b> – The ‘pre-qualified list’ is a register of persons with appropriate experience and a safety qualification. Restricting the issuing of licences to these persons reduces the risk of damage to the site and promotes safe practice within the fishery. It is recommended that, the wording of this note and the reliance on local fisheries associations to determine suitable experience are reviewed.
3	No person shall fish from a vessel within WFO unless named on a licence	No	Order – 8(2)	<b>Remove</b> – Reflects a provision of the Order (duplication)
4	Requires a vessel named on a licence to be a British Registered Vessel and for the vessel to be named on a relevant licence from Defra/MMO. It requires a certificate of registry to be produced to show ownership and It also requires that the PLN and name of the vessel is clearly displayed on the vessel (ref MSA 1995)	Yes	n/a	<b>Retain in Policy (with amendment) / further review</b> – The production of a Certificate of Registry is required to determine ownership and ensure vessels named on a licence are owned by the licence holder in accordance with the Order (Article 8(2)). The wording of the policy requires amending to reflect that a licence shall not be issued unless the vessel is British registered etc. It is recommended that the wording of this note and the potential to require further evidence (to determine ownership of a vessel) is introduced as an interim measure and is further reviewed going forward.
5	Owner and skipper must be named on the licence and any other ‘deputy’ must have written consent from the Authority	No	Order - (3)	<b>Remove</b> – Reflects a provision of the Order (duplication)
6	Tolls payable for licence	No	Order - 9(1) and 9(2)	<b>Remove</b> – Reflects a provision of the Order (duplication)
7	Maximum daily catch	No	Regulations	<b>Remove</b> – Reflects a provision of the recommended Regulations (Action paper 15c of this meeting).
8	Catch returns data must be submitted to the Authority on the 5 <sup>th</sup> day of every month	Yes	n/a	<b>Remove</b> – Reflects a requirement of the management measures (i.e. to complete catch returns) but incorrectly refers to monthly rather than weekly returns. Reflects a

				provision of the recommended Regulations (Action paper 15c of this meeting).
9	Numbers of licences may be determined by Authority to limit times, manner and parts of fishery.	No	Order – 8(5)	<b>Remove</b> – Reflects a provision of the Order (duplication)
10	Number of licences may be limited in any given year subject to direction from the Minister. Eastern IFCA will consult on any such limitations.	No	Order - 8(3)	<b>Remove</b> – Reflects a provision of the Order (duplication)
11	Licence valid for 12 months and EIFCA can suspend all licences to prevent over-exploitation of stocks	Yes/No	Order – 8(4)	<b>Remove</b> – Article 8(4) of the Wash Fishery Order states that licences are valid for 12 months. This policy note also includes an ability to ‘suspend all licences’ to limit exploitation of a stock and that Eastern IFCA will consult with the industry before doing so. The management of fisheries includes a TAC and management measures (formalised as licence conditions) include the suspension of a fishery in relation to limiting the exploitation of stocks. As such, it is proposed that this is not required and it is recommended that it is removed.
12(i)	If a vessel named on a licence changes ownership then the licence is cancelled.	Yes/no	8(3)	<b>Retain in Policy / further review</b> – The Order states that a licence shall be issued to the owner of a vessel named on a licence. If the vessel is no longer owned by that person then, it could be assumed that the licence is invalid as an outcome of Article 8(3) although this is not explicitly specified itself in the Order. It is recommended that the wording of this is reviewed.
12(ii)	If the vessel is sold to a pre-qualified person, a licence shall be issued to the new owner if they appear on the ‘pre-qualified list’.	Yes	n/a	<b>Remove</b> – The wording of this note requires Eastern IFCA to issue a new licence to a person without an entitlement if they purchase a vessel which was named on a licence. This conflicts with the moratorium on the issue of new licences.  Furthermore, if a licence holder sells a vessel, they are still entitled to another licence under 8(8) and as such, this could result in one licence being issued to the new owner and another licence being ‘re-issued’ to the original entitlement holder although, it is thought that this was not the intended effect of the note.

				<p>An amendment was made to this policy note in 2008 which stated “a licence would only be re-issued if the vessel was sold to a current entitlement holder not already having a vessel licenced on an entitlement” and this was published to entitlement holders in a letter (24 April 2008).</p> <p>However, the amendment was intended to prevent the ‘maintenance of an entitlement’ (i.e. where entitlement holders were swapping licences around different vessels to fulfil the criteria of Article 8(8)(b)). Furthermore, the policy note is very poorly worded, leaving room for legal ambiguity.</p>
12(iii)	The committee shall have discretion as to re-issuing a licence in the following circumstances – 1. The licensee is replacing his vessel with another or 2. Special circumstances relating to the transfer of ownership between close relatives	Yes	n/a	<b>Retain in Policy / further review</b> – this part of note 12 refers to ‘re-issuing’ of licences, rather than the issuing of new licences. This note gives EIFCA discretion to allow for vessel replacements and change of ownership of vessels between family members. It is recommended that the wording of this is reviewed and concerns regarding the continuation of businesses is considered in the new wording.
13	Definition of a pre-qualified person as a person appearing on the register (see next note) and as having certificates relevant to the Fishing Vessels (Safety Training) Regulations 1989	Yes	n/a	<b>Retain in policy / further review</b> – Restricting the issuing of licences to persons named on the ‘pre-qualified list’ reduces the risk of damage to the site and promotes safe practice within the fishery. It is recommended that the wording of this is reviewed in addition to a review of the process and requirements to be named on the list. As an interim measure, the wording has been simplified to include the process outlined in note 14 (below)
14	Process for adding a person to the pre-qualified list – include three years’ experience in The Wash, endorsement of experience from an association and approval by the Authority.	Yes	n/a	<b>Retain in policy / further review</b> – This policy note is very poorly worded and requires amending. It is recommended that the wording of this is reviewed in addition to a review of the process and requirements to be named on the list. As an interim measure, the wording has been simplified to include the requirement under note 13 (above).
15	When asked by an officer, a licence holder must provide his licence or cease fishing until it can be produced	No	Order – 8(7)	<b>Remove</b> – Reflects a requirement of the Order (duplication)

16	Any person employed on a named vessel under license must have the relevant certification under Fishing Vessels (Safety Training) Regulations 1989	Yes	n/a	<b>Remove</b> – Reflects a requirement of the Fishing Vessels (Safety Training) Regulations 1989 (duplication)
17	Culch is not to be removed but returned immediately	No	Order – 11 (1), (2) & (3)	<b>Remove</b> – Reflects a requirement of the Order (duplication)
18	Persons convicted of two relevant offences within 5 years of an application may not be eligible for a licence	Yes / No	Order – 8(9)a&8(9)b	<p><b>Remove</b> – Article 8(9) provides that, if two or more ‘relevant offences’ are committed within 24 months of an application for a licence, then that person shall not be entitled to a licence (as per 8(8)(b)). The same applies to a person applying to be a nominated representative.</p> <p>This policy note goes further than the order stating that a person is not ‘entitled’ to a licence if two ‘relevant offences’ are committed within a five year period. This effectively contradicts the Order (i.e. Eastern IFCA may not issue a licence to a person so entitled under the Order based on a policy) and as such, represents a potential risk of legal challenge if actioned. As the original provision was written into the Order, it requires an amendment to the Order to change.</p> <p>This policy note also refers to old legislation (i.e. it does not reflect amendments made under MaCAA).</p>
19	Persons failing to comply with any regulations, any byelaws or any provisions in Policy Statement may be refused a licence	Yes	n/a	<p><b>Remove</b> – as described above, this is in contradiction to the Order and represents a potential risk of legal challenge if actioned. The provision within the Order provides that an entitlement is not valid in the event of two or more relevant offences.</p> <p>Whilst the Shellfish Act (1967), under which the Order was made, was amended (s.208 Marine and Coastal Access Act) to provide that a single offence would remove one’s ‘entitlement’, no amendment was made to the WFO. Furthermore, the relevant section in the Shellfish Act also requires the consent of the Minister to remove one’s entitlement in any case.</p>
20	A vessel is dedicated to an entitlement – the vessel cannot be named on the licence of another	Yes	n/a	<b>Retain as policy / further review</b> – This was added in 2008 and was intended to prevent entitlement holders from

	entitlement holder unless documentation of the change of ownership is provided.			'maintaining' an entitlement by naming different vessels in their ownership on a licence. This practice is still a potential issue and is required for effective management of the licence system. It is recommended that the wording is reviewed.
21	A vessel cannot be named on a licence issued through a particular entitlement more than once	Yes	n/a	<b>Retain as policy</b> – As above.



## **Appendix 2 – Proposed Interim Policies**

### **Wash Fishery Order 1992 Licences – Interim Policy**

1. Pending the completion of a review of policy, Eastern IFCA will not issue any licences to persons who are not currently entitled to such and will not consider applications from the waiting list.
2. Notwithstanding the generality of 1 above, Eastern IFCA may consider the issuing of a licence to a person without an entitlement only when the continuation of a business is at risk.
3. Changes to vessels named on licence will only be considered where there is a vessel breakdown or a pre-notified vessel replacement.
4. Eastern IFCA will investigate changes in the ownership of vessels and changes to the named representatives or Deputies of licences to deter any attempted circumvention of the moratorium or waiting list.
5. Only fishers with relevant experience and safety training will be permitted to fish under WFO licences to prevent damage to the Wash or unsafe practices.

### **Interim Policy notes**

1. No person shall be granted a licence under Article 8 of the Order unless such a person's name appears on a register of pre-qualified persons (see Note 4 below). Any individual acting as skipper (named representative or nominated deputy) on a WFO licensed vessel must also appear on the pre-qualified register.
2. No vessel shall be named on a licence issued under Article 8 of the Order unless such a vessel is a British Registered Fishing Vessel and the licence holder is in possession of the relevant fishing licence issued by the Marine Management Organisation (MMO) applicable to its length. The production of the Certificate of Registry and the relevant MMO fishing licence must accompany any application by the owner for a licence.
3. If a vessel named on a licence issued under Article 8 of the Order authorising the dredging, fishing for or taking of any of the prescribed species is sold then the licence shall be cancelled immediately. The Authority shall have absolute discretion to re-issue a licence in the event of the following circumstances;
  - i. if the licensee selling the vessel is replacing such vessel with another
  - ii. special circumstances relating to the transfer of ownership between close relatives.

4. A pre-qualified person shall be a person whose name appears on a register, held by the Authority. A person may be named on the register if that person can produce evidence of:
  - i. the relevant certificates required under the Fishing Vessels (Safety Training) Regulations 1989 or be exempt from such regulations by virtue of their age; and
  - ii. at least three years' experience of fishing within the Wash, with at least 16 days fishing in each year.
5. Once a vessel has been named on a licence using an entitlement, the vessel is dedicated to that entitlement. The entitlement holder and owner of the vessel cannot subsequently licence the vessel using a different entitlement. Only after presenting documentation proving a change of ownership can the entitlement holder licence a different vessel on that entitlement.
6. A vessel cannot be licensed using any entitlement held by any of the vessel's previous owners.

### Vision

The Eastern Inshore Fisheries and Conservation Authority 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



## 27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting Action Item 15

15 February 2017

**Report by:** Julian Gregory - CEO

### Wash Fishery Order 1992 Cockle Fishery 2017 Management Arrangements

#### **Purpose of report**

To seek delegated authority for the CEO, in consultation with the Chair and Vice-Chair of the Authority, to determine management measures and to open the 2017-18 cockle fishery prior to the June 2017 full Authority meeting should it be necessary to do so.

#### **Recommendations**

Members are asked to:

- **Note** the content of the report.
- **Delegate** authority to the CEO to set management measures and to open the 2017-18 WFO 1992 cockle fishery in accordance with existing policy and practice.
- **Agree** that the licence conditions set out at Appendix A will apply to the 2017-18 cockle fishery.

#### **Background**

The setting of management measures and opening of the WFO 1992 cockle fishery are decisions ordinarily taken by the Authority at a full meeting at the beginning of June each year. The 2016-17 cockle fishery in the Wash yielded an unusually high TAC of circa 8,500 tonnes, which required the introduction of contingency management measures including early opening of the fishery through an extension of the 2015-16 fishery. This opening took place prior to the June 2016 meeting of the Authority.

What appeared to be a good spat fall during the late summer/early autumn of 2016 may result in a high TAC for the 2017-18 cockle fishery. This being the case it is possible that it may be necessary to open the 2017-18 fishery earlier than normal.

**Report**

The calendar of Authority meetings for 2017 does not follow the same pattern as in previous years for several reasons, including the County Council elections in May 2017 and the subsequent allocation of County Councillors to be appointed to the Authority. The next meeting of the Authority will not take place until Wednesday 7<sup>th</sup> June 2017.

A review of the Wash Fishery Order 1992 management policy and regulations is an agreed priority for the Authority during 2016-17 and this work is currently underway. Until this is concluded and any changes have been agreed the cockle fishery will continue to operate under the existing policies and practice.

Given the possible requirement for an earlier than normal opening of the 2017-18 cockle fishery and the timing of the next Authority meeting it is suggested that authorisation to set management measures and to open the fishery is delegated to the CEO in consultation with the Chair and Vice-Chair of the Authority.

Licence conditions introduced for the 2016-17 fishery are still relevant and this being the case it is proposed that they will remain as licence conditions for the 2017-18 fishery. They can be found at Appendix A.

J. Gregory  
CEO

## **Appendix A**

### **Action item 16**

#### **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

**7 June 2017**

#### **WFO Cockle Fishery 2017 – Licence conditions**

Fishers operating under a licence issued under Article 8(1) of the Wash Fishery Order 1992 are required to undertake their fishing activities in accordance with the conditions set by the Authority as per Article 8(5) of the same Order.

The following Licence Conditions are applicable to fishers operating in the Wash Fishery Order 1992 cockle fishery 2017/18 from the date specified in Licence Condition 2 (Open date of fishery).

##### Licence Condition 1: Fishing Method

It is prohibited to fish for, take or remove from the fishery cockles using any method other than hand-working which can be augmented by prop-washing so far as it is permitted by Regulation 1 of the Wash Fishery Order 1992.

##### Licence Condition 2: Opening Date

The fishery will open on a date to be determined by the CEO

##### Licence Condition 3: Open/Closed areas

It is prohibited to fish for, take or remove from the fishery cockles from any area except those marked out as open in the charts publicised by Eastern IFCA.

##### Licence Condition 4: Days of Operation

It is prohibited to fish for, take or remove from the fishery cockles other than during publicised opening times.

##### Licence Condition 5: Catch Returns Data

An accurately completed weekly catch return form, as supplied by Eastern IFCA, must be returned for each week of fishing, to Eastern IFCA's offices by no later than the Wednesday of the week following any such fishing activity.

#### Licence condition 6: Transshipping Prohibition

It is prohibited for any licence holder fishing for, taking or removing cockles from the regulated fishery to tranship or otherwise relocate any cockles or containers of any description containing cockles, from one vessel to another.

#### Licence condition 7: Requirement to Land

All cockles fished for, taken or removed from the regulated fishery must be taken straight to port and landed and must not be left on the sand or deposited in the water in bags or other containers for later collection.

#### Licence condition 8: Dual Fishing Prohibition

It is prohibited for any person/vessel to fish for, take or remove from the regulated fishery any cockles on the same calendar day as fishing for, taking or removing cockles from outside the regulated fishery or from a lay granted under the Wash Fishery Order 1992.

#### Licence condition 9: Standard Bags

No person shall land cockles or mussels fished for, taken or removed from the regulated fishery in any container other than a bag which must;

(1) be of the following dimensions:

- a. 120 centimetre meters or 60 centimetre meters in height
- b. 97 centimetre meters in depth
- c. 97 centimetre meters in width

(2) have the words 'Wash Fishery Order' written on at least two sides with lettering which is at least 4 inches tall.

### **Vision**

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## **Action Item 16**

### **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

**15 February 2017**

**Report by:** A Bakewell – Head of Finance

### **Revision of WFO Licence Tolls**

#### **Purpose of report**

To inform members of the proposal for setting the WFO licence fee for the year 2017/2018.

#### **Recommendations**

Members are recommended to:

- **Agree** to no change to the current charge for a WFO licence for the coming year pending conclusion of the ongoing review of licence fees.

#### **Background**

The decision taken at the EIFCA meeting on 22<sup>nd</sup> January 2012 agreed to increase the WFO licence tolls by inflation each year for a period of five years. This was consented by the minister for the period up to 31<sup>st</sup> March 2017. Although it was further agreed that the position would be reviewed each January, officers feel that as any increase would affect licences renewed after the 31<sup>st</sup> March and considering the current review of licence fees it is recommended that no increase should be affected this year.

### **Vision**

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## **Action Item 17**

### **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

15 February 2017

**Report by:** Julian Gregory - *CEO*

### **Meeting of the Regulation & Compliance Sub-committee held on 13 December 2017**

#### **Purpose of report**

To inform members of the key outputs and decisions from the Regulation & Compliance Sub-Committee meeting held on 13 December 2017.

#### **Recommendations**

Members are asked to:

- **Note** the content of the report.

#### **Update**

Members considered two papers covering the proposed Shrimp Byelaw 2016 and the Marine Protected Areas Byelaw 2017. The Shrimp byelaw will introduce a permit scheme for fishing together with associated management measures. When combined with new closed areas to be introduced by the Marine Protected Areas byelaw these will have the effect of meeting the conservation objectives required in The Wash MPAs.

The Marine Protected Areas Byelaw 2017 will replace the Protected Areas Byelaw 2014 and will not have the same flexibility afforded by that byelaw following further consideration by Defra.

Both byelaws were made by the sub-committee and will go to formal consultation during the first quarter of 2017.

#### **Background Papers**

Unconfirmed minutes of the Regulation and Compliance sub-committee meeting held on the 13 December 2017.



### Vision

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## Action Item 18

### 27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

15 February 2017

**Report by:** Julian Gregory - *CEO*

### Bass Management Measures

#### **Purpose of report**

To advise members of the EU bass management measures to be introduced for 2017 and to seek delegated Authority for the CEO, in consultation with the Chair and Vice-Chair to make an emergency byelaw to ensure that the intended effect of the EU regulations to protect spawning aggregations of bass has effect within the district.

#### **Recommendations**

Members are asked to:

- **Note** the content of the report.
- **Agree** in principle to the introduction of an emergency byelaw to extend the moratorium on fishing for bass using hook and line to include April, May and June 2017, subject to the completion of work to support it including informal consultation and an impact assessment.
- **Delegate** authority to the CEO, in consultation with the Chair and Vice-Chair, to take the decision whether or not to make an emergency byelaw to extend the prohibition on targeting bass by hook and line to include the calendar months of April, May and June 2017.

#### **Background**

The European seabass is an important commercial fish species. It is also one of the most important fish species for recreational fishermen in the UK due to its "famed fighting prowess". The species is thought to be particularly vulnerable to over-fishing and recent assessments of bass stocks show that stocks have continued to decline year-on-year. Advice published by the International Council for the Exploration of the Sea (ICES) has, since 2013, recommended reductions in commercial landings. Prior to this, in 2012, it was recommended that there should be no increase in commercial landings. The ICES advice for 2017 indicates that Spawning-stock biomass is now below  $B_{lim}$  (limit reference point for spawning stock biomass i.e. the lowest level) and that when a

precautionary approach is applied there should be a zero catch (commercial and recreational) in 2017. The recommended approach to fishing mortality from ICES since 2012 can be summarised as follows<sup>2</sup>:

<b>Year</b>	<b>ICES Advice</b>
2012	No increase in catch
2013	20% reduction in catch (last 3 years' average)
2014	36% reduction in commercial landings (20% reduction, followed by 20% precautionary reduction)
2015	MSY approach
2016	MSY approach
2017	Precautionary approach

Management of bass has been addressed at EU level with measures being agreed at the December meeting of the Fisheries Council. Management measures were first introduced for 2015 and they included a daily 3 fish bag limit per person for recreational anglers, monthly catch limits for commercial fishing vessels, a ban on all EU commercial fishing in areas around Ireland, excluding the Bristol Channel and other areas inside the UK's 12-mile zone and an increase in the minimum conservation reference size to 42cm to allow female fish to grow to spawning age.

Measures for 2016 included catch and release only for recreational anglers from January to June and a 1 fish bag limit per person from July to December. Restrictions on commercial fishing saw a total ban on pelagic trawls from January to June with exceptions for 1% bycatch for demersal trawls and seines. Hook and line and fixed net fisheries (not drift nets) were permitted in January, April, May and June. From July to December it was prohibited for vessels to fish quantities exceeding 1 tonne per any vessel per month of sea bass in several areas including the southern North Sea.

Measures for 2017 will see a complete prohibition on commercial fishing for bass, including commercial fishing from the shore, with three exemptions:

- Vessels are permitted to *target* bass with hook and line gear up to a maximum of 10 tonnes per year per vessel, providing they have track record of catching bass with this gear type between 01/07/15 and 30/09/16. This exemption does not apply during February and March to protect spawning stocks.

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<sup>2</sup> ICES Advice on fishing opportunities, catch, and effort, Celtic Seas and Greater North Sea ecoregions. Published 30 June 2016 Version 2: 11 July 2016 (available at <http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2016/2016/bss-47.pdf> )

- Vessels are permitted to land up to a maximum of 250kgs per month caught in fixed nets as bycatch only, if they have a track record of catching bass with this gear type between 01/07/15 and 30/09/16.
- Vessels using demersal trawls and seines are permitted to retain by-catch that does not exceed 3% bass per day up to a maximum of 400kgs per month.

The recreational measures in place for 2017 are the same as those in place for 2016:

- From 1st January to 30th June 2017 catch and release only permitted
- From 1st July to 31st December 2017 one bass per fisherman per day

The context and detail of the regulation was included in a '*Proposal for a Council Regulation fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters*'<sup>3</sup>. In the Explanatory Memorandum, Context of the Proposal (Reasons for and objectives of the proposal), the following paragraph referred specifically to sea bass:

Measures on sea bass

*ICES assessment of the stock of sea bass in the Channel, Celtic Sea, Irish Sea and the southern North Sea continues to report a downward trend. However, this is not surprising, as restorative actions are expected to take between 4 and 7 years to produce effects and to be reflected in the assessment. There is an initial indication of higher recruitment. The immediate objective of the management measures remains the same, i.e. to provide protection to spawning aggregations and to reduce as far as possible other sources of mortality. There has been a significant decrease in landings in 2015 and 2016, however, measures need to be strengthened and continued.*

## Report

EU/National measures for the protection of aggregations of Bass connected with spawning appear to be based on the spawning season for the species in the Western English Channel. Eastern IFCA have been aware for some time that bass do spawn in the southern North Sea, and that the spawning season there is different to that in the Western Channel. This issue was examined in

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<sup>3</sup> Brussels, 27.10.2016, COM(2016) 698 final, 2016/0344(NLE) (available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2016%3A698%3AFIN> )

the Eastern IFCA report 'Research Report 2014 – Finfish'<sup>4</sup>, with clear identification of spawning in April and May, and evidence of targeted fishing on aggregations of bass at those times.

Subsequently, discussions with CEFAS<sup>5</sup> have determined that recent tagging studies have identified distinct stocks in the Western Channel, and Eastern Channel / Southern North Sea, and that for the Southern North Sea stock “*the spawning window does continue until June*”. Significantly, tagging studies that targeted adult bass aggregations within a mile off shore between Lowestoft and Southwold were conducted during May 2016 when both females and males were observed in spawning condition.

We can now say with confidence that there are aggregations of bass connected with spawning activity in the Southern North Sea, and that these aggregations occur in the months of April, May & June (they may also occur earlier in the year as well). Fishing activity on these aggregations will have a negative effect on the size of the stock, and especially on the spawning stock biomass.

During the period April to June 2016 commercial fishers, including fishing vessels from Essex, targeted bass off the Suffolk coast and it appeared that landings may have increased significantly on previous years. On this point, it should be noted that information on landings relies heavily on verbal reports from fishers and the observations of Eastern IFCA officers and as such there are caveats about accuracy but nonetheless it was clear that there was significant fishing effort within the district in relation to bass.

Given that the EU/National measures for bass for 2017 do not take account of the later spawning season in the southern North Sea, the clear intention of the EU to provide protection to spawning aggregations and the potential for spawning aggregations to be targeted in the district it is judged appropriate to extend the moratorium for hook and line fishing to include April, May and June 2017. Given the timescales involved this would have to be by way of an Emergency Byelaw.

#### Emergency Byelaw

Section 157 MaCAA 09 provides that an IFCA may make a byelaw without confirmation by the Secretary of State in the following circumstances:

- the IFC authority considers that there is an urgent need for the byelaw, and
- the need to make the byelaw could not reasonably have been foreseen.

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<sup>4</sup> <http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/10/2014-Finfish-research-report.pdf>, Page 40 onwards.

<sup>5</sup> Victoria Bendall, CEFAS Fish Behaviour Ecologist, *pers comm.* January 2017

In the case of extending the moratorium for hook and line fishing it is judged that the urgent need element is met by:

- ICES evidence that indicates that bass stocks are in a perilous state and the recommendation that there should be a zero catch for both commercial and recreational fishers
- Evidence that spawning takes place later in the southern North Sea
- Evidence that spawning takes place within the Eastern IFCA district during April, May and June
- The stated intention of the EU regulation to protect spawning aggregations of bass

The 'could not reasonably have been foreseen' element is judged to have been met on the basis that the situation regarding spawning aggregations in the southern North Sea does not appear to have been considered when the EU regulations were agreed. It was generally understood that there would be a complete 'no take' for 2017 and there was a reasonable expectation that any measures to protect spawning aggregations would have taken account of the situation in the southern North Sea. It is also relevant to note that whilst the situation regarding spawning aggregations in the southern North Sea were previously known it was thought that most spawning took place just outside the 6nm limit and therefore outside the district. The evidence from Cefas clearly indicates that sea bass in spawning condition aggregate annually within inshore waters off the East Coast between April and June.

In the context of both elements of the criteria it is relevant to note that introducing a byelaw via the conventional route would not achieve the desired protection given the timescales involved. The quickest that a conventional byelaw could be made is approximately six months and current experience indicates that up to a year is a more realistic estimation.

Verbal advice from the Authority's legal advisers indicates that the use of an emergency byelaw to extend the moratorium on the use of hook and line would be legitimate in the circumstances.

Consideration has also been given to tightening up the other exemptions in the EU regulations that allow bycatch for fixed nets, demersal trawls and seines. Legal advice on these issues differs and it is suggested that the evidence supporting such restrictions would need to be more substantial and that such restrictions would be disproportionate and at greater risk of successful challenge.

### Proportionality

When considering making a byelaw the Authority should consider the proportionality of introducing regulation. Guidance issued to IFCA's by Defra<sup>6</sup> provides:

*Byelaws should be used in a proportionate and targeted way, in line with regulatory good practice. When an activity is occurring, is likely to take place, or could possibly take place, the IFCA, as regulator, should consider the likely significance of a single incident of the activity occurring within the IFCA district, and the likely/known frequency of the activity occurring there. Significance should be judged in relation to the extent to which the management objectives for the district might be hindered. The more significant the impact and/or more frequent its occurrence, the more likely it is to require regulatory control*

Long-lining (i.e. hook and line), particularly off the Suffolk coast, is a method of fishing employed by several commercial fishing vessels. Whilst it is understood that sea bass may not be the primary species targeted by this method they are caught and a small number of vessels are known to have landed bass caught using long lines and it is likely that there will be others. A recent report in Fishing News<sup>7</sup> indicated that during the preceding week ‘...eleven boats from local areas supplied the market over the week. Skate was the dominant species at the start of the week, but was seen in lower volumes as the week progressed, with the fishing effort moving from targeting both cod and skate to bass. Some very good quality fresh line-caught bass were sold, but with good volumes going through the market...’

Experience last year showed that commercial fishing vessels from outside the District moved up the coast to Suffolk specifically to target sea bass (ante). There was also intelligence to indicate that several fishers were circumventing the 2016 management measures by using drift nets that it was claimed could be affixed to the seabed. Whilst the MMO are seeking to restrict the use of hook and line to vessels that they can show have the requisite track record, previous behaviours in targeting spawning aggregations of bass and seeking to circumvent regulations would indicate that there is a risk to bass stocks.

When the ICES advice on the state of bass stocks and their recommendation for ‘no take’ during 2017 is considered alongside the fact that some local boats may target the species using hook and line and the potential for boats from

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<sup>6</sup> IFCA Byelaw Guidance - Guidance on the byelaw making powers and general offence under Part 6, Chapter 1, Sections 155 to 164 of the Marine and Coastal Access Act, Defra, March 2011

<sup>7</sup> Fishing News 26<sup>th</sup> January 2017, page 20

outside the district to seek to target spawning aggregations it is judged that the use of additional regulation is proportionate.

It is acknowledged that there may be some financial impact upon commercial fishers within the District. However, given the state of bass stocks the preservation of spawning stocks to support stock recovery is judged to be a higher priority and will help to enable bass fishing opportunities in the future.

### **Next steps**

Having established what appears to be a 'prima facie' case to support the introduction of an emergency byelaw further work will be undertaken to address the issue of proportionality. This will include informal dialogue with commercial fishers to determine potential impacts and the production of an impact assessment. This would be used to ultimately inform a decision prior to the long-lining exemption starting in April.

### **Conclusion**

It appears clear that the EU prohibition on fishing for bass using hook and line during February and March 2017 will not have the protective effect on spawning aggregations in the southern North Sea that was intended. As such it is appropriate that Eastern IFCA considers whether extending the prohibition using an emergency byelaw is achievable.

When considering making an emergency byelaw there are three key elements, viz evidence (necessity), legality and proportionality. In the case of sea bass there is clear evidence to show that they should be protected and that spawning aggregations in particular should be protected. There is also clear evidence to show that spawning aggregations occur later in the southern North Sea and within Eastern IFCA's district. It would appear that the criteria for making an emergency byelaw is met and the purpose of such a byelaw falls within the matters for which IFCA's can regulate. It is also judged that introducing a byelaw is likely to be proportionate in the circumstances. The potential impact on fishers is acknowledged but it is a short-term restriction to protect stocks for the future.

It is, therefore, recommended that work to support an emergency byelaw continues with a view to extending the prohibition on targeting bass by hook and line to include the calendar months of April, May and June 2017.

### **Vision**

The Eastern Inshore Fisheries and Conservation Authority 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



## **Information Item 21**

### **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

15 February 2017

**Report by:** J. Gregory, Chief Executive Officer

#### **Quarterly progress against Annual Priorities**

##### **Purpose of report**

The purpose of this report is to update members on progress towards the objectives established in the Business plan as priorities for 2016/17.

##### **Recommendations**

Members are recommended to:

- **Note** the contents of this report

##### **Background**

Eastern Inshore Fisheries and Conservation Authority is mandated to produce an annual plan each year to lay out the expected business outputs for the year ahead.

At the Planning and Communication Sub-Committee on 24 February 2016 it was agreed to follow a new model for business planning. The Strategic Assessment and new high level objectives proposed by Defra were incorporated into the planning process and a 5-year rolling Business Plan was agreed. The move to a 5-year business plan reflects the need to engage in longer term planning in the context of high levels of demand and the need to be flexible with priorities to reflect the dynamic nature of the inshore fisheries industry, the marine environment and the policy landscape.

The Planning and Communications Sub-Committee agreed to the priorities for 2016/17 as set out in the 5-year Business Plan at the same meeting.

##### **Report**



The tables at the Appendix detail the progress against the key priorities for 2016-17, as set in the Business plan for 2016-21.

## **Risk**

Since the late summer of 2016 four members of staff have left the organisation. This has obvious impacts on Eastern IFCA's ability to deliver on the priorities set in the 5-year Business Plan in the context of high workloads. This does increase the risk associated with not meeting this year's priorities, however careful planning has mitigated against this risk. Plans are in place to develop the structure of the organisation and recruitment is being undertaken to fill vacancies.

At the 25<sup>th</sup> Eastern IFCA meeting, it was reported that Eastern IFCA is at an increased risk of not meeting the December 2016 deadline for implementing management measures in Marine Protected Areas, as set by Defra. This was because of ongoing dialogue with Defra on legal issues associated with the Marine Protected areas byelaw and the operation of permit schemes under the Whelk and Shrimp Permit byelaws.

Both the Marine Protected Areas byelaw and the Shrimp Permit byelaw were made by the Authority at a meeting of the Regulation and Compliance sub-committee on 13 December 2016. They are scheduled to go to formal consultation during the first quarter of 2017. As such it is understood that Defra will accept that the deadline for management measures has been met.

It was previously reported that an additional work stream has arisen called Pioneer. This is a Defra initiative which seeks to find new ways of implementing Defra's proposed 25-year Environment Plan within the context of an economic growth agenda and the implication of Brexit. Four Pioneer projects are to be launched including a Marine Pioneer. Defra recognised that the IFCAs were ideally placed to deliver the Marine Pioneer given that our ways of working are already in line with the principles of the plan. Defra had asked that IFCAs lead the projects and the Authority determined that the project could only be led by Eastern IFCA where sufficient funding is available. Following negotiations it was agreed that the MMO would be the lead agency for a Pioneer in Suffolk and that Eastern IFCA would participate as part of business as usual.

## **Conclusion**

Authority officers are committed to delivering success across the breadth of our remit. The emphasis on closer coordination and joint working with partner agencies may present opportunities to share or better balance the prodigious work load the Authority is bound to deliver. In addition, whilst four members of staff have left Eastern IFCA reallocation of priorities and careful planning will partially mitigate against the risk of not meeting the objectives set in the 5-year Business Plan.

**Background documents**

Eastern Inshore Fisheries and Conservation Authority Business Plan 2016-21.

**Appendices**

1. Report on priorities set for 2016-17

## APPENDIX 1

### Eastern Inshore Fisheries and Conservation Authority

15 February 2017

#### Quarterly Progress against Annual Priorities

4 key priorities are established for 2016-17.

Financial Year 2016-17		
Priorities 2016-17	Progress	Comment
<p>1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by:</p> <p>a. Delivering fisheries management measures for the 'Red Risk' designated features in the Inner Dowsing, Race Bank and North Ridge SCI, and the Haisborough, Hammond &amp; Winterton SCI;</p> <p>b. Delivering fisheries management measures for 'Amber and Green' designated features within European Marine Sites (EMS) within the mandated timeframe (continued from 2015-16);</p> <p>c. Assessing the impact of fishing activities on the Cromer Shoal Chalk Beds tranche 2 Marine Conservation Zone and delivering management</p>		<p>1a. Progressing: protective measures agreed for Haisborough, Hammond &amp; Winterton SCI under the Marine Protected Areas Byelaw approved by the Authority in December 2016 (public consultation to commence during Q1 2017). Work is ongoing to develop management proposals for Inner Dowsing, Race Bank &amp; North Ridge SCI; this is being conducted alongside 1d (review of existing measures (regulatory notice), which examines the same feature evidence dataset.</p> <p>1b. Assessments identified the need to implement shrimp management measures in the Wash and North Norfolk Coast SAC, to mitigate against impacts on seabed habitats. Spatial closures, and an effort management mechanism have been agreed in the Marine Protected Areas Byelaw, and Shrimp Permitting Byelaw, both approved by the Authority in December 2016 (public consultation Q1 2017). Public consultation is pending additional legal advice from Defra and further advice from Natural England.</p> <p>1c. An assessment of fisheries in the Cromer Shoal Chalk Bed Marine Conservation Zone (1.c) has been started and is due for completion in March 2017 This work is one track; however, in order to meet the deadline for management of new marine protected areas</p>

<p>measures (if required) by December 2017;</p> <p>d. Reviewing Regulatory Notices 1-4 (inclusive) issued under the Protected Areas Byelaw, for revocation, amendment or renewal by March 2017 (to include management measures for potting fisheries on <i>Sabellaria</i> and stony reef (boulder &amp; cobble) habitats).</p>		<p>(two years after designation), the assessment will need to be undertaken in the absence of a full conservation advice package.</p> <p>1d. Regulatory Notices 1-4 (implemented through the Protected Areas Byelaw) are in the process of being reviewed, as set out in the Byelaw. Updated fishing activity information and conservation feature evidence will inform the review. Natural England has provided updated advice in relation to <i>Sabellaria</i> reef in The Wash and eelgrass on the North Norfolk Coast; officers are currently working closely with Natural England in this regard. The review is currently on track but implementation of any required changes to management is unlikely to be completed by March 2017, since (under Defra's advice) the flexible byelaw mechanism used in the Protected Areas Byelaw has been replaced by a more traditional mechanism in the Marine Protected Areas Byelaw.</p>
<p>2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements by:</p> <p>a. Developing fishery sustainability management measures for the brown shrimp fishery in conjunction with priority 1(b) above;</p> <p>b. Developing management measures for unregulated fishing activity (netting);</p> <p>c. Continuing the project to rejuvenate previously productive mussel beds in The Wash and to undertake</p>		<p>2a. The development of shrimp measures in relation to fisheries management (2.a) is on track in that a permit scheme is in development and is being reviewed by MMO and Defra legal teams. Permit conditions in relation to fisheries sustainability are to be informed by the measures identified through the Marine Stewardship Council's accreditation scheme (an industry led initiative).</p> <p>2b. Recent development of the Bass Nursery Areas Statutory Instrument has given cause to pause the development of unregulated fishing management. The proposed SI will potentially deliver many key measures which would only be duplicated by Eastern IFCA management. Officers are contributing to the development of the SI. Further development of unregulated netting measures will be informed by this work,</p> <p>2c. Experimental fieldwork has been conducted to determine the feasibility of laying a culch of cockle shells to help rejuvenate mussel beds by attracting seed. While the trial found that the shells were</p>

<p>research to establish the reason for continued decline in stocks;</p> <p>d. Reviewing fisheries management measures for crab and lobster in conjunction with the Defra-led 'stock based' sustainability project;</p> <p>e. Developing mechanisms to improve fisheries data for skates/rays, demersal and flatfish species, particularly in relation to spatial/temporal and effort information.</p>		<p>successful at attracting mussel seed, until the seed has been given time to grow, it is uncertain whether the method is financially viable. A paper detailing the results of the project are due to be presented at the 27<sup>th</sup> Authority meeting on 15 February 2017.</p> <p>Attempts to undertake a joint project with either Cefas or a university to research the cause of the high mortalities on the wild mussel beds were unsuccessful this year. Cefas, however, feel the cause could be attributed to the parasite <i>Mytilicola intestinalis</i>, which are known to be present in the mussels. It is hoped to research this further in the coming year with Hull University.</p> <p>2d. Modelling of crab and lobster biosampling data has identified both stocks, particularly lobsters, are under pressure. A paper presented at the 27<sup>th</sup> Authority meeting on 15 February 2017 proposes a direction of travel in relation to managing these fisheries. The next step will be engagement with the industry and development of regulatory measures as required.</p> <p>2e. Officers initially undertook to gather additional fisheries data (2.e) though increased engagement and voluntary measures. Further development of mechanisms to improve fisheries data will be required.</p>
<p>3. To ensure that the marine environment is protected from the effect of exploitation by reviewing district wide bio-security measures including management of invasive, non-native species (roll over from 2015-16);</p>		<p>A project plan was in development for Eastern IFCA to participate in a larger project called RESOLVE (Resource Efficient Solutions through Managing Invasives) which is being led by Norfolk Non-Native Species Initiative. The funding application for the project has however been rejected. The lead partner is investigating other means of funding the project and this will be explored over the coming months.</p>
<p>4. To develop management of the fisheries regulated under the WFO 1992 by:</p>		<p>4a. hand-worked cockle fishery Management Plan reviewed and revised in conjunction with the development of a long-term HRA and will presented at the 27<sup>th</sup> Authority meeting on 15 February 2017.</p>

<ul style="list-style-type: none"> <li>a. Reviewing the fishery management policies;</li> <li>b. Reviewing regulations and policy notes;</li> <li>c. Developing options for greater cost recovery</li> </ul>		<p>4.b Draft management policies and regulations are due to be presented at the 27<sup>th</sup> Authority meeting on 15 February 2017.</p> <p>4c. Work relating to the development of further cost recovery (4.c) has been undertaken and options and will presented at the 27<sup>th</sup> Authority meeting on 15 February 2017.</p>
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**Key:**

	<b>Complete</b>
	<b>In progress</b>
	<b>No progress</b>

### Vision

The Eastern Inshore Fisheries and Conservation Authority 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



## Information Item 22

### 27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

15 February 2017

**Report by:** Simon Lee – Senior IFCO (Compliance)  
Simon Howard – Senior Skipper

### Marine Protection Quarterly Reports

#### **Purpose of report**

To provide members with an overview of the work carried out by the Marine Protection team and the vessels, *RV Three Counties*, *FPV John Allen* and *FPV Sebastian Terelinck*.

#### **Recommendations**

Members are asked to:

- **Note** the content of the reports

Area/Vessel	Officer
Area 1 (Lincs & Kings Lynn)	Jason Byrne
Area 2 (Norfolk)	Adrian Woods
Area 3 (Suffolk)	Alan Garnham
<i>RV Three Counties</i>	Simon Howard
<i>FPV John Allen</i>	Simon Howard
<i>FPV Sebastian Terelinck</i>	Simon Howard

#### **Background documents**

Area and vessel quarterly reports for October to December 2016.

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**From:** Jason Byrne Fishery Officer (Area 1)  
**To:** Julian Gregory  
**Date:** 23<sup>rd</sup> January 2017  
**Ref:** Quarterly Report Area 1  
**Quarter Report:** Oct, Nov, Dec 16

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### **Area 1: Hale Sand – Kings Lynn**

#### **General**

Fishing activities throughout this quarter have included handraking Cockles, twin beaming for Brown Shrimp, potting for Crab, Lobster & Whelks and dredging private lays within the Wash for marketable Mussels.

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### **Port Summary**

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#### **Saltfleet - Chapel point**

Twelve days fishing was achieved by one vessel throughout this quarter potting for Crab & Lobster. Vessel based anglers are still fishing for Cod up the Humber. Checks have also been carried out at EMS sites at Horseshoe Point.

#### **Skegness – Gibraltar Point**

19 days fishing was achieved by one commercial vessel throughout this quarter potting for Crab & Lobster. Recreational vessel based anglers have reported catching Whiting off Skegness windfarms with no signs of Cod showing yet. Some of the vessel based anglers are now moving vessels into Grimsby dock so they can fish the Humber.

#### **Boston**

The start of this quarter saw 19 vessels handraking cockles totalling in 50 landings being achieved. The 6<sup>th</sup> of October saw the closure of this year's handraked cockle fishery. An extension was granted for a fixed period on Friskney/Wrangle sands until 17<sup>th</sup> November or until a further 1500 tons, whichever occurred soonest, the fishermen did not take advantage of this as only one vessel continued achieving one landing, the fishermen said that the cockles were too small. Vessels then geared up for the Brown Shrimp fishery, a maximum of nine vessels have achieved 130 landings throughout this quarter. One further vessel has dredged private lays within the Wash for marketable Mussels.



## **Fosdyke**

Two potting vessels from Wells Port have been lifted out of the water at Fosdyke marina for general maintenance also one commercial vessel from Boston Port was lifted out of the water at the marina for major refit throughout this quarter.

## **Sutton Bridge - Wisbech**

Wisbech marina has been used by EIFCA throughout this quarter to put RIB back into water after its service which was carried out by Snellings at Brancaster and John Allen was lifted out and stored there over the Christmas period. The moorings for EIFCA vessels at Sutton Bridge are now up and running again.

## **Kings Lynn**

The start of the quarter saw 12 vessels handraking cockles achieving 30 landings between them. Main fishing activity from this port throughout this quarter has been concentrated on the Brown Shrimp fishery, a maximum of 27 vessels have participated having managed 580 landings between them. Two further vessels potted for Whelks managing 8 trips between them. Seed Mussel has also been bought in and relayed onto private lays within the Wash.

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### **Species Summary**

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***NB All landing and effort (e.g. potting) figures detailed within this report are estimates based upon observations made by Fishery Officers and reports from fishermen. They are intended to be an indicator only and should not be regarded as definitive figures.***

#### **Saltfleet - Chapel Point**

Number of vessel inspections:		0
Species	Landings (kg)	Value of catch (£)
Crab	2,909	3,781.00
Lobster	663	9,282.00

#### **Skegness – Gibraltar Point**

Number of vessel inspections:		0
Species	Landings (kg)	Value of catch (£)
Crab	9,500	12,350.00
Lobster	460	6,487.00
Whelks	670	603.00

#### **Boston**

Number of vessel inspections:		0
Species	Landings (kg)	Value of catch (£)
Handraked Cockles	128,681	54,046.00
Brown Shrimp	73,317.5	408,669.00
Lay Mussels	16,000	0

<u>Fosdyke</u>		
Number of vessel inspections: Species	Landings (kg)	0 Value of catch (£)
<hr/>		
<u>Sutton Bridge</u>		
Number of vessel inspections: Species	Landings (kg)	0 Value of catch (£)
<hr/>		
<u>Kings Lynn</u>		
Number of vessel inspections Species	Landings (kg)	1 Value of catch (£)
Handraked Cockles	75,612	31,757.00
Brown Shrimp	462,092.5	2,538,499.00
Whelks	2,863	2,804.00
Relayed Mussels	66,842	0
<hr/>		
<u>Potting</u>		
<b>Crab and lobster</b>		
Number of pots inside 6nm fished by vessels from within area:		
Number of pots outside 6nm fished by vessels from within area:		
<hr/>		
<b>Bio-sampling of brown crab and lobster</b>		
Number of brown crab measured during the month:		
Number of lobsters measured during the month:		
<hr/>		
<b>Whelk</b>		
Number of pots inside 6nm fished by vessels from within area:		
Number of pots outside 6nm fished by vessels from within area:		
<hr/>		
<b>Non Commercial Activities</b>		
<u>Recreational Sea Anglers (shore based):</u>		
Number of anglers inspected:		
Locations fished:	Species targeted:	Average catch (kg):
<hr/>		
<u>Recreational Sea Anglers (vessel based):</u>		
Number of vessels inspected:		
Locations fished:	Species targeted:	Average catch (kg):
<hr/>		
<u>Charter Angling Vessels:</u>		
Number of charter vessels inspected:		
Number of vessels in area: 0	Number of trips: 0	Number of anglers: 0
Species targeted: 0	Total Landings (kg): 0	

**Locations fished throughout the month: 0**

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**Fishery Officer Duties**

**Training:**

Statement training refresher.

**Other duties carried out:**

Dropped off & collected chains from Peterborough.

Tabs Head collect EHO samples.

Attended PDP review at office.

Drop RIB off at Brancaster.

Monitor mussels at Titchwell.

Unit A general duties.

Attended TCG meetings.

Walked sands checking Cockle beds.

Put RIB in water at Wisbech marina and steamed back to Sutton Bridge.

Onboard JA Whelk patrol Suffolk coast.

HSP monitor EMS sites & cockle ground.

Attended Shrimp meeting at office.

Attended Community Voice meeting at office.

Sorted trailer hire out.

Onboard TC EHO/DSP sweep.

Onboard ST patrol Lowestoft.

Attended staff meeting at office.

Attended Community Voice Meetings at Sutton Bridge.

Onboard ST Whelk patrol Suffolk coast.

Attended weekly ops meeting.

Onboard TC Habitat Mapping.

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**1<sup>st</sup> sale value of different species within this area (£/kg)**

Crab	1.30
Lobster	14.00 – 14.50
Brown Shrimp	5.20 – 5.79
Whelks	90p – 1.00
Handraked Cockles	42p

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**From:** Adrian Woods I.F.C.O (Area: Norfolk)

**To:** J. Gregory C.E.O

**Date:**

**Ref:**

**Report:** October\_November\_December\_2016

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**Area: Norfolk Coast: Heacham to Great Yarmouth**

**General**

Fishing throughout this quarter as one would expect has been a mixed bag, with the change in season being apparent. Whether it be a change of weather or a change in the footfall to the area this all makes a difference in sales or the willingness to risk gear at sea when it could be safely ashore.

Towards the end of October early November, the majority of vessels started to bring pots ashore, some brought everything, others shortened up leaving just a day's work at sea.

Unfortunately for some fishermen their vessels were targeted by thieves who were wanting to steal outboard engines, the first batch to be stolen were from Cley beach, 2 brand new engines which hadn't even been used along with 2 older engines, within a week a vessel at West Runton was targeted and then Christmas eve, further vessels were targeted at Overstrand, however, the fishermen at Overstrand were fortunate to get their engines returned when the police picked up a vans registration number on their electronics as a vehicle which they were interested in, promptly pulled the vehicle over, locating the engines, and were able to inform the owners, before the owners were aware that the engines were missing.

Although these fishermen got their engines back, it doesn't compensate for the damage that the thieves do whilst stealing the engines, often using a grinder to cut through all locks, bolts, steering and wiring looms.

**The Fisheries**

**Crabs** – Early in October this fishery took a dip in catches, as shot crabs moved onto the ground, late in the month the autumnal run picked up, and continued to feed into a growing market.

November remained steady, though no millions were to be earnt, however it should possibly shorten the winter. And December saw a slow up in both the crabs and the fishermen.

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**Lobsters** – With the slow up of crabs in October, this fishery became quite profitable when the weather allowed, with good quantities of lobsters being landed, and with the price holding out steadily around £14/kg it gave interest for fishers to target this species.

Moving into November, lobsters continued to make a show although the weather hampered things, but again with the price steadily rising it gave interest to some fishermen to risk their gear in the shallows and target this fishery.

**Whelks** – the majority of this fishery for the first two months of the quarter has been outside of our district, moving into December saw more vessels using their permit to fish within the 6nm, mainly when weather wouldn't allow vessels to fish further offshore but a day's work could be taken closer in.

**Netting** – has remained very quiet as well, normally during October some of the best herring are taken from our shores, plump full of oil and roe, however this year they failed to arrive. It wasn't until November that some fish were eventually caught, which by this time they were spent and resembled razor blades.

Other netting which has taken place, is fixed nets for Bass, again this has been hit and miss although one vessel was fortunate and had a couple of good hauls of around 400kg per trip.

**Mussels** – this quarter see a rise in the mussel fishery, with the main supply now coming from Brancaster, along with a small amount from Wells.

Mussel fishermen within the area have been exploiting a seed mussel fishery which was opened at Titchwell.



Seed mussel being harvested

**Shrimp** – with the price of shrimp on the increase, and the fishery doing very well this fishery has attracted a couple of vessels from Brancaster, along with two vessels operating from Wells. The night tides have been the most productive,

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although with the price averaging out at around £5.50/kg a couple hundred kg makes for a good haul.

**Angling** – has been consistently poor, and getting worse by the month. Catches have mainly consisted of pin whiting, the odd length whiting taken during darkness and then Dabs, Flounders, Sole and the odd schooly Bass, no Cod have been reported at all.

**Emerging Issues** – nothing has been reported.

**Wind Farms** – nothing to report.

### Species Summary

***NB All landing and effort (e.g. potting) figures detailed within this report are estimates based upon observations made by Fishery Officers and reports from fishermen. They are intended to be an indicator only and should not be regarded as definitive figures.***

#### **October**

<b><u>Brancaster</u></b>		
Number of times port visited		3
Number of vessel inspections:		1
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Seed mussel	12,000	0.00
Brown Shrimp	1,908	9,921

<b><u>Wells-next-the-Sea</u></b>		
Number of times port visited		5
Number of vessel inspections:		15
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Bass	35	490
Crab	2,340	2,808
Lobster	150	2,100
Whelk	35,482	31,934
Brown Shrimp	770	4,004

<b><u>Morston</u></b>		
Number of times port visited		5
Number of vessel inspections:		0
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
None reported		

<b><u>Sheringham</u></b>		
Number of times port visited		2
Number of vessel inspections:		1
<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Crab	490	600
Lobster	35	490

<b><u>Cromer</u></b>			
Number of times port visited		4	
Number of vessel inspections:		12	
Species	Landings (kg)		Value of catch (£)
Crab	11,550		36,960
Lobster	1,100		15,400
Whelk	150		150
<b><u>Cley, Weybourne, E Runton, W Runton, Overstrand, Mundesley &amp; Bacton</u></b>			
Number of times port visited		15	
Number of vessel inspections:		2	
Species	Landings (kg)		Value of catch (£)
Crab	2,147		6,656
Lobster	497		6,958
<b><u>Sea Palling</u></b>			
Number of times port visited		1	
Number of vessel inspections:		2	
Species	Landings (kg)		Value of catch (£)
Bass	750		7,125
Crab	300		960
Lobster	30		420
<b><u>Caister &amp; Gorleston</u></b>			
Number of times port visited		2	
Number of vessel inspections:		0	
Species	Landings (kg)		Value of catch (£)
Whelk	240		220
<b><u>November</u></b>			
<b><u>Brancaster</u></b>			
Number of times port visited		3	
Number of vessel inspections:		0	
Species	Landings (kg)		Value of catch (£)
Shrimp	4,946		27,796
<b><u>Wells-next-the-Sea</u></b>			
Number of times port visited		4	
Number of vessel inspections:		9	
Species	Landings (kg)		Value of catch (£)
Crab	1,930		2,316
Lobster	122		1,830
Whelk	26,719		25,383
Shrimp	2,812		15,804
<b><u>Morston</u></b>			
Number of times port visited		3	
Number of vessel inspections:		0	
Species	Landings (kg)		Value of catch (£)
none			

November continued:

<u>Sheringham</u>			
<b>Number of times port visited</b>		<b>6</b>	
<b>Number of vessel inspections:</b>		<b>1</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Crab	370		1,147
Lobster	25		387
<u>Cromer</u>			
<b>Number of times port visited</b>		<b>10</b>	
<b>Number of vessel inspections:</b>		<b>20</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Bass	50		600
Crab	7,105		22,025
Lobster	307		4,758
Whelk	115		105
<u>Cley, Weybourne, E Runton, W Runton, Overstrand, Mundesley &amp; Bacton</u>			
<b>Number of times port visited</b>		<b>20</b>	
<b>Number of vessel inspections:</b>		<b>4</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Bass	12		144
Crab	1,938		6,007
Lobster	125		1,937
Whelk	1,050		945
<u>Sea Palling</u>			
<b>Number of times port visited</b>		<b>2</b>	
<b>Number of vessel inspections:</b>		<b>2</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Bass	200		2,400
Crab	915		2,836
Lobster	100		1,550
Whelk	1040		936
Herring	130		32
<u>Caister &amp; Gorleston</u>			
<b>Number of times port visited</b>		<b>2</b>	
<b>Number of vessel inspections:</b>		<b>0</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Whelk	582		524



**December**

<b><u>Brancaster</u></b>			
<b>Number of times port visited</b>		<b>1</b>	
<b>Number of vessel inspections:</b>		<b>0</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Crab	1,000		3,100
Lobster	200		3,100
Shrimp	3,584		19,712
<b><u>Wells-next-the-Sea</u></b>			
<b>Number of times port visited</b>		<b>1</b>	
<b>Number of vessel inspections:</b>		<b>5</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Crab	1,350		4,185
Lobster	182		2,821
Whelk	33,251		30,591
Shrimp	2,611		14,361
<b><u>Morston</u></b>			
<b>Number of times port visited</b>		<b>1</b>	
<b>Number of vessel inspections:</b>		<b>0</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
None			
<b><u>Sheringham</u></b>			
<b>Number of times port visited</b>		<b>2</b>	
<b>Number of vessel inspections:</b>		<b>0</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Crab	400		1,240
<b><u>Cromer</u></b>			
<b>Number of times port visited</b>		<b>2</b>	
<b>Number of vessel inspections:</b>		<b>0</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Crab	1,000		3,100
Lobster	100		1,550
<b><u>Cley, Weybourne, E Runton, W Runton, Overstrand, Mundesley &amp; Bacton</u></b>			
<b>Number of times port visited</b>		<b>5</b>	
<b>Number of vessel inspections:</b>		<b>0</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Crab	200		620
Lobster	25		387
<b><u>Sea Palling</u></b>			
<b>Number of times port visited</b>		<b>1</b>	
<b>Number of vessel inspections:</b>		<b>1</b>	
<b>Species</b>	<b>Landings (kg)</b>		<b>Value of catch (£)</b>
Crab	175		542
Lobster	53		821
Whelk	4,000		3,600

<u>Caister &amp; Gorleston</u>			
Number of times port visited		2	
Number of vessel inspections:		0	
Species	Landings (kg)		Value of catch (£)
Whelk	700		630

### **Potting**

#### **Crab and lobster**

Number of pots declared to be fished inside 6nm:	4150 – 2450 – 2,200
Number of pots declared to be fished outside 6nm:	0 – 3,500

#### **Bio-sampling of brown crab and lobster**

Number of brown crab measured during the month:	0
Number of lobsters measured during the month:	0

#### **Whelk**

Number of pots declared to be fished inside 6nm:	755 – 1,185 – 1,200
Number of pots declared to be fished outside 6nm:	0 – 5,100

### **Non-Commercial Activities**

#### **Recreational Sea Anglers (shore based):**

Number of anglers inspected:	18	
Locations fished:	Species targeted:	Average catch (kg):
Weybourne	Fish	0
Cromer Pier	Fish	0
Overstrand	Fish	0

#### **Recreational Sea Anglers (vessel based):**

Number of vessels inspected:	0	
Locations fished:	Species targeted:	Average catch (kg):

### **Fishery Officer Duties**

#### **Other duties carried out:**

##### **October**

Vessel maintenance on board FPV Sebastian Terelinck  
Landings throughout Area 2  
Report writing, patrol forms and PDP  
Monitoring of Titchwell seed mussel

##### **November**

Landings have been covered throughout Area 2  
Titchwell mussels have been inspected, with the view of re-opening the seed mussel fishery  
Whelk Byelaw enforcement from FPV Sebastian Terelinck  
Working at the MMO offices  
Statement writing and case files

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**December****Training:**

Statement writing

4 days MCA diesel engines

**Other duties carried out:**

Interview planning

Interviewing

Case files

Landings

Vessel maintenance

Christmas.

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**1st sale value of different species within this area (£/kg)**

Bass	9.50 – 12.00
Brown shrimp	5.00 – 6.00
Crab	1.20 - 3.20
herring	0.10 – 0.75
Lobster	14.00 – 15.50
Whelk	0.90 – 0.95

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**From:** Alan Garnham - Fishery Officer (Area 3)

**To:** Simon Lee

**Date:** 24<sup>th</sup> January 2016

**Ref:**

**Quarterly Report:** October – December 2016

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#### **Area 4: Pakefield – Felixstowe Ferry**

##### **General**

Three new fishing vessels turned up during October at Lowestoft *MFV -Aurora* *MFV – Selsey Pearl* and *MFV – Berlewen*. The *Aurora* then went to Levington Marina on the River Orwell for a refit and has now returned to its new home of Lowestoft. *Selsey Pearl* after a week returned to Sussex.

*MFV- Berlewen* is a whelking vessel working outside our 6mile limit and landing whelks at Lowestoft.

*MFV - Corina 11* returned to Suffolk had a refit at lake Lothian and is currently berthed at Southwold.

Easterly winds through October until Monday 24<sup>th</sup> made it difficult for fishermen to take the window of opportunity to get to sea. Fish landings were poor due to the weather with some days no fish being landed to market. Cod still haven't appeared and sole have been dwindling as the month went by but thornback ray were abundant close in shore.

Bass and mullet were still in the rivers probably due to warm water and mild conditions. Since the lull in the winds the herring begun to shoal up.

Every boat fishermen seen have complained at the amount of seals surrounding their respective boats. Several getting caught up in nets and drowning.

On the beaches, many RSA fishermen are now out mostly in the dark catching bass and whiting. On the RSA boats with the easterly winds gone it appears the dogfish are plaguing the sea with good numbers being caught during October.

November started very windy and calmed during the month until the 21<sup>st</sup> November 2016 when even The A14 Orwell bridge was closed overnight and through till the afternoon due to high winds.

Fishing boats stayed tied up due to the lack of cod examples being four to five thousand hooks laid with not a single cod taken. The seas seem awash with

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herring but due to poor prices many fishermen were not tempted as flooding the market reduces prices to an unsustainable practice taking in consideration of paying wages and running costs.

Some boats have taken the plunge and diversified by investing in whelk pots and began fishing in and outside the six-mile to keep afloat and make a living. Due to increased activity within the area MFV- Sebastian Terelinck was assigned to checking the area with the six-mile limit for compliance with the whelk permit by-law during the month.

On the beaches, fishing became tiresome if targeting cod as bites result in many pin whiting. Personally, in some fishing matches I caught between 60- 90 whiting recorded and returned with just the occasional dogfish dab or flounder.

I had reports of one commercial fishermen netting bass close in to the beaches with several boxes going to market.

December continued as previous months with no cod. The reports are they are above the Humber and below Ramsgate with nothing in between. There are a few rays around but with reduced quota and sale of ray being as low as £1 a kilo again it's not viable to fish. A few bass showed up close inshore along the Suffolk coastline with one fishermen catching a nice specimen weighing in at 6.4Kg. Sole catches decreased at the end of this year.

Whelk fishing from Lowestoft and Southwold has been very active and showing good returns.

On the beach whiting was the main species caught although as the month went by catches were less. An odd dogfish and a few flatties made up the catches.

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## Port Summary

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### **Pakefield**

No cod seen for the entire quarter on the commercial beaches and no known catches from the beach. Herring has been in plentiful supply throughout the quarter very close to the beach.

### **Southwold**

Commercial fishing has been very quiet here throughout the quarter due to easterly winds. Cod hasn't shown throughout this period. Thornback ray and sole began to dry up through the quarter. Whelk fishing has been busy with another boat changing over his gear to whelk fishing.

On the beaches, it has been very quiet and on inspecting two anglers not a single fish had been caught using combination of ragworm lugworm and squid for bait.

Lobster and crab are still turning up in the pots.

### **Dunwich & Sizewell**

Commercial fishing has been quiet again due to weather. One commercial fisherman reported catching a 9lb Halibut in his nets close to the shore. Bass continued to be the main catch during the quarter.

### **Thorpeness & Aldeburgh**

Again, low fishing activity by commercial fishermen with many days lost due to the weather. Again, no cod but plenty of thornback ray and herring during the early part of the quarter. The odd cod and bass turned up during the mid-end of the quarter.

Some boats continued with their pots and landed small numbers of lobster and crab.

On the beach, fishing has been very quiet for this time of the year as normally at the first sign of cod beaches would be packed as the word of cod draws out the fishermen.

### **Orford**

The quarter started with low fishing activity and some commercial fishermen fished in the river. No cod showed other than a RSA boat caught a 20lb cod was landed on 24<sup>th</sup> October. Fishing on the island has been mostly whiting and at nearby Shingle street thornback ray were taken from beach anglers.

Sole and roker slowed up during the latter end of the quarter.

Pots were still providing lobster and crab.

### **Felixstowe**

Again, low fishing activity due to winds and lack of cod for the entire quarter.

Boats are catching the quota for roker and tying up till the next month other than catching la lobster and crab.

On the beaches after the easterly winds the beaches at night are full of anglers with many whiting being taken.

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### Species Summary

***NB All landing and effort (e.g. potting) figures detailed within this report are estimates based upon observations made by Fishery Officers and reports from fishermen. They are intended to be an indicator only and should not be regarded as definitive figures.***

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#### Pakefield

<b>Number of vessel inspections:</b>	<b>2</b>
<b>Species</b>	<b>Landings (kg)</b>
Herring	1,300
Whelks (Lowestoft)	23,008
	<b>Value of catch (£)</b>
	1,300.00
	20,707.20

#### Southwold

<b>Number of vessel inspections:</b>	<b>21</b>
<b>Species</b>	<b>Landings (kg)</b>
Cod	25
Roker	920
Sole	4,640
Flounder	560
Dabs	285
Dogfish	300
Bass	390
Smoothound	80
Herring	1,220
Lobster	297
Crab	276
Whelks	71,441
	<b>Value of catch (£)</b>
	75.00
	1,675.00
	55,780.00
	560.00
	285.00
	640.00
	5,160.00
	200.00
	1,220.00
	3,794.00
	966.00
	65,451.49

#### Dunwich & Sizewell

<b>Number of vessel inspections:</b>	<b>1</b>
<b>Species</b>	<b>Landings (kg)</b>
Cod	21
Roker	247
Sole	340
Bass	779
Flounder	270
Dab	55
Herring	63
Halibut	5
	<b>Value of catch (£)</b>
	63.00
	463.50
	2,817.50
	10,746.00
	270.00
	55.00
	63.00
	80.00

#### Thorpeness & Aldeburgh

<b>Number of vessel inspections:</b>	<b>1</b>
<b>Species</b>	<b>Landings (kg)</b>
Cod	105
Roker	1,557
Sole	3,380
	<b>Value of catch (£)</b>
	315.00
	2,882.90
	38,200.00

Herring	1,620	1,620.00
Dogfish	335	437.50
Flounder	1,215	1,215.00
Smoothound	80	200.00
Brill	28	280.00
Bass	620	8,260.00
Dabs	770	770.00
Lobster	346	4,464.00
Crab	1,198	4,293.00

#### **Orford**

**Number of vessel inspections:**

**0**

<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Cod	30	90.00
Roker	1,385	2,512.00
Sole	5,370	59,755.00
Herring	640	640.00
Flounder	890	890.00
Dabs	240	240.00
Smoothound	117	292.50
Bass	345	4,670.80
Lobster	434	5,630.00
Crab	532	1,862.00

#### **Felixstowe**

**Number of vessel inspections:**

**7**

<b>Species</b>	<b>Landings (kg)</b>	<b>Value of catch (£)</b>
Cod	32	96.00
Roker	3,255	5,726.00
Sole	11,600	125,050.00
Herring	1,400	1,400.00
Dogfish	80	250.00
Flounder	990	990.00
Dabs	465	465.00
Bass	220	2,950.00
Smoothound	55	137.50
Lobster	420	4,184.00
Crab	200	700.00

#### **Potting**

##### **Crab and lobster**

Number of pots inside 6nm fished by vessels from within area:	Average 200
Number of pots outside 6nm fished by vessels from within area:	Average 80

##### **Bio-sampling of brown crab and lobster**

Number of brown crab measured during the quarter:	0
Number of lobsters measured during the quarter:	12

##### **Whelk**

Number of pots inside 6nm fished by vessels from within area:	433
Number of pots outside 6nm fished by vessels from within area:	3,300



## Non Commercial Activities

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### Recreational Sea Anglers (shore based):

<b>Number of anglers inspected:</b>	<b>17</b>	
<b>Locations fished:</b>	<b>Species targeted:</b>	<b>Average catch (kg):</b>
Southwold	Cod	0
Aldeburgh	Cod	0
Felixstowe	Cod	0

### Recreational Sea Anglers (vessel based):

<b>Number of vessels inspected:</b>	<b>0</b>	
<b>Locations fished:</b>	<b>Species targeted:</b>	<b>Average catch (kg):</b>
Orford	Cod	0
Felixstowe	Cod	0

### Charter Angling Vessels:

<u>Charter Fishing Vessels:</u>			
Number of charter vessels inspected:		0	
Number of vessels in area:	17	Number of trips:	161
		Number of anglers:	900
Species targeted:		Total Landings (kg):	
Cod		0	
Thornback Ray		350	
Locations fished throughout the month:			
Within area			

## Fishery Officer Duties

### Training:

18<sup>th</sup> - October Petans- Refresher Firefighting training Norwich  
 19<sup>th</sup> – October Petans – Refresher Sea Survival training Norwich  
 18<sup>th</sup> Nov - Nov Enforcement training  
 1<sup>st</sup> Dec – Office statement training

### Other duties carried out:

21<sup>st</sup> – October Monthly Ops Meeting Kings Lynn  
 26<sup>th</sup> – October MMO office  
 27<sup>th</sup> – October MMO office  
 15<sup>th</sup> Nov – Aboard Sebastian Terelinck  
 10<sup>th</sup> Nov – Aboard Sebastian Terelinck  
 11<sup>th</sup> Nov – Aboard Sebastian Terelinck  
 14<sup>th</sup> Nov – Community Voice Meeting Suffolk  
 17<sup>th</sup> Nov – Community Voice Meeting Suffolk  
 18<sup>th</sup> Nov – Training at Kings Lynn  
 24<sup>th</sup> Nov – Pollution exercise council offices Clacton  
 30<sup>th</sup> Nov – Aboard Sebastian Terelinck

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<b><u>Average 1st sale value of different species within this area (£/kg)</u></b>	
Cod	3.00
Roker	1.71
Bass	13.33
Smoothound	2.50
Sole	11.50
Herring	1.00
Dab	1.00
Dogfish	2.16
Flounder	1.00
Brill	10.00
Whelk	1.07
Lobster	12.00
Crab	3.50

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TO: J Gregory  
FROM: S P Howard  
DATE: 05.12.2015

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### **QUARTERLY REPORT THREE COUNTIES OCTOBER to DECEMBER 2016**

#### **October**

Mussel surveys took up most of Three Counties time in October to find the coverage of mussel beds and the tonnage of the stock to see if the fishery could be exploited in a sustainable manner. Shellfish samples were collected to check the health of the cockle and mussel stocks in the Wash.

A survey of the oysters was conducted to see if the levels had increased from the last year's survey.

#### **November**

EHO/DSP shellfish samples were collected from around the Wash. Habitat mapping was missed because of the weather but this would have covered the seabed surveys using the side scan system to find ground for the shrimp wing trails. To see how much disturbance is created by the shrimp beam shoes the seabed and this survey will help map the areas not to be disturbed by shrimp fishing.

#### **December**

Habitat mapping was conducted using the camera drops and day grabs to collect the different types of sediment covering the ground around the Wash. This time samples were collected and bottled to be sent away for practical analysis to cross check the sediments estimated by the survey team aboard.

### **QUARTERLY REPORT JOHN ALLEN OCTOBER to DECEMBER 2016**

#### **October**

Not much sea time was conducted because of the commitments to other fisheries along the coast. Routine maintenance was conducted on the vessel and the monitoring of the engines continued.

#### **November**

Due to other commitments with survey and enforcement around the coast the vessel spent time alongside the moorings.

#### December

A patrol was conducted out into the Wash to see what fishing activities were taking place but as it was a quiet time of the year there was not much fishing activity in the wash

### **QUARTERLY REPORT SEBASTIAN TERELINCK OCTOBER to DECEMBER 2016**

#### October

Habitat mapping was conducted from the aft deck, deploying the camera to check the seabed for cobble and boulder for CEFAS, because they had a problem collecting the information using their survey vessel.

#### November

The vessel was lifted out of the water so the main engine could have its first 250-hour service while still under warranty and the jet drives were serviced as well. After this had been conducted the aft a-frame had alterations made to allow greater movement to deploy the drop camera and side scan system.

The vessel was deployed to check pot gear placed along the coast line from Yarmouth to the Southern end of the district, the maker dhans were inspected to ensure they were correctly labelled in line with the permit regulation. Several sets of gear didn't meet the permit guidelines, these were hauled to find out what was on the end of the dhans. Consequently, several whelk pots had to be retained and the notices were placed on the dhans left behind.

#### December

This has been a very quiet time of the year with not much activity from the fishers. Routine checks were made on the vessel during the month.

### **Vision**

The Eastern Inshore Fisheries and Conservation Authority 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



## **Information Item 23**

### **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

15<sup>th</sup> February 2017

#### **Reports by:**

- a) Ron Jessop, Senior Research Officer
- b) Judith Stoutt, Senior Marine Environment Officer

#### **Marine Environment Quarterly Reports**

- a) **Senior Research Officer's Quarterly Report**
- b) **Senior Marine Environment Officer's Quarterly Report**

#### **Purpose of report**

The Authority runs a year-round programme of research projects and environmental work. This paper enables Members to be kept informed of key activities undertaken by the Authority's Research and Environment team during the previous quarter, October to December 2016, any issues that have arisen either through internal or external drivers, and an indication of up-coming developments that could require future actions.

#### **Recommendations**

Members are asked to:

**Note** the report.

#### **Background**

- a) **Senior Research Officer's Quarterly Report**

The annual Wash inter-tidal mussel surveys were conducted during September and October. A paper detailing the results from these surveys will be presented at this meeting. Briefly, however, the surveys found that following several years of decline, a moderate settlement of seed had rejuvenated some of the beds and helped the stocks increase from 9,376 tonnes to 12,002 tonnes. In recent years, the mussel beds have suffered high levels of mortality among 2-3 year-old mussels. There was less evidence of die-offs this year, but this is thought to be due to only low levels of these cohorts

being present on the beds this year, rather than an end to the problem. As such, the beds are still considered to be in a vulnerable condition and the current increase in stock should be viewed as being potentially temporary rather than a recovery. Due to this, coupled with the small size of the new seed, the recommendation is to keep the beds closed for another year until the seed has grown.

At the start of the year it was hoped to conduct a joint project with either Cefas or a university to study the causal factors of the mortalities witnessed on the mussel beds. Unfortunately, although several enquiries have been made, to date we have not managed to progress a study. Cefas, however, are of the opinion that the parasite *Mytilicola intestinalis* is the probable cause. This parasite has been identified in relatively high numbers in Wash mussels previously. Although most literature concerning this parasite suggests it does not usually kill its host, Cefas have advised the levels of infection previously seen in the Wash could be lethal. The high incidence of mortalities in 2-3 year-old mussels could be an in-combination effect of mussels weakened from *Mytilicola* spawning for the first time. It is planned to conduct a small in-house project during 2017, to see if there is a correlation between mortality on individual beds and *Mytilicola* infection rates.

During 2016, the Authority continued a study to determine whether laying a culch of cockle shells on the seabed could be used as a method to rejuvenate mussel beds by attracting the settlement of seed. The opportunity was taken during the course of the inter-tidal mussel surveys to survey these experimental plots. Three small plots located near the Trial Bank mussel bed, which had shell deposited in 2014, were found to support natural-looking ridges of mussels. These were a mixture of mussels that had settled there last year and new seed from this year. Both of the sites on the Mare Tail and Gat sands, where shells were deposited in March 2016, were found to support low densities of mussel seed. A paper detailing the results and recommendations from this study will be presented at this meeting.

With potting fisheries winding down for the winter months the crustacean project has reached the reporting stage of its annual cycle. Recent work has primarily focused on collating and organising annual landings and effort figures from MSAR returns and size frequency data from biosampling, and transposing these into a suitable format for analysis. In the coming months, these data will be used to create basic summary statistics for the important fishing grounds in the district, and to estimate exploitation rates of crab and lobster stocks. This information will form the basis of the annual report. In addition to regular activities, attention has been directed to a desk based study investigating management mechanisms and assessing their suitability and potential application for crustacean fisheries in the district.

The whelk project has continued assessing size of maturity (SOM) of individuals. To date, over 1,800 whelks have been dissected and assessed for maturity from a fisher operating out of Lowestoft. The sample size for this area is now large enough to

provide high confidence in results pending final analysis. A working relationship has also recently been established with a fisherman operating in the Wash and samples are now starting to be provided for this area. Once a suitable sample size has been obtained from this area, comparative analysis with samples from Lowestoft will be possible, along with assessment of SOM.

Background work for the planned shrimp beam impact assessment project has continued this quarter. This has mainly involved progressing the application for £200,000 of European Maritime and Fisheries Fund (EMFF) funding and analysing habitat mapping survey data collected during the previous quarter. So far the EMFF panel appear satisfied that the principles of the project satisfy their funding criteria, and are currently in the process of gathering further minor details from us. Habitat mapping surveys were conducted at six locations in the Wash during 2016 to identify a site for the project's experimental work to be conducted. Ideally, the site will need to fulfil several criteria, including predominantly supporting a sub-tidal mixed sediment seabed, being deeper than 10m, avoiding areas of fastenings and rough ground that could damage fishing gear and avoiding other areas of anthropogenic activities like anchorages, cable routes and heavily potted areas. So far, finding an area that satisfies these criteria and is of sufficient size to contain the planned 1nm x 1nm experimental site has proved elusive. The next steps will be to consider alternative experimental designs, such as conducting the trial over replicate smaller sites rather than one large site or utilising a wider range of seabed habitats within the study area. Consideration will need to be given as to what impact these additional variables would have on the strength of the statistical analysis and whether the results would still have sufficient power from the planned level of sampling.

The conservation advice Natural England had supplied for the Haisborough Hammond and Winterton Site of Community Importance indicated areas of *Sabellaria spinulosa* reef were present in the site. When considering management measures for the parts of the site that were within the district, officers were concerned about the validity of the data, due to the reliance on modelling for production of much of the spatial information of *Sabellaria* reef. The opportunity was taken in October to conduct a short survey, during which a drop down video camera was deployed from Authority's patrol vessel *Sebastian Terelinck*, to verify whether *Sabellaria* was present in the site as had been predicted from the modelled data. This survey, which confirmed *Sabellaria* was present in some areas but failed to find any in others, helped to refine our management proposals for the site. Similarly, samples were also collected from a site within the Wash that is being proposed to be closed to the shrimp fishery. At this site, there were sufficient differences between the feature evidence Natural England had supplied and data from a survey we had conducted in 2015 to question the validity of either dataset. 28 sediment samples were, therefore, collected in December and sent to Hull University for Particle Size Analysis (PSA). The results from this analysis are due by the end of January. These differences in feature evidence have helped to highlight difficulties we face when attempting to protect certain features from fishery impacts. In

areas of predominantly fine sediment, which are common in our district, one type of feature tends to gradually change into another over large distances rather than having distinct borders. This makes mapping these features difficult and can also create problems identifying similar features from each other. Further, these features are likely to change over time as finer sediments are either deposited or washed away. It is planned to conduct a short study in the coming year to look closer at the spatial and temporal changes that may be occurring at some of these sites.

In December Laura Rutland resigned from her position in the research team to dedicate more time to a MSc study she is planning to undertake. During her time with the Authority, initially as a temporary research assistant, then as a full-time research officer, Laura has been a valued member of the team, assisting with the survey programme and taking a leading role with the EHO biotoxin and SWEEP water quality projects. During the past year, she has also played a major role in developing a shrimp beam impact assessment project, conducting mapping surveys to identify a suitable site for the study and developing the bid for EMFF funding for the project.

Having expressed a desire to develop his experience and range of skills within the Authority, the team will also shortly be losing another research officer when Peter Welby takes up a vacant IFCO post. In addition to assisting with the full range of research activities, Peter has had a leading role in the Authority's Crustacean and Whelk projects. Although Peter will have moved from the research team, his skills and knowledge will be retained at EIFCA, providing extra flexibility when Peter is acting as crew during surveys.

Ron Jessop, Senior Research Officer

## **b) Senior Marine Environment Officer's Quarterly Report**

### **Introduction**

The Eastern IFCA Research and Environment Plan 2016/17 reflects the priorities in the Eastern IFCA 2016-2020 Business Plan. This report provides an update on progress for projects set out in the Research & Environment Plan 2016/17. This report includes a summary of the main pieces of case work, and any ongoing issues arising from this work.

### **EP2016A: Assessment of commercial fishing in Marine Protected Areas, and EP2016B: New management of commercial fisheries in Marine Protected Areas**

This work remains the key priority for the Environment team, as it directly supports the Authority's fulfilment of obligations relating to MPAs, and must be completed within



strict timelines set out by Defra (assessments and implementation of any associated fisheries management measures are to be completed by December 2016).

During the quarter (October to December 2016), officers have amended the assessment documents to take account of feedback received from Natural England. The most complex assessment was for beam trawling in the Wash and North Norfolk Coast Special Area of Conservation. This has been updated with more recent and more accurate fishing effort and feature distribution data. The swept area (where beam trawl gear makes contact with the sea bed) has been calculated and examined against the sensitivity of benthic communities, and their recovery times. This has been worked into a formula to give a threshold of acceptable activity (i.e. how many tows can the site withstand per year), which was used to inform the Shrimp Permitting Byelaw (agreed by Authority in December 2016).

Also within the Wash and North Norfolk Coast, five areas of the most sensitive seabed habitats and communities have been selected for closure to towed demersal gear (e.g. dredges and beam trawls). These areas were based on feature data supplied by Natural England, checked against Eastern IFCA surveys and other data sources for verification. In total, approximately 70% of the most sensitive areas will be closed – and fishing activity in the remaining areas will be limited via the Shrimp Permitting Byelaw described above, as well as existing measures under the Wash Fishery Order and established Eastern IFCA byelaws. The new closures cover approximately 14% of the whole Wash and North Norfolk Coast site. The basis for selection of closed areas was primarily to meet the conservation objectives (to ensure fishing activities do cause the site's condition to deteriorate), and then to minimise economic impacts of closures by, where possible, avoiding important fishing grounds. Liaison with fishermen as well as conservation advisers has been important throughout the process.

The Marine Protected Areas Byelaw (which introduces the closed areas) and the Shrimp Permitting Byelaw were agreed by the Authority in December 2016 (reported at Agenda item 17). This demonstrated the Authority's commitment to meeting the Defra deadline of implementing fisheries management in marine protected areas by this date. Both byelaws will undergo formal consultation during the current quarter.

In addition to spatial closures in the Wash and North Norfolk Coast, the Marine Protected Areas Byelaw introduced new closures off the east coast of Norfolk, in the Haisborough, Hammond and Winterton site. This followed advice from Natural England on areas "to be managed as *Sabellaria spinulosa* reef". Officers initially raised concerns about low confidence in evidence for some areas. The Authority's patrol vessel *Sebastian Terelinck* was used to undertake a verification survey in October 2016, which confirmed presence of the feature in two areas, but absence in a third. Officers used these findings to select areas for closure to towed demersal gear, to prevent interactions between trawling and dredging on this biogenic reef feature.

The shrimp beam trawling impact study, described above in the Senior Research Officer's report, will inform future considerations of the effects of this fishery on sensitive habitats in the district. By taking a collaborative approach to this work, the Authority aims to reduce project costs and enable direct fishing industry engagement in filling evidence gaps to improve future management.

Key ongoing work areas relating to marine protected areas in the district are summarised in Table 1.

**Table 1.** Commercial fishing interactions in marine protected areas requiring (or potentially requiring) Eastern IFCA intervention

Site name	Interaction and matrix risk level	Assessment conclusion	Action undertaken / outstanding
The Wash & North Norfolk Coast Special Area of Conservation	Beam trawling (shrimp)/subtidal sandbanks (subtidal mixed sediment and subtidal mud)	Adverse effect; mitigation required to reduce impact and research required to improve evidence around light beam trawl impacts	Update shrimp assessment – complete.  Sign off assessment with Natural England – in progress  Select closed areas – done (Marine Protected Areas Byelaw)  Develop effort limitation mechanism – done (Shrimp Permitting Byelaw);  Undertake long-term beam trawl impact study in conjunction with industry, academic and Cefas partners – ongoing. EMFF funding secured.
The Wash & North Norfolk Coast Special Area of Conservation	Potting/ <i>Sabellaria spinulosa</i> reef;	No adverse effect at current levels of activity (based on improved	Finalise conclusion and sign off with NE – in progress

Site name	Interaction and matrix risk level	Assessment conclusion	Action undertaken / outstanding
	Potting/subtidal stony reef	activity data and Defra potting impacts report)	
Inner Dowsing, Race Bank & North Ridge Site of Community Interest	Potting/ <i>Sabellaria spinulosa</i> reef	Not yet assessed (straddling site latterly transferred to EIFCA)	Review updated NE feature advice; undertake assessment – to be progressed next quarter
Inner Dowsing, Race Bank & North Ridge Site of Community Interest	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef	High-risk interaction (red risk on matrix) so no assessment required	Agree updated core reef approach with NE - ongoing;  Apply closed areas using updated Marine Protected Areas byelaw – to be progressed next quarter
Haisborough, Hammond & Winterton Site of Community Interest	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef	High-risk interaction (red risk on matrix) so no fishery impact assessment required	Undertake additional survey – completed October 2016  If required, apply closures Marine Protected Areas byelaw – completed December 2016
Cromer Shoal Chalk Beds Marine Conservation Zone	All commercial fishing within site on all designated features [all risk levels]	To be assessed in Q4 (site designated January 2016; site outside of Defra deadline)	Undertake assessment; ensure liaison with local fishermen – to be completed next quarter

Officers have started to outline Monitoring and Control Plans for marine protected areas in the Eastern IFCA district. These set out how fishing activity will be monitored, where feature evidence will be sourced, and how the effectiveness of fisheries management measures will be assessed. The plans will be a formalisation of existing Authority activity, rather than a proposal for completely new Authority actions. However, a new aspect will be the specification of what levels of fishing activity are acceptable within each site, and what intervention could be applied should activity levels increase sufficiently to risk damage to the site features/site integrity. The creation of these plans will help highlight evidence gaps and identify priority areas for Eastern IFCA research and marine protection activity in relation to marine protected areas. Work on these plans will be continued in Q4. Eastern IFCA will liaise closely with MMO, Natural England and other IFCAs in relation to the development of these plans.

Eastern IFCA officers continue to maintain involvement with the local Marine Protected Area management groups for the Wash and North Norfolk Coast, and for the Stour & Orwell Estuaries. These groups support relationships between relevant authorities, local site managers and stakeholders, which are invaluable in identifying the most relevant feature and activity evidence to inform assessments. Local advisory groups (stakeholder groups) are also attended by environment team members when possible, as they present additional opportunities to engage with local fishermen and wider community members, enabling Authority officers to provide updates on fisheries and conservation matters and to listen to stakeholder views. No meetings of these groups were held during the quarter, primarily because the project managers for both sites resigned during summer 2016. A replacement project manager for the Wash & North Norfolk Coast, Sam Lew, start in post in November 2016 and has quickly undertaken an energetic programme of meeting project partners and organising group meetings to re-start the project.

#### **EP2016E: Eastern IFCA input to consultations on marine developments**

The Eastern IFCA district is subject to multiple marine and coastal activities that are regulated through the issuing of consents by authorities such as the Marine Management Organisation, Environment Agency, Defra and the Authority itself. The impact of such activities is considered by Authority officers through the consultation process.

During the last quarter (October to December 2016), a total of 12 responses were produced by the environment team, as indicated in the breakdown in Table 2.

*Table 2 Eastern IFCA Consultation Responses by category, Oct-Dec inc. 2016*

<b>Consultation category</b>	<b>No. of responses</b>
Coastal defences/flood management	2
Conservation	2
Fisheries sustainability	2
Offshore energy renewables	1
Onshore energy	1
Pipeline and cables	1
Ports	3
<b>Total</b>	<b>12</b>

Coastal defence or flood management consultations related to a new coastal defence strategy for Gibraltar Point to Skegness, and a replacement beacon at Weybourne. The conservation category included MMO seeking IFCA input to the habitats regulations assessments for straddling marine protected areas.

A preliminary consultation was responded to that related to the proposed Vanguard offshore wind farm off the East coast of Norfolk. The three ports consultations related to pontoon developments in Lowestoft (linked to offshore wind projects) and a fish information query relating to the Stour Estuary in the south of the district. For fisheries sustainability, IFCA had been asked to comment on the proposed brown shrimp fishery management plan, being developed in an industry-led project to achieve Marine Stewardship Council accreditation. There are important links with the Authority's own work (reported above) to manage the shrimp fishery in a way that is compatible with conservation objectives for the area's designated sites; officers will continue to work closely with the accreditation steering group to share best practice and develop appropriate management.

Officers have also engaged in early consultation with fisheries and marine scientists in relation to the proposed Sizewell C nuclear power station development. The importance of liaison with local fishing interests has been emphasised (particularly as a new jetty has been proposed), and officers have requested detailed information on fish impingement (usually lethal trapping of large quantities of fish in seawater intakes).

### ***EP2015D – Community Voice (Common Ground) project***

A very successful series of stakeholder workshops was held in November 2016, run in conjunction with project partners from Marine Conservation Society and Community Voice Consulting. Thanks is extended to all participants and partners for their time and input. A significant Eastern IFCA officer resource was applied to this work, resulting in the majority of staff supporting, and participating in discussions with a range of people from across the district. This resulted in an improved understanding within the organisation of stakeholder views, and similarly a better appreciation amongst stakeholders of the Authority's work, its remit and challenges.

The workshops, held at locations in Suffolk, Norfolk and Lincolnshire, started with an airing of the Common Ground film (created from filmed interviews of forty local people talking about what they value about our coast and sea). Facilitated discussions were then supported, to expand ideas on people's values and issues in the area. Finally, suggestions for solutions were gathered and feedback given to participants. A report is to be produced by Marine Conservation Society for delivery at the Authority meeting in March 2017.

Outputs from the film and workshops have already been used in the 2017 strategic assessment (Eastern IFCA's annual overview of fisheries sustainability and wider issues across the district), which is used to inform business priorities and operational plans.

### **Financial implications**

No new proposal is contained in this report – it is an information paper.

### **Publicity**

No publicity is planned relating to this paper, other than reference to the Authority's research and environment work on the Authority's website and newsletter.

Judith Stoutt, Senior Marine Environment Officer

### **Vision**

The Eastern Inshore Fisheries and Conservation Authority 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



## **Information Item 24**

### **27<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

15 February 2017

**Report by:** Andrew Bakewell, Head of Finance

### **HR Update**

#### **Purpose of report**

To inform members of the progress of the HR plan to 2018 and specifically an update of the HR activity planned to be completed during this financial year.

#### **Recommendations**

It is recommended that members:

- **Note** the contents of the report

#### **Background**

The Head of HR took up post in 2012 and developed a 3-year strategic plan of the key HR activity required to support the achievement of Defra's high level objectives. This plan has been successfully delivered and as such a further strategic plan has been developed during quarter one of this year to support the delivery of required HR activity to 2018. This report gives an overview of current activity in support of this plan.

#### **Update of specific activity**

The key activity during 2017 continues to focus on:

- Developing line manager capability
- Developing the performance review process
- Review of current organisational structure
- Employee engagement
- Management systems

#### **Recruitment of IFCO position**

The recruitment for an IFCO position to be based at the Lowestoft satellite office got underway during December. We received a large number of applications, many of whom had the abilities (on paper) to compliment the EIFCA team. Therefore, shortlisting candidates proved very difficult. With that said, 6 candidates were shortlisted and interviewed before the Christmas break. Being keen to ensure the new IFCO has a complimentary balance of skills and behavioural fit, a second stage in the

recruitment process was held on 10 January 2017. Four candidates were invited back to attend.

The event was held between the Lowestoft office and the RNSYC Marina and included a tour of the office and vessel, discussion with a selection of current IFCO's about the reality of the role and an exercise designed to simulate a typical enforcement activity that the new IFCO would be likely to carry out.

The 2-stage recruitment process proved to be very insightful and gave Officers further confidence when making their recruitment selection. It is likely that the 2-stage approach to interviewing IFCO's will be adopted going forward.

We are pleased to confirm that an offer of employment was made and has been accepted. Our new IFCO Greg Emmott, joined us on 23<sup>rd</sup> January 2017.

### Staff leaving

Since the last report, we have seen 2 further members of staff tender their resignations. It should be stressed that there is no pattern to the spate of recent resignations the EIFCA have seen and indeed all individuals concerned have had their own, valid reasons for moving on.

One of the employees to tender her resignation has been the Head of HR. Nichola Joined the Authority in March 2012 and during this time has been pivotal in shaping the cultural landscape of the organisation. She has set up robust people processes and supported the development of the management team to become both competent and confident in managing their people. Nichola leaves us to take up a bigger HR role which supports her continued career growth.

As the Executive team are currently undertaking a structural review, these 2 additional vacancies have been included within this review and recommendations were put to members of the Finance & Personnel sub-committee at their meeting on 25 January 2017.

Members are to be reassured that measures are in place so as not to detrimentally impact day to day operations.

### Employee engagement

Following the outputs from our bi-annual engagement survey, the management team are currently developing an action plan to develop cultural engagement within EIFCA. The completed plan will be circulated at the next available meeting.