



**34th EIFCA
Statutory Meeting**

To be held at:

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

**Wednesday
7th November 2018**

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: 34th Eastern IFCA Meeting

Date: 7th November 2018

Time: 1030hrs

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

Revised Agenda

- 1 Welcome - *Clerk*
- 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 33rd Eastern IFCA Meetings, held on 18th July 2018 – *Chair (pg4)*
- 5 Matters arising (including actions from last meetings) – *Clerk*
- 6 To receive a report to consider Health and Safety risks and mitigation – *Hd Operations (pg17)*
- 7 Disclosable Pecuniary Interests revisions – *Senior IFCO (Regulation) (pg25)*
- 8 To receive a report on a meeting of the Finance & Personnel sub-committee held on 17th October 2018 – *Hd Finance & HR (pg39)*
- 9 To receive and approve the Finance Officer's report on payments made and monies received during the period 1st July to 30th September 2018 – *Hd Finance & HR (pg41)*
- 10 To receive and note the Finance Officer's Quarterly Management Accounts - *Hd Finance & HR (pg43)*
- 11 Annual Report 2017-18 – *CEO (pg46)*
- 12 Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018 – *CEO / Senior IFCO (Regulation) (pg47)*
- 13 Formal operating procedure for introducing, varying or revoking permit conditions – *Senior IFCO (Regulation) (pg80)*
- 14 Calendar of meetings for 2019 – *CEO (pg83)*
- 15 Report to Parliament on the conduct and operation of Inshore Fisheries and Conservation Authorities – *CEO (pg86)*

- 16 Fisheries White Paper consultation – CEO (pg113)
- 17 *To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for item 18 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act*
- 18 Complaint against the Authority update – CEO (pg134)

Information items

- 19 Quarterly progress against Business Plan priorities – CEO (pg140)
- 20 Marine Protection Quarterly reports – Senior IFCOs (pg148)
- 21 Marine Science Quarterly reports – Senior MSOs (pg157)
- 22 Association of IFCA minutes – Dr. Bolt (pg170)

Any other business

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

J. Gregory
Chief Executive Officer
23rd October 2018

33rd Eastern IFCA Meeting

"Eastern IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".



A meeting of the Eastern IFCA took place at The Boathouse Business Centre, Wisbech on Wednesday 18th July 2018 at 1030 hours.

Members Present:

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

Eastern IFCA (EIFCA) Officers Present:

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

Other bodies Represented

T Davy	Wildlife Trust
E Thorpe	Natural England
P Tyack	MMO

Minute Taker:

Jodi Hammond

The Clerk welcomed members to the meeting.

EIFCA18/54 Item 2: Apologies for Absence

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

EIFCA18/55 Item 3: Declarations of Members Interest

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

EIFCA18/56 Item 4: Minutes of the 32nd EIFCA Meeting, held on 31st January 2018

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

Proposed: Mr Worrall

Seconded: Cllr Skinner

All agreed

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

EIFCA18/57 Item 5: Matters Arising

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

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

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

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

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

carried out in the past by other agencies. Before submitting the grant bid the CEO required a proposal from the Authority to go ahead.

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

Proposed: Cllr Goldson

Seconded: Rob Spray

All Agreed

EIFCA18/58 Item 6: Health & Safety Risks

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

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

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

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

Cllr Coupland queried the incident of verbal abuse, this was an ongoing investigation, but body worn cameras were being considered. The CEO advised that most interactions were cordial and productive, there were only the odd 1 or 2 that could get heated verbally but he had never felt the threat of violence. Mr Davies felt there may be some contention with new Fishery Officers who were less capable and possibly slower handling catches, a particular issue in warm weather which puts the shellfish under stress, he added he was not defending the verbal abuse but wanted it noted some of the issue could be the Officers responsibility.

Members Agreed to Note the report.

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

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

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

Cllr Vigo -di Gallidoro queried whether anger management training was provided to ensure Officers could deal with incidents of verbal abuse. The CEO advised that all enforcement officers

undergo Conflict Resolution Training which provides guidance on what action should be taken.

Members Agreed to Note the report.

EIFCA18/60 Item 8: 2018-2019 Budget Update

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

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

Proposed: Cllr FitzPatrick

Seconded: Mr Worrall

All Agreed

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

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

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

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

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

Members Agreed to note the content of the report.

EIFCA18/63 Item 11: Quarterly Management Accounts

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

Members Agreed to note the content of the report.

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

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

Members Agreed to note the content of the report.

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

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

There had been issues identified regarding transferring ownership of the units to individuals and the associated terms and conditions of grant. The CEO believed there could be a contract between individuals and EIFCA which would mitigate the situation in the event of non-compliance regarding the use of units. Legal advice had been commissioned by the Association of IFCAs.

The matter had previously been discussed by the F&P sub-committee who had agreed to underwrite the risk for the Pathfinder in the Wash but it was felt agreement was required from the full Authority for the rest of the project.

Members Resolved to:

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

Proposed: Cllr M Vigo Di Gallidoro

Seconded: Cllr Chenery of Horsbrugh

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

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

Members were advised this had been a significant piece of work which had finally reached the point where management measures

could be proposed. Members were provided with presentations to support the proposal for two byelaws.

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

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

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

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

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

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

At this point Mr Spray left the meeting

Mr Davies queried the use of IVMS and the need to return to port if the unit was not working. He felt there needed to be some flexibility otherwise vessels could be left in port on weekends and bank holidays when there was no engineer available to fix the unit. Mr Brewster agreed with this and advised that the unit he had on board went wrong regularly but he was able to inform the MMO who then allowed him to continue fishing. The CEO advised that IVMS reliability rates were quite high and he believed there was a need to be strict with the enforcement of the byelaw otherwise fishers may be inclined not to get units fixed or just state they are inoperable. The CEO believed that with experience

judgement could be applied but the starting point needed to be strict adherence to the regulation.

Mr Davies queried Data Protection which the CEO advised was taken into account, data would not be shared, information would only be used by EIFCA and MMO for management purposes.

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

Members Resolved to:

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

Proposed: Cllr FitzPatrick

Seconded: Cllr Vigo Di Gallidoro

All Agreed

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

Proposed: Cllr Skinner

Seconded: Mr Worrall

All Agreed

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

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr Davies

All Agreed.

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

EIFCA18/67 Item 19 – MMO Appointee Dispensations

Under the Localism Act the Authority had the ability to grant dispensations to MMO Appointees which would enable them to comment on matters for which they had declared an interest but

would not allow them to vote. Since the last full Authority meeting two members had been re-appointed to the Authority as they were both members of the MPA sub-committee which sat prior to a full Authority meeting, in line with the Constitution & Standing orders, the Chair and Vice chair of the Authority had taken the decision to grant dispensations to both members in order to ensure a full and frank discussion at the sub-committee meeting.

Members Resolved to:

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

Proposed: Mr Worrall

Seconded: Cllr Vigo Di Gallidoro

All Agreed

EIFCA18/68 Item 23 – Association of IFCA Minutes

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

Members Resolved to:

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

Proposed: Cllr Goldson

Seconded: Cllr FitzPatrick

All Agreed

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

Cllr Vigo Di Gallidoro left the meeting.

EIFCA18/69 Item 15 – Resolution

It was Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for

items 16, 17 & 18 on the grounds that they involve the likely disclosure of exempt information as defined in sections 100(A) (2) and (3) or Paragraph 1 of Schedule 12A of the Act

**Proposed: Cllr FitzPatrick
Seconded: Mr Worrall
All Agreed**

EIFCA18/70 Item 16: Trawling Byelaw Dispensation

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

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

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

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

Members Resolved to:

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

**Proposed: Mr Davies
Seconded: Mr Worrall
All Agreed**

EIFCA18/71 Item 17 – Fishing Industry Correspondence

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

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

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

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

Following discussion, Members Resolved to;

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

Proposed: Mr Worrall

Seconded: Cllr FitzPatrick

All Agreed

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

EIFCA18/72 Item 18: Complaint Against the Authority

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

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

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

Subsequent investigation found a complaint had been made to SCC in December 2017 but only put to EIFCA at the end of June

2018. The CEO had established the nature of the complaint and provided members with relevant correspondence. It was his belief there had not been an official complaint but guidance from SCC was that a written response should be provided.

Members Resolved to:

- **Note the content of the report**
- **Agree that the CEO draft a response to the complainant.**
- **Agree that the response would be sent to Suffolk County Council once agreed with the Chair and Vice Chair of the Authority.**

Proposed: Mr Worrall

Seconded: Cllr Chenery of Horsbrugh

All Agreed

EIFCA18/73 Item 20 – Quarterly progress against Annual Priorities

Members Agreed to note the report.

EIFCA18/74 Item 21 – Marine Protection quarterly reports

Members Agreed to note the content of the report.

EIFCA18/75 Item 22 – Marine Science Quarterly Reports

Members Agreed to note the content of the report.

EIFCA18/76 Item 24 – Felixstowe fishery monitoring scheme

Members Agreed to note the content of the report

EIFCA18/77 Item 25 - Any Other Business

POTENTIAL EMERGENCY BYELAW

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

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

Members Resolved to:

Note the content of the report.

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

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

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

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

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

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

Proposed: Cllr Chenery or Horsbrugh

Seconded: Cllr FitzPatrick

All Agreed

WFO REGULATIONS UPDATE

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

Members Resolved to:

Note the content of the report

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

Proposed: Cllr FitzPatrick

Seconded: Cllr Skinner

All Agreed.

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

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 6

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Health and Safety update

Report by: Jon Butler, Head of Operations

Purpose of report

The purpose of this report is to update members on health and safety activity and incidents, 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 of all 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 in *Appendix 1* summarises the incidents that have occurred since the last authority meeting:

Risks/Mitigation

Senior MSO (Research) Ron Jessop has completed the remaining specialised key assessments, some still need to be quality reviewed by our H&S partner at Norfolk County Council. This has been a large and comprehensive piece of work, thanks should go to Ron for the time he has spent ensuring everything is fit for purpose.

Officers are currently attending or being booked on to the relevant training as identified in the review mentioned in the last report.

Members will note continued reporting off incidents by officers which is encouraging. Areas of concern are around failure of parts on Three Counties, this will in the medium term be addressed by vessel replacement whilst other issues will need to be replaced during refit.

There have also been two incidents of verbal aggression towards officers in this reporting period. A clear message is being sent out this sort of behaviour is not acceptable. Body Camera's have now been ordered for all officers to make them feel safer when going about duties but enable us to be more robust in terms of the action we may choose to take in the future.

Members would wish to be aware of the H & S risks at *Appendix 2*. Since the last report items 1,2 and 4 have now moved from Treat to Tolerate.

Date	Nature of incident	Injury / damage occurred	Action Taken	RIDDOR Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
17/06/18	Vehicle risk	N	Reported to SIFCO	N	Y	Simon Lee	SOP for launch and recovery to be reviewed and staff training to be undertaken.
01/07/2018	Vessel Damage ST	Y	Investigation	N	Y	Jon Butler	Investigation carried out by Ops manager. Recommendations endorsed by CEO. Minor damage to vessel repaired.
04/07/2018	Quayside risk	N	Reported to SIFCO	N	Y	Simon Lee	IFCO's instructed to carry out dynamic risk assessment. Port authority Kings Lynn informed about poor state of ladders. Refurbishment is planned.
10/07/2018	Vessel Person injury Sea Spray	Y	Reviewed guidance for operating seats	N	Y	Ron Jessop	Instruction on seat adjustment re-issued to all staff.
10/07/2018	Vessel Person Injury Sea Spray	Y	Reviewed guidance for operating seats	N	Y	Ron Jessop	Instruction on seat adjustment re-issued to all staff.

18/07/2018	Vessel Damage Sea Spray	Y	Vessel lifted and investigation	N	Y	Jon Butler	Investigation completed, vessel repaired, continue to develop officers experience in helming of ribs
25/09/2018	Vessel TC	Y	Part replaced	N	Y	Lee Torrice	Recommendation replaced on annual refits
25/09/2018	Vessel injury JA	Y	Knife removed from shelf and place in draw	N	Y	Simon Lee	None
28/09/2018	Person Verbal Abuse to officer	N	Reported to SIFCO	N	Y	Simon Lee	Fisherman verbally warned that behaviour is unacceptable by CEO and if occurs again further action will be taken.
19/10/2018	Person Verbal Abuse to officers	N	Reported to SIFC	N	Y	Simon Lee	Fisherman to be verbally by SIFCO warned that behaviour is unacceptable and if occurs again further action will be considered

Eastern IFCA Health and Safety risks

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

	<ul style="list-style-type: none"> Record of personal training inc. refreshers maintained 			
4. Whole Body Vibration	<ul style="list-style-type: none"> Risk awareness training to manage impacts. Health monitoring process to be developed. 	<ul style="list-style-type: none"> Personal injury from boat movement owing to lower resilience as a result of individual physiology 	Tolerate	Treat
5. Lone working operations	<ul style="list-style-type: none"> Management scrutiny of any proposal for lone working. Introduction of electronic support means 	<ul style="list-style-type: none"> Failure of devices to give requisite support. Personnel interventions render devices unreliable or unworkable. 	Tolerate	Tolerate
6. Staff injury/long term absence through inappropriate posture at office work stations	<ul style="list-style-type: none"> Information. Training. Risk assessment. Provision of suitable bespoke equipment where reasonable. Access to NCC H&S team. Occupational health assessment KLWNBC H&S specialist advice 	<ul style="list-style-type: none"> Individual failure to adhere to guidance 	Tolerate	Tolerate
7. Staff stress through exposure to unacceptable	<ul style="list-style-type: none"> Introduction of Unacceptable Behaviour policy 	<ul style="list-style-type: none"> No change in behaviour of some stakeholders. 	Tolerate	Tolerate

behaviour of stakeholders	<ul style="list-style-type: none"> Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy. Dialogue with Stakeholders to ensure appropriate tone of communications Conflict resolution training for “front line” Officers 	<ul style="list-style-type: none"> Long term sickness caused by stakeholder hostility 		
8. Damage to vehicles, trailers and/or equipment through inappropriate operation.	<ul style="list-style-type: none"> Formal trailer training for unqualified officers Refreshers for those with previous experience Periodic vehicle maintenance checks training In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4) 	<ul style="list-style-type: none"> Failure to adhere to training Mechanical failure of vehicle or trailer 	Tolerate	Treat
9. Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> Staff briefing Management overview to ensure rostered duties are appropriate and achievable Reasonable work adjustments Routine periodic medical assessment (ML5) 	<ul style="list-style-type: none"> Individual health fragilities Individual lifestyle choice 	Tolerate	Tolerate

*

Risk Rating
High
Medium
Low

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

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 7

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Luke Godwin, Senior IFCO (Regulation)

Disclosable Pecuniary Interests

Purpose of report

To report on issues identified with the Disclosable Pecuniary Interest procedure and present recommended solutions to ensure compliance with the Localism Act 2011.

Recommendations

Members are recommended to:

- **Note** the revised list of Disclosable Pecuniary Interests for MMO appointees (Appendix 1), the rationale for its revision and the assessment of revised DPI conflicts with Authority Business (Appendix 2);
- **Agree** to grant dispensations from s.31(4) of the Localism Act 2011 (c.20) to MMO Appointees, as set out in Appendix 2, to allow participation in discussions and where relevant, voting of matters for which they have a Disclosable Pecuniary interest for the period of four years or until their term of service is expired (whichever is first);
- **Agree** to implement the procedure with regards to considering DPIs prior to meetings.

Background

Section 31(4) of the Localism Act 2011 requires that any members who have a Disclosable Pecuniary Interest (DPI) in a matter at a meeting cannot participate in the associated discussion or vote on the matter. Section 33 of the Act enable the Authority to grant dispensations from this requirement to enable participation in discussions and/or voting on a matter.

At the 29th EIFCA meeting Members agreed to grant dispensations from 31(4) in relation to members discussing matters in which they hold a DPI. A register of Disclosable Pecuniary Interests was published on the Eastern IFCA website

and dispensations were subsequently issued in writing to members setting out the dispensations.

Report

Subsequent consideration of the DPI register and the dispensations has highlighted some issues which, for the purpose of fully meeting the requirements of the Localism Act 2011, need to be addressed.

In addition, two new MMO appointees have been confirmed whose DPI need consideration.

DPI Register

The register of DPIs includes the employment of each member. In the case of fishers, this was noted simply as 'fishing'. The intention of this was to account for the diversification of inshore fishers who may fish different species at different times.

The Localism Act requires that members may not partake in the discussions of or vote on matters for which they have a DPI. The intention of the dispensations was to enable discussion on matters where fishers in particular have a DPI and experience in that fishery but not to vote on the matter as this would not be considered appropriate. However, by including 'fishing' generically within the register of DPIs, this unintentionally precludes all of the members who are fishers from voting on all 'fishing' matters which was not the intention. For example, cockle fishers would not technically be allowed to vote on matter related to herring.

Therefore, fishers' DPIs have been revised to reflect the specific fisheries they operate in. This will have the effect of precluding them from voting on matters associated with those specific fisheries.

Consideration of granting dispensations at the 29th EIFCA meeting

Section 33 of the Localism Act allows for Authorities to grant dispensations having had '*regard to all relevant circumstances.*' At the 29th Meeting, members were presented with an assessment of how granting dispensations would be of benefit to the decision-making process and would be in keeping with the Localism Act.

The associated paper did set out some of the specific fisheries for which fishers had a DPI however due to an oversight, some specific fisheries were not noted as part of that consideration. In addition, subsequent to the recent review, it has been found that some DPIs declared by members were too general and that more information was needed for transparency.

Furthermore, the assessment of conflict between Authority business and DPIs was very wide and included 'agreeing annual priorities.' On further consideration, it is not considered likely that there would be any pecuniary

interest for a fisher or other member in relation to agreeing annual priorities. Rather, pecuniary interests would potentially arise from the outcomes of completing the priorities themselves. As such, it is not considered appropriate to consider this as a potential conflict.

Given the revision of the register of DPIs and the incomplete consideration of specifics at the 29th EIFCA meeting, a new assessment is set out in Appendix 1 which considers the additional information and the DPIs of the two newly confirmed MMO Appointees.

Summary of assessment of DPIs against matters considered at EIFCA meetings

DPIs are considered against the ‘types’ of matters which are considered at EIFCA meeting with as much specificity as possible to identify conflicts. Such conflicts include, for example, where a Shrimp fisher is present for the consideration of shrimp management measures. The potential for members to unfairly influence such discussions is mitigated by the Eastern IFCA Standing Orders and Code of Conduct which sets out that members must not seek to favour their own interests and that such instances may be subject to investigation.

This updated assessment is set out at Appendix 2 and takes into account the amended register at Appendix 1 including the DPIs of new MMO appointed (Tania Davey and Michael Warner).

As with the previous assessment, it is considered beneficial to the Authority for members with such DPIs to partake in discussions. Members with DPIs related to fishing for whelks for example, would be able to provide insight in the effectiveness of proposed whelk management measures. The expertise of these members in their related fields will generally add a robustness to decisions made and help Members consider ‘real-world’ consequences of decisions.

Voting on matters in which a member has a DPI

Under the Eastern IFCA Constitution and Standing Order (April 2018) members with a DPI are not permitted to vote as follows:

8. Voting at meetings

I will not take part in the vote at a meeting for which I have a disclosable pecuniary interest (as set out in paragraph 4 above) in that matter.

I agree to accept the advice of the Chair on whether I can vote at a meeting on a matter in which I have declared an interest.

Paragraph 8 notably does not include the provisions for a dispensation as is the case for ‘participating in discussions at meetings’ although does include a provision relating to the Chair providing advice at a meeting.

Tania Davey has a DPI for employment as an employee of the Lincolnshire Wildlife Trust. Legal advice has been received from NPLaw to the effect that this is a DPI and should be considered as per the Constitution and Standing Orders. On consideration, it is apparent that there is a conflict between this DPI and matters relating to 'conservation' which is very broad and includes most substantive areas of Eastern IFCA work. It is also considerably different from, for example, a DPI held by a fisherman which is specific and has the effect of precluding them from voting only on fisheries directly related to their income.

Precluding a member who is an employee of a 'conservation' body from voting to this extent limits the effectiveness of their contribution. This is further compounded when considering that the MMO appoints such members so as to reflect a range of interests.

Dispensations under the Localism Act 2011 can include those for voting. The same test is applied as for consideration as whether a member can participate in discussions. This conflict is considered as part of the dispensations in Appendix 2. In summary, it is recommended that Tania Davey is given dispensation to participate in discussion and to vote on matters in which she has a DPI related to their employment.

It should be noted that ultimately, should the Chair and / or Clerk consider specific matters are not appropriate for the member to vote on they can advise the member not to vote.

These matters will be incorporated in the next annual review of the Constitution and Standing Orders in April 2019 to reflect the ability of the Authority to grant dispensations for voting.

Taking into account changes in a member's DPIs

The obvious drawback of making DPIs and associated dispensations more specific is that if DPIs change no dispensation will be in place and as such, members may have to be excluded from discussing such matters.

It should be noted that written applications for dispensations are required and which are to be considered by the Authority and as such, ad hoc dispensations may not be possible without sufficient notification.

To remedy this, a new process is proposed for members to consider additional DPIs at the point that the agenda for a meeting is provided. Members will be invited to make application for a 'new' DPI dispensation two weeks prior to each meeting at the point the agenda is provided. Such application can then be considered at the beginning of each meeting during the 'declaration of members interests' standing agenda item.

Where members fail to provide application in writing prior to the meeting and declare a DPI during the meeting, no dispensation can be granted, and the member will not be able to partake in discussing the associated matter.

In addition, so as to avoid overlooking potential conflicts, it is proposed that an assessment of conflicts with each matter at a meeting are set out for the Chair and Clerk for each meeting. The process is summarised simply as follows:

- Agendas include reference to matters for discussion in relation to each item.
- Members will be required to apply in writing (using the standard DPI application form provided previously) to have any 'new' DPIs considered for dispensation.
- The Authority will consider any such applications received in a paper presented at the standing Action Item (number 3 - Declaration of Interests).
- Officers will provide a list to the Chair and Clerk of DPIs and the persons who hold them in relation to each agenda item.

If agreed, officers will write to all members setting out the new process and providing copies of the dispensation application form.

Further consideration

Given the complexities of the issues relating to DPIs, it is recommended that the process for determining DPIs and granting their dispensations is given more consideration including the provision of more legal advice.

Legal and financial implications

Legal risk associated with DPIs is mitigated through the application of due process in accordance with the Localism Act 2011 and the Eastern IFCA Constitution and Standing orders. Given the complexity of DPIs and the associated dispensations, verbal legal advice has been received to the effect that the above recommendations are lawful. To mitigate risk further, officers will engage NPLaw to review the Eastern IFCA process in its entirety.

Financial implications relate only to the provision of legal advice.

Appendices

- 1. Revised Disclosable Pecuniary Interests for MMO appointees**
- 2. Consideration of granting dispensations for members with Disclosable Pecuniary Interests under section 33 of the Localism Act 2011**

Appendix 1 - Revised Disclosable Pecuniary Interests for MMO appointees

Eastern IFCA - Register of Pecuniary Interests Non-elected members (MMO appointees)

Register of Pecuniary interests. Under section 30 of the Localism Act (2011) the following Disclosable Pecuniary Interests have been declared by non-elected members including those relating to a husband / wife / spouse or civil partner or person with whom the member is living as if they were civil partners.						
Name of non-elected member	1. Employment	2. Sponsorship	3. Contracts	4. Land or licences	5. Corporate tenancies	6. Securities
Mr Keith Shaul	Fisher (specifically Crabs, Lobsters and Whelks) and Market trader / Sala Seafoods	None	None	None	None	Ownership of shares in the following fishing vessels: SARAH NAOMIE (PLN: YH333), SARAH S
Dr Stephen Bolt	Association of IFCA / NHS	None	None	None	None	None
Stephen Worrall	None	None	None	None	None	None
Mr Rob Spray	Self Employed (photography, marine monitoring, recording and training)	None	None	None	None	None

Mr Shane Bagley	Fisher (specifically cockles, mussels and brown shrimps)	None	None	Boston Quay	Wash Fishery Order Shellfish Lay	Ownership of shares in the fishing vessel LILI MAE (PLN: BN439) / Boston and Fosdyke Fishing Society Limited
Mr John Davies	Fisher (specifically Crabs, Lobsters, whelk, bass, finfish) / Director and Secretary of JJ and CAS Davies Limited	None	None	None	None	JJ and CAS Davies Limited / ownership of shares in fishing vessel RICHARD WILLIAM (PLN: YH3)
Ms Tania Davey	Lincolnshire Wildlife Trust (conservation), Caistor Grammar School (education)	None	None	None	None	None
Mr Roy Brewster	Fisher (specifically cockles, mussels and brown shrimps) / Director of Tricia B Shellfish Ltd / R A Brewster and Sons	None	None	None	2 Wash Fishery order Lays	Tricia B Shellfish Ltd / R A Brewster and Sons / ownership of shares in three fishing vessels: VICKY ELLEN (PLN: BN86), RUBY DOO (PLN: BN3), PATRICIA B (PLN: 438)

Mr Paul Garnett	R. J Garnett and Sons Limited (Director) / Fisher (specifically cockles, mussels, whelks, brown shrimps, crabs and lobsters)	None	None	None	None	R. J. Garnett and Sons Limited / King's Lynn Fishing Industry Co-Operative Limited / ownership of shares in two fishing vessels: NORTHERN ISLE (PLN: WY28) and ELIZABETH MARY (PLN: LN84)
Mr Mike Warner	Avocet Media Ltd (Support activities for crop production, Environmental activities, activities of business and employers membership organisations)	None	None	None	None	None
Mr Steven Williamson	Director of J and J Shellfish Ltd / Director of Lynn Shellfish Ltd / Donaldsons (specifically cockles, mussels, whelks and brown shrimps)	None	None	Lynn Shellfish Ltd (processing factory)	Wash Fishery Order Lays	J and J Shellfish Ltd / Lynn Shellfish Ltd / Donaldsons / ownership of shares in the following vessels: PORTUNUS (LN91), SEAGULL (LN22), SEASWALLOW (LN20), LYNN PRINCESS (LN175), BOY NEIL (LN126), ABBIE

						JAYNE (LN454), WASH PRINCESS (LN161), JOHN WILLY (LN465), MATTY JAY (LO541), GEORGIE FISHER (LN474), JALETO (MT105), SUNNY MORN (LN475), DOG FISH (LO119), MOLLY P (BN444)
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Appendix 2 – Consideration of granting dispensations for members with Disclosable Pecuniary Interests under section 33 of the Localism Act 2011

Consideration of matters which may conflict with DPIs

Authority business is centred around Eastern IFCA’s main duties i.e. the management of fishing activity in relation to industry viability, fisheries sustainability and environmental protection. The main ‘types’ of matters for which a conflict is likely are summarised below.

- Agreeing to management measures – where the Authority considers issuing, varying or revoking management measures there will likely be economic impacts on fishers including Authority members with related DPIs. This includes a range of fisheries (e.g. cockle fisheries, crab and lobsters etc.). In addition, members employed by a conservation body have a DPI in ‘conservation’;
- Leasing private Rights to fisheries in the Wash – The Wash Fishery Order 1992 enables Eastern IFCA to lease portions of seabed in The Wash to fishers, including some Authority Members, for the purpose of Aquaculture;
- Agreeing to contracts to undertake work on behalf of the Authority - Members have previously agreed to contract out works (specifically research work) to fishers. Where such matters are under consideration and discussed, Members may have related DPIs.

Section 33 of the Localism Act sets out that, in considering whether to issue dispensations, the Authority must consider ‘all relevant circumstances.’ MMO appointee’s DPIs in relation to matters relating to Authority business are set out in Table 1 (below) which also sets out potential conflicts.

Table 1 – circumstances where an MMO Appointee may have a DPI which relates to matters discussed at Authority Meetings. DPIs identified include those relating to the spouse / civil partner of the non-elected member.		
MMO Appointee	DPIs which relate to Authority Business	Matters for which a DPI is relevant
Mr Keith Shaul	<p><u>Employment</u> – fishing (specifically Crabs, Lobsters and whelks) and Market trader (Sala Seafoods)</p> <p><u>Securities</u> – Ownership of shares in fishing vessel(s)</p>	<p>Agreeing to management measures for crabs, lobsters and whelks, Agreeing to contracts to undertake work on behalf of the Authority</p>
Mr Shane Bagley	<p><u>Employment</u> – Fishing (specifically cockles, mussels and brown shrimps)</p> <p><u>Corporate tenancies</u> – leasing of private fishery from Eastern IFCA</p>	<p>Agreeing to management measures for cockles, mussels and brown shrimps, Leasing private Rights to fisheries in The Wash, Agreeing to contracts to undertake</p>

	<p><u>Securities</u> – Ownership of shares in fishing vessel LILI MAE (PLN: BN439) and Limited company ‘Boston and Fosdyke Fishing Society Ltd’</p>	work on behalf of the Authority
Mr John Davies	<p><u>Employment</u> – fishing (specifically crabs, lobsters, whelk, bass, finfish) Director and Secretary of JJ and CAS Davies Ltd.</p> <p><u>Securities</u> – JJ and CAS Davies Limited / ownership of shares in fishing vessel RICHARD WILLIAM (PLN: YH3).</p>	Agreeing to management measures for crabs, lobsters, whelk, bass, finfish, Agreeing to contracts to undertake work on behalf of the Authority
Mr Roy Brewster	<p><u>Employment</u> – Fishing (specifically cockles, mussels and brown shrimps) / Director of Tricia B Shellfish Ltd / R A Brewster and Sons</p> <p><u>Corporate tenancies</u> – leasing of private fishery from Eastern IFCA</p> <p><u>Securities</u> – Tricia B Shellfish Ltd / R A Brewster and Sons / ownership of shares in three fishing vessels: VICKY ELLEN (PLN: BN86), RUBY DOO (PLN: BN3), PATRICIA B (PLN: 438).</p>	Agreeing to management measures for cockles, mussels and brown shrimps, Leasing private Rights to fisheries in The Wash, Agreeing to contracts to undertake work on behalf of the Authority
Mr Paul Garnett	<p><u>Employment</u> – R. J Garnett and Sons Limited (Director) / Fishing (specifically cockles, mussels, whelks, brown shrimps, crabs and lobsters)</p> <p><u>Securities</u> – R. J. Garnett and Sons Limited / King’s Lynn Fishing Industry Co-Operative Limited / ownership of shares in two fishing vessels: NORTHERN ISLE (PLN: WY28) and ELIZABETH MARY (PLN: LN84)</p>	Agreeing to management measures for cockles, mussels, whelks, brown shrimps, crabs and lobsters, Agreeing to contracts to undertake work on behalf of the Authority
Stephen Williamson	<p><u>Employment</u> – Director of J and J Shellfish Ltd / Director of Lynn Shellfish Ltd / Donaldsons (specifically cockles, mussels, whelks and brown shrimps)</p> <p><u>Land or licences</u> - Lynn Shellfish Ltd (processing factory)</p>	Agreeing to management measures for cockles, mussels, whelks and brown shrimps, Leasing private Rights to fisheries in The Wash, Agreeing to contracts to undertake work on behalf of the Authority

	<p><u>Corporate tenancies</u> – leasing of private fishery from Eastern IFCA</p> <p><u>Securities</u> – J and J Shellfish Ltd / Lynn Shellfish Ltd / Donaldsons / ownership of shares in six vessels: ABBIE JAYNE (PLN:LN454), CLAIRE ANN (PLN:YH239), GEORGIE FISHER (PLN:LN474), JALETO (PLN:MT105), JOHN WILLY (PLN:LN465), SUNNY MORN (PLN:LN475)</p>	
Dr Stephen Bolt	<u>No conflicts identified</u>	
Stephen Worrall	<u>No conflicts identified</u>	
Mr Rob Spray	<u>No conflicts identified</u>	
Ms Tania Davies	<u>Employment</u> – Lincolnshire Wildlife Trust (Conservation)	Agreeing to management measures, Agreeing to contracts to undertake work on behalf of the Authority.
Mr Mike Warner	<u>No conflict identified</u>	

Consideration of the benefits of granting dispensations

The MMO appoints Members to IFCAs in accordance with Defra guidance¹ and in particular to ensure that '*members appointed by the MMO are representative of and/or hold knowledge and experience relevant to the economic, social and environmental needs of that IFCA's district and will be selected for the relevant expertise that they will bring to the Committee*'.

In doing so an Authority is able to meet the aim of the Marine and Coastal Access Act 2009 in modernising the management of the entire marine environment by achieving an appropriate balance between commercial exploitation and stock and habitat protection.

MMO appointees are required to impart their local knowledge and expertise to provide insight into the potential outcomes of Authority decisions. Such decisions (and in particular those relating to the implementation of fisheries management) are likely to have much wider ranging effects than only directly

¹ Guidance to the Marine Management Organisation (MMO) on the appointment of committee members to Inshore Fisheries and Conservation Authorities (IFCAs), April 2010 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf

on fishers (for example fisheries related jobs such as factory workers, tourism and cultural impacts). Benefits in relation to each identified 'type' of matter are summarised below:

- Agreeing to management measures – Fishers will have an insight into the potential impacts of recommended management measures and can use their experience and knowledge of the industry to 'sense-check' measures and associated Impact Assessments. Members employed by a conservation body will have knowledge and expertise in the effectiveness of measures from the perspective of their protective effects;
- Leasing private Rights to fisheries in the Wash – The Wash is a dynamic marine environment and fishers with on-the-ground experience provide an insight into the potential impacts of granting private fisheries;
- Agreeing to contracts to undertake work on behalf of the Authority - Fishers will be able to provide insight into the practicality and logistical issues associated with new research projects where the industry may be asked to participate.

Recommended Dispensations

Dispensations under s.33(2) – participation in discussions for matters in which a member has a DPI

It is recommended that dispensations should be granted in relation to all the conflicts identified in Table 1 with regards to participating in discussions. It is considered in the interest of persons living within the district and to ensure that the Authority has fully considered the potential impacts of decisions. Such benefits fall within the scope of s.33(2) of the Localism Act and as such dispensations are considered appropriate. It is also recommended that the dispensations are granted for the maximum period allowed within the Localism Act (2011) of four years or until their term of service is expired (whichever is first) so as to align MMO appointee full term appraisals with the consideration of granting dispensations.

Dispensations under s.33(2) – voting on matters in which a member has a DPI

It is recommended that, in relation to the DPI conflicts regarding fishers and specific fisheries, dispensations to vote do not fulfil the requirements of s.33(2) of the Localism Act. This is primarily because there is sufficient representation from various parts of the fishing industry to mitigate the loss of a vote on a specific matter.

With regards to the conflict identified for Ms Tania Davey for 'agreeing to management measures', it is recommended that a dispensation would be in keeping with section 33(2) of the Localism Act. In particular that granting the interest would be in the interest of persons living in the area so as to have the view of a 'conservation' interest represented to ensure an appropriate balance within the voting portion of the Authority on each matter. The same dispensation is not considered appropriate with regards to 'agreeing to contracts to undertake work on behalf of the Authority'.

It is further recommended that, whilst the dispensation granted will cover all matters relating to 'agreeing to management measures', the Chair will use discretion on any specific matter to advise against the member voting as appropriate.

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

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Andrew Bakewell – Head of Finance & HR

Meeting of the Finance & Personnel Sub-committee held on 17th October 2018

Purpose of report

To inform members of the key outputs and decisions from the Finance & Personnel Sub-Committee meeting held on 17th October 2018.

Recommendations

Members are asked to:

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

Finance Matters

Members considered and:

- Noted and agreed the Preliminary Estimates of Expenditure for 2019/2020
- Noted and agreed the Preliminary Forecast of Income and Expenditure for the years 2021 to 2024.
- Resolved to direct Officers to further re-negotiate the lease extension on the current offices to reflect the intention to relocate as soon as possible.
- Noted the progress to date of the Vessel replacement project and agreed to the increased budget for the design and build oversight element of said project.

HR Matters

Members considered and:

- Received the HR Update Report which included the confirmation of IFCO Ian Hinchliffe's permanent appointment and three IFCOs' successful completion of external and internal assessment to act as skipper of the authority's FPVs.

Exclusion of the Public.

Resolved that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items:

- Permanent appointment of the Head of Operations – Approved.
- Report on the conclusion of an Employment Tribunal claim - Noted.

Background Papers

Unconfirmed minutes of the F&P sub-committee meeting held on the 27th June 2018.

Vision

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Action Item 9

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Andrew Bakewell – Head of Finance and HR

Report on the Management Accounts for the first half of the 2018/19 financial year

Purpose of report

To set out the Half Yearly Management Accounts for members to note.

Recommendations:

Members are asked to:

- **Note** the Management Accounts

Explanatory Notes

Expenditure overall £47,102 under budget as follows:

Salaries and on costs	23,486	- vacancies part year
General expenditure	24,866	- IT support invoiced Qtr 3 (25,200)
Media & Comms	560	
Enforcement	1,116	
Marine Science	(3,776)	- Sonde repairs
Vessels	(6,723)	- JA engine repairs (18k) offset by savings TC, Seaspray and moorings
Vehicles	8,063)	- Insurance paid last year
Income	(19,975)	- WFO licence increase delayed, EHO invoice timing

Management Accounts Financial Year 2018/2019

	ACTUAL	BUDGET	VARIANCE	MEMO
	Year to Date	Year to Date		Budget
	Qtrs 1&2	Qtrs 1&2		For Year
	£	£		£
<u>SALARIES & WAGES</u>				
Staff Remuneration	378,147	393,920	15,773	787,839
Pension	79,256	84,582	5,326	169,163
National Insurance	38,485	40,872	2,387	81,744
TOTAL	495,888	519,374	23,486	1,037,946
<u>GENERAL EXPEND</u>				
Accommodation	32,703	35,400	2,697	70,800
Insurance	7,390	8,250	860	8,250
General Establishment	44,104	67,600	23,496	94,600
Officers' Expenses	7,410	7,750	340	14,750
Members' Travel	393	1,750	1,357	3,500
Training	13,884	10,000	(3,884)	20,000
TOTAL	105,884	130,750	24,866	211,900
Media & Comms	240	800	560	1,600
Enforcement	9,874	11,000	1,116	22,000
Marine Science	7,026	3,250	(3,776)	6,250
<u>VESSELS</u>				
Moorings/Harbour Dues	1,537	3,000	1,463	3,700
<u>Vessel Operating Costs</u>				
Three Counties	50,317	57,000	6,683	89,000
FPVs JA & ST	37,530	20,750	(16,780)	41,500
Seaspray	189	2,100	1,911	4,200
TOTAL	89,573	82,350	(6,723)	138,400
<u>VEHICLES</u>				
Operating Costs	8,437	16,500	8,063	25,000
TOTAL	8,437	16,500	8,063	25,000
TOTAL EXPENDITURE	716,922	764,024	48,002	1,443,096
<u>INCOME</u>				
Bank Interest	44	50	(6)	5,000
Levies	1,411,008	1,411,008	-	1,411,008
WFO Licence Tolls	10,642	25,000	(14,358)	25,000
Whelk licences	2,305	3,250	(945)	6,250
Sale of assets	1,277	1,125	152	2,250
Fixed Penalties & costs	4,310	2,500	1,810	5,000
Surveys		2,000	(2,000)	4,000
EHO sampling	4,600	10,000	(5,400)	20,000
Lay rents	3,272	2,500	772	2,500
TOTAL INCOME	1,437,458	1,457,433	(19,975)	1,481,008
Reserve movement	n/a	n/a		37,912

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 10

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Andrew Bakewell – Head of Finance & HR

Payments made and monies received during the period 1st July 2018 to 30th September 2018

Recommendations

Members are asked to:

- **Note** the content of the paper

Background

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 1st July to 30th September 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
1st July 2018 to 30th September 2018

Payments made during the period 1st April 2017 to 30th June 2017

	Month 4	Month 5	Month 6	TOTAL
	£	£	£	£
Transfers to EIFCA Salaries Acct.	90,000.00	93,000.00	85,000.00	268,000.00
Premises	1,410.34	2,339.36	12,232.47	15,982.17
General Establishment	1,786.36	6,355.31	4,167.65	12,309.32
Legal Fees			846.00	846.00
Staff Travelling & Subsistence	500.28	1,088.45	701.83	2,290.56
Members' Allowances				
Training	495.00	6,780.87	773.07	8,048.94
Moorings/Harbour Dues			581.47	581.47
Pisces III Operating Costs				
Hire of rib				
Three Counties Operating Costs	293.78	681.87	1,329.97	2,305.62
FPV JA & ST –Operating Costs	2,261.57	23,076.04	1,943.67	27,281.28
Vehicle Operating Costs	2,439.07	1,804.07	596.89	4,840.03
Communication and Development			240.00	240.00
Marine Science	41.31	1,201.30	61.00	1,303.61
Enforcement	55.61	390.91	200.44	646.96
Wash & Nth Norf. EMS Project	73.98	600.00	1,395.50	2,069.48
Wash Fishery Order				
Assets				
IT Project				
Petty Cash				
VAT recoverable (Quarter)	1,211.79	7,592.25	3,946.47	12,750.51
TOTAL PAYMENTS MADE	100,569.09	144,910.43	114,016.43	359,495.95

Monies received during the period July 2018 to September 2018

	Month 4	Month 5	Month 6	TOTAL
	£	£	£	£
Levies				
WFO – Licences	180.00	1,080.00	352.00	1,612.00
WFO – Tolls	150.00	900.00		1,050.00
Whelk licences		500.00	250.00	750.00
Wash & North Norfolk Coast EMS				
VAT				
Fixed Penalty Fine				
Awarded costs		2,610.00	1,700.00	4,310.00
EHO sampling				
Lay rents		144.20	3,128.13	3,272.33
Fuel duty				
Miscellaneous	526.96	868.09	577.18	1,972.23
TOTAL MONIES RECEIVED	856.96	6,102.29	6,007.31	12,966.56

Exceptional Items

Premises – quarterly rents in mth 6 £8.6k

Training - management training in advance paid mth 5

FPVs - JA engine rebuild

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 11

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Julian Gregory, CEO

Annual Report 2017/18

Purpose of report

The purpose of this report is to present the Annual Report 2017/18 for consideration.

Recommendations

Members are recommended to:

- **Approve** the Annual Report 2017-18;
- **Direct** the CEO to publish the report and distribute it to Defra.

Background

The Marine and Coastal Access Act 2009 requires Eastern IFCA to produce an Annual Report at the end of each financial year and that a copy of the report be sent to the Secretary of State (via Defra).

Report

Officers have prepared an Annual Report, which is appended to this item. The report details the Authority's work over the last financial year, progress against the priorities set for that year and other organisational metrics (e.g. carbon footprint calculation etc.).

Appendices

1. Annual report 2017/18

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

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Julian Gregory (CEO) / Luke Godwin, Senior IFCO (Regulation)

Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018: results from formal consultation

Purpose of report

To report on the responses to the formal consultation on the Shrimp Permit Byelaw 2018 and the Marine protected Areas Byelaw 2018 and to propose amendments to the byelaws following the consultation.

Recommendations

Members are recommended to:

- **Note** the summary of consultation responses and Eastern IFCA's consideration of the objections raised at Appendix 1;
- **Agree** to make the changes to the byelaws as set out in Table 1;
- **Direct** Officers to re-consult on the Shrimp Permit Byelaw 2018 regarding the amendments related to provisions for inshore Vessel Monitoring Systems;
- **Direct** the CEO to submit the Marine Protected Areas Byelaw 2018 as set out in Appendix 7 for confirmation by the Minister;
- **Agree** to delegate authority to the CEO, following 're-consultation' on the matters set out above, to make changes to the byelaw that do not alter the intent of the management measures and to submit to the Minister for approval.

Background

At the 33rd Eastern IFCA Meeting (18th July 2018) members agreed to make the Shrimp Permit Byelaw 2018 and the Marine Protected Areas Byelaw 2018 and directed Officers to undertake a formal consultation.

Report

Officers undertook a formal consultation which ended on the 3rd September 2018. A total of 38 written responses were received including from individuals, fisher associations and conservation groups. It should be noted that 15 of these responses received were the same response signed by different persons associated with a single association. The Marine Management Organisation's policy team also provided informal feedback and further legal advice was sought from Andrew Jackson Solicitors LLP.

A summary of the feedback and proposed changes to the Byelaws are set out below.

Summary of feedback

Concerns and objections were raised by a range of stakeholders including those with a conservation interest and those with a fishing interest.

In general, fishers were most concerned by the administration of permit conditions and how this will impact their business model. There still appears to be a significant dichotomy of strong opinion in this regard but Eastern IFCA is not proposing to implement any limitation on permits at this time. Rather, this will be taken into consideration through a dedicated consultation. Other key objections included the closed areas on the North Norfolk Coast, the model for issuing permits (with regards to who 'owns' the permit), the requirement to have veil nets on all vessels, the impacts of potentially closing the fishery mid-season and the enforcement and costs of I-VMS.

Conservation interests were represented by far fewer responses (two in total) and one such response was particularly critical of the proposed measures as not having enough of a protective effect.

A detailed consideration of the objections and concerns raised is set out in Appendix 1 which includes a recommended response for each 'theme' of objection. In the case of ten such objections, officers recommend an action which is appropriate to resolve the objection. In the majority of cases, the objection is in relation to elements of the byelaw which are already sufficiently justified.

In addition, officers recommend some actions to resolve feedback received from the MMO and our legal advisor. Proposed actions resultant of the consultation and further consideration are considered in table 1 below.

Table 1 Actions proposed as a result of consultation and further consideration

Action required	Rationale for amendment
<p>Various wording changes in relation to the byelaws, permit conditions and impact assessments.</p>	<p>The MMO policy team provided feedback on the wording of the byelaws, permit conditions and eligibility criteria taking into account legislative and policy drivers and current trends in the wording of byelaws (including ensuring transparency). Various amendments were proposed, none of which had the effect of altering the intended effect of the byelaws.</p> <p>Such changes included, for example, the formatting of coordinates set out in the Marine protected Areas Byelaw and additions and amendments to the definitions section of the Shrimp Permit Byelaw.</p> <p>Officers have considered the recommendations from the MMO and recommend accepting the majority of recommendations. All such changes were within the scope of the delegated powers granted to the CEO at the previous Eastern IFCA meeting (33rd Eastern IFCA meeting) and as such are not considered further.</p> <p>In addition, the impact assessments have been updated to reflect advice received. One notable change is that in relation to the cost to the Authority which have reduced because 'enforcement costs' i.e. costs related to incidents of non-compliance, cannot be included (as had been the case previously). With regards to enforcement, only additional compliance costs can be taken into account (e.g. additional patrols).</p>
<p>Removal of the eligibility criteria (i.e. the provision relating to relevant offences)</p>	<p>An objection was received to the effect that this provision was too harsh. In particular, there was a concern that, given that the criteria sets out that the person is not eligible rather than the Authority having discretion as to whether to make a person ineligible</p>

for a permit, that two relatively minor offences could preclude someone from fishing for up to three years.

Further legal advice was received after the byelaw was made specifically in relation to the proposed eligibility criteria. The criteria originally proposed sets out that persons who have been convicted of, or received a Financial Administrative Penalty for, shrimp fishing related offences on more than two occasions within a three-year period were not eligible for a further permit.

The advice received is to the effect that the eligibility criteria as proposed were not in keeping with the Rehabilitation of Offenders Act 1974 (as amended) because spent convictions (i.e. those more than 12 months old) cannot be used to prejudice a person's employment. Therefore, counting a conviction against an applicant over the three-year period as proposed would not be legal and furthermore, applicants would not be required to declare it.

Reducing the period that convictions and FAPs can be taken into account makes this provision less effective. To require two convictions or FAPs within a 12-month period makes the provision less effective because of the low likelihood of prosecuting the same fisher twice in 12 months. Reducing the number of convictions to just one over the 12 months' time period is not, at this time, considered proportionate. The Marine and Coastal Access Act 2009 has provision for a court to make a person ineligible for future permits as a sanction for an offence. This is however limited in its scope to Eastern IFCA permit byelaws. Part of the role of the Eligibility criteria was to enable other relevant offences to be taken into account, for example obstruction, when issuing permits.

	<p>On balance, whilst the proposed criteria had the benefit of taking into account additional offences, the legal advice received reduces the efficacy of the measure and it is therefore recommended that it is removed but may be considered further going forward.</p>
<p>To amend the wording of the requirement for vessels to have I-VMS from:</p> <ul style="list-style-type: none"> • when engaged in shrimp fishing; <p>to:</p> <ul style="list-style-type: none"> • at all times the vessel is within the district if the vessel is named on a shrimp permit. 	<p>The original provision which requires the use of I-VMS under the byelaw was drafted taking into account permit conditions which, at the time, were proposed by Devon and Severn IFCA. These were the first draft of such provisions in relation to I-VMS and were proposed subsequent to national dialogue between IFCAs and the MMO.</p> <p>Paragraph 5 of the byelaw originally proposed sets out the following: <i>A person must not <u>fish for shrimp</u> without a fully functioning, remotely accessed electronic reporting device on board the vessel...</i></p> <p>The effect of this provision would be that a person could not fish for shrimp without using I-VMS but could transit the district or fish for other species without I-VMS. Whilst the wording of this provision was in keeping with the intention of the nationally agreed model, officers have subsequently identified that the wording leaves significant room for exploitation and reduces the effectiveness of the measure. For example, a legitimate defence to not having a functional device (in the case of a device malfunction for example) could be that the vessel is simply transiting the area. For the requirement to be effective, the provision needs to apply at all times as, in theory, the vessel is capable of fishing for shrimp at any time.</p> <p>It is proposed therefore that the provision is reworded as follows: <i>A person must not use a vessel which is named on a shrimp permit without a fully functioning, remotely accessed electronic reporting device on board the vessel...</i></p>

	<p>This would have the effect of requiring a vessel to have I-VMS on at all times regardless of the activity.</p> <p>Reporting costs for the fishers will not increase as a result of this measure as the contracts offered by suppliers relate to three-minute reporting at all times. There is however likely to be an additional burden on fishers who would not be able to fish at all (i.e. for any species) from a vessel named on a shrimp permit if a device has malfunctioned. It should be noted however that two instances of non-reporting devices are known to have occurred in the Devon and Severn IFCA district and in both cases, I-VMS devices were operational within hours of malfunction.</p>
<p>Removal of closed areas 32 and 33 (inshore North Norfolk Coast and 'seasonal corridor' areas respectively)</p>	<p>Several objections were raised in relation to the closures 32 and 33 on the basis that neither contain habitats or sub-features which are deemed as sensitive to shrimp fishing activity within the Habitat Regulation Assessment.</p> <p>The HRA identified that subtidal mixed sediments and subtidal mud were the most sensitive habitats in the site, particularly where they occurred at depths greater than 10m below chart datum. For intertidal sand, the HRA found that impacts could not be ruled out, so a precautionary high mitigation score was given for this habitat. More evidence was available for The Wash embayment than for the Norfolk Coast. The HRA identified that appropriate mitigation for intertidal sand is to control the level of shrimp trawling over this feature, rather than to close it to shrimp fishing.</p> <p>Habitat data (Natural England data release) shows that the inshore closures on the Norfolk Coast predominantly contain intertidal sand (closure 32) and a mix of subtidal sand, mixed sediment and mud at depths less than 10m below chart datum (closure 33). These areas had been proposed for closure as a continuum from closure 31 (North Norfolk coast offshore) and because these areas provide an</p>

	<p>important nursery ground for juvenile fish, which form part of the water column sub-feature and are a food source for harbour seals (a designated feature of the site). However, closures 32 and 33 had not been identified as being <i>necessary</i> to avoid adverse effects on site integrity, since the HRA had assessed that the shrimp fishery does not cause an adverse effect on site integrity through the removal of juvenile fish.</p> <p>Therefore, since closures 32 and 33 had not been identified as being necessary through the HRA, it is recommended that they are removed from the Marine Protected Areas Byelaw 2018. In recognition of likely wider ecological benefits of these closures, it is recommended that they should be further considered in future iterations of management of the shrimp fishery – including the consideration of sustainability measures for the shrimp fishery (planned to follow the current work for protection of designated habitats and species).</p> <p>No additional burdens or impacts on stakeholders are anticipated as a result of this amendment.</p> <p>Closure 32 was planned to subsume closures previously in place by the Marine Protected Areas Byelaw 2016. As closure 32 has been removed these closures need to be added to the byelaw to ensure that the same protective effect is achieved as in the Marine Protected Areas Byelaw 2016. The closures were previously named EH, SF, BP, BC and are now named 32, 33, 34 and 35.</p>
<p>Removal of the requirement for all shrimp fishing nets to have veil nets (i.e. separator trawls) or sorting grids.</p>	<p>Two objections were received (including one from an association) setting out that there was insufficient evidence to require veil nets within the HRA.</p>

	<p>Eastern IFCA proposed that all fishing boats would require a separator trawl or sorting grid through permit conditions. This is an extension of the requirement in place under the Shrimp Fishing Nets Order 2002 which requires shrimp beam trawls with an aggregate length of more than 8 meters to have such.</p> <p>The use of veil nets (separator trawls) is considered a responsible approach to minimise the impacts related to by-catch mortality of species which may be of importance to the site as a whole and as a commercial fishery resource. However, it could be argued that consideration of the use of veil nets through the HRA is not sufficient to evidence a need for this measure in relation to the sub-features, as assessed in the document. In particular, the assessment scopes out the need to further consider the 'water-column' feature further as impacts not considered to impact site integrity.</p> <p>It is therefore recommended that the requirement is removed for the purpose of the current iteration of the byelaw. It should be noted that the vast majority of the fishing fleet uses separator trawls by virtue of the Shrimp Fishing Nets Order 2002 and only two vessels are thought to be fishing with gear smaller than this. However, it is also proposed that the use of veil nets is considered further in relation to the development of fisheries sustainability measures within the shrimp fishery.</p>
<p>Implementation of a formal operating procedure in relation to the issuing, varying and revoking of flexible management measures (i.e. limitations on the number of permits and flexible permit conditions).</p>	<p>One objection was received related to Eastern IFCA not having a 'formal operating procedure' as required under paragraph 1 of Schedule 1 of the Shrimp Permit Byelaw.</p> <p>Eastern IFCA published a document which set out the process for the issuing, varying and revoking Regulatory notices under the Protected Areas Byelaw (May, 2014). This process is analogous to the process set out in the Shrimp Permit Byelaw. On further</p>

	<p>consideration however, the process as set out in this document requires updating to reflect its use for flexible management measures as opposed to Regulatory Notices.</p> <p>An updated procedure is recommended at Action Item 13 of this paper.</p> <p>Given that the procedure does not form part of the byelaw it is not considered subject to consultation and as such, no further action is required however, it is also proposed that Eastern IFCA publicises the procedure (if approved) after the meeting to provide clarity to fishers.</p>
<p>Update of the impact assessment to reflect the following:</p> <ul style="list-style-type: none"> • additional benefits identified resultant of the proposed measures • Potential risk / cost associated with Eastern IFCA closing the shrimp fishery mid-season • Include acknowledgement of smaller scale fishers / fishers who may wish to enter the fishery or have not fished for many years 	<p>A crucial part of the formal consultation is to fill any gaps in the impact assessment which can be tested against a much wider audience than in the more targeted informal consultation stage. The comments received are reasonable and the impact assessment has been amended to take these comments into account.</p>

Proposed changes set out in Table 1 above are set out in the Appended Byelaws, Permit conditions and Impact Assessment for reference (Appendices 2 to 7).

Consideration of the need to re-consult on proposed changes

Defra guidance² requires that byelaws are consulted on ‘formally’ after having been made by the Authority and that objections are considered with a view to having them resolved prior to a byelaw being formally submitted to the Secretary of State. However, changes to a byelaw may require ‘re-consultation’ on those changes if they fundamentally change the byelaw compared to what was consulted on.

Legal advice was received with regards to proposed amendments to the wording of the I-VMS requirement to the effect that the change would likely constitute a fundamental change. The rationale being that, the amendment places an additional burden on fishers who may be affected by, for example a malfunctioning device, to a greater extent than they would have before.

Other amendments set out in Table 1 are not considered fundamentally different to the extent that they would require re-consultation. Whilst it could be argued that amendments to the closed areas (i.e. removal of areas 32 and 33) is a substantive change, the effects of this do not place additional burdens or have additional impacts on stakeholders likely to be affected (i.e. fishers) and are therefore not fundamental. Finally, the removal of the eligibility criteria could be considered as a substantive change however removing them means that there is less impact on fishers. As such, it is recommended that this amendment would not require re-consultation.

With regards to the shape of the re-consultation, legal advice received from Andrew Jackson Solicitors LLP recommended re-issuing adverts in the Fishing News (as per the Defra guidance) whereas MMO policy suggested that it could be justified that such was not needed if publicised on the website and if stakeholders were written to. It is recommended that the advice of Andrew Jackson is followed, and an advert is placed in Fishing News so as to ensure no risk remains having made the proposed changes. It is further recommended that stakeholders will also be written to and the re-consultation will also be publicised on the Eastern IFCA website in any case.

Consultation period during formal consultation

Defra guidance also sets out a framework for undertaking formal consultation. This includes that two consecutive advertisements should be publicised in a

² IFCA Byelaw Guidance, March 2011: Defra - <https://www.gov.uk/government/publications/ifca-byelaw-guidance>

newspaper and that objections should be raised '*not later than 28 days after the date of the newspaper in which the last advertisement appears*'.

Officers have identified that the publicised deadline for consultation responses was inadvertently too short, consisting of 26 days, rather than 28.

Legal advice and advice from the MMO policy team has been obtained to the effect that there is only a low risk with regards to having consulted for too short a period. The factors taken into consideration were;

- That Defra guidance is not mandatory and that the Marine and Coastal Access Act 2009 does not mandate a time period for consultation;
- That 26 days is a reasonable period for a consultation in any case;
- That objections were received and taken into account after the deadline;
- That the IFCA consulted extensively with the stakeholders likely to be affected by the measures prior to the consultation.

Therefore, it is recommended that the byelaws in their entirety do not require a full 're-consultation' as a consequence of the error.

Legal implications

There are legal risks inherent in making byelaws and these are mitigated by undertaking due process. A byelaw may be subject to a public inquiry (including as directed by the Secretary of State before confirmation) or to judicial review.

Officers have throughout the process of developing the byelaws, sought to ensure due process so as to mitigate risks of successful legal challenge.

The risk associated with making changes to the Shrimp Permit Byelaw 2018 is to be mitigated by undertaking an additional consultation. Legal and policy advice has been sought with regards to the inadvertently short consultation period to the effect that legal risk is very low.

Financial implications

There will be an additional cost of circa £1600 for the re-consultation of the changes to the Shrimp Permit Byelaw 2018 as a result of requiring two additional Fishing News adverts. Some additional Officer time will also be required to undertake such. This is not considered significant in the context of ensuring that the byelaw does not become ultra vires as a result of failure to adhere to due process.

Background papers

- Action Item 14: Marine Protected Areas Fishery Management Measures, 33rd Eastern IFCA Meeting

Appendices

1. Summary of responses to formal consultation
2. Shrimp Permit Byelaw 2018 as amended
3. Shrimp Permit Byelaw 2018: Category One Permit Conditions as amended
4. Shrimp Permit Byelaw 2018: Category Two Permit Conditions as amended
5. Shrimp Permit Byelaw 2018: Impact Assessment as amended
6. Marine protected Areas Byelaw 2018 as amended
7. Marine protected Areas Byelaw 2018: Impact Assessment

Appendix 1

Formal consultation – Summary of responses

Themes	Comments
<i>Impacts on different business models</i>	
<p>Current proposals have no limit on the number of permits – this will potentially result in the fishery closing mid-season which would result in closure of processor factories with wider impacts (e.g. delivery drivers, clerical staff, factory workers etc.) which are not fully explored in the impact assessment.</p>	<p>As a recognition of the complexity of administering a permit scheme for shrimp fishing (as highlighted in informal dialogue and in comments set out below), Eastern IFCA intends to develop a model for issuing permits in slower time and as informed by a dedicated consultation. However, given the risk to the marine protected area as detailed in the HRA, protective measures are required.</p> <p>Implementation of the byelaw in its current form provides a mechanism to implement a permit scheme as appropriate. It also provides a simple ‘backstop’ to enable Eastern IFCA to ensure that the site is not significantly impacted by shrimp fishing whilst developing a process for administering permits, as required under the Habitats Directive (92/43/EEC) and The Conservation of Habitats and Species Regulations 2017 (2017/1012). This provision enables Eastern IFCA to close the fishery if there is an enhanced risk to site integrity. In this case, that is likely to be determined as fishing effort at levels in excess of what has been the case over the last ten years.</p> <p>The impact of having to close the fishery ‘mid-season’ is acknowledged in the impact assessment however monetised costs were not estimated because current levels of fishing activity are not thought to be having an impact on the site (i.e. impacts are hypothetical). In addition, the timing of the ‘permit year’ (i.e. August to August) reduces the likelihood of such closures by ‘restarting the clock’ at the point effort usually starts to increase.</p> <p>However, the potential scale of impact on the industry can be estimated as follows:</p>

Table 1. impact as a percentage of total landed weight of shrimp depending on timing of fishery closure (MMO data 2010 to 2017 inclusive)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
All vessels	20.9	17.2	13.0	8.7	5.4	2.9	0.0	93.0	78.5	58.7	39.7	29.1
Vessels landing shrimp 10 or more months of the year	22.0	18.5	14.5	9.8	5.9	3.2	0.0	92.8	77.6	57.8	39.2	29.6

Table 2. impact as a percentage of total value of catch depending on timing of fishery closure (MMO data 2010 to 2017 inclusive)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
All vessels	24.1	20.0	14.9	10.0	6.1	3.0	0.0	93.2	79.7	61.6	43.1	32.1
Vessels landing shrimp 10 or more months of the year	25.0	21.2	16.5	11.2	6.8	3.4	0.0	93.0	78.5	60.1	42.0	32.2

Tables 1 and 2 show the percentage of landed weight (table 1) and value of catch (table 2) cumulatively over the 'permit period' i.e. August to August. It shows the percentage of catch / value remaining during a normal 'permit year' and as such is an estimate of the scale of impact on fishers. For example, if the fishery closed during January, vessels would lose in the region of 24 to 25% of their total earnings from shrimp during that year.

While this provides some insight into the potential impact on an individual fisher, it is worth noting that if the fishery were to close early, given that the amount of effort which can be permitted is that which has taken place over the last 10 years, the industry wide impacts would be limited as the same amount of shrimp will have been caught but over a shorter period.

Impacts resultant from 'mid-season' closures will be primarily on vessels / fishers who would have relied on the shrimp fishery during the months it is closed. The level of impact on such fishers cannot be determined with the available data as cockle landings (which will make up a significant proportion of

annual value of catch for many vessels) are not accurately recorded in sales notes and as such, not accurately reported in landing statistics making a comparison difficult.

The greatest impact would be felt by vessels whom do not have a Wash Fishery Order Licence or other target species. Impacts are however mitigated by the ability to fish outside of the Wash and North Norfolk Coast (e.g. the Lincolnshire coast which is anecdotally known to support a significant proportion of the effort from the larger, processor owned vessels).

Finally, there will also be a wider impact on loss of earnings from processor factories which rely heavily or solely on the processing of shrimps for certain periods of the year. These cannot be monetised with the available data however, it can be assumed that for the individuals who work for these factories the impacts will be significant loss of earnings.

The likelihood of this occurring depends on the likelihood of 'new' vessels entering the fishery. Eastern IFCA has actively discouraged any 'new' vessels fishing for shrimp solely for the purpose of obtaining track-record if / when a permitting scheme is introduced. There is however the potential for new vessels to enter the fishery for this reason and this is acknowledged in the impact assessment.

Ultimately, if the status quo is maintained then a 'mid-season' closure is unlikely to occur. Balancing the various needs of different business models will be difficult and it should be noted that (as set out below) there is a counter view that limiting the number of permits will also have a detrimental impact and may lead to the loss of fishing opportunity (e.g. through latent capacity, inability of new entrants etc.) and it is considered important to establish the best method for achieving the required effect with further consultation. Eastern IFCA will seek to engage with the industry and develop proposals for the administration of permits within a reasonable timeframe so as to minimise any potential impact in any case.

Recommendation: To acknowledge the potential impact in the Impact Assessment in more detail (as set out above) but not to change approach. The potential risk to businesses as a result of closing the fishery is low given that the current understanding is that maintaining effort (outside of most sensitive habitats) at recent levels will not impact the site.

<p>Full-time shrimp fishers should be prioritised, and byelaw should enable year-round fishing for certain vessels with such track-record. Non-regular / part-time shrimp should be stopped from fishing before 'full-time' shrimp fishers.</p>	<p>As above, the details of the administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it.</p> <p>It should be noted however that it is unlikely to be considered reasonable to provide preferential conditions to certain business models. As set out below, the scale of impact on smaller business models which do not rely on shrimps all year (i.e. fish across several different fisheries) will be as great as for those who rely on shrimps all year. Business models for which shrimps form a significant part are still at risk, especially smaller business models with less capital and thus resilience to loss of earnings.</p> <p>Recommendation: Consider as part of planned consultation on the administration of permits.</p>
<p>Small scale shrimp fishers have not been part of informal consultation / development of measures because of they do not provide 'sales notes' i.e. are not part of the MMO landings data set. Informal consultation focussed on vessel from King's Lynn and Boston. Potentially 12 vessels in addition to those from The Wash.</p>	<p>The informal consultation focussed on vessels identified as having landed shrimp in the period 2010 to 2017. These are primarily from King's Lynn and Boston. Responses received indicate that smaller amounts of shrimp have been landed by other fishers including from the North Norfolk Coast for which no or limited sales notes were supplied to the MMO and as such these do not appear on landings data or are from before 2010 (i.e. when the dataset starts).</p> <p>In addition, it is noted that some fishers from the North Norfolk Coast and Suffolk catch small amounts of shrimp to use as bait for long-lining. Additional information will be required to take these into account although it is anticipated that these impacts are likely to be relatively smaller in scale compared to those of fisher whom rely on shrimp to a greater degree.</p> <p>Depending on the level of fishing activity and the location, there may be no impacts on individuals outlined above except for in relation to obtaining a permit and iVMS (or VMS+). Smaller vessels may be impacted to a greater degree if fishing occurs within a proposed closed area (MPA Byelaw) by a vessel unable to fish elsewhere.</p> <p>Recommendation: Acknowledge potential additional fishers of smaller scale in the impact assessment.</p>

<p>Measures penalise 'small scale fishers' and are only beneficial to larger business models. Cost of measures (iVMS and permits) disproportionately impacts smaller business models.</p>	<p>Eastern IFCA has, through the informal consultation and through the formal consultation ensured that all business models which rely on shrimp have been taken into account. Eastern IFCA has aimed to develop measures which represent the fairest balance.</p> <p>It is acknowledged in the impact assessment that impacts related to the provision of iVMS and permits will impact smaller business models to a greater degree as these costs will likely represent a larger proportion of their total turnover / reserves however, these still represent a relatively modest cost (i.e. £114 per annum for a permit and circa £168 for running costs of iVMS). It should be noted that iVMS is also likely to be a national requirement in any case (consultation underway) and that the device and installation is to be funded so as to reduce the impact on fishers.</p> <p>Recommendation: no change to byelaw.</p>
<p>Permit scheme potentially excludes independent fishers who shrimp occasionally and rely on diversification leading to a loss of potential earnings.</p>	<p>As above, the details of the administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it.</p> <p>It is recognised that diversification is a mainstay of the smaller scale, inshore fishers and that loss of this opportunity would have potentially serious consequences to business continuity.</p> <p>Recommendation: to take into account during planned consultation on the administration of permits.</p>
<p>General concerns that the particulars of how permits will be administered is unknown and pending further work.</p>	<p>As above, the details of the administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it.</p> <p>It is acknowledged that this is causing some concern to fishers and impacting on business planning into future years. However, given the complexities and lack of consensus amongst the industry, it is considered appropriate to develop this process in slower time.</p> <p>Recommendation: to take into account during planned consultation on the administration of permits.</p>
<p>Impacts on persons engaged in procuring a new shrimp vessel / shrimp fishing gear who may not get a permit under the byelaw.</p>	<p>As above, the details of the administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it.</p> <p>Balancing the needs of emerging business models and those established within the fishery is difficult given that the resource (i.e. effort) is finite and must be shared out in some way. Eastern IFCA has, whilst discussing the permit byelaw over the last three years acknowledged that there is a business</p>

	<p>risk to obtaining new vessels / new fishing gear with the intention of fishing for shrimp given that these measures are in development.</p> <p>Recommendation: no change to byelaw. Acknowledge risk to fishers regarding potential restrictions to access into this fishery.</p>
<p>Impacts on new / young fishers being able to enter the fishery if permit scheme policies do not take this into account. Additional burdens (and cost) which prevent new fishers entering the fishery.</p>	<p>As above, the details of the administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it.</p> <p>Balancing the needs of emerging business models and those established within the fishery is difficult given that the resource (i.e. effort) is finite and must be shared out in some way. Eastern IFCA has, whilst discussing the permit byelaw over the last three years acknowledged that there is a business risk to obtaining new vessels / new fishing gear with the intention of fishing for shrimp given that these measures are in development.</p> <p>Recommendation: to take into account during planned consultation on the administration of permits.</p>
<p>There is little evidence in the HRA which sets out the need for veil nets.</p>	<p>The use of veil nets (separator trawls) is considered a responsible approach to minimise the impacts related to by-catch mortality of species which may be of importance to the site as a whole. However, it could be argued that consideration of the use of veil nets through the HRA is not sufficient to evidence a need for this measure in relation to the sub-features, as assessed in the document. It should be noted that vessels using shrimp beam trawls over 8m in length (aggregate) is already required through the Shrimp Fishing Nets Order 2002.</p> <p>Recommendation: To remove the requirement for veil nets on all vessels operating under a shrimp permit. The need for this measure will be considered further in relation to the consideration of sustainability measures.</p>
<p>Requirement on all fishers to use a veil net will have an impact on smaller scale fishers (i.e. those with shrimp beams with a length of less than 8m aggregate).</p>	<p>Eastern IFCA has obtained expert advice from SeaFish and a large net manufacturer who consider that the use of separator trawls is viable for smaller fishing gear. However, Eastern IFCA does not intend to take forward this requirement at present in any case.</p> <p>Recommendation: No Further Action.</p>

<p>Permits should be issued to skippers rather than vessel owners – conflict with Wash Fishery Order licencing system. i.e. some skippers are in part ownership of a vessel to enable access to the WFO.</p>	<p>The byelaw sets out that permit holders will be the owner of a vessel. This is consistent with the approach taken by other IFCAs in permitting schemes and with the Eastern IFCA whelk permit byelaw and Wash Fishery order 1992.</p> <p>It is a slightly different approach to the MMO licencing system which requires that all vessel owners are named on a licence. This approach does not require a skipper / representative to be named on the licence at all.</p> <p>The UK system for monitoring track record, landings and vessel activity through vessel monitoring systems, relies on the vessel and not the skipper. i.e. provision of track record for a skipper would require data which is not presently retained, and no national system is set up for. As such, it is considered important that the vessel forms part of the permitting system.</p> <p>It is acknowledged that, because of the complexities and previous policies of the Wash Fishery Order, some skippers / vessel owners find themselves in a position where they have effectively sold their vessel (to WFO Licence Holder) so as to enable entry into this fishery. This circumvention of the WFO licence system means that they cannot be the holder of a shrimp permit as they are not the vessel 'owner'.</p> <p>An alternative system whereby all 'owners' must be named on a permit which effectively follows the hull rather than the vessel owner would not remedy this as, in theory, the present legal owner of the vessel could sell the vessel or retain the majority of shares at their discretion.</p> <p>The issue arises only where permits are limited and fishers in the situation above wish to fish in a manner outside of the conditions of the agreement between the legal owner and beneficial owner. Ultimately, the solution to this is limited and is perhaps better resolved by amendments to the WFO than the Shrimp Permit Byelaw. One important consideration is permit / licence turnover. The life span of vessels is more limited to that of people and as such, turnover will be greater, potentially allowing for more new entrants to enter the fishery. Re-issuing of licences would have to be carefully controlled however and, as with any finite resource, ultimately someone will be impacted (i.e. the business model which needs to replace a vessel may lose a permit to a 'new entrant') having an impact on that business model.</p>
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	<p>When considering the MMO model of issuing licences to the hull of a vessel (i.e. rather than a person having a degree of ownership) this is complimented by a provision to transfer licences between vessels. Business models which may need to replace a vessel can do so by transferring the licence. Being transferable also gives the licence a value and it is often the case that fishers will trade vessels with licences for a higher price. It also reduces the level of control the MMO has over the distribution of vessels and precludes some of the issues inherent in the Wash Fishery Order 1992 licencing system i.e. that vessel ownership is swapped / changed for the purpose of obtaining access to the fishery.</p> <p>Eastern IFCA has sought to avoid permits obtaining any value by making them non-transferable. Where there are a finite number of permits to be issued, under an MMO licence model vessel owners would not be able to replace vessels as the permit could not be transferred. A new permit would have to be obtained instead which may not at the time be available. This would likely be to the detriment of the business model.</p> <p>Recommendation: to retain the provision as it currently is. There are limitations identified with any model for issuing permits and likely to be many unintended consequences. However, the current model is thought to represent the best balance between the various models identified.</p> <p>This model is used in the majority of IFCA permit byelaws. This model sets out that the 'owner' of a vessel can hold a permit and that the 'owner' is defined as the majority shareholder of the vessel. It essentially empowers the person with the most at stake in the fishing business in question i.e. the vessel owner and is a level playing field for smaller and larger business owners.</p>
<p>Potential Human Rights breach by issuing permits to vessel owners rather than skippers – a permit to fish is an essential part of a skipper's trade which is removed by providing vessel owners with permits.</p>	<p>The same case could be made for the vessel owner's business model. This model is in keeping with other IFCA models and that of the MMO (to a lesser degree) – see above. It is not thought to be a breach of Human Rights.</p> <p>Recommendation: No change to byelaw</p>
<p>Fishers should not have to pay to access a historic fishery</p>	<p>The Marine and Coastal Access Act includes provision for Eastern IFCA to charge fees for permits and Eastern IFCA is, being a public body, able to do so to recoup costs associated with the management measures.</p>

	<p>The level of charge depends on the type of permit but both charges are considered modest in relation to the value of the fishery.</p> <p>A permit scheme is an effective way to dynamically manage a fishery by implementing flexible conditions which can reflect the contemporary state of the fishery. Requiring a fee is in keeping with current with the legislation.</p> <p>Recommendation: No change to byelaw</p>
<p>Little evidence to support the need for the closure with regards to protecting juvenile fish – particularly in context of Cefas research (unpublished) which indicates high survivability and that the area does not have any particular importance to bass (over and above other areas).</p>	<p>Shrimp fishing activity is known to result in by-catch mortality, particularly in relation to juvenile fish. Area 33 was proposed to be closed as a continuum from closure 31(North Norfolk coast offshore) and because it provides an important nursery ground for juvenile fish, which form part of the ‘water column’ sub-feature and are a food source for harbour seals (a designated feature of the site).</p> <p>Eastern IFCA has not been able to obtain the research undertaken by Cefas with regards to by-catch from shrimp fisheries and cannot therefore comment on the effectiveness of this measure from that context.</p> <p>It is, however, acknowledged that the HRA identified “no adverse effect on site integrity” from the removal of target species in relation to the ‘water column’ sub-feature. It could be argued that therefore, that no management is required under this sub-feature according to the HRA.</p> <p>Recommendation: To remove the closure (closure 33) from the Marine Protected Areas Byelaw 2018. In recognition of the likely wider ecological benefits of this closure, it is recommended that it should be further considered in future iterations of management of the shrimp fishery.</p>
<p>Concerns that pot fishers will place pots in area during closed periods and not remove them, precluding trawling activity.</p>	<p>Eastern IFCA proposed that the area is closed in relation to the protection of a sub-feature of the marine protected area (the ‘water-column feature’). It was further proposed, after careful consideration and dialogue with the industry, that it would be proportionate to enable some fishing in the area during the periods when the sub-feature was not at risk of being impacted by towed gear i.e. when the area does not function as a nursery area for juvenile finfish.</p> <p>The situation with potting within the area would not change as a result of the measures, i.e. pot based fishermen could set pots in this area now and preclude towed gear fishing activity but they do not. The ‘seasonal’ closure was intended to minimise the loss of fishing opportunity where possible.</p>

	<p>Recommendation: Closed areas 33 and 32 are to be removed from the Marine Protected Areas Byelaw 2018 on the basis that these closures had not been identified as being necessary to avoid adverse effects on site integrity.</p>
<p>Wells to Blakeney closure includes habitats other than those which 'require' protection (i.e. sub-tidal mixed in waters deeper than 10m) and should not therefore be closed.</p>	<p>The HRA identified that subtidal mixed sediments and subtidal mud were the most sensitive habitats in the site, particularly where they occurred at depths greater than 10m below chart datum. For intertidal sand, the HRA found that impacts could not be ruled out, so a precautionary high mitigation score was given for this habitat. More evidence was available for The Wash embayment than for the Norfolk Coast. The HRA identified that appropriate mitigation for intertidal sand is to control the level of shrimp trawling over this feature, rather than to close it to shrimp fishing.</p> <p>Habitat data (Natural England data release) shows that the inshore closures on the Norfolk Coast predominantly contain intertidal sand (closure 32) and a mix of subtidal sand, mixed sediment and mud at depths less than 10m below chart datum (closure 33). These areas had been proposed for closure as a continuum from closure 31 (North Norfolk coast offshore) and because these habitats provide an important nursery ground for juvenile fish, which form part of the water column sub-feature and are a food source for harbour seals (a designated feature of the site). However, closures 32 and 33 had not been identified as being <u>necessary</u> to avoid adverse effects on site integrity, since the HRA had assessed that the shrimp fishery does not cause an adverse effect on site integrity through the removal of juvenile fish.</p> <p>Recommendation: Closed areas 33 and 32 are removed from the Marine Protected Areas Byelaw 2018. It should be noted that there may be drivers and rationale to include these closures and such can be revisited as part of future iterations of the Marine Protected Areas Byelaw 2018.</p>
<p>Lack of limit on the number of permits is in conflict with the Fisheries Management Plan adopted under the MSC accreditation bid – i.e. need to limit the number of permits based on track record.</p>	<p>As above, the details of the administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it. The development of the most appropriate model for administering the permit scheme will be informed in part by a consultation with the industry and the fisheries management plan proposed pursuant of Marine Stewardship Council accreditation.</p> <p>The fisheries management plan of the shrimp fishery includes a provision that the processors will not buy shrimp from vessels who have not signed up to the accreditation process and / or are not on a list of vessels produced by the group.</p>

	<p>On this basis, it could be argued that a limit on the number of permits is not required, given that the fisheries management plan has already capped effort. Generally, regulatory measures are only required where in the context of market failures (see impact assessment) and to an extent, these are mitigated by the fisheries management plan.</p> <p>That said, Eastern IFCA is committed to investigate the most appropriate way to administer the permit scheme and is not discounting a limit on the number of permits which may be the most appropriate model.</p> <p>Recommendation: to take into account during planned consultation on the administration of permits.</p>
<p>Lack of other technical requirements (e.g. increased minimum mesh size) as per MSC accreditation bid.</p>	<p>Eastern IFCA intends to implement conditions pursuant of fisheries sustainability after further consideration of the needs of the fishery from this perspective, taking into account the fisheries management plan proposed pursuant of Marine Stewardship Council accreditation and after the measures for the protection of the marine protected area have been implemented. Mesh size will feature among these considerations.</p> <p>Recommendation: to take into account during development of fisheries sustainability measures.</p>
<p>I-VMS costs likely to be higher than expected and likely to impact smaller business models disproportionately (as much as 40 times more than estimated)</p>	<p>The costs provided by suppliers is an annual cost of £114 to £168 per year for I-VMS devices operating at 3-minute reporting rates. Officers have no reason to believe that these are not accurate.</p> <p>Recommendation: No change to byelaw.</p>
<p>Requirement to transmit data at specified interval written into byelaw – this is unfair on fishers where the device has ‘no signal’ (i.e. out of gsm network range).</p>	<p>Electronic monitoring devices have the ability to store data which was intended to be transmitted whilst the device is ‘out of signal’. It is acknowledged that there may be areas where the device is out of signal and Eastern IFCA will over time develop this understanding and operate using discretion and proportionality with regards to enforcing this measure.</p> <p>The provisions of the byelaw are deliberately worded to ensure that the measures are effective, and the inclusion of reporting rates needs to be included for transparency in any case. Eastern IFCA will undertake enforcement using discretion and a proportionate approach.</p>

	<p>It is acknowledged that the wording of the provision effectively makes it an offence to miss a single report however, this is analogous to the landing of an undersize whelk which is also unlawful but which Eastern IFCA would not reasonably expect fishers to comply with under most circumstances.</p> <p>Strict wording is also preferred to take account of the potential to inadvertently create loop-holes or allowances which could be taken advantage of. This was discussed with other IFCAs as part of the collaborative work regarding the national rollout of I-VMS and a national approach was agreed.</p> <p>Recommendation: No change to the byelaw however, Eastern IFCA will develop proportionate policy with regards to the enforcement of I-VMS requirements taking into account the proportionate approach highlighted in the Eastern IFCA Enforcement Policy.</p>
<p>Reporting rate for units is unreasonably high (i.e. every 3 minutes).</p>	<p>Suppliers have indicated that the cost associated with the 3 minute reporting rate is the same as at 10 minutes. The cost of packages is between £114 and £168 for year.</p> <p>Data at this resolution is required to enable Eastern IFCA to assess levels of activity and impacts on the features of marine protected areas and is crucial to enable more discrete closed areas to be used as mitigation. The reporting rate is in keeping with the national approach.</p> <p>Recommendation: No change to the byelaw</p>
<p>Security of data held and concerns regarding the sharing of data. In particular, concern was raised regarding the vessel owner also being the owner of the data and thus able to access it – given the high spatial resolution of the data obtained, the fishing experience of the skipper (i.e. the value of the skipper) can be obtained by through getting the data.</p>	<p>Globavista (where the data is held) system operates in a private network where the live data is stored centrally in CEFAS at Lowestoft (CEFAS are UK Fisheries Administrations' host provider). The data is mirrored across three FAs– MMO, Marine Scotland and DAERA (Northern Ireland). The reason for this is to provide resilience and redundancy to our users and data exchanges with local partner agencies.</p> <p>At all sites, the supplier is required to comply with ISO 27001 which is a recognised security standard for storage of data. Also access to Globavista Online/Mobile system is via username, password and reinforced by a secondary challenge, and the system is only accessible to officials only. The system audits the login sessions and the MMO have implemented processes to handle a data breach.</p> <p>One thing to note is that I-VMS data is also accessible via a service from I-VMS suppliers in accordance with the I-VMS specification . Access to their data is made available by default when a skipper signs up with any of the devices.</p>

	<p>Whilst the concern regarding the ownership of the data, particularly from the point of view of a skipper in terms of information which is commercial in confidence etc. is acknowledged, it is outside of the scope of the byelaw. Eastern IFCA is seeking advice on this issue so as to feedback to stakeholders but it should be noted that the data will not be shared with third parties and will be processed in strict accordance with the General Data Protection Regulations and Data Protection Act 2018.</p> <p>Recommendation: Provide feedback to concerned fishers once received regarding data ownership.</p>
<p>Closures are also required to protect areas of intertidal mud habitat and shallow mud, in part to provide a continuum from coastal waters to the deeper waters.</p>	<p>The conservation objectives were “restore” for subtidal mixed sediments and subtidal mud. The proposed closures in the Marine Protected Areas Byelaw 2018 provide protection of these most sensitive habitats. The assessment did not identify adverse effect on site integrity from impacts to intertidal mud.</p> <p>The assessment did not identify a requirement for closure of shallow mud habitat to provide a continuum from coastal waters to deeper waters.</p> <p>Recommendation: No change to byelaw based on rationale above.</p>
<p>Monitoring and control plan needs to ensure sufficient data are gathered to understand effectiveness of mitigation measures. These should include 'control' sites (i.e. no take zones) to be used as a comparison.</p>	<p>Eastern IFCA are currently developing a monitoring and control plan for shrimp fishing. This will describe how we gather information on fishing activity and on the effectiveness of management measures. We intend that this will include monitoring of the condition of benthic habitats in heavily and lightly or non-fished areas across a range of habitat types.</p> <p>Recommendation: Not relevant to byelaws. Eastern IFCA will develop monitoring and control plans in due course which will be effective and proportionate.</p>
<p>Larger and more widespread management measures (i.e. closures) are needed for practical and ecological benefit to site managers and the ecosystem.</p>	<p>Eastern IFCA accepts that bigger closures are likely to have greater ecological benefits, but the closures presented by Eastern IFCA in the Marine Protected Area byelaw are designed as mitigation to reduce impacts of the shrimp fishery to an acceptable level, identified through the HRA and based on the location of sensitive features in the site. These are to an extent limited to what is required under current government policy (i.e. the revised approach to fisheries management in marine protected areas) and the Habitats Directive. Natural England has agreed that with this mitigation in place (and the mitigation provided in the Shrimp Permit Byelaw) the fishery will not have an adverse effect on site integrity.</p>

	<p>Where wider ecological benefits can be obtained (i.e. those beyond that which is required), these would need to be carefully considered against the impacts to sea users and implemented only after determining that costs do not outweigh the benefits of such management. At present, Eastern IFCA is focussing its finite resources on achieving the required protective effects which is in itself a significant commitment.</p> <p>Recommendation: No change to byelaw based on rationale above.</p>
<p>The HRA does not provide robust scientific evidence that shrimp trawling will not deteriorate the SAC or disturb the species for which the site was designated. Therefore, under article 6(2) of the Habitats Directive, this activity cannot be allowed in the site.</p>	<p>The Habitats Directive does not state that there should be no deterioration or disturbance, but these should be avoided where they could be significant in relation to the directive's objectives. Guidance (EC 2000) states that favourable condition status ...<i>can serve as a terms of reference to fix the limit of acceptable disturbance and deterioration with respect to the objectives of the directive.</i></p> <p>EIFCA's Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018 provide mitigation to ensure deterioration of natural habitats and habitats of species, and disturbance of species for which the area has been designated, are avoided.</p> <p>The assessment acknowledges limitations in some of the evidence but considers that as a whole the evidence is sufficient to support the conclusion of the HRA. This is also acknowledged by Natural England (statutory nature conservation advisors) who agree with the conclusions of the assessment.</p> <p>N.B. Article 6(2): <i>Member states shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbances of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this directive.</i></p> <p>Recommendation: No change to byelaw based on the rationale above.</p>
<p>Proposed measures do not have regard to the impact of shrimp trawling on sandeels which are a keystone species for other species of the site. This and many other by-catch species are largely ignored in the HRA.</p>	<p>Bycatch (i.e. removal of non-target species) in the shrimp fishery is considered in section 5.3.1 and Appendices 6-12 of the HRA. Sandeel was not found to be a significant bycatch species in the shrimp fishery (Eastern Sea Fisheries Joint Committee shrimp survey data, 1997-98, unpublished).</p> <p>Eight non-target species were considered in detail in the HRA. An explanation is given as to why each species was selected for this further consideration. Appendix 12 considers key species in biotopes of sub-features of the site, as described in the conservation objectives.</p>

	<p>Management of by-catch in this fishery will be further considered as part of the shrimp sustainability measures work which will proceed the implementation of this part of shrimp management.</p> <p>Recommendation: No change to byelaw based on rationale above. Further provisions on the impacts of by-catch within the fishery are to be taken into account during the next phase of shrimp management sustainability measures.</p>
<p>Shrimp trawling causes a significant disturbance to benthic communities and shifts the balance within biotic communities to favour short-lived species at the expense of vulnerable, long-lived species, and reduces the diversity of the biological communities present in the habitats where this type of fishing is carried out. It also reduces the food provision for the animal species present in the site that are protected under the Birds or Habitats Directive.</p>	<p>Shrimp trawling does cause disturbance to and changes in biological communities. The HRA has assessed the extent of disturbance and change likely to be caused by the shrimp fishery and judged whether this is within the limits of acceptable disturbance using favourable condition status – and guided by the conservation objectives – as a term of reference.</p> <p>It concluded that without mitigation, “no adverse effect” could not be proven. Therefore, mitigation was designed to enable managers to rule out adverse effect, based on the evidence presented in the assessment.</p> <p>The mitigation (spatial closures) is designed to protect the most sensitive species/communities by excluding shrimp fishing in habitats where they occur (deeper, more vulnerable mixed sediment and mosaic habitat; <i>Sabellaria</i> core reef, subtidal stony reef) and limiting effort/defining acceptable gear in the remainder of the site. Natural England has agreed with the conclusion of the assessment and the mitigation.</p> <p>Recommendation: No change to byelaw as Eastern IFCA has concluded, in agreement with Natural England, no adverse effect on site integrity as a result of the proposed management measures.</p>
<p>It is logical that after decades of shrimp trawling in this area, the habitats and their biological communities have suffered serious degradation from this bottom-contacting fishing gear, and the conservation objective should be set</p>	<p>This is outside of Eastern IFCA’s remit – we do not set the conservation objectives of marine protected areas. The HRA closely followed the conservation advice for the site, including the conservation objectives of “maintain” for the majority of features and “restore” for subtidal mixed sediments and subtidal mud habitats.</p> <p>Recommendation: No change to byelaw because the issue raised is not within the remit of Eastern IFCA. Eastern IFCA will consider any changes to conservation advice as part of the monitoring and control plans.</p>

<p>to 'restore' instead of 'maintain' the site.</p>	
<p>The HRA does not fulfil article 6(3) of the Habitats Directive, which sets out it "may not have gaps and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected site concerned". Eastern IFCA could not provide robust scientific evidence that shrimp trawling will not deteriorate the SAC or disturb the species for which the site was designated, this activity cannot be allowed in the site which is therefore a breach of Article 6(3) of the Habitats Directive.</p>	<p>A thorough scoping exercise was undertaken to ensure all relevant features and sub-features and pressures caused by the fishery were considered in the HRA, thus eliminating any gaps.</p> <p>Confidence in evidence was presented alongside each section of the assessment, and the conclusions were drawn in relation to both what the evidence shows and what confidence applied to the evidence.</p> <p>A level of disturbance is acceptable. The test of an appropriate assessment is whether the activity causes enough disturbance / deterioration to have an adverse effect on site integrity. As set out above, Eastern IFCA concluded in the HRA that the fishery will not cause an adverse effect on site integrity with the mitigation applied.</p> <p>Eastern IFCA set out that the balance of evidence was sufficient to support the conclusion of no adverse effects on site integrity, but only with mitigation applied as described. Natural England has agreed with the conclusion of the assessment and the mitigation.</p> <p>Recommendation: No change to byelaws as per the rationale above.</p>
<p>Comments of NE show significant problems with the HRA</p>	<p>Eastern IFCA accept that NE has raised questions about some parts of the HRA. The HRA was developed over a significant time period which included significant feedback from Natural England and importantly, Natural England has agreed with the conclusion that with mitigation, the shrimp fishery will not have an adverse effect on site integrity.</p> <p>Recommendation: No change to byelaws as per the rationale above.</p>
<p>Continued trawling will suppress the growth and development of <i>Sabellaria</i> crust, and then potentially reef. Significant extension of protection to</p>	<p>The proposed mitigation ensures that <i>Sabellaria</i> reef is protected in line with Natural England's updated advice for this feature. The spatial closures incorporate extended reef areas, including the large closure in the central Wash that contains <i>Sabellaria</i> reef, crusts and mosaic habitat as well as subtidal mixed sediment and subtidal stony reef.</p> <p>Recommendation: No change to byelaws as proposals are in keeping with Natural England advice.</p>

the central portion of deep water of the site is needed.	
Eastern IFCA should introduce an increased minimum mesh size (22mm)	<p>Eastern IFCA intends to consider fisheries sustainability measures subsequent to the completion of work for the protection of MPA.</p> <p>Recommendation: No change to byelaw. Take into consideration as part of the planned work on fisheries sustainability.</p>
Concerns that Eastern IFCA will increase permit fees	<p>Any fee increases would have to be put to a formal consultation and a further Impact Assessment. Because the fees are written into the Byelaw, Eastern IFCA does not have the power to vary them without consent of the Minister.</p> <p>Recommendation: No change to the byelaw.</p>
No full-time shrimp fisher represented on Eastern IFCA (member)	<p>Eastern IFCA committee includes a range of expertise including the owner of a shrimp processing factory. Insight into impacts on the industry are gathered during informal and formal consultations to inform decision making.</p> <p>Recommendation: Not relevant to development of byelaw.</p>
Public notice in Fishing News was not clear enough (EIFCA logo too small)	<p>The public notice was considered sufficient to inform stakeholders and the size of logo was increased in the second consecutive advert.</p> <p>Recommendation: Not relevant to development of byelaw.</p>
Lack of parity between restrictions on fishers and those on windfarms	<p>Windfarm developments are often considered to be of overriding national importance and as such are often exempted from having to meet the requirements of the Habitats Directive in the same way as fishing activity. As a statutory consultee, Eastern IFCA does engage with the Planning Inspectorate and with the Marine Licencing team at the Marine Management Organisation regarding windfarm developments and provide feedback in this regard.</p> <p>Recommendation: Not relevant to development of byelaw</p>

<p>Limited evidence for closure at Wells Harbour – particularly that evidence used was not specifically relevant to shrimp trawls as used by local fishers.</p>	<p>A closure was implemented at Wells for the protection of eel-grass since the implementation of the Protected Area Byelaw in May 2014. This closure was subsequently re-established under the Marine Protected Areas Byelaw 2016.</p> <p>Closed Area 32 incorporates a stretch of intertidal area along the North Norfolk Coast from Wells to Blakeney (approximately) and encompasses the original closed area at Wells and including an additional element which includes the Harbour which is being recommended as removed. It should be noted however that this does not remove the need to have a spatial restriction in place to protect the area understood to contain the ‘red-risk’ feature eelgrass at Wells which is already in place.</p> <p>Recommendation: Area 32 is proposed as being removed (in relation to points above). The Wells closure will still require protection, and this will be fed back to the stakeholder.</p>
<p>Health and safety concerns regarding the stowing of gear – i.e. it is dangerous to have to ‘lash and stow’ fishing gear when transiting a closed area.</p>	<p>The byelaw includes an exemption to this requirement in relation to shrimp fishing gear where a vessel is transiting a closure and where the vessel has been fishing immediately up to and will recommence fishing immediately after leaving the closed area, but the beams must be clear of the water.</p> <p>Recommendation: Not relevant to development of byelaw</p>
<p>Disproportionate impact on fishers outside of the Wash – no need for district wide permit scheme given low levels of shrimp fishing activity elsewhere. Limited displacement expected (4%) therefore there is not sufficient drive to impose permit scheme outside of Wash and North Norfolk Coast SAC.</p>	<p>Given the potential for impacts within the Wash and North Norfolk Coast SAC, any level of displacement poses a risk the site integrity of other marine protected areas and in particular the Suffolk Estuaries. A permit scheme will enable Eastern IFCA to effectively monitor and manage as necessary, fishing activity throughout the district.</p> <p>In addition, the main shrimp fishery is known to extend outside of the Wash and North Norfolk Coast SAC (e.g. up the Lincolnshire coast) and ultimately the byelaw is intended to manage the sustainability of the fishery (in addition to the protection of designated habitats) and as such needs to include these areas.</p> <p>Recommendation: No change to the Byelaw.</p>
<p>Number of tows permitted in fishery should be offset by technical requirements for gear types i.e. the requirement to have flat ‘shoes’ on</p>	<p>The manner in which effort is limited is part of ongoing work including and this includes the ‘amount’ of effort that can be permitted.</p>

<p>beam trawls reduces the reassurance therefore more tows should be permitted.</p>	<p>The requirement to have flat shrimp beam 'shoes' is primarily a preventative measure to ensure that fishing gear does not change or adapt to include any item which may cause penetration. Effort limitations are primarily in relation to the pressure 'abrasion' rather than penetration and which will not be reduced by fishers using flat 'shoes'. As such this will not have an impact on the total amount of effort which can be permitted.</p> <p>Recommendation: No change to the byelaw.</p>
<p>Formal operating procedure not presented as part of formal consultation (referred to in schedule 1 in relation to flexible conditions and eligibility criteria).</p>	<p>The formal Operating procedure is not part of the byelaw itself and not subject to the consultation. Eastern IFCA has proposed a formal operating procedure to be considered at the 34th EIFCA Meeting and will make this publicly available in due course.</p> <p>Recommendation: No change to the byelaw</p>
<p>Eligibility criteria with regards to previous offences is unreasonable / disproportionate. Marine and Coastal Access Act includes a provision for Courts to be able to remove a permit / restrict further permits therefore Eastern IFCA do not need the same power. Particularly given that it would not distinguish between 'seriousness' of offence (i.e. two relatively minor offences could restrict fishing for 3 years).</p>	<p>Eastern IFCA proposed eligibility criteria which would exclude fishers from obtaining a permit if they had been convicted of offences or received FAPs numbering more than two within a period of three years. This is included so as to ensure that fishers with a track-record of offences could be excluded from the fishery and encourages compliance. Crucially, the Marine and Coastal Access Act 2009 has a provision that a court may order the same (i.e. that they are excluded from receiving further permits) but only in relation to IFCA byelaw offences.</p> <p>Eastern IFCA also received legal advice to the effect that, as per the Rehabilitation of Offenders Act 1974, spent convictions (i.e. convictions which are more than 12 months old) cannot be used to prejudice a person's employment.</p> <p>Legal advice received essentially indicated that the eligibility criteria could not be used for the desired timescales, and that to be in line with the Rehabilitation of Offenders act 1974 would actually need to be made stricter. Other responses indicated that the proposed eligibility criteria was already unreasonable/disproportionate.</p> <p>Recommendation: To remove convictions and FAPs for offences from the eligibility criteria</p>
<p>Benefits from the measures are not taken into account in the impact assessment and are not monetised.</p>	<p>The purpose of the impact assessment is to set out the costs and the benefits of the intervention. The form used is the standard form used by government departments. The impact assessment includes</p>

<p>Further benefits should be outlined including:</p> <ul style="list-style-type: none"> • Increase biodiversity • Increase productivity • Increase some commercial species (fish such as sandeels, dab, plaice, sole) • Increase resilience of the habitats and species to climate change and impacts. • Increase the diversity and assemblages of vertebrates and invertebrates. • Increase the feeding opportunities for seabirds, mammals and other species associated with wider SAC and SPA management objectives • Increase in non-use benefits to society (an understanding that spaces are left alone for nature) • Increase in natural food-web • Increase in abundance of brood stock and spawning inside closed areas • Spill-over into open fishing grounds. • Increased CPUE in areas open to fishing around closed areas, that will reduce the costs (fuel) associated with 	<p>reference to the ecological benefits of the intervention as well as the likely impacts on fishing businesses.</p> <p>It is acknowledged that further benefits can be included in the narrative however, quantifying or monetising these is not possible with evidence which is currently available.</p> <p>Recommendation: to include further benefits which are relevant to the management measures.</p>
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<p>fishing harder and for longer in open areas.</p> <ul style="list-style-type: none"> • Increased security of the fishery, knowing that part of the natural habitat of the exploited species is off-limits, therefore guaranteeing that there will be a consistent return into the fishery. 	
<p>Some of the closures are too small to be effectively enforced or complied with by fishers and as such the measures will not have a protective effect.</p>	<p>The small closures are designed to protect <i>Sabellaria</i> reef in line with Natural England's updated advice for this feature (NE, 2016).</p> <p>Small closures are effective as evidenced by small closures in The Wash Fishery Order 1992 cockle fishery. Fishers are provided coordinates of closures so as to enable them to programme plotters used on fishing vessels with the closed areas.</p> <p>The introduction of I-VMS will increase enforceability and the effectiveness of the measures.</p> <p>Recommendation: No change to byelaws</p>

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

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Luke Godwin, Senior IFCO (Regulation)

Formal Operating Procedure: flexible management measures

Purpose of report

To present a revised Formal Operating Procedure in relation to the issuing, varying or revoking of flexible management measures under the Authority's byelaws.

Recommendations

Members are recommended to:

- **Note** the content of the report;
- **Agree** to adopt the revised formal operating procedure as set out in the appendix to this paper.

Background

Eastern IFCA initially adopted a procedure to issue, vary or revoke Regulatory Notices under the Protected Area Byelaw. This procedure sets out the steps involved in reviewing the need for each regulatory notice including, drivers for review, types of evidence used and where consultation will take place.

The procedure was a requirement of the byelaw and required to mitigate risk associated with unlawful sub-delegation of powers with regards to 'flexible' management measures i.e. those that can be set by Eastern IFCA without the consent of the Secretary of State. Additionally, the procedure was intended to provide clarity to stakeholders.

Subsequently, Eastern IFCA has revoked and replaced the Protected Areas Byelaw with the Marine Protected Area Byelaw 2017 which does not have provision for such a procedure.

The Whelk permit Byelaw 2016 however does include provisions for Eastern IFCA to issue, vary or revoke flexible measures (e.g. permit conditions) and requires a formal operating procedure (paragraph 3 of Schedule 1).

Eastern IFCA also intends to implement the Shrimp Permit Byelaw 2018 which also includes provisions for flexible management measures.

Report

Given that the original operating procedure was developed from the perspective of the provisions of the Protected Areas Byelaw (as was), the wording and steps of the procedure are not entirely in keeping with the Whelk and (proposed) Shrimp permit byelaws. For example, the original procedure considers drivers related to the protection of marine protected areas only whereas the permit byelaws are also intended to be used for the purposes of stock management.

In addition, the original procedure refers to 'site management boards' which, at the time of writing the original procedure, were an aspiration but which have never been adopted.

The revised procedure is set out in the appendix to this paper. It reflects all the required steps as set out in the Schedule to the Whelk and Shrimp permit byelaws. In addition, it sets out information on the drivers for review and a structure for how each step is undertaken.

Summary

A formal operating procedure was produced under the Protected Area Byelaw which has subsequently been revoked. A procedure is required in relation to the issuing, varying or revoking of flexible management measures under the Whelk permit byelaw 2016 and the proposed Shrimp permit Byelaw 2018. The original procedure was revised to take into account its use for a wider range of flexible management measures associated with the permit byelaws as compared to the protected Area Byelaw.

Legal or financial risks

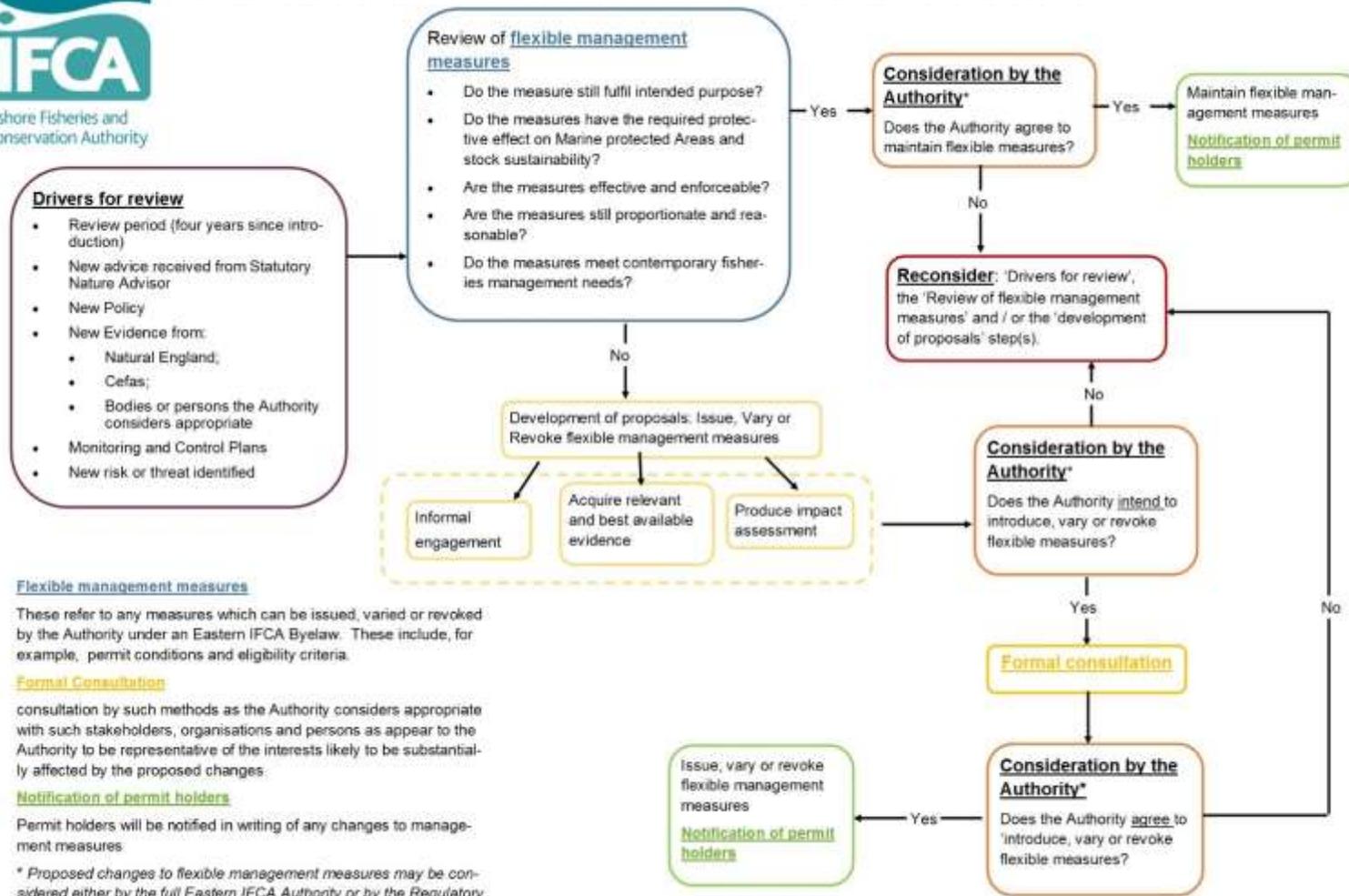
No legal or financial risks are identified in relation to the proposal.

Appendices

3. Revised Formal Operating Procedure: Flexible management measures



Appendix 1: Formal operating procedure: flexible management measures



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 14

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Julian Gregory, CEO

Calendar of meetings 2019

Purpose of report

The purpose of this report is to propose dates for meetings of the Authority and sub committees thereof in 2019.

Recommendations

It is recommended that members:

- **Approve** the calendar of meetings at Appendix 1.
- **Direct** officers to undertake a review of the sub-committee structure.

Background

The purpose of scheduling both full Authority and sub-committee meeting dates in advance is to give members, stakeholders and the public as much notice of meetings as possible and to aid forward planning of Authority decisions. In the past, only the dates of the quarterly meetings of the full Authority were scheduled annually. In recent years dates for some sub-committee meetings have also included on the basis that experience shows that they have been required annually to consider recurring matters.

Report

Dates are proposed for the quarterly full Authority meetings, three Finance and Personnel sub-committee meetings to meet budget planning and reporting requirements and one Planning and Communication sub-committee meeting to consider and approve the annual refresh of the Business Plan.

The calendar of meetings to December 2019 is attached as Appendix 1 to this report.

No meetings of the Marine Protected Areas sub-committee or the Regulation and Compliance sub-committee have been scheduled as they tend to be convened on an 'as required' basis. It should be noted that the former has only dealt with the opening of the Wash cockle fishery and for three years that was remitted back to the full Authority. Similarly, the Regulation and Compliance

sub-committee has only dealt with byelaws occasionally as many have tended to be referred to the full Authority.

It is suggested that one or more of the current sub-committees could be discontinued or alternatively that the functions of some sub-committees could be combined, and the number reduced. It is therefore recommended that a review of the sub-committee structure is undertaken with a revised structure to be presented to the Authority for consideration.

Appendix 1

Meeting	Date	Time	Proposed venue
Finance & Personnel Sub-Committee	Wednesday 16 th January 2019	1030	Eastern IFCA Offices, King's Lynn
35th Eastern IFCA	Wednesday 30th January 2019	10.30	Boathouse Business Centre Wisbech
Planning & Communication Sub-Committee	Wednesday 13 th March 2019	10.30	Eastern IFCA Offices, King's Lynn
36th Eastern IFCA	Wednesday 1st May 2019	10.30	Boathouse Business Centre Wisbech
Finance & Personnel Sub-Committee	Wednesday 26 th June 2019	10.30	Eastern IFCA Offices, King's Lynn
37th Eastern IFCA	Wednesday 24th July 2019	10.30	Boathouse Business Centre Wisbech
Finance & Personnel Sub-Committee	Wednesday 16 th October 2019	10.30	Eastern IFCA Offices, King's Lynn
38th Eastern IFCA	Wednesday 30th October 2019	10.30	Boathouse Business Centre Wisbech

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 15

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Julian Gregory, CEO

Report to Parliament on the conduct and operation of Inshore Fisheries and Conservation Authorities'

Purpose of report

The purpose of this paper is to advise members of the four-yearly report to parliament on the conduct and operation of IFCAs and the self-assessment questionnaire completed by officers.

Recommendations

Members are recommended to:

- **Note** the content of the report

Background

The Defra Secretary of State has a statutory obligation under the Marine and Coastal Access Act (MACCA) 2009 to prepare a report into the conduct and operation of IFCAs every four years, which is laid before Parliament.

Report

On 24th July 2018 Defra launched a call for evidence to inform the report to Parliament. The report will assess the IFCAs against their five high level objectives set out in the *IFCA Vision and Success Criteria* document. The closing date for the call for evidence was 4th September 2018.

These five high level objectives focus on how IFCAs:

- are seen within their wider community, if they work jointly and collaboratively with partner organisations and contribute to the development of regional and national marine policy;
- make appropriate and effective use of assets and comply with Regulatory requirements; if their enforcement practices meet clear standards of conduct and skill;
- manage well their local fisheries resources and meet their

environmental obligations;

- appoint their general committee members on merit; if funding is used appropriately and transparently; and
- train their staff, if staff are appropriately skilled and whether they can make fair management decisions and engage in relevant research.

As part of the process each IFCA was asked to complete a self-assessment questionnaire for consideration as part of the call for evidence. A questionnaire was completed by officers and submitted to Defra prior to the closing date (copy at Appendix 1).

Appendices

2. Eastern IFCA self-assessment questionnaire

IFCA vision and Success Criteria

Vision:

“Inshore Fisheries and Conservation Authorities 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.”

Success Criterion 1:

IFCAs are recognised and heard, balancing the economic needs of the fishery whilst working in partnership and engaging with stakeholders

Definition:

IFCAs will be visible, respected and trusted regulator within coastal communities and will maintain and deliver a strategy to communicate their vision and duties effectively. IFCAs will engage with policy makers, industry, Non-Governmental Organisations (NGOs), recreational and commercial users; and other regulators. They will work jointly and collaboratively with partner organisations across boundaries; will participate and contribute to the development and implementation of regional and national marine policy, including the marine planning regime; will take long-term strategic decisions and manage risks effectively. IFCAs may maintain a national body to co-ordinate the activities of authorities that are party to arrangements.

Outcomes

- The IFCA will maintain and implement an effective communication strategy.
- The IFCA will maintain its website, ensuring public access to current fisheries and conservation information for the District, including management requirements and byelaws. Non-reserved IFCA Committee papers will be published.
- The IFCA will contribute to co-ordinated activity at a national level
- The IFCA and its principal partners will have a clear understanding of roles and responsibilities. Memoranda of Understanding with MMO, Natural England, Environment Agency and Cefas will be maintained. Opportunities for greater efficiencies, effective joint working and collaboration will be explored and implemented when feasible.

Indicators

- **SC1A:** The IFCA will maintain a database of stakeholder contacts that will have been reviewed and updated by 31 March each year
- **SC1B:** The IFCA will have completed a review of its communication strategy and implementation plan by 31 March each year.
- **SC1C:** The IFCA will have reviewed its website by the last working day of each month.
- **SC1D:** The IFCA will have reviewed its website and ensured it meets the objectives of its communication strategy, by 31 March each year.
- **SC1E:** The IFCA will have reviewed all of its Memoranda of Understanding by 31 March each year. There will be a clear plan in place to update MoUs where necessary, to an agreed timescale.
- **SC1F:** By 31 March each year, the IFCA will have participated appropriately, proportionately and at the right level of delegation, in regional and national fisheries and conservation activity identified in the annual plan.

IFCA self-assessment – please make sure you have explained how your IFCA has addressed all of the outcomes in Success Criteria 1, evidencing your answers with reference to the relevant indicators.

The IFCA will maintain and implement an effective communication strategy.

The Communication and Engagement plan was initially informed by an engagement survey (carried out in 2012) which assessed awareness of Eastern IFCA amongst key stakeholders across the district. The research was used in subsequent years to target communication and engagement. Objectives were set out in the Communication and Engagement Plans (now an appendix of the [Business Plan](#)), which detailed the strategy used for communicating for each year. All the plans have included performance metrics that can be reported against in the following annual report (**SC1B & SC1D**). To aid this strategy IFCA hold extensive contacts databases which undergo continual review as required (**SC1A**).

Eastern IFCA started with very wide engagement strategy intended to engage with a range of stakeholders. As the plan was revised each year engagement became more focused and this year it concentrates upon continued and detailed engagement with our core stakeholders with the objective of achieving a good understanding and appreciation of the duties we carry out. The decision to move to this type of engagement was highlighted as important during the Community Voice Method (CVM) project, more detail of which is provided as a case study below.

The IFCA will maintain its website, ensuring public access to current fisheries and conservation information for the District, including management requirements and byelaws. Non-reserved IFCA Committee papers will be published.

The website is a key tool for communicating with stakeholders and as such has been consistently updated and regularly used (**SC1C**). It holds a wide range of information in relation to Eastern IFCA's core duties. In addition to this, the website provides many links to partner organisations websites. Eastern IFCA have dedicated pages to Conservation and Regulations (which covers both Byelaws and wider regulatory matters). All Authority and sub-committee [meeting papers](#) are published. It is a key element of the annual communications plan and is used in support of the plan (**SC1D**).

During 2016 Eastern IFCA undertook a specific project to modernise the website. The purpose of the project was to make the website more useable for a wide range of stakeholders. It also ensured good performance on phones and tablets, recognising that these are the devices increasingly used by our stakeholders

The IFCA will contribute to co-ordinated activity at a national level

The DCEO (now CEO) was, with colleagues, instrumental in establishing the National Inshore Marine Enforcement Group (NIMEG) in 2014. He was elected to Chair the newly established group, which brought together senior representatives from all IFCA's together with colleagues from the Marine Management Organisation, the Environment Agency, Cefas, Defra and Natural England. The objectives of the group include sharing good practice and achieving consistency in regulation and compliance. As Chair, the CEO

worked with colleagues in shaping and developing the group to become a recognised and influential body. Examples of the work of the group include dealing with the complexities of cross-warranting following the cancellation of the IFCA powers SI and subsequently supporting Defra on the development of a new SI. The group played a leading role in developing closer working relationships between the IFCAs and the MMO, particularly through the development of standard intelligence processes and the introduction of standard Tasking and Co-ordination Groups to inform and drive operational compliance activity. As of 2018 the Head of Operations is a member of this group.

Between June 2016 and November 2017, the Senior Marine Science Officer (Research) held the chair role of the IFCA technical advisory group (TAG). During this period, he was responsible for organising and facilitating TAG meetings, workshops and providing training opportunities for IFCA research staff. Our TAG representative also represents the IFCAs on other Defra working groups, including the Marine Protected Areas Group (MPAG), the Marine Biodiversity Impact Evidence Group (MBIEG), and provides a link to the Elasmobranch Steering Group and the Healthy & Biologically Diverse Seas Evidence Group (HBDSEG). The Senior Marine Science Officer (Environment) sits on the Marine Protected areas working group.

The CEO has been active in working in the collaborative space between the IFCAs and the MMO and as Chair of NIMEG he sat on the Collaboration Programme Board and the group that developed the funding strategy for the EMFF Control Fund. Following on from this work the CEO is the Senior Responsible Owner for the iVMS project under the MMO led CCP Programme for the EMFF Control Fund projects. As such he Chairs the Project board and has played an active role in driving the project forward. In addition, Eastern IFCA officers also sit on the iVMS project delivery group and the iVMS policy group. Eastern IFCA also feed information to the Joint Maritime Operations Coordination Centre (JMOCC) including location of assets and fisheries compliance priorities (**SC1F**).

The IFCA and its principal partners will have a clear understanding of roles and responsibilities. Memoranda of Understanding with MMO, Natural England, Environment Agency and Cefas will be maintained. Opportunities for greater efficiencies, effective joint working and collaboration will be explored and implemented when feasible.

Memoranda of Understanding are incorporated in to the annual report and as such are reviewed and updated annually (**SC1E**). MoUs at national level are addressed via the IFCA Chief Officer Group and the Association of IFCAs.

Joint working with many agencies is referenced under other success criteria as within the last 4 years it has effectively become business as usual. One example is the attendance of EIFCA marine Science Officers aboard the RV Cefas Endeavour. The trip was staffed by personnel from 5 different organisations (EIFCA, CEFAS, JNCC, NE and POMS) and over the course of two weeks they collected over 200 grab samples, 100 drop down video surveys, 34 beam trawls, 900 km of acoustic surveys from 3 candidate special areas of conservation (cSAC).

In the enforcement role Eastern IFCA's local joint work with the MMO has been viewed as an exemplar nationally. Two MMO officers are now based in the Kings Lynn Eastern IFCA

Office, and as such these officers regularly patrol with Eastern IFCA officers. Similarly, IFCOs are also now based in the Lowestoft MMO office.

The Senior IFCO (Compliance) attends the 'Broads Beat' multi-agency quarterly meeting. where priorities align this facilitates joint working which agencies such as the Police, EA and the Broads authority.

In 2016 CEFAS and Eastern IFCA officers coordinated and attended a CEFAS/IFCA collaboration day. It was attended by 15 CEFAS employees and 10 IFCA employees from Eastern, North Eastern, Devon and Severn, Kent and Essex and Sussex IFCAs. In the morning CEFAS staff presented to IFCA staff and in the afternoon IFCA's presented to CEFAS. At the end of the day there was a round table discussion on collaboration ideas.

The evidence above can all be referenced to **SC1F**.

Case Study: Community Voice Method (Common Ground)

Eastern IFCA has worked in partnership with the Marine Conservation Society (MCS) since 2015 on this project, with the support of The Wash & North Norfolk Marine Partnership project manager. The core purpose of the project was to identify what is important to people and through dialogue to consider how these values are complementary if not identical – i.e. shared – by stakeholders despite their different relationships with the sea and ingrained suspicions of “other” marine interests.

The 2016/17 phase included the production of our “Common Ground” film (available to view here: [Common Ground on Vimeo](#)) which captures the views of 40 Eastern IFCA stakeholders relating to the marine environment. Six workshops were held in November 2016, where 78 stakeholders from a wide range of backgrounds met in Suffolk, Norfolk and Lincolnshire to participate in a series of information-gathering activities.

Showing the film at the beginning of the workshops provided an enabling environment for constructive dialogue between traditionally disparate marine and coastal stakeholder groups. The workshop then proceeded to gain further views of the participants, particularly focusing on what they valued about the marine environment.

Eastern IFCA will build on what was learned through Common Ground and continue and broaden the conversation, applying new ways of working with a more diverse and connected network of stakeholders. The Common Ground film was released for public viewing and promoted on the Eastern IFCA website, through local community groups (Advisory Groups of the Wash & North Norfolk Coast European Marine Site) and by the Marine Conservation Society – a national NGO with global reach. This has helped Eastern IFCA increase recognition among coastal stakeholders across the district as well as on the national and even international marine conservation network.

Eastern IFCA is committed to make best use of the skills and experience gained during the Common Ground project in all areas of stakeholder engagement. The outputs of the Common Ground project have been fed into the annual Strategic Assessment and the communication and engagement plan.

Success Criterion 2:

IFCAs implement a fair, effective and proportionate enforcement regime

Definition:

The IFCA enforcement regime is risk-based, makes appropriate use of intelligence, meets legislative standards and complies with the Regulators Code. It should make effective use of the resources available to regulators; complement and align, if possible, with the regimes in adjacent IFC Districts and management by other organisations including the MMO and Environment Agency. Consistency and fairness is important. Regulatory compliance is promoted. Enforcement action is carried out by trained, professional officers working to clear standards of conduct.

Outcomes

- The IFCA will publish its enforcement risk register and strategy, clearly setting out its approach to achieving regulatory compliance and potential sanctions that may be applied for infringements and/or offences.
- The IFCA will have developed consistency in regulations (byelaws) with other organisations
- The IFCA will manage operational activity (e.g. through a Tasking & Co-ordination Group) and capture, record, evaluate and disseminate intelligence that is compatible with partner organisations. It is engaged in joint working with partner organisations.
- Warranted Inshore Fisheries and Conservation Officers (IFCOs) will be trained and accredited to nationally agreed standards. They will maintain professionalism and make appropriate interventions to deliver efficient, effective enforcement activity

Indicators

- **SC2A:** The IFCA will ensure its enforcement risk register and strategy are published and available on its website from 1 April each year
- **SC2B:** The IFCA will demonstrate in its Annual Report how it has worked with other regulators to achieve consistent quality, application and enforcement of management measures
- **SC2C:** The IFCA will compile records of enforcement activity in a standard format; provide them to the National Inshore Marine Enforcement Group (NIMEG) and publish them on its website.
- **SC2D:** The IFCA will adopt the national Code of Conduct for IFCOs, which will be reviewed annually and published on its website by 1 April.
- **SC2E:** The Code of Conduct for IFCOs is reflected in work objectives and annual appraisals for all Warranted Officers.
- **SC2F:** Warranted Officers attain accreditation. All undertake Continuing Professional Development

IFCA self-assessment – please make sure you have explained how your IFCA has addressed all of the outcomes in Success Criteria 2, evidencing your answers with reference to the relevant indicators

The IFCA will publish its enforcement risk register and strategy, clearly setting out its approach to achieving regulatory compliance and potential sanctions that may be applied for infringements and/or offences

Eastern IFCA sets out its approach to achieving compliance in the [Regulation and Compliance Strategy](#) and potential sanctions that can be applied in the [Enforcement Policy](#). Eastern IFCA also has a detailed guide on the applicability of [Financial Administrative Penalties](#). The annual [Strategic Assessment](#) is published on the website and it informs monthly Risk Profiles, which are considered at the tasking and Coordination Group meeting (**SC2A**). Additionally, an Enforcement Plan is published annually as an appendix of the [5 year Business Plan](#). This document gives an overview of the Authority's resources and sets indicators for enforcement each year (including working with other regulators). This plan is reported as part of the annual report (**SC2B**). As of November 2014, the Authority adopted a new method for business planning. This involves an annual Strategic Assessment (with a 6-month update if required) to assess the risk to all fisheries/species within the district regarding sustainability issues and environmental impacts. It also informs the Compliance Risk Register, which assesses risk of non-compliance with existing management measures.

The IFCA will have developed consistency in regulations (byelaws) with other organisations

Eastern IFCA byelaws (as is the case with all IFCA byelaws) are developed in conjunction with the MMO and DEFRA. Therefore, consistency is achieved through these checks and balances. Furthermore, officers responsible for the drafting of regulations and byelaws are in constant contact with other IFCA's both in an informal manner, and through more formal channels such as NIMEG.

The IFCA will manage operational activity (e.g. through a Tasking & Co-ordination Group) and capture, record, evaluate and disseminate intelligence that is compatible with partner organisations. It is engaged in joint working with partner organisations.

All enforcement activity has, since 2013, been managed through a Tasking and Co-ordination Group (TCG) chaired by the Head of Operations. These are held monthly, with EIFCA having standing invites to neighbouring IFCA's and the MMO. The TCG is informed by Intelligence (collected by all officers), a monthly Risk Profile (which accounts for annual trends in fisheries performance and risk) and information on fishing trends identified by IFCOs on the ground through dialogue with the industry. Additionally, it is informed by contextual issues (such as ongoing engagement, new regulations and local changes to fisheries).

Fisheries are dynamic and as such, a flexible approach is required in their enforcement. This is true at an operational level and this is reflected in the establishment of Weekly Operations Meetings and / or weekly planning (as resource allows) which were introduced in 2015/16. This provides for consistent communication across the enforcement team and

enables a flexible and cohesive approach in carrying out enforcement activities. It allows for the identification of new emerging issues as a result of investigative work and provides a forum to feedback on the progress of monthly priorities and weekly tasks identified at previous meetings. The introduction of patrol planning and report forms during 2015/16 saw improved planning and reporting on both shore and sea-based patrols. These have increased the effectiveness of the tasking process and have led to more targeted enforcement activities and the reporting of such. The data collated from the forms allows for a more detailed analysis of enforcement activities against the annual, monthly and weekly priorities.

Partnership working is fully embedded within the organisation. Eastern IFCA have a satellite office within the MMO / Cefas office at Lowestoft and the MMO have officers based in the EIFCA main office in King's Lynn. This facilitates daily communication and collaboration. Additionally, Officers conduct patrols with partners such as the Environment Agency, Broads Authority, Police, and Border Force.

Intelligence is routinely collected by officers and Eastern IFCA has a dedicated Intelligence Officer. This ensures that all Intelligence is reported in a timely manner to all relevant partner organisations. Since introducing this procedure approximately two years ago EIFCA has submitted 487 Intelligence Reports (correct as of 8/8/2018). Regular submission of Intelligence has now become routine practice for officers and as such the quantity of intelligence submitted has doubled over the last year. All intelligence is submitted in line with the Standard Operating Procedure which represents best practice in relation to the handling of source documentation and proper sanitisation.

All performance metrics from enforcement activity is reported on during quarterly marine protection reports, and the annual report. All figures are reported in a NIMEG standard format and are provided to this group (**SC2C**).

Warranted Inshore Fisheries and Conservation Officers (IFCOs) will be trained and accredited to nationally agreed standards. They will maintain professionalism and make appropriate interventions to deliver efficient, effective enforcement activity

Whilst the IFCO accreditation scheme is not fully established, new employees do attend accredited training courses. The following courses have been attended by IFCO's (**SC2F**):

- IFCA Enforcement Course
- Investigations
- Royal Navy Enforcement
- Fisheries Enforcement
- Introduction to Intelligence
- In-house training for which Eastern IFCA regularly employ the services of a former senior police officer for ongoing professional development

The standards of professionalism and appropriate interventions is set in the [Code of Conduct](#) which is followed by all IFCOs (**SC2D**). The efficiency and effectiveness of enforcement activity is primarily driven by the TCG process, which ensures that officers are in the right place at the right time and are properly trained and equipped.

Furthermore, all IFCOs are subject of annual appraisals and personal development plans (**SC2E**). Officer's success is measured by comparing performance against the relevant

standards (Code of Conduct) and the Enforcement Plan. The detail of this assessment ranges from planning effective patrols, to taking accurate notes in their Pocket Notebook to completing interviews to the agreed standard and in line with the Police and Criminal Evidence (PACE) Act.

Case Study: The Tasking and Coordinating Process

Information considered:

Various types of information are considered in the TCG process, which enables informed decision making and efficient tasking. All information is considered in the round by the chair of the meeting before allocating tasks to ensures effective tasking in line with enforcement priorities. The following information is considered:

Risk Profile: A 2-page sheet highlighting issues raised in a data driven assessment based on the same month in the previous year. The following data is considered:

- Vessels operational
- Landed weights of species
- Economic Reliance on a species
- Importance of the species in the Strategic Assessment
- Intelligence Score
- Previous enforcement actions

Additionally, this document contextualises risk by relating it to engagement issues, new byelaws and other new legislation.

Fishing Trends: Fishing trends are reported by IFCOs to the meeting. They also complete the fishing trends template, which quantifies any emerging trends. The trends are collected during the previous month, by engaging with both commercial and recreational fishers. The reports are often anecdotal but reflects information that is not collected elsewhere (such as the price of crab sold in fisher's own restaurants). Furthermore, the associated narrative infers potential trends for the coming months.

Intelligence: The Intel Officer reports on all new intel received during the period, prior to the meeting all intel is analysed and is grouped by issue/geographical area and linked to any previous intel. This allows the intel to have additional context and helps with any taskings that are issued in relation to it.

In addition to the monthly TCG in particularly busy and challenging times Eastern IFCA also hold a weekly or fortnightly operations meeting. This meeting is held over skype, with most officers dialling into the call. The purpose of the meeting is to provide direction on the most important issues and ensures that all monthly taskings get completed in addition to any arising issues. The meeting usually only lasts 30 minutes. Where no weekly or fortnightly meeting is held, a weekly plan is developed based on dialogue with officers and progress against monthly priorities.

Dual Purpose Information

Information gathered for the TCG is not only used there. The TCG document and those associated with it are used throughout the year to improve business planning and reporting. Examples of this include:

- Fishing trends are used to inform Authority members in the Marine Protection Quarterly report
- Intelligence gathered is disseminated to partner organisations for their use. Additionally, it is fed back into the risk register to improve decision making and tasking in the future.

Next Steps:

Whilst the TCG process has undergone significant improvements in the past few years, we recognise that there are still further improvements that can be made. Therefore, Eastern IFCA are currently in the process of implementing regional TCG's, with partner organisations such as the EA, MMO, Police and Border Force and other IFCA's to discuss priorities at a higher level, and for the whole of the East Marine area. Additionally, a national piece of work has been conducted with the MMO to review and improve the TCG template document to make it clearer and easier to use for officers.

Success Criterion 3:

IFCAs use evidence based and appropriate measures to manage the sustainable exploitation of sea fisheries resources and deliver marine environmental protection within their districts

Definition:

The IFCAs were created as statutory inshore regulators by the Marine and Coastal Access Act 2009. They are relevant authorities for implementing international environmental commitments including the Birds, Habitats, Water and Marine Strategy Framework Directives and make an important contribution to securing a network of well managed marine protected areas, including European Marine Sites and Marine Conservation Zones. Fisheries Management Plans identify local management measures which should be based on evidence; be timely; subject to appropriate consultation and in step with national initiatives and priorities. An IFCA should balance the social and economic benefits of exploiting sea fisheries resources with the need to protect the environment. It should make a contribution to sustainable development.

Outcomes

- The IFCA will identify issues likely to affect sustainable management of the marine environment in the IFC District; undertake risk assessment and gap analysis; review appropriateness of existing measures; evaluate management options and develop and implement proportionate marine management solutions
- The IFCA will support implementation of a well-managed network of marine protected areas by: developing a range of criteria-based management options; implementing management measures to ensure that inshore fisheries activities comply with the Marine and Coastal Access Act 2009 and the revised approach to managing commercial fisheries in European Marine Sites; and that local management contributes to delivery of targets for the Marine Strategy Framework Directive, Water Framework Directive and Marine Plans.
- The IFCA will develop Fisheries Management Plans for priority species where appropriate. Shared objectives will be developed with identified partners; actions identified and best practice reflected so that management makes a contribution to sustainable development.

Indicators

- **SC3A:** The IFCA will record site-specific management considerations for Marine Protected Areas and report progress to the Authority
- **SC3B:** The IFCA will publish data analysis and evidence supporting new management measures, on its website
- **SC3C:** Management information (e.g. sampling and/or survey results) will be collected periodically after new management measures have been implemented, to demonstrate the extent of effectiveness of the intervention
- **SC3D:** The IFCA will have developed a range of criteria-based management options that are explained to stakeholders through the IFCA website, and reviewed by 31 March each year
- **SC3E:** New IFCA management measures selected for development and implementation are delivered within agreed timescales
- **SC3F:** The IFCA will include shared agreed objectives and actions from Fisheries Management Plans in its own Annual Plan, which will be published by 31 March each year.

	<ul style="list-style-type: none">• SC3G: Progress made in relevant Fisheries Management Plan areas, including Maximum Sustainable Yield commitments, will be noted in the IFCA's Annual Report.
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IFCA self-assessment – please make sure you have explained how your IFCA has addressed all of the outcomes in Success Criteria 3, evidencing your answers with reference to the relevant indicators

The IFCA will identify issues likely to affect sustainable management of the marine environment in the IFC District; undertake risk assessment and gap analysis; review appropriateness of existing measures; evaluate management options and develop and implement proportionate marine management solutions

Eastern IFCA undertakes an annual [Strategic Assessment](#) which assesses the risk of fisheries in relation to the environment (i.e. marine protected areas) and fisheries sustainability. This assessment utilises a range of information sources to identify risks and knowledge gaps. Risk is determined through a number of indices taking into account four main areas of fisheries management:

- *Evidence base* – an assessment of the available evidence for each species in relation to fishing effort, landings, stock health and presence of spawning and nursery areas.
- *Current Regulation* – assesses species based on measures currently in place in relation to protection of pre-spawning individuals, gear management or specification and effort restrictions.
- *Ecosystem impacts* – assessment considers the potential ecosystem level impacts of the main gears associated with each species (e.g. by-catch, habitat damage) and the presence or absence of spawning and nursery areas of each species.
- *Fisheries performance* – considers the landed weight and value of catch from within the Eastern IFCA district, any detectable trends in landed catch, landings from within the district as a proportion of the UK total and available ICES advice.

In addition, the assessment considers contextual and policy drivers as well as wider aspects such as our commitment to community engagement and identifying opportunities to assist fishing industries with projects to add value to sea fisheries resources. The [Strategic Assessment](#) is published on the Eastern IFCA website annually (**SC3D & SC3E**).

The assessment provides a risk-based, objective approach to determining annual priorities, including identifying where new management measures are required, making the best use of evidence and the local / expert knowledge of officers and Authority Members. These priorities are set out in the Eastern IFCA 5-year [Business Plan](#) which is updated annually using the results of the Strategic Assessment.

Eastern IFCA moved to a 5-year planning model in 2016 to reflect that workstreams often extend beyond a single financial year. The 5-year Business Plan sets priorities rather than timescales and is aspirational in its commitments given the challenging and complex nature of developing management in the marine environment. Eastern IFCA publishes the Business Plan and Strategic Assessment annually on the website as well as the annual and quarterly reviews against priorities which are also reported to the Authority (**SC3E**).

Eastern IFCA is a statutory consultee for marine plans or projects and regularly participates in such consultations. New plans or projects being considered by the MMO are considered against Eastern IFCA objectives and officers provide feedback and information to influence decisions to reduce or mitigate impacts on the industry or the environment.

The IFCA will support implementation of a well-managed network of marine protected areas by: developing a range of criteria-based management options; implementing management measures to ensure that inshore fisheries activities comply with the Marine and Coastal Access Act 2009 and the revised approach to managing commercial fisheries in European Marine Sites; and that local management contributes to delivery of targets for the Marine Strategy Framework Directive, Water Framework Directive and Marine Plans.

Eastern IFCA's focus, since 2012, has been the delivery of a well-managed network of marine protected areas. Eastern IFCA has assessed more than 2000 fishing / feature interactions to determine where management was needed (as previously reported) and has subsequently sought to undertake more detailed assessments and develop management measures where needed.

One such area of focus has been the shrimp fishery within the Wash and North Norfolk Coast Special Area of Conservation. Whilst Eastern IFCA is bound by the Habitats Directive to ensure the protection of the site's integrity from fishing activity, the associated assessment has concluded that Eastern IFCA has some discretion with regards to the implementation of measures inasmuch as total closure of the site is not required.

A detailed assessment of the activity within the site (The Habitats Regulations Assessment) highlighted the complexity of the interaction between fishing and the designated features and a paucity of evidence on which to base the assessment. Eastern IFCA has sought to augment the available evidence by undertaking research surveys with high specification research equipment (including the side-scan sonar) and through dialogue with the industry, non-governmental organisations (e.g. Wildlife Trust) and the statutory nature conservation advisor, Natural England.

Eastern IFCA has published the Habitats Regulations Assessment on the Eastern IFCA website along with explanatory summary information - <http://www.eastern-ifca.gov.uk/habitats-regulations-assessment-impacts-shrimp-fishery-wash-north-norfolk-coast-special-area-conservation/> (**SC3A & SC3B**).

In parallel to the Habitat Regulations Assessment, Officers have been developing management measures in consultation with the industry. To ensure measures will be effective and proportionate, Officers have sought information from the industry to assess the potential impacts of the measures. Such assessments are circulated throughout the industry and are published online (e.g. [Shrimp Industry Workshop](#)) along with a summary of information to provide additional clarity given the complexity of the issues under consideration. In the case of the development of shrimp measures, officers have also produced three reports based on outcomes of workshops held to explain the management options and seek to find consensus on an approach (**SC3D**).

Eastern IFCA has also undertaken a review of the management measures introduced in 2014 for the protection of 'Red-Risk' features (i.e. *Sabellaria* reef, stony reef and eelgrass

beds). The review has included a significant allocation of resource to research works such as habitat mapping and ground truthing. The work has informed a report (which is still in draft) which assesses the effectiveness of measures implemented as well as recommending amendments to the measures (**SC3C**).

The IFCA will develop Fisheries Management Plans for priority species where appropriate. Shared objectives will be developed with identified partners; actions identified and best practice reflected so that management makes a contribution to sustainable development.

Eastern IFCA established a management plan for the cockle and mussel fisheries within the Wash Fishery Order (1992) in 2010. Since then, Eastern IFCA has sought to review this plan in line with contemporary evidence and fisheries practices and will be going to consultation on an updated plan in the coming months (**SC3F**). This fisheries management plan seeks to balance the different business models of the industry who operate in the Wash (from independent vessel owners to larger processor business who own ten or more vessels) and the protection of the site as a marine protected area and shellfish fishery.

In addition, Eastern IFCA has worked with the industry towards the achievement of Marine Stewardship Council accreditation for the fishery in the Wash. Eastern IFCA is considering which, if any, elements of the industry led fisheries management plan should be captured as regulation through the Shrimp Permit Byelaw 2018. Where the accreditation and wider sustainability of fisheries will benefit from regulatory, rather than voluntary measures, Eastern IFCA will seek to implement such. Such measures are being developed to ensure sustainability of the shrimp fishery in line with Marine Strategy Framework Directive requirements and are in keeping with Marine Plan policies FISH2 and MPA1 of the Eastern Inshore Marine Plan (**SC3G**).

Case study: Crab and lobster management

Important potting fisheries targeting edible crab (*Cancer pagurus*) and European lobster (*Homarus gammarus*) operate throughout the Eastern IFCA district with key production areas situated off the North Norfolk and Lincolnshire coast. EIFCA have conducted an on-going bio-sampling and monitoring programme of the District's crab and lobster stocks to determine whether these species are being fished within levels of Maximum Sustainable Yield (MSY).

Eastern IFCA started undertaking crab and lobster stock assessments in response to a wider study undertaken by Cefas which indicated that the Southern North Sea stocks of such were in decline. To ensure a proportionate and locally relevant response to these findings, Eastern IFCA undertook annual assessments of the crab and lobster fisheries within the district.

The assessment has relied heavily on two sources of data: Monthly Shellfish Activity Returns (MSARs) supplied by the fishermen, detailing their catches, and regular bio-sampling, in which crabs and lobsters have been measured at ports and at processor factories. These data have been used to model mortality using length converted catch curve methods, allowing estimation of natural and fishing mortality. From this model, it is possible to assess how a stock responds to exploitation and estimating the level of change necessary to achieve reference point objectives.

The last three years have seen an increasing trend in total landings, with total catches of crabs and lobsters exceeding 1000 tonnes in 2015 and 2016 (Fig. 1).

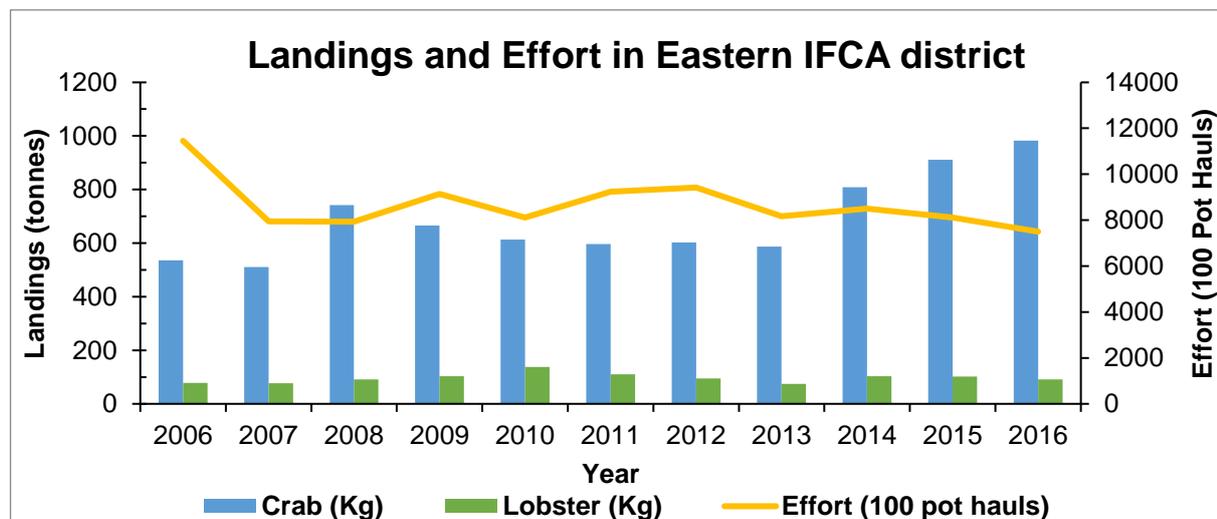


Figure 1: District Summary of Annual Effort (Dotted Line) and Landings by Species.

The overall findings of the assessments have indicated that management is required as stocks are being exploited to a level beyond maximum sustainable yield. At the [27th EIFCA Meeting](#), members received a report outlining the need for management and agreed in principle the need to introduce measures. Members directed Officers to undertake consultation with the industry to inform the development of management measures.

Whilst management measures are needed (not least to meet requirements of the Marine Strategy Framework Directive), no imminent threat to the sustainability of the stocks has been identified. Furthermore, Eastern IFCA has concluded that there is considerable discretion with regards to the measures that will have the required effect. Therefore, Eastern

IFCA has committed to substantial informal engagement with the industry to inform the measures to ensure a proportionate approach which is relevant to contemporary business models and fishing activity.

Success Criterion 4:

IFCAs have appropriate governance in place and staff are trained and professional

Definition:

IFCAs are statutory authorities and sit within the local government family. Authority members may be either general members or local councillors. They comply with Codes of Conduct and the Standing Orders that apply to meetings of local government committees. General members are appointed on merit, through open competition and for a term. They are subject to an annual performance appraisal.

An IFCA is funded by levy, charged to its member councils. Funding originates in local taxation. An IFCA is accountable for its use of public resources and should ensure that a proper auditing regime provides confidence in its commitment and spend of public money. It should make effective use of its resources, including staff and assets. An IFCA has a statutory obligation to prepare and publish Annual Plans and Annual Reports.

Outcomes

- The IFCA will demonstrate its long-term strategic approach to sustainable marine management by having appropriate plan-making, review, update and amendment procedures in place. The IFCA will record its performance against corporate outcomes and indicators as soon as practically possible following the end of the financial year.
- Staff performance management systems will be in place that link to the IFCA success criteria. There will be an induction procedure for new joiners. Staff training and development needs will be identified. Performance will be managed and, where necessary, improvement procedures will be followed.
- The IFCA Committee will be supported by an organised, efficient and effective secretariat. New members will receive an induction pack and briefing from the Authority. There will be a rolling twelve-month schedule of quarterly Authority meetings. Notices of meetings and documentation will be made available in line with Standing Orders.
- IFCA Committee meetings will be held in public unless material is either

Indicators

- **SC4A:** The IFCA will publish a Plan on its website by 31 March, setting out the main objectives and priorities for the next financial year. A copy will be sent to the Secretary of State.
- **SC4B:** After the end of each financial year, the IFCA will publish a Report on its website describing its activities, performance and a summary of audited financial information in that year, by 30 November. A copy will be sent to the Secretary of State.
- **SC4C:** IFCA staff will have annual performance management plans in place. Annual appraisals for all staff will have been completed by 31 May each year.
- **SC4D:** An efficient secretariat of IFCA staff support IFCA Authority meetings which are held quarterly and are quorate. Meeting documentation will meet Standing Orders.
- **SC4E:** The IFCA will have demonstrated, in its Annual Report, how marine, land and water management mechanisms in the Inshore Fisheries & Conservation District have worked responsively and effectively together.

confidential, or exempt within the meaning of the Local Government Act 1972

IFCA self-assessment – please make sure you have explained how your IFCA has addressed all of the outcomes in Success Criteria 4, evidencing your answers with reference to the relevant indicators.

The IFCA will demonstrate its long-term strategic approach to sustainable marine management by having appropriate plan-making, review, update and amendment procedures in place. The IFCA will record its performance against corporate outcomes and indicators as soon as practically possible following the end of the financial year.

Eastern IFCA produces a rolling 5-year [Business Plan](#) which is subject to an annual refresh (**SC4A**) to enable it to take account of emerging issues. The Authority switched to a 5-year business plan from annual plan in 2016 in recognition of the fact that many plans and projects are complex and will span multiple years. Having a 5-year plan allows Eastern IFCA to plan more effectively and allows longer duration projects to be fully accounted for. The plan is informed by the annual [Strategic Assessment](#) which analyses all relevant fishing sustainability, environmental and other relevant issues. It provides an objective basis upon which to identify and prioritise potential workstreams. A comprehensive [Annual Report](#) is published each year on the website (**SC4B**). The annual report records performance against success indicators, but also in relation to enforcement, engagement, sustainability requirements and environmental legislation requirements.

Eastern IFCA recognises that a long-term, strategic approach to a sustainable marine environment requires marine, land and water management mechanisms in the Inshore Fisheries & Conservation District to work responsively and effectively together. To this end, Eastern IFCA played a significant role in the development of the Marine Pioneer for the delivery of Defra's 25-year Environment Plan and the CEO presently sits on both the national and the local (Suffolk) steering groups for the initiative.

Staff performance management systems will be in place that link to the IFCA success criteria. There will be an induction procedure for new joiners. Staff training and development needs will be identified. Performance will be managed and, where necessary, improvement procedures will be followed.

There is an induction process for new members of staff, which covers everything from basic administrative procedures through to pensions and being introduced to colleagues. Furthermore, a 6-month plan is established to cover the probationary period for new joiners. The induction plan goes into further detail about roles and responsibilities and introduces the new employee to all areas of the organisation. It provides a mechanism to assess and discuss performance and ultimately is the basis upon which an appointment is confirmed or otherwise.

In 2013 a performance review process was developed which focused on equipping employees to fulfil their roles and included: core job training, agreeing and setting performance objectives, and performance appraisals. This has helped us to deliver a

workforce that is confident with what is expected of them, knows how they are expected to deliver and has the capability to deliver. This process has gone through 3 phases as set out below:

Phase 1 - A performance review process was established and introduced to all officers. Once the process was established, a series of briefings was carried out for all staff to understand the process, what it had been designed to deliver and their role within it. Furthermore, a separate series of briefings and workshops were run for line managers so that they were competent and confident to have meaningful conversations, give feedback and set relevant performance objectives with their people.

Phase 2 – Personal development plans were introduced that dovetailed into the appraisal processes. Once everyone had experienced the new performance appraisals and had objectives set, the next phase was to ensure their understanding and grasp of the process and review progress against their objectives. Within this review, the concept of personal development plans was introduced, and, over a series of staff briefings, individual plans were developed between employee and line manager.

Phase 3 – Introducing the process and embedding it.

The situation now is that all IFCA staff undertake a Performance Review annually (**SC4C**). Each review works through the officer's objectives and assesses if the required performance is achieved. Objective setting is based on the IFCA success criteria and starts at the CEO and flows down throughout the organisation to ensure that all aspects are covered. During this process there is also a personal development plan established which identifies development and training needs.

Eastern IFCA policy includes a capability procedure and a disciplinary procedure to enable performance reviews to be carried out in an effective manner. The capability procedure allows performance to be improved outside of a formal framework, and where this is not applicable or does not work a more formal procedure can be followed. Both procedures have been used to manage staff capability to bring about the required improvements.

The IFCA Committee will be supported by an organised, efficient and effective secretariat. New members will receive an induction pack and briefing from the Authority. There will be a rolling twelve-month schedule of quarterly Authority meetings. Notices of meetings and documentation will be made available in line with Standing Orders.

The CEO acts as the Clerk to the EIFCA committee and the secretariat is provided by the support function (**SC4D**). All new members receive an induction pack which includes the [Constitution and Standing Orders](#), Business Plan and the latest Annual Report. Furthermore, Eastern IFCA have held specific days to inform the Authority and new members of our work (see case study below). All authority meeting dates are published during the October Authority meeting. All meeting document papers are made publicly available through the website as per the standing orders (**SC4D**).

IFCA Committee meetings will be held in public unless material is either confidential, or exempt within the meaning of the Local Government Act 1972

All EIFCA committee meetings are open to the public with the exception with any matters which fall under the under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in sections 100(A) (2) and (3) or Paragraph 1 of Schedule 12A of the Act. All meetings are held in accordance with the [Constitution and Standing Orders](#) which is reviewed annually.

Case Study: Full authority meeting: Introducing new members

On the 22nd March 2017 Eastern IFCA held an extraordinary full authority meeting. Due to the high number of new Authority members, officers also took the opportunity to showcase some of the daily activities that are carried out. This enabled Authority members to be better informed about the work of officers.

The day provided an opportunity to demonstrate the high-level of competency officers have. All skippers taking the Authority's three vessels to sea are trained to RYA Yachtmaster (Offshore) as well as being subject to internal competency checks.

Officers demonstrated their vessel handling skills and a pot hauling exercise was carried out using FPV *Sebastian Terelinck*, with officers setting and recovering a 'shank' of pots. This is a technical exercise, but is one carried out by officers routinely to check compliance both with the whelk permit byelaw 2016 and various byelaws that relate to crab and lobster sustainability measures. To recover pots effectively both skipper and crew must be well trained, have good communication and coordinate the task well. The exercise allowed Authority members to see the challenges involved.

Officers also demonstrated activities that would be carried out whilst boarding a vessel. Demonstrations were given on how to use an omega gauge which is used to test the mesh size of nets and the thickness of the twine was tested using twine thickness gauges. Officers demonstrated the use of push gauges which can be used to check the escape gaps on pots (which are required as part of the whelk permit byelaw 2016). Officers also showed other equipment routinely carried such as: callipers, hit and miss gauges, fish rules and equipment used in relation to the seizing and collection of evidence such as evidence tags, bags, receipt books and unattended gear inspection forms.

Marine Science Officers demonstrated the range of equipment held by the authority such as;

- Day and Hammon Grabs which are used as part of cockle stock assessments and to ground truth habitat mapping surveys.
- The Side Scan sonar which is used to map habitats. It has the ability of giving impressions of the shape and hardness of the seabed
- Aris Camera which works much the same as an ultrasound and gives a detailed impression over a small area of seabed.

Most of this equipment is routinely deployed from RV *Three Counties*. However Eastern IFCA has ensured that the fisheries patrol vessels are dual role and can deploy this equipment by installing A frames and winches to these. This increases the flexibility and the quantity of surveys that can be completed.

Overall the day gave Authority members a better understanding of the work undertaken by officers and how it contributed to decision making process of the Authority at Eastern IFCA meetings.

Success Criterion 5:

IFCAs make the best use of evidence to deliver their objectives

Definition:

IFCAs are statutory regulators for their Inshore Fisheries and Conservation District. Decision-making should be based on evidence. All IFCAs are supported by officers who pool their expertise and share best practice as a Technical Advisory Group (TAG). A programme of research activity and monitoring is planned, developed and updated in consultation with partners. The programme informs management decisions and supports justification for additional research and evidence gathering.

Outcomes

- A strategic research plan that contributes to greater understanding of the marine environment and delivery of cost-effective management of sea fisheries resources
- Standard Operating Procedures describe how data is captured and shared with principal partners
- A list of research databases held by the IFCA and the frequency of their review
- Non-confidential meta-data collected through the IFCA research programme should be recorded in a database available to the marine research community

Indicators

- SC5A:** The IFCA will demonstrate progress that has made towards identifying its evidence needs by publishing a research plan each year
- SC5B:** The IFCA will publish a research report annually that demonstrates how evidence has supported decision making
- SC5C:** The IFCA's contribution to TAG and progress that has made towards a national evidence needs programme will be recorded in the IFCA's Annual Report

IFCA self-assessment – please make sure you have explained how your IFCA has addressed all of the outcomes in Success Criteria 5, evidencing your answers with reference to the relevant indicators

A strategic research plan that contributes to greater understanding of the marine environment and delivery of cost-effective management of sea fisheries resources

Eastern IFCA is required to use best available evidence to inform its management decisions. This requirement for evidence is broad, not only requiring detailed information on the stocks that are being managed but also the impacts those fisheries will have on the conservation features of marine protected areas. In addition to managing fisheries, Eastern IFCA also has a role as a primary advisor to the Marine Management Organisation (MMO) in relation to marine licensing. This requires comment on fisheries and conservation issues for MMO to consider before it grants licences for construction, extraction or scientific activities in the sea. To effectively meet this demand for evidence Eastern IFCA produced a 5-year [Strategic Research Plan](#) in 2013 and produces an annual [Marine Science Plan \(SC5A\)](#), which details the projects and timelines for the coming year's research projects. Because potential workloads exceed capacity, it is important that the various research projects are prioritised to effectively meet the evidence requirements. To achieve this, the annual marine science plans are informed by the [5-Year Business Plan](#) and the annual [Strategic Assessment](#), which prioritises the highest risk elements of all the fisheries in the district, including fisheries sustainability, viability and environmental impacts. The current Marine Science Plan for the period 2018-2019 details 32 projects. These include annual stock assessments to inform the management of their respective fisheries (e.g. the Wash Fishery Order cockle and mussel surveys); others are ongoing sampling regimes (e.g. environmental health shellfish and water sampling), or long-term monitoring programmes to inform future management (e.g. crustacea and whelk stock assessments). Some, including the various Habitat Regulations Assessments (HRA), are one-off projects that because of their complexities have carried over from the previous year. The development of mitigation (management to minimise impacts on marine protected areas) and respective Monitoring and Control Plans to follow on from the HRAs are also planned to enable commercial fishing to continue in these sites. Responding to consultations and byelaw exemption requests are also included in the Marine Science Plan.

Up to 2013 Eastern IFCA produced annual research reports that detailed all of the research activities undertaken during those years (e.g. [Eastern IFCA Research Report 2013](#)). The increasing volume of research undertaken by the IFCA began to make these single all-encompassing annual reports unwieldy, however, particularly as the timeframes for some of the longer projects straddled more than one reporting period. The decision was made in 2014 to move away from the production of single reports that detailed all the research conducted that year, to the production of separate reports for each project. This approach enabled specific succinct reports to be produced following the completion of each project. The main benefit of this approach has been the ability to publish the reports shortly after the completion of the various projects, rather than waiting until the last quarter when the annual report was usually produced. These individual [Research Reports](#) are published on the Eastern IFCA website (**SC5B**).

Standard Operating Procedures describe how data is captured and shared with principal partners

Eastern IFCA have numerous Standard Operating Procedures (SOPs) in place for conducting the broad range of research activities undertaken each year. These detail the procedures for both acquiring data and processing it. These SOPs have been developed using guidance from the JNCC Marine Monitoring Handbook and/or advice and training from other organisations such as Cefas, the Environment Agency, other IFCAs and Natural England. To improve standardisation of survey methods, Eastern IFCA actively works with these other organisations, either through individual partnerships or through the IFCA Technical Advisory Group (TAG). Over the past five years TAG has organised several training workshops, ensuring all IFCA research teams are trained to the same minimum standard and are able to use standardised approaches for data acquisition and processing. These include training in the use of MapInfo GIS for mapping vessel sightings data, assessing size of maturity of whelks, determining biotopes using the EUNIS classification system and how to conduct habitat mapping surveys using various combinations of remote sensing, grab and underwater camera equipment. To achieve better standardisation between the IFCAs and Cefas when conducting surveys, similar side scan sonars and cameras have been acquired and similar processing software used. Cefas file naming protocols have also been adopted by Eastern IFCA for handling and filing the large habitat mapping datasets that are collected. This enables easier access and sharing of these data.

Where specific data requirements are needed, or a lower level of monitoring is required, existing SOPs may have been simplified or developed for specific needs. On occasions TAG has set up working groups to help develop these SOPs specific to IFCA requirements. These include the Small Fish Working Group developing a standardised IFCA method for surveying juvenile fish, incorporating methods used by the EA and Cefas. These methods and SOPs are shared with other IFCAs via the TAG Huddle group. Eastern IFCA has also provided specific training to other IFCAs in assessing mussel stocks using a method developed by Dutch scientists in 2006 and in the operation of shared side scan sonar and ARIS 3000 sonar camera equipment.

A list of research databases held by the IFCA and the frequency of their review

Eastern-IFCA maintains numerous databases to record survey data and metadata. These include Access and Excel databases that are used for recording stocks assessment data (e.g. Wash Fishery Order cockle and mussel survey data) and MapInfo GIS databases that are used for visually displaying and interpreting these data. In addition to stock assessments, Eastern IFCA maintains databases for fishing vessel activity sightings, habitat mapping surveys, crustacea and whelk bio-sampling, finfish surveys and water quality parametrisations. Those containing historic data that will not change are not reviewed, but the data within them may still be used when required. Databases are also held for the purposes of fisheries management including permit databases, landings databases to record landings in the Wash Fishery Order and shrimps. Eastern IFCA also digitise information collected by the MMO in the form of Monthly Shellfish Activities returns (MSAR). Databases are also held for the purposes of assessing enforcement activity such as inspections, port visits, closed area monitoring and industry engagement. Active databases in which new data are still being added are periodically reviewed to determine if they are still fit for purpose or whether updated or new systems are required.

Non-confidential meta-data collected through the IFCA research programme should be recorded in a database available to the marine research community

In addition to research reports being published on the Eastern IFCA website, meta-data and data have been uploaded to the MEDIN portal, where they can be accessed by the wider marine research community. Most of these records are from habitat mapping ground truth surveys conducted in The Wash, but also include meta-data from mussel survey stock assessments, cockle and clam surveys in the rivers Stour and Orwell and Pacific oyster surveys. Eastern IFCA hold additional survey data that have not yet been made compliant with MEDIN standards, but plans are underway to update these files, so they can also be uploaded onto the MEDIN portal.

Case Study - Eastern IFCA Chairmanship of Technical Advisory Group (SC5C)

The IFCA Technical Advisory Group (TAG) was set up to facilitate an exchange of information relating to fisheries, marine science and technology between IFCAs and other government agencies, and so help improve cooperation and consistency between organisations, and help IFCAs be valued as national and international fisheries managers.

The Chair and secretariat roles of TAG are rotated among the ten IFCAs every eighteen months. Between June 2016 and November 2017, the role of Chair was undertaken by the Eastern IFCA Senior Marine Science Officer (Research). During this period our representative was responsible for organising and facilitating TAG meetings and workshops and providing training opportunities for IFCA research staff. In addition to the group members providing each other with technical support through regular liaison, the group held a two-day training workshop in February 2017. This workshop focused heavily on habitat mapping training and included a mixture of presentations teaching the principles of survey design, mapping techniques and habitat identification using the EUNIS classification system, plus practical sessions training staff how to set up and use the scientific equipment that is jointly owned by the IFCAs. This included sessions with an Edgetech side scan sonar, a SeaSpyder underwater camera array and an ARIS 3000 sonar camera. The workshop, which was attended by 30 science officers from all ten IFCAs, was positively received and helped to standardise methodologies and best practice across the IFCAs.

Our TAG representative also represents the IFCAs on other Defra working groups, including the Marine Protected Areas Group (MPAG), the Marine Biodiversity Impact Evidence Group (MBIEG), and provides a link to the Elasmobranch Steering Group and the Healthy & Biologically Diverse Seas Evidence Group (HBDSEG). Through these groups, the IFCAs are able to have a voice at a national level and an opportunity to be involved in contributing towards the national programme of marine research.

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 16

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Julian Gregory, CEO

Fisheries White Paper Consultation

Purpose of report

The purpose of this report is to update members on the response to the Fisheries White Paper consultation

Recommendations

Members are recommended to:

- **Note** the content of the report

Background

In preparation for leaving the EU and the Common Fisheries Policy and consequently the UK becoming an independent coastal state, the Government has been developing proposals for the management of fisheries post EU exit. On 4th July 2018 Defra launched a consultation on proposals for the forthcoming Fisheries Bill and on their future vision for sustainable fisheries policy. The Executive Summary from the consultation document can be found at Appendix 1.

Report

Following the launch of the consultation the IFCA Chief Officers Group sought engagement with Defra and worked to provide a combined IFCA response to the White paper. Members were advised on this via e-mail on 2nd August 2018.

The Association of IFCAs subsequently produced a draft response to the consultation, which was circulated to members on 17th August 2018 together with a suggestion that the Authority did not need to do a separate response if satisfied that the AIFCA was adequate.

A brief response to the consultation from Eastern IFCA was subsequently submitted (Appendix 2 refers), which effectively endorsed the AIFCA response (Appendix 3 refers) whilst also highlighting the particular challenges faced by

the inshore fishing industry and the constructive role that the Authority might play moving forward.

Appendices

3. Sustainable fisheries for future generations: consultation document – Executive Summary
4. Eastern IFCA response to consultation
5. Association of IFCAs response to consultation

Appendix 1

Sustainable fisheries for future generations: consultation document³

Executive summary

Introduction

This paper sets out the scope of Defra's proposed new approach to fisheries management. Our aim is to build a vibrant and sustainable UK fishing industry by taking responsibility for managing fisheries resources within UK waters, while continuing to protect and improve the marine environment, in line with our recent [25 Year Environment Plan](#).

The UK's road to improved fishing opportunities and transition

After leaving the EU, the UK will become an independent coastal state under international law (UN Convention on the Law of the Sea (UNCLOS))² and will have the right to control and manage access to fish in UK waters out to 200 nautical miles or the median line. In line with UNCLOS, we will continue to co-operate closely with the EU and coastal states on the sustainable management of fish stocks that cross borders.

In the short term, UK fisheries policy will align with the agreement reached with the EU on 19 March 2018 on an implementation period. This period will serve as a stepping stone to our future relationship with the EU. However, from 2020, we will be negotiating access and fishing opportunities for 2021 as an independent coastal state.

As an independent coastal state, we will decide who can access our waters after 2020 and on what terms, for the first time in over 40 years. Any decisions about giving access to our waters for vessels from the EU, or any other coastal states including Norway, will then be a matter for negotiation. Fisheries will be a separate strand of our future relationship with the EU. Through the fisheries strand the EU and the UK, as an independent coastal state, will negotiate on access to waters and fishing opportunities on an annual basis. This is consistent with the approach to fisheries taken by other coastal states including Norway.

Under the CFP's principle of 'relative stability', the UK receives a fixed share of fishing opportunities based on historical fishing patterns in 1973 - 1978. This is unrepresentative of the fish now in UK waters. On average between 2012 and 2016, other EU Member States' vessels landed in the region of 760,000 tonnes of fish (£540 million revenue) annually caught in UK waters; whereas UK vessels landed approximately 90,000 tonnes of fish (£110 million

³ <https://www.gov.uk/government/consultations/fisheries-white-paper-sustainable-fisheries-for-future-generations/sustainable-fisheries-for-future-generations-consultation-document>

revenue) caught in other Member States' waters per year in the same time period. ¹

We will be seeking to move away from relative stability towards a fairer and more scientific method for future Total Allowable Catch (TAC) shares as a condition of future access. Initially, we will seek to secure increased fishing opportunities through the process of 'annual exchanges' as part of annual fisheries negotiations. In due course, as part of those annual negotiations we would be open to considering multi-annual agreements for appropriate stocks, as happens currently between the EU and other coastal states.

In negotiating new arrangements with the EU, we will give particular attention to enabling cross border co-operation on fisheries management between Northern Ireland and Ireland, in line with the commitments agreed by the UK and the Commission in the Joint Report (published 8 December 2017).

The UK has long been committed to sustainable fisheries, and we shall continue to work closely with our neighbours to ensure the sustainable management of shared stocks. We will seek to agree a process with the EU for future annual negotiations on access and fishing opportunities, as well as an approach for continued cooperation on fisheries management and on longer term sustainable approaches.

Access to markets for fisheries products will be agreed as part of our future economic partnership, just as with other goods and food products. This is separate to the question of fishing opportunities and access to waters, which consequently will be addressed separately, founded on the UK's legal status as an independent coastal state. This is consistent with fisheries agreements internationally, and with EU-third country precedents. Both the EU and UK have an interest in continued trade for the fisheries and wider seafood sector.

The UK will apply to be an independent member of Regional Fisheries Management Organisations (RFMOs), including the North East Atlantic Fisheries Commission (NEAFC), where we will pursue our interests in negotiations on important stocks such as North-East Atlantic mackerel, blue whiting and Atlanto-Scandian herring. We will also play an active role in other international bodies such as the UN Food and Agriculture Organisation (FAO). Where appropriate, we will work in close cooperation with the Crown Dependencies, who independently manage their fisheries, and the Overseas Territories.

Promoting sustainable fisheries

All of the Fisheries Administrations across the UK and the Crown Dependencies champion sustainable fisheries and marine conservation. The UK will project these values in negotiations with our neighbours, making adherence to sustainable practices a pre-condition of any future access to our waters.

We will continue to apply the principle of Maximum Sustainable Yield (MSY) when setting or agreeing total allowable catches (TACs), and we will promote fishing within MSY ranges in line with international scientific advice on mixed fisheries. We will also continue to work towards ending the wasteful practice of fish discards, including through the development of new initiatives with industry and other interests. We will work with the Devolved Administrations to develop technical measures such as Remote Electronic Monitoring (REM) (including CCTV) on vessels fishing in the UK's Exclusive Economic Zone (EEZ), to ensure compliance with fisheries regulations across the UK.

As set out in the 25 Year Environment Plan, we will pursue an ecosystem approach to fisheries management that aims for more sustainable management and accounts for, and seeks to minimise, impacts on non-commercial species and the marine environment generally.

Access agreements and quota allocation

Our Fisheries Bill includes proposals for powers to deliver what we negotiate with the EU and other coastal states on access to waters and fishing opportunities. This includes powers for the UK Government and Devolved Administrations to implement international agreements reached on access to UK waters, and to set fishing opportunities (principally quota). The principle of universal access to UK waters will continue to apply to all UK vessels.

We are also making plans so that we are ready to implement arrangements negotiated and to meet the different enforcement challenges in our waters after we leave the EU and the CFP.

CFP technical regulations

Under an implementation period, the existing body of EU regulations will continue to apply until December 2020.

The EU (Withdrawal) Act will be used to make EU law part of a new body of UK law, to be known as retained EU law. The Act includes powers to enable corrections to be made to the laws that do not operate appropriately once we have left the EU. In time, this body of law will be replaced with domestic legislation. In fisheries, this will cover about 100 legislative instruments covering issues such as gear types, mesh sizes, minimum landing sizes and other technical standards.

The Fisheries Bill proposes taking powers that will enable this retained EU law to be amended expeditiously by secondary legislation. The marine environment is dynamic and timely decisions are required.

These powers will allow us to make rapid legislative and policy adjustment where this is appropriate, including in cases where measures are currently introduced by the European Commission through Delegated Acts.

A new UK framework

We are working with the Devolved Administrations to develop a new UK framework for fisheries management, which is likely to include both legislative and non-legislative elements. This will respect the devolution settlements and maximise all Fisheries Administrations' power to manage their fisheries while, where necessary, maintaining the overall coherence of the UK's fisheries policy, particularly to ensure compliance with international obligations, protect the UK internal market and manage our shared resources sustainably.

In international fisheries negotiations, the UK delegation will include representatives from each administration of the UK, as is the case now. The duty of cooperation within the delegation will remain and wherever possible consensus will be sought on negotiating priorities. If there is a disagreement within the UK delegation, the Secretary of State will, as now, have the power to make a final decision as the leader of the UK delegation, acting in the interests of the whole country.

The UK Government is responsible for overall compliance with international obligations and the Devolved Administrations are responsible for implementing these obligations in their own areas.

We are also working with the Crown Dependencies to develop new fisheries management agreements which reflect their independence in managing their fisheries while maintaining the overall coherence of the UK's fisheries policy.

This White Paper is a UK Government policy document that discusses a range of fisheries policy matters, subject to the continuing discussions between Defra and the Devolved Administrations. The extent of the different provisions proposed for the new Fisheries Bill will vary depending on what powers already exist in different areas and what is agreed between the Administrations: some will have UK-wide extent; others will apply to England only, others to England and the Devolved Administrations that wish to adopt them. The powers concerning international relations, on access to waters and setting quota, will be exercised at UK level as they relate to reserved matters.

Reforming fisheries management

As we negotiate with the EU and coastal states for a fairer share of the fishing opportunities, we also need to consider how those additional opportunities are allocated across the UK and within England in future.

Leaving the EU provides the opportunity to move towards a fairer and more scientific method for the allocation of fishing opportunities.

We do not intend to change the method for allocating existing quota. However, in relation to any additional fishing opportunities negotiated by virtue of the UK's new status as an independent coastal state, Defra intend to begin a conversation with the Devolved Administrations, Crown Dependencies and stakeholders to allocate these on a different basis, including the potential use of alternative methodologies such as zonal attachment. A new methodology

would be in place in time for the allocation of any additional fishing opportunities agreed from December 2020 onwards.

In England, Defra will seek to mirror the approach outlined for UK allocations, by developing with stakeholders a new allocation methodology for additional fishing opportunities agreed from December 2020 onwards, while ensuring the functioning of the UK internal market.

To give us the tools to enable changes, the Fisheries Bill proposes powers that will enable Defra to explore and pilot alternative approaches to the future allocation of fishing opportunities and models to fund future fisheries science in England.

We will consider the establishment of a reserve of quota to be managed and allocated by the Marine Management Organisation (MMO) in accordance with new criteria to meet the future needs of the industry. This could include allocation of some fishing opportunities specifically for recreational angling.

We will consider allocating some fishing opportunity, which could be from within the reserve, through a tendering or auctioning system.

We will also consider allocating part of any new quota in the reserve to underpin a new approach to tackle the problem of choke species, so that the crucial discard ban works in practice as well as in theory.

We will consider the development of new ways to deter fishers from catching or discarding fish caught in excess of quota, drawing on the experience of other fishing states such as New Zealand. Such fish could be subject to a charge related to the market value of the fish landed, with the landings covered by quota retained in the reserve for such purposes. These charges could be recycled back into the sector to help develop measures to help them further change behaviour and thus reduce the need for the scheme over time.

Such an approach would maintain a powerful disincentive to targeting any fish species where quota is scarce since fish subject to a charge would have little or no value to the fishermen who landed them. However, it would avoid the problem of individual Producer Organisations or vessels being grounded through the problem of choke species.

We want an efficient but sustainable industry. Technological advances have driven greater efficiency and modern smaller boats are able to catch far more fish than previously. We will therefore consider new criteria to define low impact inshore fishing vessels to replace the current 'under 10 metre' category.

We will consider a targeted scientific trial using an effort (days at sea) based regime in place of a quota regime for some low impact inshore fisheries.

If evaluation of the outcomes shows that such approaches are successful with the low impact inshore fleet, consistent with our commitment to sustainable fishing, then we will give careful consideration to further selective trials for

deployment of effort based regimes or alternative hybrid models in other parts of the demersal fleet.

In considering how fisheries may be managed in future, we will be very mindful of lessons about unintended consequences and importantly, about the implications for fishermen's safety.

We will consider how we can further integrate recreational angling within the new fisheries framework recognising the societal benefits of this activity and impacts on some stocks.

Appendix 2

Via E-mail to: FisheriesEngagement@defra.gsi.gov.uk

11th September 2018

Consultation - Sustainable Fisheries for Future Generations

This response to the consultation paper 'Sustainable Fisheries for Future Generations' is on behalf of the Eastern Inshore Fisheries and Conservation Authority.

Eastern IFCA endorses the response to the consultation made by the Association of IFCAs (AIFCA) and as such we will not be providing a separate detailed response.

We would, though, like to add emphasis to the overall tenet of the response from the AIFCA in highlighting the importance of inshore fisheries and the sometimes adverse impact that fisheries management measures, such as quota allocation, can have on the inshore fishing fleet.

We are particularly supportive of a scientific trial of an effort management system in English inshore waters. As partners in the Marine Pioneer initiative in Suffolk we are currently exploring the potential for such a trial to be conducted locally with Defra colleagues. The basis for this is that there would appear to be a good fit between the aims and objectives of the Marine Pioneer, under the auspices of the 25-year Environment Plan, and the desire to explore new approaches to fisheries management in low impact inshore fisheries.

We are also supportive of the greater involvement of industry in the provision and direction of science and evidence development needed for fisheries management. We have had positive experience of working with fisheries stakeholders (industry) and might say it is essential for achieving appropriate and supported management. It should be noted that this approach is resource-intensive, but we consider it to be worth the investment of time and resource to properly engage with stakeholders and identifying ways of incorporating their expertise into evidence used to support management.

Eastern IFCA's management of the Wash Fishery Order cockle and mussel fisheries in collaboration with industry and nature conservation advisers has been identified as an exemplar in relation to sustainable fisheries and MPA management, but it requires a continuous investment of resource for evidence-gathering and stakeholder engagement. Our recent collaborative "Community Voice" project with the Marine Conservation Society helped us strengthen our relationship with coastal communities and has provided a firm basis for ongoing engagement and the development of appropriate inshore fisheries management.

To conclude, we are supportive of the overall principles set out in the consultation but would emphasise the importance of improving access to fishing opportunities for the inshore fleet.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Gregory". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

J. Gregory
Chief Executive Officer

Appendix 3

Introduction:

This response primarily reflects the perspectives and needs of inshore fisheries and marine environmental management, the communities they serve and the marine environment upon which they depend. Inshore in the context of this response is within 12 nautical mile territorial waters. Inshore fisheries can be considered in the context of commercial and recreational vessels that largely operate both within IFCA limits and territorial boundaries. From the perspective of scale this comprises to a large extent of vessels below approximately 12 metres in overall length. The IFCAs currently have duties and powers relating to the 0-6 nautical miles only.

Key points

- The Association is supportive of the ambitions and underlying principles set out on the consultation. The IFCAs believe that the IFCA model of local governance and decision making coupled with active stakeholder engagement fits well with the concept of sustainable seas and fisheries and the ambitions set out in the White Paper. In addition, this fits well with the 25-year environment plan and the Seafood 2040 plan. The Association believes that these initiatives should be delivered as part of a long-term plan for the marine environment and would seek to be actively involved in this process. The IFCAs have considerable expertise and operational experience in inshore marine management that we can input to the delivery of these exciting policies.
- The Association is, however, concerned as to the limited references to inshore fisheries (both commercial and recreational) within the consultation, and would wish to input clearly defined opportunities that exist to support this element of the fishing sector and the coastal communities that they support.
- Despite their function and level of management activity there is little if any reference to IFCAs, and the present arrangements for supporting inshore management in England following establishment of the IFCAs and their new duties through the Marine & Coastal Access Act 2009.
- The IFCAs would seek further clarity on secure central funding for IFCAs which has not been encompassed within the consultation, we feel this is an important opportunity to ensure that IFCAs have a sustainable funding model.
- The IFCAs would welcome the opportunity to work closely with Defra and the Defra group to explore further opportunities for inshore management. In particular, to support more economically viable and sustainable inshore fisheries and communities whilst protecting the marine environment within territorial waters needs closer examination, innovation and vision.

Background:

The ten IFCA's were launched in April 2011 following the introduction of the Marine and Coastal Access Act 2009 (MaCAA) and as provided for in part 6 of MaCAA.

These authorities replaced the Sea Fisheries Committees (SFCs) which had been in existence for 120 years. The MaCAA details an extended remit of the IFCA's in place of the SFCs to become the lead regulator for fisheries and conservation in the 0-6 nautical mile inshore zone. IFCA's are stand-alone regulatory bodies funded by local authorities. Defra supports the local authorities in their districts who fund IFCA's through 'new burdens' funding. The IFCA's work closely with stakeholders to achieve our shared vision to 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. As local regulators we support inshore sustainable fisheries and the IFCA's believe that by engaging at a local level in order to assist with the delivery of UK marine policy we provide a cost efficient and effective method of regulation.

The IFCA's have over 30 vessels carrying out enforcement, monitoring and surveillance with over 1400 days at sea per year. The IFCA's are (mostly joint) committees of the funding authorities. The structure and makeup of the individual IFCA's can be found in the Association report entitled "The Inshore Fisheries and Conservation Authorities 2011 to 2015" published on the Association website: <http://www.association-ifca.org.uk/news/the-ifcas-2011-2015-achievements-and-success>. In addition, MaCCA requires the Secretary of State for the environment to present a report to Parliament every four years. The first report entitled "IFCA Conduct and Operations 2010 to 2014" was presented to parliament in March 2015 and can be found at: <http://www.association-ifca.org.uk/Upload/About/ifca-review-2010-2014.pdf>

The MaCCA also makes provision for the IFCA's to set up a national body to represent the ten IFCA's and as such the Association of IFCA's was set up in June 2011. The Association has a full time Chief Executive and a part time Administrative and finance assistant and reports to a Board of Directors nominated from the IFCA's. Details of the Association can be found on the Association website: www.association-ifca.org.uk.

In recognition of the present EU negotiations and development of new domestic law the AIFCA published a policy document in 2017 to provide support and advice to Government, **'Opportunities for Inshore Fisheries and Marine Environment; Future Management in England'**. This policy paper outlines the Inshore Fisheries and Conservation Authority's (IFCA's) collective recommendations for inshore fisheries management reform following the EU referendum and subsequent negotiations. As existing inshore fisheries managers for English coastal waters, IFCA's are well placed to highlight and identify opportunities to reform, develop and enhance the fisheries resources, the commercial industry and the

marine environment. <http://www.association-ifca.org.uk/Upload/IFCA%20future-management-Final%20.pdf>

In respect to the specific questions the Association of IFCA's responds as follows:

Q1: Do you agree with the proposed powers in the Fisheries Bill?

We broadly agree with the powers as proposed in section 1.2. We would also welcome further explicit reference to and recognition of inshore fisheries and the specific legislative, policy and management needs of inshore fisheries and the communities they support.

Given the existing powers and activities of IFCA's to protect Marine Protected Areas with domestic legislation, we welcome further clarity and assurance on what further powers are proposed within the Marine & Coastal Access Act to protect inshore MPAs and that part of the marine environment not contained within MPAs.

Q2: What are your priorities for UK negotiations with the EU on fisheries?

Creating opportunities within fisheries reforms for the reallocation of fisheries resources, maximising the economic and socio-economic benefits as well as the viability of the English inshore fishing fleet through improved diversification and access options within territorial waters and beyond. The implementation of the CFP has negatively impacted the inshore fleet; limiting access options, reducing diversification opportunities and has concentrated effort on non-TAC species such as shellfish. In addition, the UK commitment to MSY in all commercial stocks by 2020 (including shellfish) is likely to put more pressure on inshore fishermen as possible effort management may be forthcoming.

Live crustacean and molluscan shellfish species make up a large proportion of inshore landings that are commonly exported to the EU. As a result, maintaining trading opportunities to enable efficient and effective movement of fisheries products into mainland European markets is of critical importance for the continuing viability of vessels and businesses whose operations are based on these stocks.

The potential impact of future negative trading arrangements in live and processed fishery products could have an extremely detrimental effect on the economics of inshore fisheries and associated coastal communities. These impacts relate to both tariff and non-tariff barriers, particularly in the implications for additional delays for both live and fresh goods. In supporting relevant future changes in trading arrangements there needs to be legal mechanisms to enable investment in administrative infrastructure to enable the effective and efficient certification of fisheries related exports both live and processed.

The Association supports the position of moving from relative stability to zonal attachment as a priority in the UK negotiations.

Q3. What are your priorities for controlling our waters after exit?

In respect to territorial waters we consider there to be strong justification to consider the establishment of exclusive access for UK registered vessels. In so doing this would create new fishing opportunities for inshore fishing fleets and strengthen economic viability of inshore fishing businesses and associated communities. The IFCA would wish to see the inshore fleet with opportunities to strengthen the viability of the sector and consideration of a UK exclusive area in the 0-12 territorial waters would further this aim.

Q4: What are your priorities for the UK's international role in fisheries (beyond the EU)?

We support continuing international commitments identified in section 1.4.

We encourage the UK's full engagement with relevant international fisheries negotiation. In so doing the interest of inshore fisheries should be fully recognised in relevant agreements and collaborative actions.

There should be a continued principle to work collectively with other states through EU structures and ICES to understand the conditions of stocks and management recommendations and objectives and to work towards a model of greater quota stability over time to enable both fishing businesses and regulators to be able to plan and invest accordingly. Much of fisheries and environmental management is a multinational endeavour given the movement of marine life and our common seas. The IFCA believe that the IFCA model of local engagement and decision making in inshore waters could be exported successfully to UK overseas territories and other third coastal states. The IFCA believe that the IFCA model is an exemplar of localism in action.

Q5: What are the fisheries policy areas where a common legislative or non-legislative approach (framework) across the UK is necessary?

There is presently no explicit policy position in the UK toward inshore fisheries (within territorial waters). To achieve the best outcomes a common framework of objectives is required. Inshore fisheries management systems do vary between devolved administrations and at a smaller localised scale, however common management objectives can be identified and supported through a common UK framework policy which also supports and encourages sharing of experience knowledge, data and research. The IFCA would welcome the opportunity to actively engage in the formation of such a policy from our perspective of the delivery of inshore fisheries management across boundaries between devolved administrations, for example in the Severn estuary.

Q6: Do you have any further comments relating to the issues addressed in this section?

The extent and detail of marine fisheries and environmental legislation developed during the UK's membership of the EU is comprehensive, complex and interwoven with domestic legislation. In terms of practical application of regulations in the 0-

6 nautical mile zone, the IFCA's are closely involved in both fisheries and environmental management. It is essential to identify and protect existing EU and other non-domestic legislation that provide existing security for inshore fisheries and protection for the marine environment. The Association would draw attention to the evidence submitted by the Association to the "MPA revisited" Environment Audit Committee.

Q7: Do you agree with the measures proposed to ensure fishing at sustainable levels?

The guiding principles of sustainable stocks, reference points, MSY targets and protection of vulnerable habitats and species from damaging activities are recognised, valued and embedded in current management. Sound evidence should remain at the heart of management decisions and be scaled according to needs such that mobile and transboundary stocks remain well managed and localised stocks are afforded detailed management. Opportunities exist to improve legislation requiring assessment and management of non-TAC stocks (many of which are exploited in inshore fisheries). There needs to be underpinning investment in infrastructure to support the effective monitoring, assessment and management of all stocks in UK waters.

The new legislation needs to recognise that Natural Capital and the principles of ecosystem management as set out in the 25 year environment plan should underpin and be central to the future direction of regional fisheries and marine environmental management. Where possible, this should ensure that the long term maximum socio-economic benefits are realised from the marine environment and the fisheries it supports.

Q8: Do you agree that existing quota should continue to be allocated on an FQA basis?

The Association recognises that there are reasons why the government wish to retain an FQA system to maintain continuity and economic stability for elements of the fleet to which the system applies.

There are however, some particularly negative consequences of an FQA system that need careful consideration and solutions found, where necessary this might be achieved through a predefined process of phased introduction. The rental of quota allocations to active fishers from parties (sometimes referred to as slipper skippers) that have little if any possibility of utilising their FQA can be considered as detrimental to a future sustainable fisheries business model and management system.

Those fishers who are able to acquire the resource may be paying 'market rents' for access to fish that reflect a large proportion of the final revenue that can be achieved for the landed fish. Subsequently this reduces their profitability and stimulates a need to fish for more resource to run viable businesses.

Those who hold FQA units for UK fisheries quotas (which are a public resource) do not own quota, although they might consider they have a legitimate expectation to receive an annual allocation. Importantly however, the receipt of income from renting a public asset may not be associated with supporting their own existing fishing business in these situations, furthermore it can drive increased fishing effort in other fisheries.

An alternative approach is that unused resource is allocated by government to achieve the most desirable policy outcome. Rents, if any, can be linked to positive policy objectives such as low impact fisheries and sustainable inshore fishing communities.

The Association is concerned that most of the benefits identified for the inshore fleet are dependent on the UK negotiating an uplift of quota. The Association would like to see a mechanism to revisit the allocation of existing quota should this uplift not be realised. In addition, interim support for the inshore fleet may be needed if realisation of an uplift was significantly delayed.

The proposed system does not appear to serve elements of the inshore fisheries well in many respects, resulting in small businesses unable to gain access to sufficient resources at key times and additional business costs accessing quota from non-government sources.

Opportunities exist within fisheries reform for the reallocation of fisheries resources, maximising the economic and socio-economic benefits as well as the viability of the English inshore fishing fleet through improved diversification and access within territorial waters and beyond. The implementation of the CFP has negatively impacted the inshore fleet; limiting access options, reducing diversification opportunities and has concentrated effort on non-TAC species such as shellfish.

The recognition of opportunities to see resource allocation structured in a manner to benefit low impact fisheries is recognised as a very positive development providing positive feedback to stimulate low impact methods. Identification of criteria and methodologies to define low impact fisheries is an area where the IFCA can bring particular expertise and knowledge and we would welcome further engagement on this matter.

The new legislation needs to recognise that Natural Capital, of which commercial fish stocks as a public asset form a part, and the principles of ecosystem management should underpin and be central to the future direction of local fisheries and marine environmental management. Where possible, this should ensure that the long term maximum socio-economic benefits are realised from the marine environment and the fisheries it supports.

The principle of deriving government revenues from fisheries resources is welcomed providing it is proportionate, consistent and that that income is properly utilised to support improved fisheries management at all levels and create a positive feedback to the benefit of the fishing communities.

Q9: How should any additional quota that we negotiate as an independent coastal state be allocated?

Fisheries resources should be allocated with consideration of socio-economic, economic and environmental factors, whilst realising the potential of natural capital and supporting blue growth. Protection for vulnerable inshore fishing communities with limited fishing opportunities should be prioritised and promoted. As stated above, consideration should be given to allocation of existing as well as additional quota.

The Association of IFCAs would not wish to see a system which allocated quota to the highest bidder as this would serve to concentrate the ownership quota in a few, well-resourced larger businesses, as smaller operators would not be able to compete. It would also create further barriers to new entrants into fishing at a time when this is already a challenge, leading to an ageing workforce and barriers to investment for smaller scale fishing businesses, which form the majority of the inshore fleet in England.

Q10: Do you agree that Defra should run a targeted scientific trial of an effort system in English inshore waters?

Yes, this would have value if well managed. It is important to consider that in the consideration of the use of a 'days at sea' type system, inshore vessels already face a range of natural constraints on their fishing effort, including weather and tidal states in areas where many ports are not accessible over a 24 hour period, for example in Cornwall.

Q11: Do you agree with our proposals to explore alternative management systems for certain shellfisheries in England?

The Association recognises there are issues associated with the current western waters effort management regime for specific shellfish stocks. These require attention to ensure sustainable exploitation. The IFCA model is widely recognised as being best practice for the management of inshore fisheries stocks incorporating local decision making and stakeholder engagement. IFCAs have a long history and considerable experience in the management of a range of crustacean and molluscan shellfisheries within the 6nm limit and are aware as a result of the implications for management approaches outside the 6nm limit to have impacts within it, for example, moving fishing pressure for vivier crabbers closer inshore around the Cornish coast as the result of losing their allocation of days at sea, making fishing further offshore less viable. The majority of smaller ports and harbours around the English coast are dependent upon shellfish stocks and as a result, any new management regime must take this interaction between inshore and offshore into consideration, particularly where there are straddling stocks.

Q12: Do you agree that there is a case for further integrating recreational angling into fisheries management?

The Association recognises the importance of recreational sea angling in the UK and agrees that there is a strong case for integrating recreational sea angling into fisheries management. Many IFCA's have RSA expertise on their Committees and would welcome the opportunity to provide better regulation for this important sector. Several IFCA's have already developed management approaches which reconcile the requirements of both commercial and recreational vessels or individuals.

The need for any integration to be conducted in such a manner that it recognises the full socio-economic value of recreational fisheries is critical to the success and support of such measures. In the IFCA's view the present integration of bass management into recreational angling actively with introduction of catch and release only in the majority of 2018 has not duly recognised the resulting impact upon recreational businesses such as charter operators.

Measures that should be considered include RSA licensing arrangements and potentially some arrangement for catch returns. Angling 2012 demonstrated the importance of angling in terms of stock management and GDP.

Q13: Do you agree with the proposed package of measures and initiatives to reduce wasteful discards?

Broadly yes but it relies on the UK Government successfully negotiating an uplift in quota. The Association believes that consideration should be given to the impacts of fully implementing the discard ban in the event that this is not forthcoming. Support for the inshore fleet going forward may be necessary to support this sector.

Q14: Do you agree with the proposed approach to protecting our marine environment in relation to fisheries including the powers proposed in the Fisheries Bill (see section 1.2)?

The Association is concerned at any new risks arising from changes to existing environmental legislation which has taken decades to develop and introduce. However, it is recognised that there could be new opportunities to better protect our seas within the UK's EEZ with a more agile method of designating and managing the MPA network and the wider marine environment. IFCA's have been at the forefront of developing management options for the existing MPA network and as a result, we are familiar with the challenges and the opportunities this presents. We would welcome more detail on the proposals for extending powers contained within the Marine and Coastal Access Act and whether this extension would also encompass the management of non-fishing activities outside MPAs, where legislative jurisdiction is currently unclear, for example, the anchoring of merchant vessels within territorial waters but outside harbour authority jurisdiction, management of recreational activity outside MPAs, where these activities in turn impact on certain fishing sectors, particularly on inshore static gear vessels.

Q15: What opportunities are there for the sector to become more involved in both the provision and direction of science and evidence development needed for fisheries management?

There are considerable opportunities that can be developed toward greater involvement of the catching sector in the collection of data to support fisheries management. Good practice should be identified and promoted further. Data supplied through IFCA permit systems for crustacean shellfish, for example in Cornwall, are analysed and used in the development of management options and as a data source to track changes within local fisheries. The IFCAs are well placed to assist both directly and through promoting citizen science (as evidenced by the IFCAs support for the Seasearch organisation) and the use of commercial fishing vessels to gather data. The IFCAs have capability to support Defra and the Defra group in scientific and monitoring work.

Q16: Do you have any further comments relating to the issues addressed in this section?

- Monitoring and compliance responsibilities could be more cost effectively delivered through full incorporation into an expanded IFCA local management model reflecting stakeholder engagement and decision making. This would support more efficient deployment of resources and strengthen national enforcement capacity. Any overlapping duties with the Marine Management Organisation and Environment Agency could be incorporated into the IFCA model as lead inshore fisheries managers within the 12nm, delivering more cost-effective and efficient enforcement, whilst maintaining existing service levels.
- The Association believes that EU exit represents an opportunity to maximise growth and opportunities for the inshore fleet. We believe that the work of the IFCAs in engaging and working with local communities and stakeholders provides an exemplar model for inshore fisheries. The principle of local ownership and decision making while working with Defra and Defra group needs to be considered in the White Paper in UK fisheries. The Association and the IFCAs are committed to engaging and assisting where possible during the process of negotiating and delivering EU Exit and moving to the UK becoming an independent coastal state.

Q 17: What would be your priorities for any future funding for the sector or coastal communities.

- From a regulatory perspective, and in particular with the inshore fleet, it is imperative to adequately ensure sustainable and appropriate funding streams to allow for long term support for business development and its impact on local communities. True cost recovery for small businesses may not be practicable and the IFCA model engages with and supports local commercial and recreational fisheries but requires long term financial stability to allow for blue growth in line with the 25 year environment plan and Seafood 2040 aspiration.
- The current European Maritime and Fisheries Fund (EMFF) and previous European fisheries funding programmes have proved essential in supporting the wider fishing industry and the work of the Authority. In the past, two such programmes have been

utilised to provide substantive funding to purchase and commission new patrol vessels for the NEIFCA District. In addition to supporting the purchase and commission of fisheries control assets a significant number of fishing industry projects have been successfully delivered through the Fisheries Local Action Group framework. NEIFCA officers have worked in very close partnership with the Holderness Coast Fisheries Local Action Group delivering investment totalling £3.65 million in projects supporting conservation, marketing, processing and cultural initiatives. By the end of the current FLAG programme around 80 individual projects will have received assistance encompassing over 300 separate business interventions. If the ambitions of the White Paper are to be fully realised it is essential that a UK replacement fund is developed to support the fisheries sector following the UK's exit from the EU alongside a revitalised supporting framework similar to the current FLAG system. Any new UK centric fisheries fund will need to cover the core areas of enforcement and control, safety and innovation supporting low impact sustainable practices within the industry.

Q18: Do you have any further comments relating to the issues addressed in this section?

See above

Q19: How far do you agree with our future vision to pursue a partnership approach with industry and others for sustainable managing fisheries?

The Association supports the future vision of a partnership approach to managing fisheries sustainably which accords with our vision. Local decision making and stakeholder engagement is at the core of the IFCA model and we believe that this could be extended to the 12 mile territorial limit in order to maximise the opportunities for the inshore fleet.

Q20: Do you have any further comments relating to the issues addressed in this section?

See above.

Additional comments:

In addition to the questions above, and further to the IFCA's support for the principles set out in the White Paper the Association has the following additional comments:

The Association and the IFCA's would welcome the opportunity for further input to the review of inshore fisheries management mentioned on page 28 of the consultation document where it states "Defra and MMO can use this opportunity to review how the English inshore fleet.....is managed and regulated".

The IFCA's are keen to explore opportunities for the inshore fleet as access to the 6-12 becomes available and also how extended quota might be allocated to the inshore fleet which have been severely disadvantaged by CFP. The Association

believes that there is a strong case for the IFCAs to extend their lead role in inshore management to include the 6-12 nautical mile zone.

The IFCAs would also like to see the potential of English aquaculture development taken into account in future work. There are transformational opportunities in English Aquaculture as recognised in Seafood 2040. However, there are potential challenges regarding site selection, water quality and potential competition for space with commercial and recreational fishermen. Many of these could be overcome with a holistic approach to marine management and marine planning and the IFCAs are well placed to assist with this process subject to resources.

The IFCAs recognise the potential opportunities for the inshore sector that may arise from EU Exit and supports the principles set out in the consultation. We recognise that this is a starting position and are ready and able to engage with Defra and Defra group in further developing fisheries and the wider marine environment. The IFCA model of local engagement and decision-making fits well with the aspirations of this document, and also with the 25 year environment plan and the Seafood 2040 initiative.

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 19

34th Eastern Inshore Fisheries and Conservation Authority Meeting

7th November 2018

Report by: J. Gregory, Chief Executive Officer

Quarterly Progress Against Annual Priorities 2018-19

Purpose of report

The purpose of this report is to update members on progress against the objectives established in the Business plan as priorities for 2018-19.

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.

With effect from 2016-17 the Authority adopted a model for business planning which uses a rolling five-year Business Plan incorporating annual priorities informed by the annual Strategic Assessment. The plan incorporates the high-level objectives agreed with Defra.

The move to a five-year business plan reflects the need to engage in longer term planning in the context of high levels of demand and the requirement to be flexible with priorities to reflect the dynamic nature of inshore fisheries, the marine environment and the policy landscape.

At the Planning and Communications Sub-Committee held on 14th March 2018 priorities for 2018/19 as set out in the 5-year Business Plan were agreed.

Report

The tables at the Appendix detail the progress against the key priorities for 2018-19, as set in the Business plan for 2018-23.

Risk

Significant complexities regarding the development of Shrimp management measures within the Wash and North Norfolk Coast MPAs have resulted in ongoing delays to delivering this workstream. This workstream has now progressed with proposed management measures having been to formal consultation and further resource is required to consider the outputs of such. Resource allocated to other projects has, to an extent been subverted to work on the associated Habitats Regulation Assessment and development of measures with 'knock-on' effects on other work.

Conclusion

As per Appendix 1, priority workstreams are all underway but many have been delayed and rolled over to new financial years part due to unforeseen complexities. The complexity and detail involved in dealing with the red and amber risk MPAs has impacted upon other MPA work (including completing the Cromer Shoal MCZ assessment) during the quarter. However, this work is nearing completion and management measures for the Wash shrimp fishery are now being proposed.

Having introduced an Emergency Byelaw for the protection of an 'unmanaged' portion of The Wash, resource will be required to investigate the need for and potentially implement further, permanent measures by the 26th July 2019.

Background documents

Eastern Inshore Fisheries and Conservation Authority Business Plan 2018-23.

Appendices

1. Report on priorities set for 2018-19

APPENDIX 1

Eastern Inshore Fisheries and Conservation Authority

7th November 2018

Quarterly Progress against Annual Priorities – Quarter 2

4 key priorities are established for 2018-19.

Financial Year 2017-18		
Priorities 2017-18	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 & Winterton SCI;</p> <p>b. Delivering fisheries management measures for 'Amber and Green' designated features within European Marine Sites (EMS) including shrimp management in the Wash and North Norfolk Coast SAC and completion of 'Amber and Green' HRA suite;</p> <p>c. Assessing the impact of fishing activities on the</p>		<p>1a. Ongoing for Haisborough, Hammond & Winterton: detailed review of evidence for feature extent is underway; liaison ongoing with Natural England.</p> <p>Inner Dowsing, Race Bank & North Ridge: Work delayed to enable focus on shrimp assessment/management. Work to recommence following Haisborough, Hammond & Winterton. Management measures to apply updated conservation advice from Natural England.</p> <p>1b. Ongoing. Shrimp fishery mitigation agreed by Authority July 2018. Public consultation completed. Consideration of responses is ongoing.</p> <p>1c. Ongoing. Assessment submitted to Natural England September 2018. Liaison with Natural England ongoing.</p> <p>1d. Ongoing. Monitoring and control plan generic template created. Draft plan for Wash & North Norfolk Coast shrimp fishery created.</p> <p>1e. Ongoing.</p>

<p>Cromer Shoal Chalk Beds tranche 2 Marine Conservation Zone and delivering management measures (if required);</p> <p>d. Developing monitoring and control plans for highest risk MPAs as identified in the Strategic Assessment 2018;</p> <p>e. Delivering mitigation to the risk of 'food availability' in the Wash and North Norfolk Coast SAC in relation to private aquaculture;</p> <p>f. Introduction of measures to mitigate the risk of damage to the Wash and North Norfolk Coast SAC from 'unmanaged' bivalve fishing activity <u>if required</u>;</p> <p>g. Undertake gap analysis and initial assessment of fishing impacts within newly designated MPAs including the Harbour Porpoise candidate SAC (southern North Sea), the Greater</p>		<p>The Authority has an ongoing monitoring programme to ensure the mussels grown in private aquaculture sites in The Wash do not have an adverse impact on the food available for wild stocks. This is achieved by monitoring the chlorophyll RFU levels (as a proxy for algae levels) in the water at a number of sites across The Wash and testing meat yields of mussels taken from locations close to the several fishery lays. Sampling is conducted by testing the water with YSI sondes at the various locations once a month and conducting continuous sampling at a further location using a sonde mounted on a scientific buoy. Following the servicing of the data buoy earlier in the year, data has been collected regularly from this and other sites in The Wash. To date, the results from the project have not fallen below trigger thresholds.</p> <p>1.f Ongoing – Eastern IFCA introduced the Emergency Wash Byelaw 2018 on the 27th July 2018. This was in response to the High Court handing down a decision regarding the boundary of the Le Strange Estate on the same day and it essentially leaving a gap between the boundary of the Wash Fishery Order and le Strange Estate which had no management measures. Given that the area is within a marine protected area and is known to hold cockle stocks, there was a risk that fishing activity could have a detrimental impact on the site if no management was put into effect. Emergency byelaws are limited to being in effect for 12 months during which time it must be reconsidered and replaced. Habitats Regulations Assessment undertaken in August 2018 for cockle fishery within this area.</p>
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<p>Wash potential SPA and the extension to the Outer Thames estuary SPA.</p>		<p>Management measures applied and fishery opened August 2018.</p> <p>1.g Ongoing. Liaison with MMO is ongoing in relation to assessment of fisheries in inshore sections of these three marine protected areas. EIFCA to lead on assessment for Greater Wash SPA and extension of Outer Thames Estuary SPA in EIFCA district. Designated Marine Science Officers to lead on respective evidence gap analysis and fisheries assessments. No confirmation of approach for assessment and management of fishing in the very extensive Southern North Sea SAC.</p>
<p>2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements by:</p> <ul style="list-style-type: none"> a. Developing fishery sustainability management measures for the brown shrimp fishery in conjunction with priority 1(b) above; b. Developing fisheries management measures for crab and lobster; c. Monitor fisheries management of bass in the context of 		<p>2a. Ongoing – Management measures to be informed by Marine Stewardship Council Fisheries Management Plan and Marine Science project. Marine Science Officer working alongside the industry-led steering group to determine voluntary and regulatory management measures and Eastern IFCA’s involvement in monitoring compliance with voluntary measures.</p> <p>2b. Ongoing – It was intended that informal consultation on sustainability measures for crab and lobsters are undertaken at the same time as measures for the protection of the Marine Conservation Zone. However, work undertaken in relation to crab and lobster stock assessment has indicated some additional complexities which require resolution prior to the start of informal consultation. As such, the consultation had been further delayed and is likely to be held separately from the marine conservation zone consultation.</p>

<p>European and national fisheries management measures and contribute to the development of Bass Nursery Areas;</p> <p>d. Investigate the cause of mussel mortality within The Wash.</p>		<p>2c. Complete – no further action required. Enforcement activity targeted at fishery in accordance with risk. Eastern IFCA attended a meeting with local fishers to discuss bass management proposals set out by the industry and has sought to influence national / international discussions as appropriate. It should be noted that Eastern IFCA has limited influence on these. The 2018 bass measures are considered sufficiently robust to have the intended protective effect on the fishery however, the national workstream relating to Bass Nursery Areas has not progressed. Whilst there is still a risk associated with fishing activity within nursery areas, the EU bass regulations mitigate this to an extent.</p> <p>2d. Ongoing – A joint research project was commenced in 2017 between the Authority and Hull University to investigate a possible cause of the high levels of mussel mortality witnessed in The Wash since 2009. Because previous sampling in 2010 indicated the parasitic copepod, <i>Mytilicola intestinalis</i>, is potentially the cause of the mortalities, this project focused on the presence of the intestinal copepod parasite, <i>Mytilicola intestinalis</i> and the pea crab, <i>Pinnotheres pisum</i>, found living within the mussels. Having dissected a total of 270 mussels taken from 5 beds from their part of the study, the university has not been able to draw any firm conclusions indicating either of these two parasites are responsible for the die-offs. However, this is a relatively small sample. Further samples are still being dissected by the Authority science team, which when combined with the university</p>
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		data will form a more robust dataset for statistical analysis.
<p>3. To ensure that the marine environment is protected from the effect of exploitation by;</p> <p>a. Reviewing district wide bio-security measures including risk assessment of invasive, non-native species;</p>		<p>Ongoing – A project plan has been developed and agreed. An updated biosecurity plan is in draft specifically dealing with the risk posed by the aquaculture in The Wash based on advice received from the Fish Health Inspectorate. A district wide approach is in development which will identify areas of highest risk, focus on engagement and education and will seek to utilise mechanisms and programmes set up by partner organisations. Measures specifically aimed at addressing risk in The Wash are underway including awareness raising and the implementation of new lease conditions (pending legal advice).</p> <p>Support has been offered towards a new Cefas project that aims to map the occurrence of Invasive Non-Native Species in English waters using eDNA biomolecular techniques. Our involvement in this project will be to collect “scrape” samples from ports and marinas that we regularly visit during the course of our other duties.</p> <p>Further investigation was undertaken in relation into the identification of Chinese Mitten Crabs in the location of mussel seed fisheries outside of the district. Fishers with Wash Fishery Order shellfish lays intended to relay mussels from this fishery into the Wash. Mitigation measures were put into place to enable the fishery whilst minimising the risk of the spread of the invasive crab species.</p>
<p>4. To develop management of the fisheries regulated</p>		<p>4a. Delayed – The Policy review is to incorporate both the ‘Regulated’ and the ‘Several’ elements of the Order. A formal consultation on new policies has been postponed</p>

<p>under the WFO 1992 by:</p> <ul style="list-style-type: none"> a. Reviewing the Wash Fishery Order (1992) policy notes; b. Delivering updated Fisheries Management Plan, updated Regulations and partial cost recovery 		<p>pending completion of the WFO Regulations consultation. These two elements were to be consulted on at the same time but were subsequently separated for clarity. This consultation has subsequently been reprioritised primarily to allow for the recent WFO Cockle fishery, Mussel fisher and Shrimp management measures consultations.</p> <p>4.b Ongoing –Formal consultation on the WFO Regulations has been completed and have been considered by Defra legal. Comments are being reviewed in the context of requiring potential amendments.</p> <p>Consultation regarding the Fisheries Management Plan and Regulations was delayed pending formal advice from Natural England regarding the ‘long-term’ HRA for the Wash cockle fishery.</p> <p>Formal consultation on Licence fees has been completed and given cause to review the implementation before additional fee increases. Partial cost recovery is being sought from the industry for regulating the WFO 1992. As a significant part of that cost is associated with conducting the cockle and mussel surveys, their methodologies are currently being assessed to determine whether savings could be made and what risks these would involve. If the costs associated with the survey work change significantly, it may be the case that the further consultation is required.</p>
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Key:

	Complete
	In progress
	No progress

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 20

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Simon Lee – Senior IFCO (Compliance)
Luke Godwin – Senior IFCO (Regulation)

Marine Protection Quarter 2 report

Purpose of report

To provide members with an overview of the work carried out by the Marine Protection team during the period July, August and September 2018.

Recommendations

Members are asked to:

- **Note** the content of the report

Report

Enforcement and engagement priorities throughout district – overview

July

Enforcement priorities for the month were varied for each area, along the Lincolnshire coast the priority was conducting checks of unmarked gear. In Kings Lynn and Boston, the priority was checking for compliance with the daily quota within the WFO cockle fishery. Along the North Norfolk coast the focus was on crab and lobster landing inspections. Also, along the Norfolk coast and down into Suffolk the priority was enforcement of the bass fishing regulations in relation to both commercial and recreational fishers. Engagement priorities were primarily in relation to the WFO cockle fishery (licence conditions, code of conduct etc) and the wash emergency byelaw 2018. In regard to recreational fishers, it was education relating to MCRS and the bass regulations.

August

In the wash an enforcement priority was inspections on vessels operating out of Fosdyke, Surfleet and Sutton Bridge. The other priority within the wash was in relation to the cockle fishery and was enforcement of the daily quota. As with last month, the priority in north Norfolk was landing inspections of vessels targeting crab and lobster. In Suffolk the priority was more general and was any commercial landing inspection, these were prioritised by port and vessel using

intelligence and the risk profile. Throughout the district a priority was inspecting vessels that were actively fishing for whelk. The engagement priorities for the month were primarily in relation to the two new byelaws at formal consultation, as well as general education and engagement ensuring compliance with byelaws, national and European legislation.

September

Enforcement priorities for September largely mirrored that of August as informed by intelligence and the risk profile. In relation to the cockle fishery there was the addition of the Wash restricted area permit enforcement and ensuring all fishers were aware of how the fishery is managed and the permit requirements.

District overview of commercial fishing trends

Throughout the reporting period crustacea and cockles have been the most important fisheries. Regarding crustacea the trend has remained broadly similar with crabs performing poorly and catches of lobster being up. Many vessels in the wash have been targeting cockles which is the usual trend for the time of year, towards the end of the reporting period many vessels moved off the cockles and on to shrimps.

Into the south of the district catches of finfish have been up on last year and it was an average summer season. Key species in the area have been sole, bass and cod making a welcome return to species being landed.

District overview of recreational fishing trends

Quarter two has been a busy time with many recreational anglers active. As is usual for the time of year we saw more tourist anglers with less experience and familiarity with the regulations. Catches have been low, in the south of the district there have been good catches of bass, with the fishery operating on catch and release only. The main species caught have been mackerel, bass, thornback ray and various flatfish. As per the last reporting period much of the discussion with RSA's has been in relation to the bass measures.

EMS monitoring

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2016 was carried out throughout the reporting period. The following monitoring occurred:

Protected feature	Restricted areas	Number of separate patrols where one or more restricted areas was visited
<i>Sabellaria spinulosa</i> (Ross Worm) Reef	A, B, C, D, E, F, G, H, I	6
Sub-tidal stony Reef	J	0
Eelgrass beds (North Norfolk Coast)	SH, EH, SF, BP, BC	6
Eelgrass beds (Humber)	K	2

Area 1 West-North (Hail Sand Fort to Gibraltar Point)

Fishing Trends

July

Three vessels targeted crab and lobster, with the fishing being average for the time of year. Recreational fishers reported that the numbers of smoothound being caught were down on last year. There were no reports of cod or rays being caught. However good numbers of flatfish were caught in the Humber.

August

Three vessels targeted crab and lobster but reported that this month and the season has been very poor. One whelk boat was operational during the month, however it moved out of the district towards the end of the month due to poor catches. Recreational fishers reported very poor catches, which is usual for the time of year, some bass and flatfish were caught. There were no reports of any other species.

September

As was the trend during the previous two months, crab fishing was reported to be very poor, some catches of lobsters were had by targeting the offshore wrecks. Many vessels from Kings Lynn and Boston operated along this part of the coast targeting shrimp, they were reported as trawling close inshore and catches were high. Recreational anglers reported catches as decreased for most species. Whiting catches increased, and it is likely that this trend will remain for the winter.

Metrics

Enforcement metric	Number completed
Shore Patrols	5
Port visits	15
Catch inspections (landings observed)	0
Catch Inspections (landing not observed)	0
Vehicle Inspections	0
Premises inspections	1
Enforcement actions/Offences	0
Intelligence reports submitted	6
Fishers engaged	11
Vessel Patrols	1
Boardings	1
Gear Inspections	1

Engagement

Limited engagement has occurred within this area during the period, and generally focused on fishing trends as there were no engagement priorities. There were several vessel changes and permit applications of which officers conducted information gathering and compliance checks with the assistance of relevant fishers.

Area 2 West-South (The Wash and North Norfolk Coast (to Brancaster))

Fishing Trends

July

Whelk fishing activity dropped to very low, due to whelks providing a poor yield. A contributory factor to this was that most vessels were working the cockle fishery. One vessel was actively fishing for shrimp, however the price dropped by over 50%.

Activity in the cockle fishery was high, with 42 vessels fishing within the Wash. Fishers reported that there was a lot of spat about, but on the whole fishers appeared to be happy with the condition of cockles, although concerns were raised about the possibility of ridging out due to the high amounts of spat.

Recreational anglers reported very few fish being caught. The exception to this was the river Ouse, where a good amount of flatfish were caught. Some charter boats have caught a few tope during trips. Mackerel remained elusive throughout the month, with very few being caught.

August

Whelk fishing activity remained low as per last month. The number of vessels targeting shrimp increased during this month (up to 7), with the rise due to vessels moving off the cockle fishery. It was reported the density of cockles on the sands decreased throughout the month, with fishers drying out higher on the sands in pursuit of less fished areas. The yield was also reported to decrease.

Recreational anglers have reported few fish being caught, much the same as previous months. The biggest surprise was how few mackerel were caught during the month which contrasted with last year. Some shore catches of bass were reported during the month.

September

Whelk fishing has again remained low throughout the month. 13 vessels fished for shrimp, the price has decreased due to the high average landings. The total effort in the cockle fishery reduced during the month, but fishers reported that this will increase when the new fishery opens, due to the low price for shrimp. Fishers reported that there is still a lot of spat in the cockles.

Recreational anglers reported that species trends have started to change from summer species to winter species. There were some reports of bass being caught, and mackerel have been caught in higher numbers. The number of tope caught during the month decreased.

Enforcement metric	Number completed
Shore Patrols	29
Port visits	37
Catch Inspected (landings observed)	291
Catch Inspections (landing not observed)	5
Vehicle Inspections	0
Premises inspections	14
Enforcement actions/Offences	5
Intelligence reports submitted	17
Fishers engaged	213
Vessel Patrols	16
Boardings	0
Gear Inspections	0

Engagement

The engagement priority in this area was primarily in relation to the WFO cockle fishery and the formal consultation on the shrimp and MPA byelaw. In relation to cockles, the engagement was often about the enforcement of the daily quota. Fishers voiced concern that there was no leeway on the weight landed. Stemming from this there was dialogue about alternatives to the current situation, the following comments and suggestions were given:

- Have smaller bags and only land 2 full bags (weight not enforced)
- Over time the bags stretch and if it difficult to work out the two-tonne limit.
- It is impossible to know what the bags weigh based on how they look as it depends on yield.

There were several queries asking us to change dates that had not been received during the consultation period. Comments were received concerning the daily quota, with some fishers stating that it needs to be increased to 3 tonnes due to possible ridging out and 2 tonnes not being financially viable for the larger boats. Conversely comments were received that the daily quota should not be increased as this would negatively impact the price. There were also comments that the area needs to be dredged due to the amount of shell on the ground. All representations were considered during the period; however, it was not deemed necessary to alter any management measures. Lots of engagement was had in relation to the Marine Protected Areas byelaw 2018 and the shrimp permit byelaw 2018. This information is summarised in separate reports.

Area 3 East-North (Brancaster to Great Yarmouth)

Fishing Trends

July

Throughout the month catches of crab were reported as poor for the time of year. However, catches of lobster picked up, but were down on last year with high numbers of berried (egg bearing) individuals. Recreational anglers reported that fishing off the shingle beaches had been poor for the time of the year. There were some reports of mackerel being caught, but not in the high numbers seen last year. There were several reports of catches of bass on the shingle beaches and the piers.

August

The catches of crab continued to be poor throughout the month with many soft hens (females) and small jacks (males), as a consequence a lot of the catch was returned to sea. The catches of lobster have decreased and haven't been caught in such large numbers. Reports have been received that there have been high numbers of juvenile lobster in the Sheringham area and there has been a lot of effort there. Recreational anglers reported that there was very little catch from the beaches and that August was a poor month for fishing possibly due to the water being so clear.

September

Continuing on from previous months the crab fishery performed poorly, especially compared to last year. Some fishers voiced concerns that next year may also be a poor year for crab fishing. Fishers reported that there are a lot of berried lobster on the ground and in pots. Recreational anglers gave similar reports as last month, that it was very quiet on the beaches with few fish about.

Enforcement metric	Number completed
Shore Patrols	40
Port visits	122
Catch inspected (landings observed)	52
Catch Inspections (landing not observed)	40
Vehicle Inspections	2
Premises inspections	40
Enforcement actions/Offences	1
Intelligence reports submitted	28
Fishers engaged	175
Vessel Patrols	4
Boardings	0
Gear Inspections	0

Engagement

Some fishers reported that the potting fishery is changing, with fishers' attitudes changing towards each other, with etiquette being forgotten and the industry becoming more cut throat. Several fishers had suggestions in relation to management of the crab and lobster fishery including:

- Do not have escape gaps in pots but increase the mesh size on pots.
- Soak times should be used to manage the fishery rather than a pot limitation

Discussions were had with fishermen in relation to the whelk permit byelaw 2016 and the following points were raised:

- The escape holes in the pots do not work, if a whelk wants to escape they can get out of the top.
- The escape holes in the pots work really well, they reduce the numbers of juvenile whelk in the pots and subsequently the amount of time spent riddling.
- Fishers think that a permit should last longer than 1 year.

One stakeholder suggested that EIFCA should implement a byelaw to prevent recreational vessels carrying commercial gear. Engagement with recreational anglers centred on the bass regulations and the main comment received was in relation to lack of parity between recreational and commercial fishers.

Area 4 East-South (Great Yarmouth to Harwich)

Fishing Trends

July

Catches of cod improved for the first time in a long time, catches of sole, skate smoothound were also good. However, there was a limited market for skate. Fishers have reported that the high numbers of dogfish made longlining not viable. The bass on the inshore grounds were not as prevalent and moved offshore. The bass that were inshore were reported as mostly under the MCRS.

Some fishers reported catches of lobster were good, whereas other stated the numbers were low for the time of year and voiced concern for the stock following the 'beast from the east'. The catches of crab were reported as dropping as is the usual trend for the time of year.

Recreational fishers reported that catches have mainly consisted of thornback ray and bass. Fishers reported that it was previously unheard of for thornback ray to be caught on the beaches. They have mostly been caught using ragworm as bait rather than the usual fish baits of squid or mackerel.

August

Sole catches improved this month. Cod and bass catches were once again reported as good, but mostly on the offshore grounds. Catches of bass on the inshore grounds reduced.

Catches of lobster were once again reported as good, with catches of crab still reported as poor, with fishers reporting a shortage throughout Suffolk. The whelk fishery started to increase in intensity during the month, primarily due to the higher market price. Recreational anglers reported that there were many catches of small bass and thornback ray off the beaches. Smoothound catches were reported from Southwold pier. Generally, catches were reported as lower than in previous months.

September

Once again catches of sole were reported as good, skate and ray catches remained consistent as they have all year. Effort decreased for bass, as the larger fish have been reported further offshore. Catches of cod remained steady, but this was an improvement from last year.

Lobster catches remained the same, with catches being good. Catches of crab have been low, and crabs have been of poor quality. Recreational fishers have reported some good catches, with increased effort on bass, catches of thornback ray have also been reported as good.

Enforcement metric	Number completed
Shore Patrols	52
Port visits	147
Catch inspected (landings observed)	25
Catch Inspections (landing not observed)	71
Vehicle Inspections	1
Premises inspections	31
Enforcement actions/Offences	8
Intelligence reports submitted	26
Fishers engaged	237
Vessel Patrols	3
Boardings	0
Gear Inspections	0

Engagement

Engagement in the period has frequently been had with various fish sellers and shop owners. There have been some new vessels in the area. Engagement has been carried out with all new skippers. Fishers often wanted to discuss the quota system suggesting alternatives, including individual allocation of catch for the year, which would allow individuals to more closely manage their effort.

Fishers often had engagement with officers regarding windfarms, fishers have reported being discontent with compensation schemes being offered and the displacement/disruption caused.

Other workstreams

During the period there has been an emphasis on carrying out joint working with partner agencies. IFCO's have carried out patrols with: Border Force (Vessel Patrol), the Environment Agency, Police and the Broads Authority (Shore and vessel patrols).

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

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Reports by:

- a) Ron Jessop, Senior Marine Science Officer (Research)
- b) Judith Stoutt, Senior Marine Science Officer (Environment)

Marine Science Quarterly Reports

Purpose of report

The Authority runs a year-round programme of research projects, fishery assessment and development advice. This paper informs Members of key activities undertaken by the Authority's Marine Science team during the previous quarter, July to September 2018, any issues that have arisen (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

The Marine Science team has further progressed workstreams for the assessment and management of fisheries in marine protected areas (the "revised approach"), and towards the sustainable exploitation of stocks. The programme of field surveys, quayside catch monitoring and measurement and laboratory analysis (set out in the Marine Science Plan) has been followed, to enable the gathering of evidence to inform management.

Research

Cockle research

In 2016 the Supreme Court determined that some parts of the Ferrier Sand that lay within the boundary of the Le Strange private fishery should be returned to the public fishery. Following this, in August the High Court made a decision defining the exact boundary between the two fisheries, resulting in areas that fell between the Le Strange fishery and the area regulated by the Wash Fishery Order. Having received confirmation of these positions, the Authority conducted a cockle survey in this area in August to inform the opening of a potential fishery. This survey found the cockles in this area were predominantly a mixture of 2016 year-class adult cockles, most of which (97% by weight) had attained a size of 14mm width, and high densities of 2018 year-class spat. The biomass of cockles ≥ 14 mm width in this area was found to be 1,837 tonnes, providing a TAC for the fishery of 612 tonnes. These were opened to the fishery in September.

In addition to the cockle surveys on the Ferrier Sand, assessments have also been conducted on the cockle beds on Boston Main and the Gat to highlight any potential high mortalities that may be occurring. These found there had been high spatfalls during the summer but no incidence of high levels of ridging out. There was some evidence that “atypical” mortality was occurring, but at low levels compared to what had occurred on these beds in previous years. Similar attempts to assess the cockle beds on the Roger/Toft sand were cancelled due to poor weather.

In August the team surveyed the cockle beds at Horseshoe Point and Grainthorpe Haven. Until 2011, these small cockle beds situated at the northern end of our district used to be under the jurisdiction of North Eastern Sea Fisheries Committee. Slight border changes during the formation of the IFCAs, however, brought them under the responsibility of our IFCA. Traditionally, these beds have supported a small-scale hand-worked fishery but have been closed since the early 2000’s. Unfortunately, the cockles in this area appear to be suffering similar issues with “atypical” mortality as those in The Wash, resulting in most of the cockles dying before they are two years old. A survey conducted in 2017 had found most of the 2016 year-class adult population had died, but there had been a reasonable spatfall. This year’s survey found the juveniles resulting from this spatfall had grown well, producing an estimated stock of 387 tonnes. At the time of the survey, however, only 26% of these had reached the minimum landing size of 16mm width. While these would be sufficient to support a small fishery next spring once more have grown, there are ongoing issues concerning the fishers accessing the beds from the shore that prevents a fishery from taking place. The lack of recent fisheries, coupled with difficulties in finding sufficient cockles to sample for testing, led East Lyndsey District Council to cease sampling the site in 2016 for shellfish harvesting water quality

classification. Regaining the necessary classification should the potential for a fishery arise would be a lengthy process that would make opening a future fishery difficult.

Eelgrass survey

While at Horseshoe Point, the team also took the opportunity to conduct an eelgrass survey within the designated protected area for this feature. Records show that eelgrass was present in this area historically, but only a small patch has been found in recent surveys. No eelgrass was found in the 2018 survey.

Crab and lobster fishery sustainability

On-going bio-sampling has continued to be conducted on crab and lobster landings to assess the health of these stocks and to determine whether the fishery is operating within Maximum Sustainable Yield (MSY). To date, the data for the crab fishery seem to indicate the harvest rates are currently above those required to achieve MSY and that some technical measures will be required to achieve the targets. It is hoped that an increase in Minimum Landing Size (MLS) and the requirement to use escape gaps in pots will achieve most of the required reductions. Due to the lower numbers of lobsters that were able to be sampled, previous data for the lobster fishery has been less conclusive and of poorer confidence than that for crab. A new strategy for sampling lobsters has been used this year, though, enabling the number sampled to increase significantly.

Whelk sustainability

This year over 1,500 whelks have been sampled from Sea Palling and The Wash to determine their Size of Maturity (SOM), adding to others that were sampled from Lowestoft previously. Sampling has now stopped as it is felt we have sufficient samples to run the data confidently through the models. This information will be used to determine if the current Minimum Landing Size is appropriate and if there are differences in SOM through the district.

Mussel mortality

A joint research project was commenced in 2017 between the Authority and Hull University to investigate a possible cause of the high levels of mussel mortality witnessed in The Wash since 2009. This project focused on the presence of the intestinal copepod parasite, *Mytilicola intestinalis* and the pea crab, *Pinnotheres pisum*, found living within the mussels. Preliminary reports from the university indicate no correlation was found between either parasite and the observed die-offs. Due to tight time constraints, however, the students were only able to sample a total of 270 mussels taken from 5 beds. Further samples are also being dissected by the Authority's science team, which when combined with the university data will provide a greater number of samples from a wider number of beds. This will lend increased confidence in the statistical

analysis from which potential correlations between parasites and mortalities might be seen.

Habitat mapping surveys

This quarter the opportunity has been taken to conduct habitat mapping surveys on areas of subtidal mixed sediment habitat off the North Norfolk Coast. These surveys have utilised one of the Authority's patrol vessels, *Sebastian Terelink*, to conduct side scan and underwater video camera surveys. Although the side scan aspects of the survey were successfully completed, poor weather has prevented the ground truthing from being completed with the camera. Further surveys are planned for October. Because the side scan files are extremely large and take a lot of processing power to render, the Authority has a bespoke "super-computer" for analysing these data. Unfortunately, the graphics card malfunctioned in this PC while processing data from the survey, delaying the analysis until it was repaired with a new card.

Shellfish sampling for environmental health monitoring

Environmental Health samples have continued to be collected monthly on behalf of the local borough councils this quarter. Because poor weather prevented some of the samples from being collected earlier in the year, it has been important to maintain regular sampling this quarter to ensure 10 samples can be collected from each site during the year. Favourable weather has helped to achieve this. While collecting the Environmental Health samples the opportunity has also been taken to collect chlorophyll readings from five sites in The Wash and monitor meat yields of mussels from three other locations. An in situ sonde deployed in The Wash has also been monitoring chlorophyll levels throughout this period.

Mussel stock assessment

The annual autumn mussel surveys commenced in September, during which six of the beds were surveyed. The results from the 2017 surveys showed the stocks to be at their highest level since the mid-1990's, mainly as a result of a good settlement of seed in 2016. As high mortalities have been observed in young mussels since 2010, however, it was felt the beds would be vulnerable to high losses this year. This fear seems to have been justified, as five of the six beds surveyed to date have declined in stock compared to last year. Most of these losses appear to be where fresh settlements had occurred in 2016. While conducting the mussel surveys, the two mussel regeneration sites on the Mare Tail and Gat were also surveyed. At both of these sites, cockle shells were deposited on the seabed close to existing mussel beds to see if they would create a suitable habitat for mussel seed to settle on naturally. Both of these sites did attract natural settlements in 2016, which survived and grew well during 2017. When surveyed this year, the mussels on the Mare Tail site were found to have grown well, producing a dense patch of mussels with a biomass

of 27 tonnes. Those on the Gat site had been lost, however, with the site reverting back to a condition similar to before the shells were deposited. This, coupled with the decline of the Gat beds since 2010, seems to indicate there are underlying problems with this sand for mussel production.

Desk studies

Two desk studies have been conducted this quarter. One has been a review of the annual WFO 1992 cockle and mussel surveys. With the Authority seeking to recover 50% of the cost of regulating these two fisheries, it is important that the surveys can demonstrate good value. This study has detailed the current methods and the benefits their data provide, then looked at alternative methods and survey strategies that could be used. In each case the financial savings have been calculated and any risks, usually in the form of loss of survey quality and confidence, explained. The report is currently being reviewed internally prior to being consulted on more widely. The second study, which is still ongoing, is exploring the environmental impacts that cockle hydraulic suction dredges have.

Environment

Assessment and management of commercial fishing in Marine Protected Areas (“Revised Approach” work)

This work remains the key priority for the Marine Science team. It directly supports the fulfilment of obligations relating to marine protected areas and has been subject to strict timelines set out by Defra. The Authority’s Business Plan sets out six priority marine protected area projects (see Table 1); during this quarter officers have focused on:

- steps towards implementing mitigation for the shrimp beam trawling fishery in the Wash & North Norfolk Coast Special Area of Conservation;
- completion of the assessment of fisheries and development of management measures in the Cromer Shoal Chalk Beds Marine Conservation Zone; and
- development of management measures in Haisborough, Hammond & Winterton Special Area of Conservation.

(i) The Wash & North Norfolk Coast Special Area of Conservation

During the quarter, formal consultation was undertaken on the measures agreed by the Authority in July 2018 to mitigate the impacts of shrimp beam trawling in this site. The measures are the Marine Protected Areas Byelaw 2018 and the Shrimp Permit Byelaw 2018. 38 responses were received in total. The majority were from fishery stakeholders commenting on the proposed permit

system and gear restrictions. Two responses were received from environmental organisations, one in favour of the proposed closures but highlighting the need for monitoring and control, and the second objecting to the closures and proposing larger areas are closed. Further detail is provided at Agenda Item 11. A response document is in preparation for the Authority's consideration.

(ii) *Cromer Shoal Chalk Beds Marine Conservation Zone*

Officers completed the assessment of commercial fisheries in the Cromer Shoal Chalk Beds Marine Conservation Zone in September 2016. The assessment concluded that demersal towed gear fisheries should be excluded from areas of the site where chalk reef occurs. It also found that the potting fisheries at current levels are compatible with the conservation objectives of the site – these focus primarily on protecting seabed habitats from physical impacts. However, as set out above, it is anticipated that management measures will be required for the potting fishery to maintain sustainable levels of harvesting. The assessment has been submitted to Natural England, for formal conservation advice. This advice will be considered alongside information gathered from stakeholders to shape the management measures for this site. Officers are continuing to work with the “Agents of Change” project to promote the benefits of the Marine Conservation Zone and engender ownership of the site within the local community. It is intended that the proposed measures will be presented to the Authority for agreement before the end of this year.

(iii) *Haisborough, Hammond & Winterton Special Area of Conservation*

The Authority had agreed to introduce restrictions on towed demersal fisheries in this site in December 2016. However, Natural England had raised concerns in January 2017 that the restrictions were not sufficient. The work was paused at that point because of resource limits: during 2017 and the first half of 2018, the Marine Science team underwent a period of staff loss, recruitment and training, which led to delays in progressing key work areas. Officers were also required to focus resource on the assessment of the shrimp fishery in the Wash and North Norfolk Coast at that time. Work was resumed on Haisborough, Hammond & Winterton (HHW) in 2018.

Officers reviewed the evidence underpinning the proposed closed areas and are closely engaged with Natural England colleagues in relation to conservation advice for the management of the *Sabellaria spinulosa* (Ross worm) biogenic reef feature. As for other sites, Natural England's advice will be considered alongside stakeholder input to ensure conservation requirements and socio-economic factors are duly considered. It is intended that proposed closures will be presented to the Authority for agreement before the end of this year.

“Business as usual” Habitats Regulations Assessments

In addition to the “Revised approach” work, during the quarter officers have undertaken an assessment for the cockle fishery in the “unmanaged area” of The Wash. This was the former disputed area on the western side of the Le Strange Estate, which has now been judged to be a part of the public fishery but is outside of The Wash Fishery Order boundary. In July 2018 the Authority agreed an emergency byelaw to close this area to fishing until a habitats regulations assessment could be completed. The assessment was completed, and Natural England provided advice in a short timescale, which enabled the fishery to be opened without undue delay.

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	Next steps
The Wash & North Norfolk Coast Special Area of Conservation	Beam trawling (shrimp)/subtidal sandbanks (subtidal mixed sediment and subtidal mud) Amber risk	Adverse effect cannot be confidently ruled out: mitigation required to reduce impact Research required to improve evidence around light beam trawl impacts	Natural England agreed with assessment conclusion but queried some parts of the assessment methodology. Authority agreed mitigation in form of Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018 in July 2018. Formal consultation held August-September 2018. Consideration of responses is ongoing. Monitoring and Control Plan to be developed.
The Wash & North Norfolk Coast Special Area of Conservation	Potting/ <i>Sabellaria spinulosa</i> reef; Potting/subtidal stony reef Amber risk	No adverse effect at current levels of activity (based on improved activity data and Defra potting impacts report)	Finalise conclusion and sign off with NE – in progress. Has been on hold to enable team to focus on and finish shrimp assessment.
Haisborough, Hammond & Winterton Special Area of Conservation	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef Red risk	High-risk interaction (red risk on matrix) so no assessment required	Closed areas agreed by Authority Dec 2016 (Marine Protected Areas Byelaw) but on hold pending agreement with Natural England on rationale for closed areas. Ongoing liaison with Natural England. Stakeholder dialogue planned when draft closures are prepared.
Cromer Shoal Chalk Beds Marine Conservation Zone	All commercial fishing within site on all designated features	Towed demersal gear to be excluded from chalk reef areas of site.	Liaison with Natural England on assessment findings.

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
	All risk levels	Potting fishery is compatible with conservation objectives at current levels.	Engagement with local fishermen and other stakeholders on proposed mitigation. EIFCA officers to continue to work with Agents of Change project to promote local benefits of Marine Conservation Zone designation.
Inner Dowsing, Race Bank & North Ridge Special Area of Conservation	Potting/ <i>Sabellaria spinulosa</i> reef Amber risk	Not yet assessed (straddling site latterly transferred to EIFCA)	Review updated NE feature advice; undertake assessment – delayed to enable focus on Wash shrimp assessment, Cromer Shoal assessment and Haisborough, Hammond & Winterton SAC measures
Inner Dowsing, Race Bank & North Ridge Special Area of Conservation	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef Red risk	High-risk interaction (red risk on matrix) so no assessment required	Agree updated core reef approach with NE - ongoing; Intention is to apply closed areas in future iteration of Marine Protected Areas byelaw. Work on this site to resume after Haisborough, Hammond & Winterton management is progressed (see above).

Partnership work and stakeholder engagement

Eastern IFCA officers continue to participate in a range of partnership and stakeholder groups. These enable sharing of information and identification of best practice, effective communication and information-gathering to inform assessments and support the development of appropriate management.

The table below sets out key events attended during July to September 2018:

Table 2: key partnership/stakeholder engagement events, July-Sept 2018

Event	Key partners	Purpose
Agents of Change workshops (x2)	Marine Conservation Society; Local community	Improve awareness of and engender ownership of Cromer Shoal Chalk Beds Marine Conservation Zone
Titchwell Marsh site visit	Royal Society for Protection of Birds	Improve understanding of birds using saltmarsh, beach and mussel bed habitat, and potential disturbance issues
Marine Protected Area Inshore Working Group (x3)	Other IFCAs, Natural England, MMO, Defra	Information exchange and sharing best practice in assessment and management of fisheries in marine protected areas
Holbeach Conservation Group	Defence Estates; local stakeholders including wildfowlers	Information exchange; improve awareness of conservation issues in and around military range; fishery updates
Suffolk Marine Pioneer	Defra, MMO, Coast Partnerships East	Valuing natural capital; exploring potential for encouraging “blue growth” via inshore fisheries
Elasmobranchs (sharks, skates and rays) meeting	Sussex IFCA	Improve understanding of these species and best practice in their management
Natural England meetings (various)	Natural England	Regular meetings to support working relationship, exchange information, discuss casework
“Wild Seas Week” event: Frampton Marsh litter pick	Black Sluice Internal Drainage Board, Natural England	Improve awareness of marine litter; promote objectives of Wash & North Norfolk Marine Partnership
Sustainable seafood event planning	Boston College, Royal Society for the Protection of Birds	Preliminary discussions for promotion of local, sustainable seafood at Boston College 2019 event

Event	Key partners	Purpose
King's Lynn Advisory Group	Local community, The Wash Ports, Wash & North Norfolk Marine Partnership	Information exchange; improve awareness of conservation issues;(particularly relating to offshore wind farm cables); fishery updates
Shellfish Liaison Committee	Local authorities, Cefas	Information exchange on matters relating to shellfish aquaculture and environmental health
Technical Advisory Group	Other IFCA's, Natural England, Cefas	Sharing best practice on matters relating to IFCA's' scientific remit

Marine Science officers also provide regular updates to the Eastern IFCA website and public communications via Twitter.

Eastern IFCA input to consultations on marine developments

The Eastern IFCA district is subject to multiple marine and coastal activities that are regulated through consents by authorities such as the Marine Management Organisation (MMO), the Planning Inspectorate, Environment Agency, Defra and the Authority itself. The Marine Policy Statement and East Marine Plans provide overarching context. The impact of activities on fishing and marine conservation interests is considered by Authority officers through the consultation process. IFCA's are regarded as primary advisors to the MMO on marine licensing issues.

As well as providing consultation input, officers record feedback on whether and how our comments are reflected in planning or licensing decisions. MMO notifications on licensing decisions show that EIFCA's input regularly forms part of MMO licence conditions.

In the period July to Sept 2018, the Eastern IFCA Marine Science team processed 27 consultations, more than double the total from the previous reporting period. Figure 1 shows the categories of development or policy that these consultations fit within. Once again, consultations relating to offshore renewable energy featured heavily, reflecting the large number of offshore wind farms currently in the planning, construction or operational stages around the Eastern IFCA district.

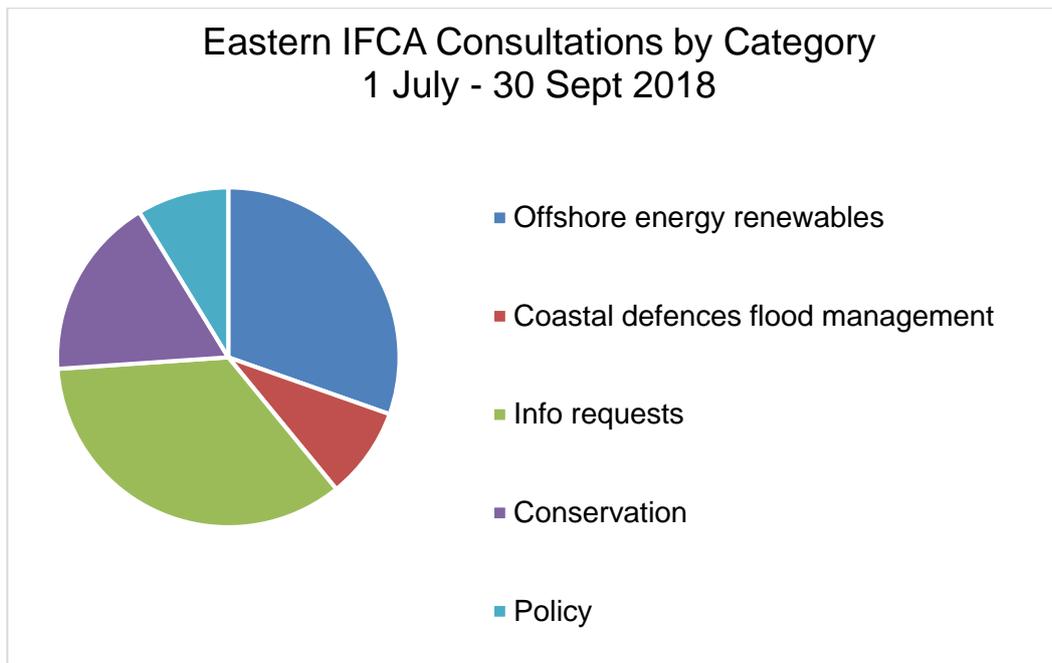


Figure 1 Consultations by category, July to Sept 2018.

Derogations from Eastern IFCA byelaws

The marine science team processes requests for derogations from Eastern IFCA byelaws. These typically relate to retention of undersized fish or shellfish, and/or operation of vessels within restricted areas for shellfish relaying or for scientific survey purposes. As the majority of EIFCA's district (over 96%) has marine protected area designations, the process involves liaison with Natural England, with the requirement to consider the likelihood of impacts occurring on protected habitats and species within these areas.

In July to September 2018, three derogations were granted (see below).

Table 3. Derogations processed 1 July to 31 Sept 2018

Applicant	Activity	Derogation granted
Environment Agency DERO_2018_07_18_123	Marine scientific research - to determine the effect of the Lincshire Coastal Defence beach nourishment scheme on the physical and biological environment.	Yes
Environment Agency DERO_2018_09_03_128	Marine scientific research - to provide evidence for Water Framework Directive classifications for the River Orwell.	Yes
Environment Agency DERO_2018_09_07_129	Marine scientific research - Boston Barrier – Key aim, to identify fish community composition and determine	Yes

	the presence of any species of conservation interest, that may influence the location of the proposed barrier.	
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A further 6 exemption applications were received from various marine research institutes including - Cefas, IBTS Denmark, Senckenberg Research Institute and Ocean Ecology. Following review/further investigation 5 were found to be outside our District, the 6th application did not contravene any of our byelaws.

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 marine science work on the Authority’s website and newsletter.

Ron Jessop, Senior Marine Science Officer (Research)
Judith Stoutt, Senior Marine Science Officer (Environment)

Vision

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Action Item 22

34th Eastern Inshore Fisheries and Conservation Authority meeting

7th November 2018

Report by: Julian Gregory, CEO / Dr Bolt

Association of IFCA Minutes

Purpose of report

The purpose of this paper update members on the Association of IFCA quarterly meeting held on 25th September 2018.

Recommendations

Members are asked to:

- **Note** the content of the report and the minutes of the AIFCA meeting held on 25th September 2018.

Background

The aim of the Association of IFCA is to assist and promote the regional IFCAs to ensure that the Authorities develop a leading and effective national role in fisheries and conservation management in line with the IFCA vision.

The Association is not a statutory body but was borne out of the previous Association of Sea Fisheries Committees and currently has nine Members (nine of the ten IFCAs) plus two associate members, Guernsey and the Isle of Man. The Association has been set up as a private limited company and is governed by Articles of Association, which are periodically reviewed. The Association is governed by twelve Directors, nine Chief Officers from the IFCAs, plus the Chairman, the Vice Chairman and the Chief Executive Officer of the Association, which meet quarterly. The Association holds quarterly member's forum meetings at which the 9 IFCA Chairs and Chief Officers as well as representatives from associate members attend and are predominantly held in London. The Association is funded primarily by its membership with each IFCA making a £13,000 annual contribution and the associate members making a £750 contribution per year.

Devon and Seven IFCA chose to leave the Association during 2017 and engagement is planned to encourage them to re-join.

Report

A quarterly meeting of the member's forum was held on 25th September 2018 and a copy of the draft minutes can be found at Appendix A.

Appendices

Appendix A – Unconfirmed minutes of the meeting of the Association of IFCA held on 25th September 2018.

Appendix A

**The Association of IFCA's
Members Forum Meeting
25th September 2018
To be followed by the
Association Directors Meeting
10:00 – 15:00**

Venue - LGA – 18 Smith Square Conference Centre, London

Attendance for the Meeting:

Chair: Tony Tomlinson

CEO: Stephen Bolt

Attendance: Paul Skinner, Tom Hooper, John Humphreys, Wendy Pattison, Mike Hardy, Robert Clark, Samantha Davis, Stephen Atkins, Stewart Harper, Tim Dapling, David McCandless, John Lamb, Steven Axford

Minutes: Sally Standing

Apologies for absence: Les Weller, Julian Gregory, Will Wright, Andy Guy, Paul Williams

1. Minutes of last meeting (5th June 2018) – Page 5 – amend monitoring.

Action 1 - SB confirmed the funding paper is on the agenda.

Action 2 – This has been circulated option 2 has been adopted.

Action 3 – New burdens funding working group – The meeting was held on 10th September

Action 4 – This has been superseded.

Action 5 – Transfer of Ownership - Legal advice has been sought and the document has been circulated. This action was completed with Mike, Rob and Greg. The MMO are now looking at a new funding model.

Action 6 – FAPs – SB confirmed that no response has been received regarding the IFCA's deducting their costs before it goes back to treasury. – **Action 1: SB to chase Defra for a response to this situation.**

Action 7: MMO appointee process - Michael Coyle is presenting as part of his update

Terms of Reference: SB confirmed that he had approached four companies. Three had declined to bid stating that they were too busy to commit. The fourth failed to respond. JL confirmed that we look to county authorities as they may do this work for the £10k that has been budgeted. RC suggested passing the work to NEIFCA. SB

will also liaise with EIFCA's HR teams. He will give the Revised Terms of Reference proposal to DM. JL also stated that if we fail to get anyone to engage in this to go to the LGA for a solution. If the amount of £10k is not enough SB confirmed that we have a buffer of £2k in the possibility that we need to raise the amount. **Action 2: SB to forward the Revised Terms of Reference to DM for NEIFCA to look at. He will also liaise with EIFCA HR teams. There is a buffer of £2k if the original amount needs to be raised.** It is noted that SA is **not** in favour of the review or the increased budget of £2k.

2. Updates from external organisations

- a. Defra updates – Martina Di Fonzo, Rachel Muckle, Graham Lott
- b. MMO update – Michael Coyle

3. Finance and Resources:

- a. 2018/19 First quarterly report

SB confirmed that the quarterly report shows that we are currently on budget; however, some of the costs will not show until this month (next quarter). Venue hire is still a concern and will continue to rise. Travel and subsistence will also increase due to the Chair and Vice Chair's expenses claims, but the budget is on target for this quarter. Stewart Harper has been in discussions with Fishmongers and they have offered us use of their meeting room. **Action 3: SS and SH will liaise on dates for next years meetings to secure a meeting room with Fishmongers.**

4. Matters for Decision

- a. Future Funding Paper

Following the Association meeting in June a Future funding working group was set up and met on 10th September to propose a way forward for the IFCA's and the Association to engage with the 2019 spending review where a number of recommendations to assist with engagement with Ministers and Defra at all levels were made. The current working group should however, continue to work with a primary goal of extending the current funding model beyond 2020. Defra confirmed that continued central funding is being considered as part of the spending review. It is proposed that a second technical working group is established through the Association, including Devon and Severn, to explore the current funding model and potentially propose alternative options for future models. Options suggested were an overarching business case – updating the existing glossy but will need information from the IFCA's along with case studies. Ongoing commitment to MPA enforcement – an MPA project meeting is taking place on 26th September. Following the debate regarding Devon and Severn the question remains do we include them in the discussions for the future workstream; CEO suggested that they could be included in the technical working group looking at the new burdens funding

model. JL voiced his concerns regarding D&S and feels that they should not be involved in this funding work as they had resigned from the Association. TT then asked for a consensus on the issue. SA, PW, WP, all agree with the point made by JL. MH agrees but thinks it would be difficult to fight our corner with only nine IFCA's. JH stated that D&S not being part of the Association is damaging and feels that it's worth mending relationships. SH agreed with JH but can also see JL's points and thinks we do need to see them return as part of the Association. TD voiced his concerns as D&S and in particular Mat Mander is a valued member of COG. DM also understands JL's principals but can not agree. SB stated that the proposed compromise would be for them to engage in the funding model technical working group but not the main IFCA working group. SB stated that Ruth Thirkettle is the IFCA contact for this work but would seek to continue to engage at a higher level. SB has confirmed that he will need to engage with all members at each individual IFCA. SB will send out an 'Aunt Sally' to all members by the end of October, however, individual IFCA's would need to provide case studies to strengthen the IFCA case.

Action 4: SB to email all members by the end of October with first draft of the business case for future funding.

SB continued with his update and confirmed the MPA project conference launch is proposed for February 2019 and could be utilized to further the future funding work. It was suggested that a separate stakeholder event launching the 2010-2010 IFCA report could also take place in May 2019 to promote the IFCA model and sustainable funding. The future funding outputs are ambitious and are likely to result in increasing Sally's hours in order to meet deadlines. This of course also depends on individual IFCA's submitting statistics and case studies. JL mentioned that the local authorities are setting their budgets now for next year so in order to be considered for an increase in funding to speak to them now. He also suggested that the glossy booklet should go to 2021 not 2020. WP will try to speak to Anne Marie Trevellian from Northumberland who may be able to assist with supporting the IFCA business case.

2. Updates from external organisations

Graham Lott – Defra

Graham gave a short update and confirmed that the wider government white paper process has gone for consultation. We have been given a slot but have been told this may very well be next week now. However, we are still on target for roll out in January 2019.

iVMS update – It is proposed that the MMO will take over from the IFCA's as the EMFF applicant. GL did speak to JG who has given assurances that the IFCA will continue to work on the project. TT confirmed that he has sent a letter to Anne Freeman confirming continued IFCA support for the project. There will be a consultation in October, but GL is unsure of what the processes will be. He confirmed that when he returns he will pass the information to SB. SB will ensure it

is sent out to all members and D&S. **Action 5: SB will forward the consultation process to all members and D&S when GL has confirmed them.**

Martina Di Fonzo update – Martina confirmed that the conduct and operations to Parliament closed on 4th September. There had been 82 responses, but the total number is expected to be much higher. Martina will share this with the IFCA's when she receives it. The publication date is unsure at this moment, but the report will be submitted to Parliament by the Secretary of State

Tranche 3 MCZ consultation was launched on 8th June. Consultation closed at the end of July and confirmed that they received 49,000 responses. We are now a month away from knowing how many organisations did respond and how many fishermen were included in these responses. Rachel Muckle will look into this.

Action 6: Rachel Muckle to report back to the members on how many responses were received from fishermen.

EU Exit update – taking back control of UK waters and access will be on UK terms. Fisheries however will be a separate strand. Fisheries white paper closed on 12th September and we are committed to securing the best deal. However, we should all prepare for various outcomes including that of a no deal. Martina read from lines that were prepared for this meeting. She will forward them to SS via email. **Action 7: Martina to email SS lines prepared for this meeting by both herself and RM.**

Rachel Muckle gave her update on the SR2019 spending review. She confirmed that the Marine and Fisheries spending review will take place over the next 18 months. Defra is in the process of evidence gathering and is liaising with the central team. There is a big drive towards breaking this down for fisheries and the marine environment artificial barriers and recognizing the importance of everyone including stakeholders. She confirmed that there is a lot of things going on in the background such as reports going into Parliament.

The Defra spending review will be led by Heather Smith and Tessa Jones, but there are a lot of uncertainties at present. Rachel continued and stated that there is zero based spending review; In order to feed into this process, the IFCA's need to plan for efficiencies and demonstrate transformation, stating how we've been more efficient and what differences have we made. She continued that we need strong arguments to increase our SR15 base line. They want radical reform, the greenest SR ever and public sector productivity. Therefore, we have to show them that we are good value for money.

Rachel read out lines from the Barber review. She will forward her notes to SS who will send them to all members. **Action 8: RM will send her meeting notes to SS who will forward to all members. Steven Axford will send some information to Rachel informing of the impact that fisheries can have on local authorities. Rachel may ask Beth Stoker from Defra Monitoring to attend the next members forum.**

Various questions were asked of Rachel following her update.

Michael Coyle Update – MMO appointee process

The paper for MC's update had been drafted by Andrew Wareing who was unable to attend this meeting. MC confirmed that his paper had been circulated. However,

the paper talks about having to replace, reflect on current recruitment, demand and applications the MMO have received. MC envisages this will be a national campaign as they have panels, for which they wish to see IFCA chiefs continue to sit on the panels and who will need to consider increasing the scope beyond 10 years which is currently the limit for appointees. MC asked for questions and comments. MH made a valid comment and stated that the IFCA's will continue to get support for this process but thinks that there is an overriding issue as we are talking about specialized work that the IFCA's are involved in and doesn't think there is a lot of specialized personnel to carry out this work. He continued that between us, we are looking at a discretionary extension beyond 10 years, but there is a skills gap, and this will need to be justified; It's a question of finding specifics. SB also commented that the key element appears to be whether there is flexibility to extend the 10 years. Are we looking at that as it's not in the IFCA's SI's? **Action 9: MC will assess the 10-year issue and lay out our plans in more detail.**

Break for Lunch

4. Matters for Decision Cont...

Future funding paper had been discussed. The need for a communication package has been taken on board and a date for the next working group will be confirmed. However, the questions still remains for D&S to be involved in this working group. SB confirmed that he will send out dates to everyone. If they wish to attend they can confirm. **Action 10: SB to organise dates for the next working group**

b. Budget proposal

SB confirmed that without D&S membership, the Association income has reduced while there is continued upward pressure on the core budget. To date the Association has managed to increase the reserves annually from £87, to over £100k. 2017/18 is likely to exceed budget. It is anticipated that without raising membership fees for the first time it will become necessary to utilize some reserves in 2018/19 and beyond. All agreed to SB's suggestion of option 1 of his paper to maintain stand still budget and continue to engage with D&S with a view to their re-joining. **Action 11: SS to send a note to all regarding the equipment**

c. AIFCA Activities of the Executive

JH was asked by TT to look at the procedures for the Association. He confirmed that these were designed to tighten up the Association and these procedures make for a more efficient Association. He stated that at present the individual IFCA's reputation is higher than that of the Association and asked the question, can a Chairman of the board submit a paper to the board without it being amended by the CEO? The CEO stated that in his opinion the policies and procedures set out in the three papers that JH submitted were generally a good starting point, however, they are, in his

opinion, currently still incomplete and in need of further work before adoption. The CEO therefore recommended that they are sent to the Directors for ongoing discussions in order to achieve a practicable set of procedures and policies. MH agreed that these papers should be discussed at the Directors meeting; therefore, asked for them to be referred to the Directors. MH proposed a motion that these papers should be sent to the Directors. SB also confirmed that four working days for the minutes to be written is impossible as SS only works two. JH agreed to change this back to ten working days. JH then asked for these papers to be adopted at this meeting as per the original recommendation. A vote was taken on this recommendation: Four voted the motion, two against with two abstentions. The papers were therefore adopted without further review. MH secondary proposal was therefore not voted on.

5. Matters for noting

a. Annual Plan

SD asked if, at our next meeting in December, can the members have a progress report against the current plan. This will help SB meet these challenges. **Action 12: SB to give an update of the first two quarters of the annual plan at the next members meeting in December.**

b. D&S update – Tony Tomlinson

TT confirmed that this had been a robust meeting; exchanging of views. D&S stated that there had been a lack of performance and procedures, lack of KPIs, and a lack of Metrics. The Association should be clear within its relationship with individual IFCA's. D&S suggested the scope of HR, H&S, training, governance review, and revised annual plan. Another meeting was agreed at a later date but has not yet been set. TT confirmed that he came away from the meeting where they had been open to negotiation. He believes the issue of membership of D&S is not going away, however, stated that we can not be prepared to give into everything that D&S want.

c. Update on Joint Working

The IFCA working group met with MMO and it was agreed that further meetings will be arranged. It was also stated that the MMO and Eastern IFCA were planning to explore the possibilities of a pilot project to trial closer working practices. It was reported that the MMO and Eastern IFCA are meeting in November. SB is attending as an MMO appointee of Eastern IFCA and not in his role of CEO of the Association.

d. Fisheries White Paper has been dealt with

e. Conduct & Operations report to Parliament – update

Action 13: SB asked if all IFCA's can send SB their responses.

f. iVMS – Update plus letter

SB confirmed that there the project had agreed to change the funding model from being IFCA led to the MMO applying for EMFF. It is understood that the consultation for the iVMS SI will go ahead early October but the MMO had not yet confirmed that they were able to take on the funding applications.

g. Written/Amended procedures – update – dealt with

h. CEO Log – Noted.

i. Directors Minutes from previous meeting

SB confirmed that It had been suggested by two members to have a single meeting and need to hear views from both sides. TT suggested a trial in December to start with the Directors meeting followed by the Members forum. All agreed. **Action 14: SB & SS to arrange the Directors meeting followed by the Members forum for our meeting in December.**

6. AOB

Training

MH confirmed that EMFF funding of £1500 is not available and this would become an evolving liability to the Association which has been kept to a minimum. Dom Bailey has tried very hard but has been told, vaguely, that the EMFF funding is looking unlikely. Dom has looked at a second option which is suggesting that the mainland IFCA pay £3k and IOS remains at £300. The funding model that had been suggested previously was each IFCA to pay £1500 each and £300 for IOS and to review it again next year. SB commented that since option 1 was approved at the last meeting the likelihood of a shortfall seems to be quite high. RC supports that option 1 is pursued. **Action 15: MH will ask for numbers from each IFCA to proceed with option 1**

Article 55

MH confirmed that Les Weller wanted this raised. **Action 16: MH will send references to this which has gone viral.**

15:30 Close of meeting

Next meeting Tuesday 4th December 2018 – Friends House, London