

5th 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 economical benefits to ensure healthy seas, sustainable fisheries and a viable industry".



A meeting of the Eastern Sea Fisheries and Conservation Authority took place at the Boathouse Business Centre, Wisbech on 25 April 2012 at 10.30 hours

Members Present:

Cllr Ken Sale	Eastern IFCA Chair	Suffolk County Council
Mr Shane Bagley		Marine Management Organisation
Mr Peter Barham		Marine Management Organisation
Mr Roy Brewster		Marine Management Organisation
Dr Stephen Bolt		Marine Management Organisation
Cllr John Dobson		Norfolk County Council
Mr Conor Donnelly		Natural England
Cllr Tony Goldson		Suffolk County Council
Mr Roger Handford		Environment Agency
Cllr Brian Hannah		Norfolk County Council
Mr Ceri Morgan		Marine Management Organisation
Mr Tom Pinborough		Marine Management Organisation
Mr Rob Spray		Marine Management Organisation
Mr John Stipetic		Marine Management Organisation
Cllr Tony Turner MBE		Lincolnshire County Council
Mr Koen Vanstaen		Marine Management Organisation
Mr Stephen Worrall		Marine Management Organisation

Eastern IFCA Officers Present:

Duncan Vaughan	Chief Executive Officer
Eden Hannam	Head of Marine Conservation
Christine Hurley	Head of Finance
Nichola Freer	Head of Human Resources
Lucy Ritchie	Community Development Officer
Lynsey Smith	Research Officer
Luke Godwin	Marine Environment Officer (Data)
Simon Lee	Skipper (<i>ESP Protector III</i>)
Jason Byrne	Fishery Officer (Area 1) – Donna Nook to Sutton Bridge
Ian Dye	Fishery Officer (Area 2) – Kings Lynn to Blakeney
Ady Woods	Fishery Officer (Area 3) – Cley to Lowestoft
Alan Garnham	Fishery Officer (Area 4) – Pakefield to Felixstowe Ferry
Judith Stoutt	Senior Marine Environment Officer

Clerk:

Mary Clancy

EIFCA12/22 Item 1: Welcome by the Chair and reflections on the past year

Councillor Sale welcomed Nichola Freer, the Eastern IFCA's new Head of HR and Mary Clancy, the contracted Clerk, to their first meeting of the Authority. He also welcomed Cllr Dobson who had returned to the Authority replacing Cllr Callaby. He thanked the Chairs of the Eastern IFCA sub-committees for their efforts during what had been a challenging year and also Stephen Worrall and Peter Barham for their particular contributions.

As this was Duncan Vaughan's last meeting, the Chair thanked him for his hard work as CEO to establish the Eastern IFCA and for leaving it in such a good position as the country's leading IFCA.

EIFCA12/23 Item 2: Apologies for Absence

Apologies were received from Councillors Hilary Thompson and Stephen Williams and Mr Neil Lake.

EIFCA12/24 Item 3: Declarations of Interest

Shane Bagley and Roy Brewster declared a personal interest in Item 17 on the ground that they are directly involved in the Wash cockle fishery.

EIFCA12/25 Item 4: Election of Chair and Vice-Chair

Cllr Ken Sale vacated the chair and the Clerk invited nominations for the position of Chair of the Eastern IFCA for 2012-13.

Cllr Tony Goldson nominated Cllr Ken Sale and this was seconded by Cllr Tony Turner. There were no other nominations. Cllr Sale was then re-elected as Chair of the Eastern IFCA for the year 2012-13 by a unanimous vote.

Cllr Sale resumed the chair and invited nominations for the position of Vice-Chair of the Eastern IFCA for 2012-13. **He nominated Cllr Hilary Thompson and this was seconded by Cllr John Dobson. There were no other nominations. Cllr Thompson was then re-elected as Vice-Chair of the Eastern IFCA for the year 2012-13 by a unanimous vote.**

EIFCA12/26 Item 5: Minutes of the 4th Eastern IFCA meeting held on 26 January 2012

Members agreed unanimously to accept the minutes as a true record of proceedings.

Proposed: Cllr Tony Goldson

Seconded: Stephen Worrall

EIFCA12/27 Item 6: Matters arising

Koen Vanstaen pointed out that his name had been spelt incorrectly on page 5 as had 'succor fish' on page 6 (EIFCA12/04).

EIFCA 12/08: Cllr Tony Turner asked whether New Burdens funding could be combined with county council funding to support the Eastern IFCA's vessels and their operational costs. The CEO explained that New Burdens funding was not ring-fenced and both funding sources had been combined into a single pool for the purposes of the Eastern IFCA accounts. Dr Stephen Bolt added that Defra expected IFCAs to be able to identify the use of New Burdens money in their annual plans so that it could account for the use of this money.

The CEO said the Eastern IFCA had an operational reserve that included the provision for the purchase of an inshore vessel monitoring system (VMS) on fishing boats under 15 metres in length if the MMO did not include this fleet in its own VMS provision. He explained that VMS can offer an alternative enforcement method which does not always necessitate going to sea. The Head of Finance recommended maintaining a level of general operational reserve due to the uneven nature of expenditure and the possibility of costs associated with change at the time of review.

Rob Spray said that this issue had been considered at the Vessels Working Group (the group's report was a later item on the agenda) and proposed

that the Finance & Personnel Sub-Committee should consider the funding issues related to the Eastern IFCA's vessels.

It was resolved: To refer the funding of Eastern IFCA vessels and their operating costs to the Finance & Personnel Sub-Committee for consideration.

Proposed: Cllr Tony Turner

Seconded: Cllr Tony Goldson

All agreed

EIFCA12/21: With reference to his report, Tom Pinborough said that anglers fishing for sea bass off Cromer pier had contacted him about intimidation by other fishermen and he had reported this to Eastern IFCA, the MMO and North Norfolk District Council. This problem has arisen again and so he intends to invite anglers to attend the community engagement meeting in Cromer on 16 May 2012 to find a way of resolving the matter.

EIFCA12/28 Item 7: To receive a report on meetings of the Finance and Personnel Sub-Committee held on 26 January 2012 and 15 March 2012

The Head of HR presented the report. Tom Pinborough asked whether the Head of Marine Conservation would be fully recompensed for the period he would be Acting CEO and was assured that this was the case. The Head of HR explained that a member of staff would not normally receive an extra payment for acting up while a senior officer was on leave or off sick but this situation was exceptional as the acting up arrangement was likely to be protracted. Cllr John Dobson said that this was in line with the position taken by the Eastern IFCA in the past.

It was resolved: To receive the report

Proposed: Dr Stephen Bolt

Seconded: Rob Spray

All Agreed

EIFCA12/29 Item 8: To receive and approve the Finance Officer's report on payments made and monies received during the period 13 January 2011 to 31 March 2012

The Head of Finance presented the report and advised members that all payments had been made in line with the Eastern IFCA's financial regulations and good accounting practice.

It was resolved: To receive and approve the report.

Proposed: Stephen Worrall

Seconded: Cllr Tony Turner

All Agreed

EIFCA12/30 Item 9: To receive and note the Finance Officer's Quarterly Management Accounts

The Head of Finance presented the report. She said that the final accounts for 2011-12 would be presented to the Finance & Personnel Sub-Committee on 27 June 2012 but, to give an indication of the outcome for the year, she had built into the report estimates and adjustments based on invoices received and orders placed in March. In addition, she had analysed expenditure allocated to the New Burdens funding, including the costs of the HR consultant employed during 2011, the recruitment costs for the new posts and some salary costs, publicity and vesting day costs, and accommodation costs relating to the new posts. The outcome was an expected under-spend of £445,000 of which £320,000 was New Burdens money.

Cllr John Dobson asked whether Defra would wish to claw-back the New Burdens underspend. The CEO said Defra had allocated the funding for the first four years of the Authority; it recognised that the workload of IFCA's would build up in years three and four and that they would need to make forward provision in their budgets for this. While it would not claw-back under-spends, it would wish to see that the money was being properly spent on new IFCA functions and that the expenditure represented value for money. To illustrate the efficiency of the Eastern IFCA, the CEO said he had done a very rough calculation of the cost per council tax payer by comparison with the Cornwall IFCA, and this suggested that council taxpayers in Lincolnshire, Norfolk and Suffolk paid about 50p each for their IFCA whereas Cornwall council taxpayers paid about £5 each. He also said that the Eastern IFCA was well regarded by Defra.

Cllr John Dobson asked about under-spending by other IFCA's. Dr Stephen Bolt said a direct comparison was not possible as New Burdens funding for each IFCA differed depending on the outcome of the complex funding formula applied to them. He agreed that IFCA's had to ensure they had funding available for future pinch-points arising, for example, from by-law reviews and new management measures.

In response to a question, the Head of Finance confirmed that, taking into account the full year salary costs of new staff, the underspend reduced to £160,000.

Peter Barham pointed out that it was necessary to hold money for new management and monitoring measures not yet clarified by Defra and Natural England. Conor Donnelly said that Natural England was developing advice on regional projects to submit to Defra in July. There would then be consultation by Defra which would give IFCA's a better idea of their further conservation objectives.

It was resolved: To receive and note the report.

Proposed: Peter Barham

Seconded: Cllr Brian Hannah

All Agreed

EIFCA12/31 Item 10: To receive and approve bank mandates for the Authority

The Head of Finance explained that it was necessary to renew all signatures to the Eastern IFCA bank account as a result of the changes arising from the departure of the CEO and the consequent acting up arrangements.

It was resolved: To approve the Eastern IFCA's bank mandate and authorise the Head of Finance to nominate appropriate signatories.

Proposed: Cllr Tony Goldson

Seconded: Koen Van Staen

All Agreed

EIFCA12/32 Item 11: To receive and approve the Authority's 1st Annual Report to Defra

The CEO presented the annual report. He thanked those who had commented on the draft and said that the annual report was a key document that Defra would use when it carried out its quadrennial review and report to Parliament. He had already received feedback from Defra that it would like more narrative and case studies illustrating the use of New Burdens money in future annual reports.

It was confirmed that the report would go to all three county councils and a suggestion to make it available in public libraries would be considered. It would also be available on the Eastern IFCA website.

It was resolved: To receive and approve the report and to instruct officers to submit it to Defra.

Proposed: Peter Barham

Seconded: Cllr Tony Goldson

All Agreed

EIFCA12/33 Item 12: To receive and approve a report recommending the replacement of ESF Protector III

The Skipper presented the report. Cllr Tony Turner was concerned that the replacement fund was not sufficient to buy the kind of vessel that the Eastern IFCA needed but members were advised that the Vessel Working Group was looking at this issue.

Tom Pinborough asked whether the Eastern IFCA's other vessels were being fully used. The CEO said that they were used as appropriate depending on the enforcement action being taken.

It was resolved:

- i) To receive the report and approve the recommendation to offer ESF Protector III for sale
- ii) To delegate to the Chair and Vice Chair the authority to consider any offers received

Proposed: Stephen Worrall

Seconded: Rob Stay

All Agreed

EIFCA12/34 Item 13: To receive and note the dates and locations of planned community engagement meetings

The Community Development Officer presented the report. Ceri Morgan asked whether the next meeting in Boston could be held in the evening rather than the afternoon and the Community Liaison Officer confirmed that the timing of meetings was flexible and that this was an option.

Tom Pinborough asked about attendance at the first round of meetings that had been held. The Community Development Officer said this was between 0 and twelve: the best attendance was at the Cromer meeting; there were about six people at the Kings Lynn meeting and fewer than 12 at the Boston meeting; no-one attended the Suffolk meeting but the Fishery Officer (Area 4) said there was a need to advertise it better. The Community Development Officer said she had produced flyers and posters for the next round of meetings to increase publicity and was building up a database of contacts in each area. The CEO added that this was a very new initiative which would become more effective as it developed.

There was some discussion about the role of other bodies such as Natural England and the Environment Agency at the meetings. The Head of Marine Conservation said that there was a need for the Eastern IFCA to engage and communicate directly with community groups and stakeholders in the area about Eastern IFCA-wide issues as well as more local issues. The community engagement meetings were part of this approach. While Natural England and the Environment Agency could contribute, the meetings would be Eastern IFCA led and branded. Conor Donnelly said that the one-stop-shop approach at the meetings helped people understand the roles and responsibilities of the different agencies involved in coastal management. Roger Handford said that the Environment Agency would not necessarily attend the meetings but could provide information about other activities and issues – for example, flood defence – that the Eastern IFCA and the communities and stakeholders needed to be aware of.

Stephen Worrall emphasised the importance of encouraging people to attend and provide feedback by targeting publicity at groups and individuals, and highlighting topics of particular relevance to them to make their attendance worthwhile. They should also be encouraged to use the Eastern IFCA website for information. Rob Spray said that the meetings were a good opportunity to get support from stakeholders at the outset of Eastern IFCA activities and he referred to the problems Marine Conservation Zone initiatives were experiencing because stakeholders were not on board at the outset.

It was resolved: To note the dates of the meetings as set out in the report and that members would attend the meetings where possible.

Proposed: Stephen Worrall

Seconded: Cllr Tony Goldson

All Agreed

EIFCA12/35 Item 14: To receive and approve a report on the Marine Strategy Framework Directive

The CEO presented the report which invited members to provide comments for the Eastern IFCA's response to the government's consultation on the initial stages of implementing the Marine Strategy Framework Directive. The Directive requires all EU states to achieve 'good environmental status' in the European marine environment by 2020. The directive is likely to impact on the Eastern IFCA in its role as a delivery agency for Defra.

Dr Stephen Bolt said there was concern that fishing industry activity displaced from Marine Conservation Zones into other marine areas could impact on the achievement of good environmental status in those areas and there would be a need to manage this. Peter Barham emphasised the need for a watching brief on the impact of the Directive as it developed in the coming years and its effect on the Eastern IFCA's workload.

It was resolved: To receive the report and delegate authority to the Acting CEO to submit the Eastern IFCA's response to the consultation.

Proposed: Dr Stephen Bolt

Seconded: Rob Spray

All Agreed

EIFCA12/36 Item 15: To receive and approve a report on the annual review of the Authority's Standing Orders and the impact of the Localism Act 2011 on the Members' Code of Conduct

The Clerk presented the report. She explained that, as a result of new measures in the Localism Act 2011, each local authorities is required to adopt a new code of conduct for members by 1 July 2012. Currently, all local authorities, including the Eastern IFCA, are subject to provisions in the Local Government Act 2000 which requires them to have the same code of members' conduct. However, the Localism Act repeals these provisions and allows authorities to devise their own local codes of conduct as long as they include certain statutory provisions for registration and declaration of interests which will be defined in forthcoming regulations.

Lincolnshire, Norfolk and Suffolk County Councils, like other councils, are intending to adopt new codes at their annual meetings in May in order to meet the 1 July deadline. This report proposes that the Eastern IFCA delegates authority to adopt a new code of conduct to the Finance & Personnel Sub-Committee at their meeting on 27 June 2012, following consultation with members on a draft new code during May/June. The draft will seek to take into account the key elements of the constituent

county councils' codes to ensure that all Eastern IFCA members are subject to the same standards.

Dr S Bolt asked whether other IFCAs had been approached about the action they intended to take on this requirement with a view to having a common approach. The Clerk said that she had not approached other IFCAs so far as all the councils who are part of IFCA joint committees or committees are likely to have different codes and this will influence the way that each IFCA draws up its own code, given the need for parity with its own constituent councils. Dr Bolt offered to circulate this paper to the other IFCAs for information through the Association of IFCAs and this was agreed.

The Clerk then explained that, given the need to adopt a new code, a limited review of the Eastern IFCA's Standing Orders should be carried out at this meeting and that a more extensive review should be done at the 6th Eastern IFCA meeting on 25 July. The proposed amendments were set out in Appendix 1 and reflected the creation of the role of Clerk.

Tom Pinborough said that the Eastern IFCA might wish to review the order that prevents non-elected members from standing for the posts of Chair or Vice-Chair of the Authority. Stephen Worrall also felt that this restriction should be reviewed. Cllr Turner voiced his opinion that given the funding role of the county councils, their opinion should be sought over this change. He considered that these appointments should reflect the funding partners, and recommended seeking legal advice.

The CEO confirmed that there is no longer a legal requirement that Chair and Vice-Chair posts must be filled by elected members but this was something that the Eastern IFCA had adopted when agreeing its own Standing Orders.

Peter Barham said that, as elections for the Chair and Vice-Chair for 2012-13 had just taken place, a review was not appropriate at this stage but the position could be reconsidered in the future.

The proposals in the report were then taken together.

It was resolved to:

- (i) ask officers to draft a new code of conduct for Eastern IFCA members, taking into account the codes adopted by Lincolnshire, Norfolk and Suffolk County Councils and the requirements of the Localism Act and its associated regulations, for approval by the Chair of the Finance & Personnel Sub-Committee and subsequent circulation it to all Eastern IFCA members for comment;
- (ii) delegate authority to adopt the new code to the Finance & Personnel Sub-Committee at its meeting on 27 June 2012, following consideration of the results of the consultation;
- (iii) approve the amendments to the Eastern IFCA's Standing Orders, as set out in Appendix 1 to this report;
- (iv) carry out a full review of the Standing Orders at the 6th Eastern IFCA meeting on 25 July 2012.

Proposed: Cllr Brian Hannah

Seconded: Stephen Worrall

All Agreed

EIFCA12/37 Item 16: Resolution to exclude the public under Section 100(A)(4)

It was resolved that, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for item 17 on the

grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 7 of Schedule 12A to the Act.

Proposed: Cllr Tony Goldson

Seconded: Cllr Brian Hannah

All Agreed

At this point, members of the public and most Eastern IFCA officers were asked to leave the room. The CEO, Head of Marine Conservation and Clerk remained.

EIFCA12/38 Item 17: To receive and approve a report, legal correspondence and background information relating to the WFO1992 hand worked cockle fishery

The CEO presented the report which asked members to approve the publication of the correspondence in a redacted form under the Freedom of Information Act 2000 ('redacted' means that confidential information is removed before publication). The redactions will be made by the Eastern IFCA's solicitors.

The correspondence concerned allegations about the management of the Wash cockle fisheries made over the past three years by a firm of solicitors acting for an anonymous client. The CEO considered it appropriate to publish this information now given the public interest in this area and the likelihood that a formal Freedom of Information request for disclosure of the information will be made at some time in the future. Natural England has also received correspondence from these solicitors which it has already published on its website because of the public interest in the matter.

There was discussion about the details of the allegations and the management approach taken by the Eastern IFCA. The correspondence alleges that the hand-worked cockle fishing industry in the Wash is damaging the marine environment and that, by allowing this industry to continue, the Eastern IFCA is in breach of its legal obligation to protect the area. Eastern IFCA officers have carefully examined the evidence provided by the solicitors but do not find it to have any substance. Conor Donnelly confirmed that Natural England had supported the Eastern IFCA's approach to managing the cockle fishery over the past three years and had told the solicitors this. However, the solicitors continue to make the same allegations.

Members considered that there was no longer anything constructive to be gained from devoting more resources to this correspondence that the redacted documents should now be published and the correspondence should be brought to an end. However, Cllr Tony Turner was concerned that publishing the correspondence would not achieve this aim as it would just prolong the issue.

It was resolved that:

- i) the CEO should seek written confirmation from Natural England that it continues to endorse the Eastern IFCA's approach to the management of the Wash hand-worked cockle fisheries and does not consider that it results in an adverse impact on the marine environment;
- ii) in the public interest, this confirmation should be published on the Eastern IFCA's website together with the redacted correspondence.

Proposed: Cllr Ken Sale

Seconded: Cllr Tony Goldson

One vote against.

There was a short break and members of the public and Eastern IFCA officers were invited to return to the meeting.

EIFCA12/39 Item 18: North Norfolk Coast FLAG

This item was not discussed as Ian Groves did not attend the meeting.

EIFCA12/40 Item 19: 2nd Eastern IFCA Annual Plan 2012-2013

This item was for information. Members received and noted the Annual Plan 2012-13.

EIFCA12/41 Item 20: 1st Eastern IFCA Environment and Research Plan

Members received and noted the Annual Plan 2012-13.

EIFCA12/42 Item 21: Eastern IFCA Enforcement and Compliance Strategy

The CEO advised members that the Enforcement and Compliance Strategy was available on the Eastern IFCA website. Members received and noted the report.

EIFCA12/43 Item 22: Eastern IFCA Code of Conduct for Inspections

The CEO advised members that this was a national code and was available on the Eastern IFCA website. Members received and noted the report.

EIFCA12/44 Item 23: Eastern IFCA Financial Administrative Penalty (FAP) guidance

The CEO advised members that this guidance was produced by the Marine Management Organisation for all IFCA's and was available on the Eastern IFCA website. Members received and noted the report.

EIFCA12/45 Item 24: Angling 2012 update

The Head of Marine Conservation advised members that some promotional material for Angling 2012 would be available after the meeting and that the first report on the data collected under the Angling 2012 initiative would be presented to the Eastern IFCA meeting on 25 July 2012. Members received and noted the report.

EIFCA12/46 Item 25: Wash Fishery Order 1992 management update

There had been discussion of the Wash Fishery under an earlier item. Members received and noted the report.

EIFCA12/47 Item 26: Recruitment into the Authority's agreed personnel structure

Members received and noted the report.

EIFCA12/48 Item 27: Vessel Working Group's report

Rob Spray summarised the discussions so far of the Vessel Working Group. He said it was difficult to determine the Eastern IFCA's needs in advance of the bye-law review and decisions on the MPZs. The group agreed that a sea-going enforcement presence was required in addition to evidence obtained from satellite monitoring and tracking. They considered that the Eastern IFCA required a vessel capable of covering the authority's area district day and night and throughout the year, which allowed boarding and could be used close to shore as well as further out to sea. The vessel would also need to accommodate the Eastern IFCA's research needs as they increased in the future. The group's visit to Kent and Essex

IFCA's boat, FPV Tamesis, had been very informative. The group were due to meet again to take this further.
Members received and noted the report.

EIFCA12/49 Item 28: Kent & Essex IFCA Tamesis Charter 2012-2013

Members noted that Kent & Essex IFCA's vessel, the FPV Tamesis, would again be used in the southern Suffolk estuaries during 2012-13. They also noted the costs, as set out in the report, and that both cost and usage would be reviewed at the end of the year.

EIFCA12/50 Item 29: Area IFCOs' quarterly reports

Members commented that these were very useful and interesting reports. The Head of Marine Conservation confirmed that they were available on the Eastern IFCA website with the other reports for this meeting, but he would look at how they could be given a higher profile.
Members received and noted the reports.

EIFCA12/51 Item 30: Vessels quarterly reports

Members received and noted the reports.

EIFCA12/52 Item 31: Senior Research Officer's quarterly report

Members received and noted the report.

EIFCA12/53 Item 32: Senior Marine Environment Officer's quarterly report

Members received and noted the report.

EIFCA12/54 Item 33: Any other business

There were no urgent business items.

The meeting closed at 13.07 hours