

## 7th 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 Lincolnshire County Council County Offices, Lincoln on 31 October 2012 at 10.30 hours

### Members Present:

Cllr Ken Sale	Chair	Suffolk County Council
Cllr Hilary Thompson	Vice-Chair	Norfolk County Council
Dr Stephen Bolt		Marine Management Organisation
Cllr Michael Chenery of Horsburgh		Norfolk County Council
Conor Donnelly		Natural England
Cllr Tony Goldson		Suffolk County Council
Paul Garnett		Marine Management Organisation
Roger Handford		Environment Agency
Neil Lake		Marine Management Organisation
Ceri Morgan		Marine Management Organisation
Tom Pinborough		Marine Management Organisation
Rob Spray		Marine Management Organisation
John Stipetic		Marine Management Organisation
Cllr Tony Turner MBE JP		Lincolnshire County Council
Cllr Stephen Williams		Lincolnshire County Council
Stephen Worrall		Marine Management Organisation

### Eastern IFCA Officers Present:

Philip Haslam	Chief Executive Officer (CEO)
Eden Hannam	Head of Marine Conservation
Christine Hurley	Head of Finance
Nichola Freer	Head of Human Resources (HR)
Judith Stoutt	Senior Marine Environment Officer
Simon Lee	Skipper (present but not at the table)

### Clerk:

Mary Clancy

### EIFCA12/79 Item 1: Welcome by the Chair

The Chair introduced Councillor Eddy Poll, Deputy Leader of Lincolnshire County Council and Cabinet Member for Economic Development. Cllr Poll welcomed the Eastern IFCA to Lincolnshire, wished members a good meeting and expressed regret that pressure of work prevented him from staying.

The Chair also welcomed Cllr Michael Chenery of Horsburgh to his first meeting as a Norfolk County Council representative in place of Cllr John Dobson. Members agreed that the Chair should write to Cllr Dobson thanking him for his contribution to the Eastern IFCA and the Eastern Sea Fisheries Joint Committee over the years. The Chair also welcomed Mr David Laws, Finance Director, Lincolnshire County Council, who was in attendance.

### EIFCA12/80 Item 2: Apologies for Absence

Apologies were received from Peter Barham, Shane Bagley, Roy Brewster, Koen Vanstaen and Councillor Brian Hannah. Roger Handford

had given notice that he would arrive slightly late because of train schedules.

**EIFCA12/81      Item 3: Declarations of Interest**

There were no declarations of interest.

**ACTION ITEMS**

**EIFCA12/82      Item 4: Minutes of the 6th Eastern IFCA meeting held on 25 July 2012**

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

**Proposed:** Cllr Tony Goldson

**Seconded:** Neil Lake

**All agreed**

**EIFCA12/83      Item 5: Matters arising**

Item 7: The CEO reported that the benchmarking survey had started and would continue through November. The survey will gather public and stakeholder views of the Eastern IFCA throughout the Authority's district and assess the level of public awareness of the organisation, as part of the communication and engagement strategy.

No other matters were raised.

**EIFCA12/84      Item 6: Appointments to Eastern IFCA Sub-Committees**

- a) Finance & Personnel Sub-Committee  
Cllr Michael Chenery was appointed unopposed.
- b) Planning & Communication Sub-Committee  
Dr Stephen Bolt was appointed unopposed.
- c) Marine Protected Areas Sub-Committee  
Paul Garnett was appointed unopposed.

**EIFCA12/85      Item 7: Meeting of the Extraordinary Marine Protected Areas Sub-Committee on 2 October 2012**

The Head of Marine Conservation presented the report. He said that the cockle fishery opened on Roger Sands was likely to continue for another month as the TAC (Total Available Catch) had not been exhausted. Paul Garnett commented that there was little fishable density of cockles left on Wrangle Sands but he agreed that the Roger Sands fishery could extend for longer, depending on the weather.

**Members resolved to accept the report.**

**Proposed:** Cllr Tony Turner

**Seconded:** Cllr Tony Goldson

**All Agreed**

**EIFCA12/86      Item 8: Meeting of the Finance & Personnel Sub-Committee on 26 September 2012**

The report was presented by the Heads of Finance and HR. The Head of Finance reported that the Authority had now invested in the Barclays Nine Month Fixed Rate Bond until July 2013. The Head of HR said that the staff Communication policy and salary review proposals would be considered by the next Finance & Personnel Sub-Committee in time to meet the deadline of implementing the new salary structure by 1 April 2013. Tom Pinborough asked about the arrangements to cover the maternity leave of the Community Development Officer (CDO). The CEO

acknowledged that the absence of the CDO did introduce some risk in terms of maintain existing links and developing EIFCA influence but stated that he would ensure that appropriate cover was in place to deal with emergent work that must be dealt with during the leave period.

*Roger Handford arrived at this point in the meeting.*

Cllr Stephen Williams asked for discussion on the additional resource for the constitutional basis of the Authority. The Clerk declared an interest in this matter as Sound Decisions Associates Ltd was her company, and left the room for the duration of this discussion. Cllr Williams stated that he would wish to be assured that any future contract to outsource the Clerk function would be more considered and better suited to meet EIFCA purposes.

**Members resolved to accept the report.**

**Proposed:** Cllr Tony Goldson

**Seconded:** Cllr Tony Turner

**All Agreed**

**EIFCA12/87 Item 9: Meeting of the Regulatory & Compliance Sub-Committee on 26 September 2012**

The Head of Marine Conservation presented the report. There was some discussion of the proposed shore-launched vessel zone and whether this approach could be used in other parts of the district. However, the Head of Marine Conservation explained that this initiative was of particular relevance to this part of North Norfolk and would not necessarily suit conditions in other areas.

Tom Pinborough asked again when the fixed netting review would take place as it was necessary to have good information for the review of the fixed gear byelaws. The CEO explained that the bid for fixed netting research was fully acknowledged and was included as one of the priority activities that would necessarily have to compete for inclusion in the next research plan.

Roger Handford emphasised the need for coordination with other agencies that would also be reviewing relevant byelaws, when carrying out the Authority's byelaw review.

**Members resolved to accept the report.**

**Proposed:** Cllr Stephen Williams

**Seconded:** Stephen Worrall

**All Agreed**

**EIFCA12/88 Item 10: Meeting of the Vessel Working Group on 2 October 2012**

The CEO presented the report. He said it was necessary for the Authority's officers to be able to go to sea in order to carry out both research and enforcement duties. Consequently, he was looking at the replacement of *ESF Protector III* in the context of the Authority's overall sea-going needs, including the eventual replacement of the research vessel *Three Counties* at the end of her working life in or around 2015. There was a current pressing need was to ensure a sea-going enforcement resource was available. Officers considered that it was not feasible to rely on *Three Counties* as she offered limited enforcement capacity and there were competing research priorities for her time; renting an enforcement vessel was not considered financially viable because of the high costs. Also, while the outcome of current trials of VMS (Vessel Monitoring Systems) could affect the kind of permanent enforcement resource that the Eastern IFCA would need, officers considered it unlikely that a technical solution would be developed that

would completely replace the need for human intervention at sea. Therefore, an interim enforcement vessel able to meet current needs was required while permanent options were thoroughly explored.

Members discussed the possible ex-Royal Navy RHIB (Rigid Hulled Inflatable Boat) that might be available. The CEO confirmed that it was an open vessel intended for day operation but would be fitted with a cover for emergency situations requiring protracted endurance at sea. He also said that it was trailer-mounted and could be transported where it was needed and launched from the trailer.

Rob Spray told members that, as Chair of the Vessel Working Group, he fully supported the proposals in the report and was very satisfied with the Head of Marine Protection's efforts to keep him informed of developments.

**Members resolved to:**

- a) **agree the proposed approach to reviewing seagoing assets and to identifying permanent assets to replace *ESF Protector III*;**
- b) **agree the proposal to either charter or purchase appropriate seagoing assets as an interim solution to meet enforcement needs, pending the identification of a permanent solution;**
- c) **delegate to the CEO, following consultation with the Chair of the Vessel Working Group, the power to decide the preferred interim solution, either charter or purchase of appropriate seagoing assets;**
- d) **delegate to the CEO, following consultation with the Chair of the Finance & Personnel Sub-Committee, the power to authorise the expenditure required to secure the preferred interim solution(s) from within available funding, including any necessary transfer of funds between accounts.**

**Proposed:** Cllr Tony Goldson

**Seconded:** Rob Spray

**All Agreed**

**EIFCA12/89 Item 11: Payments made and monies received for the period 14 July 2012 to 12 October 2012**

The Head of Finance presented the report and confirmed that all activity was in line with the Authority's Financial Regulations.

**Members resolved to accept the report.**

**Proposed:** Cllr Tony Goldson

**Seconded:** Stephen Worrall

**All Agreed**

**EIFCA12/90 Item 12: Management Accounts from 1 April 2012 to 30 September 2012**

The Head of Finance presented the report. She said that the surplus identified in the accounts had occurred largely because posts had been vacant pending recruitment, the salary review had not yet been completed, and there had been income from licence tolls and CEFAS (Centre for Environment, Fisheries and Aquaculture Studies). The CEO said that expenditure reflected the fact that the Authority was not yet fully operational and would probably not achieve full capability, taking into account the IFCA responsibilities that were in development, until 2014-15. As a result, all resources were committed for expenditure over this period. Dr Stephen Bolt agreed that many IFCA responsibilities would come on stream in 2014 and 2015 and budgets had to reflect this.

Mr Pinborough asked about the income from CEFAS and was advised that it was about £10,000 per annum.

**Members resolved to accept the report.**

**Proposed:** Dr Stephen Bolt

**Seconded:** Stephen Worrall

**All Agreed**

**EIFCA12/91 Item 13: Completion of the External Audit of Eastern IFCA's accounts for the year ended 31 March 2012**

The Head of Finance presented the report The External Auditor's Certificate and unqualified opinion were given on 24<sup>th</sup> August 2012 The Authority's External Auditor had questioned the level of Fidelity Guarantee Insurance cover held by the Eastern IFCA which is currently limited to £100,000. However, officers were not recommending an increase in the amount of cover as there was no evidence of risk requiring an increase. Physical assets were insured separately, the Authority handled very little cash (the petty cash limit is £50) and it was prohibited by law from borrowing. In addition, the Auditor had not expressed any concern with the Authority's financial controls and the Internal Auditor had been satisfied with the Financial Regulations and the level of adherence to them.

**Members resolved to note the External Auditor's certificate and opinion and, having considered the officers' advice, agreed it was not necessary to increase the level of cover from the present £100,000.**

**Proposed:** Cllr Tony Goldson

**Seconded:** Cllr Stephen Williams

**All agreed**

**EIFCA12/92 Item 14: Calendar of meetings to October 2013**

The Clerk presented the report. She said that it was the Eastern IFCA's practice to agree the quarterly Authority meeting dates for the following year at the October Authority meeting. This year, for the first time, it was proposed to include sub-committee dates in the calendar of meetings.

In 2011, the Authority had agreed to hold its meetings at the civic offices of each of the funding county councils to raise awareness of the Eastern IFCA. However, members considered that it was not necessary to continue this practice for another year.

There was some discussion of the suitability of the proposed date for the April Authority meeting as it fell within the purdah period for the county council elections. Officers were asked to consider this and, if necessary, review the date.

**Members resolved to agree the calendar of meeting dates attached as Appendix 1.**

**Proposed:** Cllr Tony Goldson

**Seconded:** Cllr Tony Turner

**All agreed**

**EIFCA12/93 Item 15: Review of the Authority's Standing Orders**

The Clerk presented the report. She said that, following the Authority's decision in July, the Finance & Personnel and Regulatory & Compliance Sub-Committees had met to discuss the proposed Constitution and revised Standing Orders, and the favourable legal opinion of these

proposals which had been commissioned by the Lincolnshire County Council Monitoring Officer. The Sub-Committees made a number of recommendations as set out in the report. These recommendations included a proposal that officers should begin a review of delegations of function. This proposal had been carried forward by the CEO and was the subject of a separate report under item 16 of the agenda for this meeting.

The Sub-Committees also recommended that the minimum notice period for papers and agendas for sub-committee should be five clear working days, the same as the statutory period for full Authority meetings.

**Members resolved to:**

- a) accept the advice commissioned by the Lincolnshire County Council Monitoring Officer (set out in Appendix 2 to the report);**
- b) adopt the Constitution as set out in Appendix 1, including the proposed notice period for sub-committee agendas and papers of five clear working days;**
- c) agree that the Constitution should be published on the Eastern IFCA's website;**
- d) review the current restriction on members' eligibility for the offices of Chair and Vice-Chair of the Authority at the Authority meeting in January 2013;**
- e) ask officers to review the applicability of the new Access to Information provisions to the Eastern IFCA's decision-making and make recommendations to a future Authority meeting.**

**Proposed:** Stephen Worrall

**Seconded:** Cllr Stephen Williams

**All Agreed**

**EIFCA12/94 Item 16: Draft Schedule of Delegations for the Eastern IFCA Constitution**

The CEO presented the report. He said that the proposed Schedule of Delegations was intended to drive the Eastern IFCA's decision-making from the top downwards, defining the Authority's strategic and overall executive role, and enabling the CEO to manage and lead the organisation to deliver its objectives. The proposal also sought to deal with the uneven decision-making powers of the sub-committees in order to ensure that they were sufficiently empowered for their roles. The proposed period of 'silence' was intended to give members time to respond to the details in the schedule. During this period, Members would be asked to make comments to the CEO; at the end of the 'silence' period, the CEO would discuss them with the Chair of the Authority who would be authorised to agree any amendments and adopt the Schedule as part of the Constitution.

The CEO also proposed that the Schedule of Delegations should be reviewed biannually initially in order to fine tune it.

**Members resolved to:**

- a) note the Schedule of Delegations attached to the report;**
- b) approve a period of 'silence' of one month from the date of this meeting to enable due consideration by members;**
- c) delegate to the Chair of the Authority the power to agree any amendments necessary as a result of members' representations during the 'silence' period;**

- d) **delegate to the Chair of the Authority the power to adopt the Schedule of Delegations as part of the Eastern IFCA's Constitution;**
- e) **review the Schedule of Delegations at the Authority's meetings in April and October.**

**Proposed:** Cllr Tony Turner

**Seconded:** Stephen Worrall

**All Agreed**

**EIFCA12/95 Item 17: Recommendations following the consultation to change existing terms and conditions of employment**

The Head of HR presented the report. She advised members that the additional period of consultation by Unison had not resulted in any changes to the proposal in Appendix 1 to the report.

**Members resolved to:**

- a) **note that the proposed changes to the terms and conditions of employment have been in consultation for some 10 months and that it is imperative that resolution is sought without further delay;**
- b) **note that the outcome of the formal consultation has concluded with a negotiated agreement with Unison;**
- c) **agree the changes set out in Appendix 1 with effect from 5 November 2012.**

**Proposed:** Cllr Tony Goldson

**Seconded:** Stephen Worrall

**All agreed**

**EIFCA12/96 Item 18: Communication and Engagement Strategy**

The CEO presented the report. He said that it set out the overarching strategy for engaging with stakeholders and promoting the work of the Eastern IFCA. In response to a comment on the significant underspend in the budget for this area of work, the CEO explained that an indicative budget had been set in 2012-13 but, now that the strategy was in place, it would be possible to specify the budget more precisely in 2013-14.

**Members resolved to:**

- a) **approve the Communication & Engagement Plan and Overarching Strategy 2012 – 2015 set out in the report;**
- b) **agree that the Plan and Strategy should be published.**

**Proposed:** Cllr Tony Goldson

**Seconded:** Dr Stephen Bolt

**All Agreed**

**EIFCA12/97 Item 19: Eastern IFCA Derogation Process**

The CEO introduced the report. He explained that there was a need to formalise the administrative procedure for granting derogations from byelaw constraints. As this activity has been treated as part of the Authority's core work, no charge has been made for it as it has been treated as funded from existing income streams. It was not proposed to introduce a charge at this time but the position would be reviewed quarterly and reconsidered if the demand for derogations was found to have a negative impact on the resources available for the Authority's other key priorities.

**Members resolved to:**

- a) **endorse the derogation process set out in this report;**

- b) agree that no fee would be charged initially;**
- c) ask officers to review the resource impact quarterly and report back to the Authority should it be necessary to reconsider the position on charging.**

**Proposed:** Cllr Tony Turner

**Seconded:** Cllr Stephen Williams

**All Agreed**

**EIFCA12/98 Item 21: European Marine Sites progress report**

The Head of Marine Conservation presented the report. He said that, following the legal challenge from Client Earth and the Marine Conservation Society, Defra was taking a different approach to managing commercial fishing activities in European Marine Sites. This approach was being developed by working groups in which the Eastern IFCA was represented. From the work done so far, the only habitat within the Authority's area which had been provisionally coded as urgent under the prioritisation system was the Sabellaria habitat. Should this coding be confirmed, management measures to protect Sabellaria would have to be identified and implemented by the end of 2013. Lower risk habitats, requiring management by 2016, had not yet been confirmed and sites affected under the Wild Birds Directives had not yet been identified.

As Defra's new approach was likely to have a significant impact on the Eastern IFCA's research and enforcement resources, the Chair of the Authority had written to the Minister for Natural Environment and Rural Affairs, Richard Benyon MP, to express the Authority's willingness to be involved but highlighting potential resource issues. Dr Stephen Bolt said that other IFCAs had also made similar representations.

The Senior Marine Environment Officer added that Defra's approach was intended to bring the management of commercial fisheries into line with other industries that impacted on European Marine Sites.

The Head of Marine Conservation said that Eastern IFCA officers emphasised the protection of the habitats identified as at risk through adopting appropriate management measures, rather than closing sites to commercial fishing. Conor Donnelly commented that Natural England supported this in relation to Sabellaria which he described as an ephemeral feature in the Wash as they move around within defined areas.

Cllr Williams and Cllr Goldson raised the impact of off-shore wind farm cabling in the Wash on Sabellaria and fish species, and Rob Spray said that preliminary studies suggested that cabling could have effects that were not well understood. Neil Lake raised concerns about access to carry out Sabellaria research in sites used by wind farms as he had been refused access to collect seed mussels from such a site. There was general discussion about the effect of wind farm development on commercial fishing and marine conservation. Officers advised that the Eastern IFCA was not resourced to do the kind of technical research required to investigate the impact of cabling but would continue to raise these concerns when responding to relevant consultations. The CEO said he would investigate Mr Lake's point about refusal of access to wind farm sites and respond to him.

**It was resolved to note:**

- a) Defra's recent change of approach for managing European Marine Sites;**



- b) the prioritisation exercise that has taken place to identify features most in need of protection in the short and medium term;
- c) that IFCA's will have a role to play in this, but the precise nature of this involvement is yet to be finalised.

**Proposed:** Cllr Tony Goldson

**Seconded:** Stephen Worrall

**All Agreed**

### **INFORMATION ITEMS**

#### **EIFCA12/99 Item 21: Quarterly progress against Annual Plans**

The CEO presented the report. He highlighted section 3.1b, pointing out that the Head of Marine Protection and an officer from the Southern IFCA were representing IFCA's on a national project to develop enforcement practice. He also highlighted sections 5.4a and 5.4b saying that work was in progress but had yet to be recorded.

**Members resolved to:**

- a) note the Quarterly progress report;
- b) acknowledge the progress that has been made to date in difficult circumstances;
- c) acknowledge that there is still a lot to be achieved but, with the correct enablers now in place, the tempo of business going forward should reflect the resource investments in place.

**Proposed:** Cllr Tony Goldson

**Seconded:** Cllr Stephen Williams

**All Agreed**

#### **EIFCA12/100 Item 22: Best Employee survey report**

The report was for information only and no matters were raised.

#### **EIFCA12/101 Item 23: Marine Protection Quarterly reports:**

**Area Inshore Fisheries and Conservation Officers:**

- a. Area 1 - Donna Nook to Sutton Bridge
- b. Area 2 - King's Lynn to Blakeney
- c. Area 3 - Cley to Lowestoft
- d. Area 4 - Lowestoft to Stour/Orwell

**Skippers:**

- a. RV Three Counties

These items were for information only and no matters were raised.

#### **EIFCA12/102 Item 25: Marine Environment Quarterly Reports:**

- a) Senior Research Officer
- b) Senior Marine Environment Officer

These items were for information only and no matters were raised.

#### **EIFCA12/103 Item 26: Sea Angling 2012 - update**

This item was for information only. Mr Pinborough asked how the data from the sea angling survey related to the information gathered by the Area IFCOs as he was concerned about conflicting figures. The Head of Marine Conservation said that information from the Area IFCOs was anecdotal, taken from their observations while working, whereas the survey was based on an empirical methodology. The Area IFCOs

observations would feed into the survey and he did not expect any conflicts.

**ANY OTHER URGENT BUSINESS**

**EIFCA12/104 Item 27: Any other business**

There were no urgent business items.

The meeting closed at 12.35 hours.