

9th 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 Inshore Fisheries & Conservation Authority took place at The Boathouse Business Centre, Wisbech, Cambs, on 5th June 2013 at 1030 hours.

Members Present:

Cllr Hilary Cox	Vice-Chair	Norfolk County Council
Shane Bagley		MMO Appointee
Peter Barham		MMO Appointee
Roy Brewster		MMO Appointee
Dr Stephen Bolt		MMO Appointee
Conor Donnelly		Natural England
Cllr Tony Goldson		Suffolk County Council
Paul Garnett		MMO Appointee
Roger Handford		Environment Agency
Neil Lake		MMO Appointee
Tom Pinborough		MMO Appointee
Cllr Tony Turner MBE JP		Lincolnshire County Council
Koen Vanstaen		MMO Appointee
Stephen Worrall		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Philip Haslam	Chief Executive Officer (CEO)
Nichola Freer	Head of Human Resources (HR)
Alan Garnham	Area IFCO
Luke Godwin	Marine Environment Officer - Data
Julian Gregory	Head of Marine Protection (HOMP)
Eden Hannam	Head of Marine Conservation
Christine Hurley	Head of Finance
Ron Jessop	Senior Research Officer
Dawn Reeve	Admin & Procurement
Judith Stoutt	Senior Marine Environment Officer
Stephen Thompson	Research Officer
Pete Welby	Research Officer
Ken Sale	ex-Chair

Other Bodies Represented:

Russel Gadbury	MMO
Stacey Meyer	MMO
Barry Smart	MMO
Emma Thorpe	Natural England

Minute Taker:

Jodi Hammond

EIFCA13/24 Item 1: Welcome by the CEO

Prior to the business of the meeting beginning the ex-Chair, Mr Ken Sale, addressed the meeting, he thanked all Authority members and

staff for their support. These thanks were reciprocated on behalf of all members of the Authority and Mr Sale was wished well for the future.

EIFCA13/25 Item 2: Apologies for Absence

Apologies for absence were received from Messrs Morgan, Spray and Stipetic (MMO Appointees) and Cllrs Byatt (Suffolk County Council) and Fairman (Lincolnshire County Council).

EIFCA13/26 Item 3: Declarations of Members Interest

No Declarations of Interest, other than those held in the register, were presented.

EIFCA13/27 Item 4: Election of Authority Chair/Vice Chair

The CEO reminded members that the meeting had been postponed from April, when County Councillors were in a period of purdah in the lead up to the local elections. As a result of these elections some of the previous members had either stood down or not been re-elected, unfortunately Norfolk County Council had still not been able to provide the names of members who would represent them on the IFCA, they were therefore not in attendance and would not be in a position to put themselves forward for the position. With this in mind the CEO felt members should consider either sticking with the status quo, in which case Cllr Cox would remain as Vice Chair and would oversee the meeting, or a Chair could be elected from members present for the purpose of this meeting.

As the following item on the agenda was to elect members to sub-committees it was also felt this should be postponed until the July meeting.

It was resolved that Cllr Cox should retain the status of Vice-Chair and oversee the meeting. It was also Resolved that election of Chair and Vice Chair of the Authority and members to sub-committees should be postponed until the Authority meeting in July 2013.

Proposed: Cllr Tony Goldson

Seconded: Peter Barham

All Agreed

EIFCA13/28 Item 6: Minutes of the 8th EIFCA Meeting, held on 30th January 2013

It was noted there was a typing error at minute EIFCA13/22, the date all plans need to be produced by should read 2021 not 2014. Members agreed to accept the minutes as a true record of proceedings.

EIFCA13/29 Item 7: Matters Arising

EIFCA13/10: Replacement Enforcement Vessel – The CEO advised the *FPV John Allen* had been bought and was actively working at sea in Suffolk. This vessel would be a 'test bed' when tendering for another vessel later in the year.

EIFCA13/13: Eastern IFCA Corporate Planning - The Annual Plan had been published and acknowledged by Defra.

EIFCA13/14: Marine Conservation Zones - A statement of broad support for European Marine Sites had been placed on the website. 48,000 responses had been received to Defra's consultation to MCZ designations. Results would be published in the summer when tranches 2 and 3 may also be announced and may have a distinct effect in the Eastern region.

EIFCA13/19: Corporate Communication - The Corporate Communication Plan was actively being delivered.

EIFCA13/30 Item 8: Review of the Schedule of Delegations for the Eastern IFCA Constitution

The CEO advised that item 13 under the list of matters which it is the responsibility of the full authority to discharge should be removed as power to approve the appointment and relief of the CEO had been delegated to the F&P sub-committee. Relating to the same matter Item 3 of matters which is it the responsibility of the F&P sub-committee to discharge needed to be amended. With these amendments the CEO believed the Schedule of Delegations was fit for purpose and suggested rather than a review every six months, it should be reviewed annually at the April meeting along with the Authority's Constitution.

Members agreed the existing Scheme of Delegations was fit for purpose as amended and the review period should be revised to an annual process.

EIFCA13/31 Item 9: Report on the meeting of the Planning and Communications Sub-Committee held on 11th March 2013

The meeting was held to discuss the Annual and Corporate Communications Plans. Both were agreed and published.

A further requirement for Defra was the need to produce both an Environment & Research Strategy and Environment & Research Plan. Since the Planning & Communication sub-committee meeting these had been finalised, the key purpose of the Strategy was to provide a guide when making decisions. The Plan would set out which projects would be pursued during the following 12 months

Members agreed to approve both the Environment & Research Strategy 2013-2018 and the Environment & Research Plan for 2013-2014 and directed that they should be published as soon as possible.

EIFCA13/32 Item 10: Referral from the Planning & Communications Sub-Committee to consider options for funding monitoring cockle mortality.

When setting the work plan for the year Members of the Planning and Communication had been presented with a number of proposed research projects for prioritisation. Inevitably there were more projects put forward than there were available resources which meant decisions had to be made as to which projects to pursue. A project to monitor A-

typical mortality in cockles was considered but was not selected for the 2013-14 research workplans. Nevertheless, it was acknowledged by the sub-committee to be a necessary piece of work and the CEO was directed to investigate both means to outsource the project and candidate funding mechanisms. Consequently the following three funding options were put to the Authority members:

1. Using funds accumulated under the auspices of supporting propagation under the Wash Fishery Order 1992 or;
2. Using cost recovery mechanisms which were introduced with the Marine and Coastal Access Act 2009; or
3. For the industry to directly fund the process through their fishermen's associations.

Members considered the three options. Mr Lake felt none of the three were suitable as there was insufficient money available in the WFO fund, and he did not think it appropriate to add the cost to a WFO licence fee. He was particularly concerned that the problem was an on-going issue and how would future years of monitoring be funded.

The question was raised why the mortality study could not be carried out alongside the cockle growth study which was being undertaken, however this had been considered but it was advised that the two projects are not mutually compatible and to be given due scrutiny, the mortality monitoring needed to be a discreet study. Members felt strongly that the mortality needed to be monitored but as the growth study was only a one year project then mortality could be the project for the future. Countering this was the feeling that there was a more pressing need to monitor the mortality and as EIFCA were responsible for the environmental impact on the site maybe that was another reason they should be concerned about the rate of mortality.

It was then questioned whether Natural England and the Environment Agency could be asked to fund the project, to which Conor Donnelly responded by explaining that the much wider issue of why A-typical cockle mortality was occurring was already being investigated and NE would not need the same level of detail the industry required in terms of the site, this combined with limited resources would not make it a priority for NE to fund. There was comment that the need for favourable conservation status suggested that it could be seen as an important issue for NE as the long term cockle fishery was integral to the way the site behaved. Conor acknowledged the risk posed by disease but reiterated that investigations into the cause were already on-going and as EIFCA already do cockle surveys the stock levels were being monitored.

Further debate was made on whether grants could be sought to fund the project, this had been considered by the Head of Marine Conservation but as it was for a regulatory fishery not a contingency fishery grant funding was not available.

The CEO stressed there was a need for the work to be done but the Authority's staff was already committed on higher priority projects throughout the district, he now needed some direction from the members as to how to progress. This prompted further discussion on leaving the project until the next financial year, however there was concern of reputation risk for the IFCA if nothing was done and the cockles were left to die unmonitored, which would not be in line with EIFCA's 'Healthy/Sustainable Seas' mandate.

Members resolved to fund a monitoring project into A-typical Mortality in cockles by using the cost recovery mechanisms which were introduced with the Marine & Coastal Access Act 2009.

Proposed: Stephen Worrall

Seconded: Tony Goldson

The Motion was carried with one abstention (Mr Lake)

EIFCA13/33 Item 11: Update on progress and next steps towards the management of fishing activity in European Marine Sites

The revised approach to the management of European Marine Sites required Eastern IFCA to implement management measures for high risk sites within the district by December 2013. There were three issues within the area which must be taken into account, these were:

1. *Sabellaria Spinulosa* reef (Ross worm reef) – the Wash
2. Sub-tidal boulder and cobble communities – the Wash
3. *Zostera* (Eelgrass) – North Norfolk Coast

Offices had identified a timeline which set out the steps needed to be taken to ensure the regulation was in place by the imposed deadline.

Members were advised that the process to deal with *Sabellaria spinulosa* and cobble and boulder communities was being put in place, and Natural England were considering how to deal with Eelgrass.

Protection of Eelgrass required consideration of activities such as bait digging and use of towed gear, however NE had established that currently there was very little activity in the vicinity of Eelgrass and that where activity was taking place local reserve managers were aware of it, in addition to this there were other mechanisms in place to protect Eelgrass if the need arose, if was therefore felt that it was not necessary to introduce a byelaw at this stage.

Members discussed the information gathering process, the level of known activity and what level, and over what period, monitoring was taking place as bait digging had changed in recent years. The common law rights of bait diggers were also considered as this would prevent prohibiting the activity. The HOMC advised that EIFCA were not looking to prohibit the activity but must consider potentially damaging a feature in a SSSI, there needed to be regulatory protection for that feature.

Consideration was then given to the charts which depicted potential areas to be closed to protect *Sabellaria spinulosa* beds, Mr Lake was concerned this would conflict with the Gentlemen's Agreement between potters and trawlers in the area. The CEO responded that there was direction from Defra to introduce statutory measures using a precautionary approach to protect the sites by December, however it was hoped it would be possible to accommodate local activity.

The question was raised as to whether there would be a mechanism in place to vary closed areas as the extent of the feature changed, it was noted that it was possible for byelaws to be flexible and the protective measures concerning the feature would be regularly reviewed.

It was Resolved to agree to the following recommendations:

1. **To note and agree the process and timeline for introducing regulatory management measure.**

2. **To delegate responsibility for overseeing the process and authorising the introduction of byelaws to the Regulatory & Compliance sub-committee**
3. **Agree the proposed approach to the management of *Zostera* beds on the North Norfolk Coast in relation to bait digging and association activities.**

Proposed: Stephen Worrall

Seconded: Cllr Tony Turner

All Agreed

EIFCA13/34 Item 12: Bait Digging issues in the Stour and Orwell

EIFCA Officers had been notified that bait digging in the area of the Stour and Orwell had been taking place in breach of the Voluntary Code of Conduct. The code, designed to protect 'critical areas for birds and worms', asks for members of the public to stay away from sensitive areas during the period November to April each year. The issue raised was that a lot of bait digging was taking place in these closed areas during March and EIFCA officers had been asked to look into it. In response to these concerns officers had visited the area to verify whether activity was taking place and request that activity cease in these areas until the end of April. This request was met with mixed responses. In addition a reminder of the code of conduct was sent out along with advice that further action may be necessary if the voluntary code was not adhered to. A meeting was being arranged between landowners, NE, Suffolk Wildlife Trust and EIFCA. Members were asked if they felt reinvigorating the voluntary code was sufficient or whether they felt more strenuous steps needed to be taken.

Mr Pinborough felt the disturbance could not be solely attributed to bait diggers as cyclists and dog walkers could also be to blame. He stressed it was only a minority of diggers who had chosen to ignore the code and felt stakeholder engagement was needed. It was questioned whether a bait digger, as a Common Right Holder, could be stopped from digging which raised the question of the legality of the code.

Members Resolved to agree to the proposal to work in partnership with appropriate organisations and stakeholders towards resolving the bait digging issues in the Stour and Orwell Estuaries. It was also requested that a report be made at a future meeting on progress made, clarity on the legality of the Code and a distinction between commercial and non-commercial diggers who were contravening the code.

Proposed: Tom Pinborough

Seconded: Connor Donnelly

All Agreed

EIFCA13/35 Item 13: Health & Safety risks and mitigation

EIFCA has a duty to conduct its business in accordance with H&S law and members and officers need to promote positive H&S in the office and at sea. In order to ensure compliance with national law, Norfolk County Council had been engaged to provide H&S support and competent advice.

In order to meet standard obligations staff at Exec level were being given training and a close watch was being kept on H&S issues.

Currently being considered were:

- *WHOLE BODY VIBRATION* – Following the purchase of a rigid hulled vessel where excess strain on crew member's bodies is a factor, whole body vibration needs to be closely monitored and safe systems of working implemented. To this end, a WBV meeting had been attended and all crew stations on the vessel were fitted with full suspension seats. Crew members would be monitored annually to ensure no physical implications were being sustained.
- *MOORINGS* – the state of the moorings continued to be of concern. The CEO stated that the landlords have been contacted with a view to review the utility and safety of the moorings. The location of the moorings is suited to the Authority's purposes and the CEO did not wish to jeopardise this, however he was also aware that as a publically funded tenant he needed to be a 'demanding tenant' to drive an appropriate response from the landlord's agents – the situation would continue to be pursued.
- *MEDICALS* – Members were advised that currently seagoing officers were asked to pass an ENG1 medical bi-annually. The HOMP had discovered that for the distance out to sea which EIFCA vessels travel a lesser medical, an ML5, would be sufficient. As these only needed to be renewed once every 5 years there would be a cost saving for the Authority without introducing risk.

Members considered these matters and felt that H&S should become a standing agenda item on each full Authority meeting agenda. It was also felt individuals should be reminded there was an onus on them to look after themselves and their colleagues.

Mr Vanstaen felt there may be some merit in finding out what offshore H&S training the EA organise as it may be beneficial.

Members Agreed to support the officers in promoting a positive H&S culture throughout the Authority and to the revision of the seagoing medical qualification from ENG1 to ML5 with immediate effect.

All Agreed.

EIFCA13/36 Item 14: Payments made and monies received during the period 19th January 2013 to 31st March 2013

Councillor Tony Turner questioned what a Fixed Penalty Fine was, this was explained as being a fine imposed for an infringement, it allowed EIFCA to avoid taking each case to court. Had the fine been contested it would have resulted in a prosecution.

Members Resolved to accept the report on payments made amounting to £380,778.59 and monies received amounting to £467,154.46.

Proposed: Peter Barham

Seconded: Neil Lake

All Agreed

EIFCA13/37 Item 15: Management Accounts for the period 1st April 2012 to 31st March 2013

Accumulative accounts for the twelve month period were produced to provide comparison to projected figures. As many adjustments as possible had been made to provide a report as close as possible to the

final accounts, however due to final adjustments with sundry creditors, the final accounts would be slightly different.

Explanations for savings and areas of overspend were given and it was noted that the expectation was that any final savings should be put into a reserve towards the purchase of a further replacement vessel.

It was questioned why the training budget had not been spent, it was explained that during the year it had been necessary to re-evaluate positions following which training needs had been identified and appropriate training was being sourced to ensure revised job expectations could be met.

Members Agreed to note the report.

EIFCA13/38 Item 16: Bank Mandates for the Authority

Following changes in officers and members there was a need to revise the Bank Mandate. The Internal Auditors had suggested that the Finance Officer should be removed for the list of approved signatories for payments it was therefore suggested that the CEO, HOMP and HOMC all be added to the mandate for payments up to £10,000 with payments over this amount being signed for by the Chair, Vice Chair or designated member. It was acknowledged that the actual naming of members to be added to the mandate would have to wait until the following meeting when hopefully a full complement of members would be available to select a Chair and Vice-Chair from.

It was noted that the salaries and wages account cheques had always been signed by Officers and it was suggested that this status quo should be retained but with the variation that the Finance Officer be removed and the CEO, HOMP and HOMC all become signatories.

It was Resolved that the Bank Mandates be amended once a full complement of members was available. At this time signatories would consist of the CEO, HOMP, HOMC, Chair, Vice-Chair and a designated member.

Proposed: Dr Stephen Bolt

Seconded: Cllr Tony Goldson

All Agreed

EIFCA13/39 Item 17: Review of the Authority's policies

Members were advised that policies relating to:

- Anti-fraud and Corruption
- Staff Code of Conduct
- Whistleblowing
- Member Complaints

were due to be reviewed. They had been updated and the Authority were asked to agree the revised policies.

It was Resolved to agree to the four policies as listed.

Proposed: Cllr Tony Turner

Seconded: Peter Barham

All Agreed

EIFCA13/40 Item 18: Progress towards a Staff Appraisal System

Officers were developing a basic personnel review structure which would support HLOs 1 & 7 of the Annual Plan.

Objective setting had begun using a 'Top Down' approach, ie. the process had been initially applied to the CEO's post, this had been followed by other members of the Executive team and line managers. It was intended that by the end of the year basic performance objectives would be set for each individual. There would then be a review with regard to linking the objectives with personal development and behavioural competencies. Tom Pinborough questioned whether there was any reward system in place for officers who meet their objectives. The CEO advised that in time there may be additional increments for those working above satisfactory levels, however this initial stage was only a building block. For him the key issue was to formalise the delivery of outputs to deliver against the expectations of the Annual Plan. The Head of HR felt it was important the show officers how they fitted into the role of the Authority.

Members Agreed to note the report.

EIFCA13/41 Item 19: Members eligibility to chair the Authority

The CEO had been tasked with preparing a paper to review the current restrictions on MMO appointees to the Authority being eligible to be appointed to the offices of Chair and/or Vice Chair.

The issue to be considered was whether to maintain the status quo or change the eligibility policy. Members considered the options and whilst it was acknowledged that the Elected Members' close link to funding was a key element, there was also a belief that effectiveness as a Chair was largely down to personal aptitude. Also taken into consideration was having the Chair and Vice Chair chosen with one from elected members and the other, an MMO Appointee. Other views included the belief that elected officers have a neutral approach rather than being representative of either the fishing industry or an environmental body.

Following a full discussion the Options were put to the vote.

Option 1 to maintain the status quo to permit only elected members to be eligible to Chair the Authority

Proposed : Stephen Worrall

Seconded : Neil Lake

9 Votes in favour

There was then a counter proposal for:

Option 2 to change the Constitution to enable any member to be eligible to be appointed as Chair of the Authority

Proposed : Dr Bolt

Seconded : Koen Vanstaen

6 votes in favour

It was therefore Resolved to maintain the status quo to permit only Elected Members to be eligible to Chair the Authority.

Proposed: Stephen Worrall

Seconded: Neil Lake

9 votes in favour

EIFCA13/42 Item 20: Progress of the Authority's Corporate communication plan

Members were advised of the steps being taken to meet the set Objectives, these included:

- *PROMOTIONAL VIDEO* : as part of being 'recognised and heard' two videos were being made, one a short promotional video to be used at shows and outreach events and a longer one for educational purposes.
- *FPV JOHN ALLEN* : Following the purchase of the new Rigid Hulled Inflatable Boat for enforcement duties it was being named after one of the two bailiffs who died in service for ESFJC 100 years ago. The naming ceremony would take place in Suffolk in September, with invitations being sent out to the Minister, all coastal MPs and other key people throughout the district including those involved in the purchase of the vessel.
- *OUTREACH EVENTS* : Also in pursuit of wider recognition EIFCA had attended events throughout the district. The stand consisted of a gazebo which has been printed with the EIFCA logo and information points about the work of the Authority. To complement this there was a large touch tank which when stocked with crabs, lobsters etc captured the attention and acted as a central attraction.

Members Agreed to note the report.

EIFCA13/43 Item 21 : Update on MMO East Inshore Marine Plan

Russell Gadbury from the MMO gave a presentation on the progress of Marine Plans within the Authority's district and the process which had been conducted to arrive at the draft East inshore and offshore Marine Plans. The final draft had been passed to Government the previous week and it was hoped it would be available for consultation at the beginning of July, this timeframe was set in order to have the plans in place by the end of 2013. .

The next steps in the process in the East were explained as:

- Attending community engagement events
- Appointing additional implementation and monitoring officers
- Planning for additional engagement activities to be delivered when plans were released for public consultation
- Continuing to review the planning process in the east and taking forward lessons learnt
- Move to adoption of East Inshore and Offshore marine plans by the end of 2013

In order to work in line with the Marine Plans Russell recommended that members become familiar with them and review the draft plans so that any comments could be submitted, and review current decision making arrangements to ensure alignment with the MPS and the draft marine plans. He advised that there were a number of publications providing information on the plans and the process available on the MMO website.

A further update would be made once the plans had been put out for consultation in July

EIFCA13/44 Item 22: Report on a new staff and member benefit

The Head of HR reported that to actively support HLO1, motivating the workforce, iknowuk had been approached to provide an EIFCA branded benefit which gave the opportunity for discounted accommodation for officers and members.

Members Agreed to note the report.

EIFCA13/45 Item 23: Area IFCOs Quarterly Reports

These items were included for information only, no matters were raised.

EIFCA13/46 Item 24: Vessels Quarterly Reports

These items were included for information only, no matters were raised.

EIFCA13/47 Item 25: Senior Research Officer Quarterly Report

This item was included for information only, no matters were raised.

EIFCA13/48 Item 26: Senior Marine Environment Officer Quarterly Report

This item was included for information only, no matters were raised.

EIFCA13/49: Item 27: Any Other Business

There were no items to be discussed.

There being no other business the meeting closed at 1320 hours.