**15th 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 30th July 2014 at 1030 hours.

**Members Present:**

Cllr Hilary Cox Chair Norfolk County Council

Cllr Tony Turner MBE JP Vice-Chair Lincolnshire County Council

Cllr Peter Byatt Suffolk County Council

Connor Donnelly Natural England representative

Cllr Richard Fairman Lincolnshire County Council

Paul Garnett MMO Appointee

Cllr Tony Goldson Suffolk County Council

Roger Handford Environment Agency representative

Neil Lake MMO Appointee

Roger Mason MMO Representative

Ceri Morgan MMO Appointee

Tom Pinborough MMO Appointee

Rob Spray MMO Appointee

Koen Vanstaen MMO Appointee

Margaret Wilkinson Norfolk County Council

Stephen Worrall MMO Appointee

**Eastern IFCA (EIFCA) Officers Present:**

Philip Haslam Chief Executive Officer (CEO)

Andrew Bakewell Head of Finance

Nichola Freer Head of HR

Julian Gregory Deputy Chief Executive Officer (DCEO)

Luke Godwin Project Officer & IFCO

Samuel Paling Mate / IFCO

Judith Stoutt Senior Marine Environment Officer

**Other Bodies Represented:**

Lesley Clarke Environment Agency

Stacey Clarke MMO

Hywel Roberts DONG Energy

Emma Thorpe Natural England

Eleanor Stone Lincolnshire Wildlife Trust

Sandra Unterhollenberg Natural England

**Minute Taker:**

Jodi Hammond

**EIFCA14/60 Item 1: Welcome by Chair**

The Chair began the meeting by welcoming all members and Eleanor Stone from the Lincolnshire Wildlife Trust. She also thanked the Officers for providing advance warning of the roadworks on the way to the meeting.

**EIFCA14/61 Item 2: Apologies for Absence**

Apologies for absence were received from: Cllr Baker (Norfolk County Council), Mr Stipetic (MMO Representative), and Messrs Barham, Bagley, Brewster and Dr Bolt (MMO Appointees).

Members considered the reasons given for not being able to attend and formally agreed to accept the apologies.

It was noted that Roger Mason would act at MMO Representative in the absence of Mr Stipetic.

**It was agreed to accept the Apologies for Absence**

**EIFCA14/62 Item 3: Declarations of Members Interest**

Mr Lake and Mr Garnett re-acknowledged the declarations of interest they had made at previous meetings relating to lay holdings and licence entitlement holders.

**EIFCA14/63 Item 4: Minutes of the 14th EIFCA Meeting, held on 4th June 2014**

It was noted the wrong date for the meeting was recorded in the minutes. **With this amendment being taken into account members agreed to sign the minutes as a true record of proceedings**.

**Proposed: Councillor Goldson**

**Seconded: Councillor Turner**

**All Agreed**

**EIFCA14/64 Item 5: Matters Arising**

14/59: ANY OTHER BUSINESS: Re Enforcement Capability

In response to the issue raised at the previous meeting the DCEO advised that the level of enforcement resource was a complex issue involving a number of factors. These included the level of resource expended on enforcement (which should be proportional), changes in the enforcement environment (regulatory framework, new vessels and ways of working) and the requirement to take into account the Hampton Principles (risk based, intelligence led and proportionate enforcement activity). Overall the objective was to create a ‘culture of compliance’ by providing advice and guidance to fishers. Staff levels and structure will continue to be reviewed periodically alongside the changing enforcement environment. This includes the move to smaller, faster vessels allowing targeted intervention. The proposed second vessel is likely to be based around the coast with crew being moved to the vessel making it a more ‘fleet of foot’ operation to get to sea. As an illustration of the ongoing review process the DCEO advised members that recent staff changes had provided an opportunity to review staffing levels. This had resulted in the creation of two new enforcement officer posts (IFCO Project Officer and IFCO/crew), which represented a net growth of one officer. Overall, the DCEO judged that resource levels were about right but said that there would continue to be periodic reviews to ensure that this remained the case.

The suggestion that a dredge cockle fishery had not been able to take place due to lack of enforcement resources was not entirely accurate, not least because this was only one element of the risk assessment with environmental and stock sustainability factors being primary considerations. It was acknowledged that the risk assessment indicated that there was a higher risk of transgression during a dredge fishery, making it a higher risk fishery, but this alone did not mean that it was impossible to agree to such a fishery.

Mr Lake felt the FPV John Allen was essentially a ‘day vessel’ and not able to police at night on a prolonged basis, which the previous enforcement vessel had been capable of, nor is the FPV John Allen capable of covering the whole area. He believed that at the present time Regulation 1 was not being enforced and questioned if this was not done when working in the Wash how could enforcement take place further out to sea when there are only ‘day vessels’ available.

The DCEO informed members that FPV John Allen could sustain at sea for reasonable periods, albeit not in excess of 24 hours, but if necessary RV Three Counties could be utilised in an enforcement role and could provide an accommodation platform in conjunction with a RIB being deployed operationally. He also advised that the closed areas had been monitored and there was no evidence found to suggest they had been fished. On the suggestion that bulk bags were being used when ‘prop washing’ he advised that the resultant damage was the primary issue and that it didn’t currently appear to be a factor. In fact it appeared that this fishery was showing less signs of damage in comparison with previous years.

The CEO added that he was disappointed at the implication that if there was no IFCO presence afloat then the fishing industry would flout the regulations. He added that if he thought this was likely to be the case there was no alternative other than to apply a precautionary principle which would lead to a limited fishery, only opened when IFCOs could be present.

Mr Lake refuted RV Three Counties ability to launch a RIB from its deck in high winds, which was countered by the DCEO who explained that RV Three Counties could be used as an accommodation vessel with FPV John Allen working alongside as an enforcement platform.

Mr Vanstaen questioned whether anything could be done to start the target led enforcement such as VMS or a permitting scheme prior to VMS becoming available. Members were informed that the MMO are currently running a project to get VMS units type approve. It was anticipated that this would be achieved by the autumn this year, when there should be a number of manufacturers with type approved units which can then be fitted to vessels in the district. The byelaw review will consider the introduction of a requirement to fit VMS units.

**EIFCA14/66 Item 6: Health & Safety**

An update on H&S issues was given by the CEO. Since the last meeting the following incidents had been recorded:

* A member of staff developed neck and shoulder pain. Following a visit to their GP it had been suggested the cause may be attributed to posture at work. Whilst this was not a definite diagnosis a precautionary stance was taken. At the present time the problem seems to have subsided.
* Whilst working in the storage unit an engineer using a rivet gun managed to attach himself to the trailer. Only very minor injury was incurred but he was unable to summon assistance immediately. He did release himself and lessons have been learnt in relation to lone working in premises.
* An ex-employee has put in a claim for incidents of damage to his eye. There does not appear to be any evidence to back-up these claims.
* The moorings at Sutton Bridge continue to be the predominant H&S issue but this is in hand and being monitored.

**Members agreed to receive the report.**

**EIFCA14/67 Item 7: Elected member appointment to sub-committees**

The CEO advised that Councillor Patience from Suffolk County Council had been replaced by Councillor Byatt, members were asked to consider whether they felt it was appropriate for Councillor Byatt to be appointed as a direct replacement on the sub-committees which Councillor Patience had been part of.

**It was Resolved that Councillor Byatt should fill the vacancies on the Finance and Personnel and Regulatory & Compliance sub-committees. The CEO would amend and re-publish the revised sub-committee structure.**

**Proposed: Councillor Goldson**

**Seconded: Mr Pinborough**

**All Agreed**

**EIFCA14/68 Item 8: Parliamentary report into IFCA operations and conduct**

Members were reminded that the purpose of the parliamentary report would be written to explain how IFCAs work and whether there were areas which needed improvement. The deadline for making comment on the consultation was two days after this meeting and members were encouraged to take the time to go through the consultation. Councillor Goldson suggested members should note in their consultation response that the continuation of New Burden Funding was necessary for IFCAs to remain sustainable.

**EIFCA14/69 Item 9: Meeting of the Finance & Personal Sub-Committee held 25 June 2014**

The report gave a brief synopsis of discussion which had taken place during the meeting. Highlighted points included:

* RECRUITMENT – following the departure of three members of staff the staff structure had been reviewed and the decision taken not to replace with like for like but to address the areas where more effort was required. Initial recruitment had resulted in two internal candidates filling newly opened gaps, subsequently external advertising had resulted in the appointment of an IFCO and a MEO – Data Lead. It was anticipated that by October EFICA would have a full complement of staff.
* MOORINGS – The proposed marina project at Sutton Bridge seemed to have gathered more momentum as the issues regarding ownership of the foreshore etc had been resolved. With construction due to start in the new year the sub-committee had agreed to capital expenditure of about £150,000 in return for reduced rent for an agreed length of time. The terms of the agreement are still to be negotiated but exit clauses would be built into the agreement with final approval being sought from the sub-committee. Councillor Byatt questioned whether new pontoons would be locally sourced the DCEO advised that his was something EIFCA had no control over as their involvement was only as an end user providing capital injection.
* RUNNER – the RIB, which had previously been carried on-board RV Three Counties, was deemed to have reached a condition where it was beyond economic repair and the sub-committee had made the decision to donate it to a charitable cause. It was to be handed to the Boston Sea Cadets. Ceri Morgan thanked the Authority on behalf of the Sea Cadets and advised the vessel would be a useful tool for those working on engineering or DofE qualifications.
* ACCOUNTS – End of year accounts for 2013/2014 were approved by the sub-committee, the final approval from Mazaars was still awaited.
* OFFICE ACOMMODATION – having reached the conclusion that the current office site is no longer fit for purpose the sub-committee had agreed to the CEO sourcing alternative office space. Subsequently a 2000ft space, at competitive rent with potential for savings of 50% on utility bills and 80% on service charges had been secured. The current lease still had a period to run so the worst case scenario would be payment of the outstanding lease with no sub-let available to offset the payment. The CEO hoped to have moved to the new office before Christmas but advised there were a lot of moving parts and the project would not be rushed. It was noted the length of agreement would be for 10 years with a 5 year get out clause. The rent for the current premises is in excess of £17/square foot and it is not possible to negotiate a reduction within the terms of our contract. The CEO advised that in the long term the move would prove to be cost neutral for the public purse. It was however, noted that the CEO reserved the right at the next sub-committee to meeting to say that he had not completed the signing of the lease if it came about that the package did not hold up to scrutiny or alternative suitable accommodation at better rates became available.

Members Agreed to note the report.

**EIFCA14/70 Item 10: Payments made and monies received during the period 1st April – 9th July 2014**

Members were provided with an overview of where money had been spent during this period and funds received. It appeared that income from levies for the year was not as anticipated, however, this was due to the fact that two of the County Councils had paid their levy before the end of the previous financial year.

**Members Resolved to approve payments of £316,709 and receipts of £470,445 during the period 1st April – 9th July 2014.**

**Proposed: Ceri Morgan**

**Seconded: Stephen Worrall**

**All Agreed**

**EIFCA14/71 Item 11: Quarterly Management Accounts**

The accounts gave members a summary of actual expenditure compared to budget. It was noted the salary expenditure was lower than budgeted, which was a direct result of not having a full complement of staff. There was income of £14,000 which was a payment from Defra to offset against equipment bought during the previous financial year.

Expenditure on FPV John Allen was higher than budget which was due to having bought spare outdrives, which are recognised to be the most vulnerable part of the drivetrain. The intention is that in the event of a breakdown a new outdrive can be fitted to enable the vessel to remain operational whilst the broken part is repaired.

The CEO advised expenditure on the mobile office trailer had been worthwhile, the trailer had been taken out the previous week and had proved simple to erect and a focal point which had drawn in members of the public to ask questions about the work of EIFCA. The trailer would be out in the district once a fortnight and members were ask to let the CEO know if there was somewhere they felt the trailers presence may be beneficial to raising awareness of the IFCA.

**Members Resolved to formally note the Quarterly Management Accounts.**

**Proposed: Councillor Turner**

**Seconded: Stephen Worrall**

**All Agreed**

**EIFCA14/72 Annual Report**

Under the MaCAA the Authority have an obligation to provide an annual report to Defra. This had been compiled and circulated to members for approval.

**Members Resolved to approve the Annual Report for the financial year 2013-2014 and direct the CEO to publish the report and distribute it to Defra.**

**Proposed: Councillor Goldson**

**Seconded: Tom Pinborough**

**All Agreed**

**EIFCA14/73 RSA Strategy**

As a result of direction given at the January meeting the Strategy had been compiled, with the help of Mr Pinborough and in consultation with the RSA community. In order to be successful the strategy would need to be a joint endeavour between sea anglers, local councils and EIFCA. EIFCA’s role would be to enforce the regulations, but the wider implication is for the community to capitalise on what could be a relatively significant income stream for the district.

Members discussed the strategy and its implications. It was noted there were several areas in the district where facilities for anglers had been shut down or change of use now prevented angling taking place. In particular it was noted the closure of South Pier in Lowestoft had displaced a lot of anglers, and Councillor Goldson requested the CEO attend a meeting of Waveney District Council to provide a presentation on the benefits of angling. The CEO advised he had written to all the leisure portfolio holders in the district offering to provide details of the financial, and health and well-being issues attached to recreational sea angling, but had received no responses.

Mr Pinborough added it was important to cater for children, youths and the elderly or less able bodied with accessible sites being made available.

The possibilities of a permitting scheme were also discussed, Councillor Turner felt that if a small annual fee were charged with the proviso that any signs of a permit holder not fishing responsibly would result in the permit being removed may help to promote good practice. However, whilst Mr Pinborough could see the benefits of a permit scheme he felt it would need to be fully evaluated and anglers would want to see the product they were getting for their money.

**Members Resolved to Approve the Recreational Sea Angling Strategy.**

**Proposed: Councillor Goldson**

**Seconded: Councillor Fairman**

**All Agreed**

**EIFCA14/74 Lay review and application process update**

LAY APPLICATIONS **-**Members were advised that the 9 applications for lays which had been received prior to the moratorium on lays were now being processed. Biotope information had been gathered which would be used to inform the Habitats Regulations Assessment. Local fishermen’s authorities and adjacent lay holders had also been consulted. It was anticipated all the relevant information would be available for the lay applications to be considered at a meeting of the sub-committee in October.

LAYS IN EXCESS OF 10 HECTARES – Under the WFO EIFCA can grant lays to a person up to 10h in size without ministerial consent. There have been occasions in the past where it has been necessary to seek ministerial consent for lays over 10h and this has been granted. Unfortunately the emerging issue which has been identified is the definition of ‘one person’. The WFO states that the following shall be treated as one person:

1. Any two or more persons carrying on a business of shellfish cultivation in partnership,
2. The person having control of a company and all the companies controlled by that person,
3. Spouses,
4. Parents and children.

Using this definition it seems there are 27 lays which are potentially in excess of 10 hectares. Having taken legal advice it seems the only option for EIFCA is to retrospectively seek consent for these lays.

Mr Garnett queried how much in excess of 10 hectares these aggregated lays would be, it was believed some would be 2 hectares whilst others were 20-30 hectares. Mr Garnett was concerned that by allowing lays greatly in excess of 10 hectares it may create a monopoly of the lay grounds, he wanted to be sure it was not setting a precedent.

Mr Lake added that in the past it had not been an issue for family members to apply for individual lays provided they could prove they were separate entities for separate businesses. He also questioned how much weight was given to comments made when consulting with fishing associations as he was concerned responses could be biased where prejudice existed. The CEO acknowledged that information from all responses would be provided to the MPA sub-committee for consideration but any sign of vexatious comments would be highlighted. The MPA sub-committee will be the decision makers.

**Members Resolved to note the update made in processing lay applications, and the report on the 10 hectare issue. The CEO was directed to undertake a retrospective application to the Minister for extant leases thought to be in contravention of the Order.**

**Proposed: Ceri Morgan**

**Seconded: Councillor Fairman**

**All Agreed**

**EIFCA14/75 Item 15: Fisheries Management in European Marine Sites progress reports**

The report gave an update on key priorities and progress made to date.

The Protected Areas Byelaw had been in place since May 2014. As this is a flexible byelaw Defra have asked EIFCA to assess the level of ‘common right holders’ activity in the district. In addition to this a request has been made for a flow-chart depicting the process for reviewing Regulatory Notices, the first 4 of which have to be reviewed within 2 years. Defra have asked that there be an agreed process to set out how reviews will be carried out.

The remaining amber and green risk features had been considered with the highest risks within them being identified. Research into these is broken into three strands of evidence:

* Fishing activity – location/effort
* Features – what/where/extent
* Fishing impacts – impacts on habitat and/or species

A recent review into the number of interactions which need to be assessed has been completed. All these will be assessed over the next 18 months, the results of which will inform the management strategies.

Councillor Goldson questioned whether officers were aware of the potential development of a new floating harbour at Sizewell and whether it required any form of assessment. The Senior Marine Environment Officer advised that any new plan or project would need to go through an assessment process and that Eastern IFCA would be consulted.

Mr Morgan questioned whether the Boulder & Cobble areas highlighted in the Protected Areas Byelaw had been reassessed to see if the feature had reduced at all. Members were advised that sidescan surveys had been carried out over the last two weeks, but the results were yet to be assessed.

**Members Agreed to note the report and that work be undertaken on an operational process and impact assessment to be reported on at the meeting in October 2014.**

**EIFCA14/76 Item 16: Anglian Sea Trout Fishery Net Limitation Order Renewal**

Mr Handford (EA) gave a presentation on renewal of the order which regulates the Salmon and Sea Trout fishery within the IFCA district, which requires some joint regulation. Although the NLO is a reducing order which means the number of available licences decreases over time there are still concerns about the dwindling stock levels. This may result in introduction of measures to further reduce the level of effort being placed on the fishery by net fishing through such measures as closed seasons for the fishery. Alternatively it may be that the decision is taken to do nothing or have a complete ban on fishing. Consultation for the review is taking place on a formal basis in conjunction with interested parties such as fishermen, Defra, Cefas and NE, the deadline for the review being 2015.

Councillor Goldson questioned what was going to be done to prevent the damage to the stocks by net fishing, as he regularly fishes in Scotland and the reducing stock is quite apparent there. Mr Handford advised that it is a far more contentious issue in Scotland and he suspected there would probably be a total ban on net fishing in place in Scotland far sooner than there would be in this district.

Mr Spray questioned why a total ban had not already been instigated in view of the obviously dwindling stocks, Mr Handford responded that he did not believe it had yet reached a level where extinction was being considered, and it was important to balance all elements of fishing requirements.

**EIFCA14/77 Item 17: Marine Planning**

Stacey Clarke from the MMO gave an update on the Marine Plans which came into effect in the district in April 2014.

Emphasis was made to ensure that any activity which may affect a marine area must give consideration to the Marine Plans, even if the activity is not based in a marine area.

Referring to issues relevant to EIFCA Stacy referred to the marina facility as Sutton Bridge which was discussed earlier in the meeting and advised that this, like all new proposals for change of use should take account of the Plans.

The CEO questioned whether existing licences due for renewal would also have to take account of the Marine Plans, the response was that yes any due for review, renewal or change of plan would need to conform with the Marine Plans. Even byelaws and permitting schemes will have to take the Plans into account.

Members were advised that the Plans were due for review after 3 years, if there were any aspects of the Plans which members did not consider were working these should be highlighted to the MMO prior to the review taking place.

**EIFCA14/78 Item 18: Race Bank Offshore Wind Development**

Hywell Roberts of DONG Energy gave a presentation on the work being carried out by Dong Energy on the Windfarm based in the Wash. He gave a resume on the work of DONG Energy before providing specific details on the Race Bank windfarm. In an attempt to ensure smooth interaction between developers and the fishing industry a Race Bank Commercial Fisheries Working Group had been established, which the CEO had agreed to Chair. Part of the work of this group had been to establish 5 principles of co-existence which if applied should ensure a smooth working relationship.

Having listened to the presentation Councillor Goldson expressed concern that EIFCA are having to spend time assessing EMS areas whilst DONG Energy are putting cable routes through important crab and lobster spawning grounds he requested a member of the MMO be invited to come to a meeting and explain the logic behind this and the likely long term affect it will have on the fisheries. He felt it was worth noting compensation paid to fishermen now would not pay for long term sustainability of the seas.

*At this point the meeting stopped for a lunch break. (1315-1350 hrs)*

**EIFCA14/79 Item 19: Boston Barrier Scheme**

Lesley Clarke (EA) advised members that the Boston Combined Strategy 2008 was to manage tidal flood risk and regenerate the waterways of Boston. This was being done in 5 phases the third of which was the Boston Tidal Barrier. The purpose of the barrier is primarily to reduce the flood risk and secondly to manage water levels in the river. The anticipated start for the project is autumn 2017 with the deadline for completion of the barrier being Dec 2019. Explanation was provided for why the barrier was being placed upstream of the port, it was also noted that the barrier would have no effect on the use of the port by commercial fishing vessels.

**EIFCA14/80 Item 20: Quarterly Progress against Annual Plans**

Nine priorities had been highlighted for the year and the CEO was pleased to report they all appeared to be on track. The mussel bed regeneration project was underway with the cockle shell having been laid in the fishery and early indications were that it had remained in place. This together with the RSA strategy being finalised meant that two of the nine priorities had been completed.

Members agreed to accept the report.

**EIFCA14/81 HR Update**

The key update was that following the successful recruitment exercises, EIFCA will be at full complement in terms of head count.

Members agreed to accept the report.

**EIFCA14/82 Marine Protection Quarterly Report**

This report was provided as a matter of information, however the HoMP did highlight the increased level of effort being directed at the whelk fishery, which was attracting vessels from outside the district. This situation would continue to be monitored and if necessary it may be necessary to introduce an emergency byelaw.

Mr Pinborough commented on the level of landings being recorded for the bass fishery, he noted that during the same period in 2011 landings of 5.4t were recorded compared to 24.44t this year, which is in contrast to the recruitment levels which are declining. Mr Spray supported this observation and advised that the minimum landing size for bass was below the spawning size which does not make for a sustainable fishery. The CEO advised that Defra were working on bass management. They had advised there was no point in IFCAs nibbling at the edge of the issue when the French were ‘hoovering up’ large numbers of bass further out to sea. However the Chief Officers Group had asked AIFCA to approach Defra and ask for action to be taken. In any event the CEO felt the time had perhaps come for action to be taken at a local level.

The Chair observed that the quality of information contained within the reports was excellent and asked that the relevant officers be thanked for their contribution. The DCEO agreed to pass this on.

Members Agreed to accept the report.

**EIFCA14/83 Senior Research Officer Quarterly Report**

Provided for information purposes members agreed to accept the report.

**EIFCA14/84 Senior Marine Environment Officer Quarterly Report**

Provided for information purposes members agreed to accept the report.

**EIFCA14/85 Any Other Business**

Mr Spray advised that he had received an email advising that all MMO appointees were having their posts extended whilst a decision was made on how best to manage membership on IFCAs. The CEO advised the last he had heard was that all MMO appointee membership had been rolled over for 6 months until April 2015 at which point they would be asked if the wished to continue, in which case their continued membership would be subject to an appraisal.

There being no other business the meeting closed at 1430 hours.