



23rd EIFCA Statutory Meeting

To be held at:

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

**Wednesday
27 April 2016**

1030 hours

Meeting: 23rd Eastern IFCA Meeting
Date: 27 April 2016
Time: 10:30hrs
Venue: The Boathouse Business Centre,
1 Harbour Square, Nene Parade,
Wisbech, Cambridgeshire, PE13 3BH



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

Revised Agenda

- 1 Welcome - *Clerk*
- 2 Election of Chair of the Authority – *Clerk*
- 3 To accept apologies for absence - *Chair*
- 4 Declaration of Members' interests – *Chair*
- 5 Election of Vice-Chair of the Authority - *Chair*

Action items

- 6 To receive and approve as a true record, minutes of the 22nd Eastern IFCA Meeting, held on 29 January 2015 - *Chair*
- 7 Matters arising (including actions from last meeting) – *Chair/CEO*
- 8 To receive a report to consider Health and Safety risks and mitigation – *Hd HR*
- 9 MMO appointee appraisal process – *A/CEO*
- 10 Review of the Eastern IFCA Constitution – *A/CEO*
- 11 WFO 1992 Cockle Fishery 2016 – *A/CEO*
- 12 Wash MPA management (Shrimp Fishery) – *A/CEO/Project Officer*
- 13 Shrimp Byelaw 2016 – *Staff Officer*
- 14 To consider the Marine Protected Areas Byelaw 2016 – *Staff Officer*
- 15 To receive a report on a meeting of the Planning and Communications Sub-Committee held on 24 February 2016 - *A/CEO*
- 16 To receive and approve the Finance Officer's report on payments made and monies received during the period 1st January 2015 – 31st March 2016 – *Hd Fin*
- 17 To receive and note the Finance Officer's Quarterly Management Accounts - *Hd Fin*
- 18 Report on payment of Expenses to MMO Appointees – *Hd Fin*
- 19 Le Strange Private Fishery – *A/CEO*

Information items

- 20 Defra Marine Review (verbal update) – *A/CEO*
- 21 MMO/IFCA collaboration (verbal update) – *A/CEO*
- 22 Quarterly progress against Annual Plan priorities – *A/CEO*
- 23 HR update – *Hd HR*
- 24 Marine Protection Quarterly reports – *Senior IFCOs*
- 25 Senior Research Officer and Senior Marine Environment Officer quarterly reports

Any other business

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

J. Gregory
A/Chief Executive Officer
19 April 2016

22nd Eastern IFCA Meeting

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



A Meeting of the Eastern IFCA took place at The Boathouse Business Centre, Wisbech, Cambs, on 27th January 2016 at 1030 hours.

Members Present:

Cllr Tony Goldson	Chair	Suffolk County Council
Shane Bagley		MMO Appointee
Stephen Bolt		MMO Appointee
Roy Brewster		MMO Appointee
Cllr Peter Byatt		Suffolk County Council
Connor Donnelly		Natural England Representative
Cllr Richard Fairman		Lincolnshire County Council
Paul Garnett		MMO Appointee
Ian Hirst		Environment Agency Representative
Tom Pinborough		MMO Appointee
Keith Shaul		MMO Appointee
Rob Spray		MMO Appointee
John Stipetic		MMO Representative
Cllr Tony Turner MBE JP		Lincolnshire County Council
Cllr Margaret Wilkinson		Norfolk County Council
Stephen Worrall		MMO Appointee
Stephen Williamson		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance
Jason Byrne	IFCO
Nichola Freer	Head of HR
Julian Gregory	Acting Chief Executive Officer (ACEO)
Ron Jessop	Senior Research Officer
Simon Lee	Senior IFCO - Compliance
Judith Stoutt	Senior Marine Environment Officer
Stephen Thompson	Research Officer

Minute Taker:

Jodi Hammond

EIFCA16/01 Item 1: Welcome by Chair

The Chair welcomed members to the meeting and congratulated Mr Spray on his recent television appearance.

EIFCA16/02 Item 2: Apologies for Absence

Apologies for absence were received from: Messrs Davies & Morgan (MMO Appointees) and Cllrs Baker and Cox (Norfolk CC)

EIFCA16/03 Item 3: Declarations of Members Interest

There were no declarations of interest to record, which had not already been registered with the Clerk.

EIFCA16/04 Item 4: Minute of the 21st Eastern IFCA Meeting, held on 28th October 2015

Members considered the minutes and requested minor amendments which were agreed to, following which they acknowledged the minutes were an accurate record of the discussions which had taken place during the meeting.

Members Resolved to sign the minutes as a true record of the meeting.

Proposed: Cllr Fairman

Seconded: Dr Bolt

All Agreed

EIFCA16/05 Item 5: Matters Arising

EIFCA15/82: WASH COCKLE FISHERY: The ACEO advised members that as a result of the incursion into the closed cockle beds Fixed Admin Penalties had been issued to 19 vessels. The majority of these had been paid with a few vessels having opted to go to court.

EIFCA16/06 Item 6: Health & Safety Risks and Mitigation

Since the last meeting there had been one incident which involved an IFCO who was dealing with an incident on the beach when the person in question displayed aggressive behaviour and drove off at such speed that the IFCO was showered in shingle. This incident had been recorded as a near miss. The incident was continuing to be dealt with by the MMO as it was a joint working operation.

All other risks remained as previously reported. One new risk had been identified as a result of the two incidents the previous summer. A gap in the risk assessments had been identified and steps were being taken to rectify this with the help of Norfolk County Council H&S Officer.

Members agreed to note the report.

EIFCA16/07 Item 7: IFCA and MMO Collaboration Update

Members were reminded that agreement had previously been given to sign up to the collaboration programme with the MMO. The first Programme Board meeting had since taken place to ensure the agreed work streams came to fruition. In summary it was agreed to:

Immediate cash savings – not spend any more time considering this as it would be a longer term plan

Accommodation sharing – AIFCA would work with the MMO to explore accommodation sharing to improve workspace and reduce costs. EIFCA had an agreement in principle to share office space with the MMO at Lowestoft.

Enhanced operation joint working and co-operation – It was agreed in principle that IFCA/MMO would be cross warranted to enforce all legislation. All officers would be put through the same training programme.

Intelligence – Following a successful pilot scheme it was agreed to roll out a national programme as soon as possible, which would provide joined up intelligence systems.

Enforcement systems upgrade – this was considered to be a longer term initiative which would require funding to get off the ground.

Training – Agreement in principle was reached that all MMO/IFCOs would take part in an accredited training programme.

Miscellaneous – the MMO had secured a budget of £30k to get the work streams moving, it was hoped IFCA would be able to match this funding. Dr Bolt advised that AIFCA had some funds set aside for IVMS which could be used for match funding, or training, Defra had agreed for the money to be used in this way.

Mr Pinborough questioned whether there was any progress on harmonising data collection for the under 10m fleet to avoid the discrepancy between IFCA and MMO figures, he was particularly concerned by the huge hole in fin fish data. The ACEO advised this was not anticipated in the near future, he had attended a workshop which was looking into potential growth in satellite systems and how they could be used together with other data sources for MPAs etc. The ACEO advised that he had expressed his concerns and had emphasised the importance of catch data measures. Mr Garnett urged caution with regard to putting too much emphasis into technology as sometimes feet on the ground were more effective.

Mr Williamson expressed concern that whilst the training/enhanced operations were worthwhile, there may not be enough fishermen left to warrant it.

Having read the report Cllr Turner requested that in future all reports could be written in 'plain English'. He gave examples of where he felt the report was poorly written and also advised it would be more beneficial to have a summary on one A4 page with additional information available if members required it.

Members Agreed to note the report.

At this point as the ACEO prepared to set up a presentation for the following agenda item the Chairman advised members that the CEO would be extending his secondment to the MMO for a further 12 months. It was questioned whether the MMO intended to keep the CEO after the additional 12 month period, the Chair advised that although he had been advised this was not the case no one could foresee what would happen in a year's time.

The Executive team would be taking on additional work and a 'Staff Officer' would be appointed to support the ACEO. The ACEO advised that the CEO would not be taking an active role in Eastern IFCA to avoid any confusion for staff and stakeholders. He would, though, be available for support and advice to the ACEO if required and the ACEO would keep him apprised of developments. The CEO would provide operational oversight when the ACEO is on leave and they will seek to co-ordinate their Annual Leave where possible. Dr Bolt queried whether this had been formalised as he felt that with the CEO not actually working for the IFCA whilst on secondment there may be issues with him providing advice, in the

absence of the ACEO, in the event of an incident. Mr Pinborough suggested there may need to be a legal consultancy type of agreement. It was agreed this would be investigated and a paper would be prepared as an action item for the next meeting. It was anticipated the CEO would be 'hot desking' in the EIFCA office a few days/month in line with the joint working policy with the MMO.

EIFCA16/08 Item 8: Update from Regulation and Compliance sub-committee

The ACEO advised members a presentation had been prepared to ensure members were aware of what was going on with regard to the Plan of Works, the Byelaw review, Whelk management, and shrimp management.

Plan of Works: members were provided with the matrix defining the plan of works and anticipated deadlines. It was noted the Whelk and Permitting byelaws were a high priority due to the time constraints. The Protected areas byelaw was almost complete with just the need to add the new protected area to it.

The ACEO advised the Plan of works was substantial and that Officers were at full capacity but it was all being dealt with.

Byelaws: Members were advised that a house keeping exercise had been carried out on the existing byelaws to see which ones remained relevant. Most of those inherited from NEIFCA were considered to be redundant so a new byelaw would be put in place to revoke those and extend EIFCA byelaws to cover the whole of the district. The formal consultation phase for this process had been concluded and no objections had been received.

Following on from the emergency whelk byelaw Officers had been working on a permanent byelaw which would replicate the temporary byelaw as well as introducing a new mechanism for information gathering, it was anticipated this would be agreed at the next Regulation & Compliance sub-committee. Formal consultation had revealed a mixed view on the maximum number of pots which should be permitted, but all concerns would be given due consideration.

The Permitting byelaw would introduce a flexible mechanism to allow measures to be put in place to protect stocks or less stringent measures to be followed if the situation permitted. It was intended that in future there would be a single permit in place which could be endorsed for a variety of species as applicable. Formal consultation for this had revealed concerns about possible limitations under a permitting byelaw, all of which would be considered. The ACEO also advised the intention was not to introduce a tradable commodity; the intention was to maintain sustainable fisheries.

Cllr Turner questioned whether the Crown Estates had been involved in the byelaw review as he recollected in the past there had been issues with the Le Strange Estates. The ACEO advised it was in the work plan to consider private fisheries and byelaw application. Mr Donnelly advised that NE had been in discussion with Le Strange Estate to agree to sustainable management for quite some time and negotiations were progressing.

Mr Bagley questioned whether there had been any advance in the boundary lines for the private fishery, to which the ACEO advised a court decision was being awaited. He advised that if there was a feature which

required protection on the boundary line then under MaCAA the IFCA could protect it. Mr Donnelly reiterated that an Environmental Impact for that corner of the Wash was being looked into, it was anticipated it would put in place a measure to ensure low risk which would be in line with IFCA management measures already in place.

Referring to the work plan Mr Garnett felt there was a lot of work being undertaken in the period up to May and a lot of consultations would require consideration, he was concerned this may be too much for the industry to take on-board in such a short timeframe. The ACEO acknowledged this and advised the timescales were outside his influence.

Shrimp Management: The SMEO advised the shrimp management measures had a deadline for completion of December 2016.

Investigations had revealed shrimp fishing had an impact on sub-tidal habitats which necessitated measures being put in place. Throughout this process stakeholders were being liaised with to keep them informed of the decision making process and the closed areas being drawn up.

It was questioned whether closed seasons had been considered, rather than closed areas. It was acknowledged that this had been considered. A suite of 7 options had been considered by the sub-committee who had reached the conclusion that the option of closing areas within the WNNCSAC with water depths below 10m would be the best solution, further advice had suggested this may not be the best solution. Officers had considered potential closed area which would keep the area most important to the shrimp fishery open. Consideration had also been given to use of specific gear types, however there was insufficient evidence available to support the theory that certain gear would not be harmful to the fishery, therefore caution needed to be taken where there was uncertainty. However, it was anticipated gear trials would take place in the future.

To sum up the ACEO advised that all work streams were on track to meet the deadlines and whilst it was a lot of management measures to put in place for the industry to adhere to the IFCA were trying to ensure a balanced approach was being taken. Mr Pinborough questioned whether there was any flexibility in the work stream, to which the ACEO advised there was very little room for flexibility but that officers are very adaptive and responsive, however sometimes there is no option but to say no.

Mr Garnett advised there was concern about the suggested closed areas right across the shrimp grounds, there was already no available mussel fishery meaning opportunities were limited to shrimp and cockle and with so many suggested closed areas there was concern the shrimp fishery would become unviable. Mr Brewster questioned whether it was the shrimp or the ground which was being protected. The ACEO advised it was the ground, which left Mr Brewster to question whether this meant in future every fishery could be closed as they could all be deemed to damage the ground. The SMEO advised that assessments take into account the level of interaction between gear and the ground. Mr Brewster questioned where the additional damage was coming from as the grounds had been trawled for over 200 years. He also advised that since the NetGain project, when the industry had been advised any information they provided would not be used to close the fishing areas, which had not been the case, it was very difficult for the industry to provide information relating to fishing areas when it would potentially put

them out of business. The ACEO appealed for industry members to work with officers and advised that not providing the information may be counterproductive inasmuch as any closures may not account for industry preferences. Ultimately, management measures had to be put in place, and the timescales were out of his control as duties had to be met.

Dr Bolt supported this sentiment by advising that IFCA are trying to balance precautionary and proportionate, working carefully to get the balance right within the deadlines which had been set.

Mr Pinborough was concerned there may be insufficient consultation responses, and a more detailed evidence driven response would be better for the decision making process. Mr Garnett advised that industry members he had spoken to were wary of giving evidence which would affect their livelihoods. Mr Williamson acknowledged IFCA were being tasked with this process but he felt it was pitting the IFCA against fishermen, and whilst each project only seems to take a little area when these were all added up it was a massive closure, he questioned when enough would be enough, could the IFCA go to the government and ask them to stop squeezing out the fishermen and if not could the government pay them out rather than forcing backroom decommissioning.

Members discussed in detail the need to protect soft sediments and how this would affect fishermen, docks etc and how windfarms were able to be built on sabellaria sites or cable routes could cut across closed areas. It was noted the intention was to achieve well managed fisheries and a Maximum Sustainable Yield by 2020, to ensure better protection and management for the benefit of others.

The Chairman accepted the Authority had a role to play but he felt there comes a point where it needs to be said that enough is enough and he felt AIFCA could be asked to say this. As the process could be delayed until the April statutory meeting it was the Chairman believed there was time to get in touch with Defra. He suggested the industry, IFCA and the Councillors should write to Defra as there was more chance of being listened to. The ACEO suggested that given the level of concern about potential management measures in the shrimp fishery it might be better dealt with by the full Authority as opposed to the Regulation and Compliance sub-committee.

Members Agreed to note

- **the agreed plan of works regarding Eastern IFCA Regulations;**
- **the decision to put the Eastern IFCA Application and Exemptions Byelaw to formal consultation;**
- **the decision to put the Eastern IFCA Permitting Byelaw and Whelk Byelaw to formal consultation**

Members Resolved to note the direction of travel regarding shrimp management but requested that it be dealt with by the full Authority, with an update at the Statutory Meeting in April for further discussion

Proposed: Chairman

Seconded: Mr Pinborough

All Agreed

EIFCA16/09 Item 9: Meetings of the Finance & Personnel sub-committee held on 14th January 2016

The Head of finance advised that decisions had been taken to put in place decision making mechanisms to ensure appropriate decisions could be taken at appropriate times. The structure of the enforcement team had also been reviewed in line with the resignation of an enforcement officer.

A verbal update was provided to members to update them on the progress of the accommodation project, it was anticipated the project would be complete in the next few weeks. With regard to the ICT project there was a timeframe in place for the ICT provision to be taken over by KLWN Borough Council, this whole process had proved to be more complicated than was first anticipated.

Members Agreed to note the report

EIFCA16/10 Item 10: Provisional budget for 2016/2017 and to note the provisional forecast for 2017/20

The Head of Finance advised that the figures provided in the paper included the CEO in the normal structure, his extended secondment should yield some savings in the coming year, which would be put to good use.

Dr Bolt advised members that New Burden funding had been committed to 2010 which he considered to be a massive endorsement to the IFCA structure.

Cllr Byatt questioned whether the Authorities vessels have a sale value, the Head of Finance advised the Officers always seek to get best value.

Members Resolved to Approve the Provisional Estimates for the period 1st April 2016 to 31st March 2017, and to note the Provisional Forecast of Estimates for the period 1st April 2017 to 31st March 2020.

Proposed: Dr Bolt

Seconded: Mr Worrall

All Agreed

EIFCA16/11 Item 11: Payments made and monies received during the period October 2015 to January 2016

Members were advised that amongst the expenditure was £82k which was part payment for the purchase of the new enforcement vessel. The majority of money received was due to reclaiming VAT.

Cllr Turner questioned what the legal expenditure had been related to, and was advised this was for a 'one off' byelaw consultation.

Members agreed to receive the report.

EIFCA16/12 Item 12: Quarterly Management Accounts

Members were advised that at the $\frac{3}{4}$ point of the year expenditure appeared to be below budget, however whilst this was partially due to savings in salaries it was also because large expenditure such as the refit of *RV Three Counties* was still to take place.

The Head of Finance did anticipate ending the year with a small amount of savings which he would suggest should be allocated to reserves. Mr Garnett noted that the training budget appeared to be constantly underspent and suggested that perhaps more training should take place. The Head of Finance advised there was some planned training which would likely take place in the fourth quarter.

Members Agreed to note the report.

EFICA16/13 Item 13: Mussel Fishery 2016

The Senior Research Officer gave a presentation of the mussel surveys carried out in October. All known intertidal beds were surveyed, which covered 20 areas.

The main results of these surveys were highlighted for members benefit.

In 2009 results had reached a good position but since then regular die off of fairly young mussel was affecting the management of the fishery. Stock levels at this time were below the target for both total stock and adult stock. There was a gradual increase due to older stock growing in size, however there was no significant juvenile recruitment so once the older stock dies off it was likely there would be real problems as already the declining areas were outweighing the increasing stock. The exception to the pattern being noted throughout most of the beds was Herring Hill where the mussels grow more slowly and seem to live for longer.

There was also improvement on Scotsman's Sled where there had been some growth and the bed had increased in size due to settlement. It was not adding much to the biomass but it was hoped with more growth this bed would re-establish.

Survey results showed total stock of 9,376t and 5,147t adult stock, when considering the opening of a mussel fishery the conservation levels to be met are 12,000t total stock and 7,000t adult stock. There are occasions when it is possible to open a fishery when the stocks are slightly below these levels if it can be demonstrated there is a likelihood the stock levels will bounce back due to good spatfall. It was not anticipated this would happen in the foreseeable future therefore it was not possible to recommend an intertidal mussel fishery this year for either harvestable adults or seed relaying.

The exception to this would be the Welland Bank, this fishery grows on rock which cannot be dredged and the bed seemed fairly well self-sustaining so it was felt this fishery could continue.

The SRO updated members of progress of the Mussel Regeneration Project.

It had been identified that mussels prefer to settle on a hard surface, with a raised matrix of mussel and byssal thread being ideal for recruitment, consequently a cultch of cockle shell had been tried on a trial basis. 6 small areas made up the experiment, 3 with shell and 3 without to act as a control to compare the results to. It was noted the shell had sunk quite dramatically however they had attracted some mussel although mostly it was larger mussel which had rolled there rather than spat fall. As there had not been much spat settlement throughout the whole area it was felt it was an unclear result. A further years' growth in the area had shown areas of very small mussel which was an encouraging sign that this could be a successful method of regenerating the mussel fishery.

A decision had been made to repeat the experiment on a larger scale however it was not until now that two suitable sites had been identified. It was anticipated that shell would be put down in varying densities to see if there could be a longer term solution to sustain these beds.

CLlr Turner questioned if there was any known reason for the decline in mussel stocks. The SRO advised that since 2010 there had been big die offs which were thought to be due to a parasite in the mussels, normally this would reduce the meat yield rather than kill off the stock but the number of parasites in each mussel was proving to be too great for the mussel to survive. Members were advised that it was very difficult to control disease in the marine environment it is just hoped that over time the mussel will build up an immunity to the disease.

CLlr Fairman queried whether, as mussels like hard ground, there was any likelihood the lack of recruitment was due to beach regeneration in the area. The SRO advised that mussels do produce their own mud but it was possible the regeneration could be having an effect.

Mr Williamson advised that if EIFCA mark out the areas to be stocked he would be happy to put cockle shell in the area free of charge.

Mr Garnett queried whether it was possible for someone to investigate the reason for the die off in the mussels as it had been going on for several years. The SRO advised that Cefas had carried out experiments on samples but once they discovered mytilicola they stopped looking for anything further as they faced financial cutbacks. In order to carry out such an investigation on a large scale would be costly and was not something which could be done by EIFCA officers. Members discussed various possibilities for funding streams or ways to achieve such a project, or whether the mussels could be modified to become resistant to the disease. Genetically modifying was not thought to be an idea which should be encouraged, however, Dr Bolt thought it might be possible to attract a PHD student to carry out a project of this nature, he would make some enquiries.

Mussel Fishery **Members Agreed to:**

- **Note the results of the 2015 autumn surveys described in the report**
- **Note that the survey results show the total mussel biomass and the adult mussel biomass are both below the SSI Conservation Objective targets**
- **Note that at these levels the current mussel stocks do not provide a buffer above Conservation Objective targets with which to operate fisheries or absorb natural die-offs**
- **Note that the majority of the beds are in a state of continued decline and are in poor condition**
- **Note that the survey results show there has been a poor settlement this year that will delay future recovery.**
- **Agree that there are insufficient mussel stocks on the intertidal beds to support either a harvestable fishery or a seed mussel relaying fishery without having an adverse impact on the sustainability of the stocks and the favourable SSSI condition of the site.**

Proposed: Dr Bolt

Seconded: Mr Pinborough

All Agreed

Mussel Regeneration Project **Members Agreed to:**

- **Note that the Authority conducted a research project during 2014 to explore methods that could help to regenerate the inter-tidal mussel beds**
- **Note that although after the first six-months this project had only had a moderate success at attracting mussels to the experimental areas, significantly more seed had been attracted to the site during 2015**
- **Note that the members gave approval in January 2015 for the project to be continued during 2015 and this would involve relaying 200 tonnes of cockle shell cultch within a depleted area of the Trial Bank mussel bed**
- **Note that due to widespread settlements of cockle spat in 2014 throughout the Wash, including within the proposed experimental area, the 2015 project was delayed while alternative sites could be identified.**
- **Agree for the project to be continued. This will involve laying 200 tonnes of cockle shells into identified sites in Mare Tail and the Gat sands.**

Proposed: Mr Stipetic

Seconded: Cllr Turner

All Agreed

Members also requested that funding streams be looked at to carry out research into the cause of die off in mussels

Members Agreed to note the report.

EIFCA16/14 Item 14: Revision of WFO licence tolls in line with inflation for the 2016-2017 financial year

The Head of Finance reminded members that in 2012 a mechanism had been put in place for licence tolls to be reviewed annually by the rate of inflation at the end of February. In the event of negative inflation the tolls would remain the same.

There was discussion concerning the level of inflation and how could agreement be made without knowing what the rate would be. It was noted that in the event of extremely high inflation an alternative decision could be made.

Members Resolved to an increase to WFO licence tolls in line with inflation for the period 1st April 2016 to 31st March 2017.

Proposed: Mr Pinborough

Seconded: Mr Worrall

All Agreed

EFICA16/15 Item 15: Quarterly progress against Annual Plans

This item was included as a matter of information to keep members up to date with progress. It was noted that all work streams were on track with the exception of the bio-security plan.

The ACEO advised that in future years it was intended to produce a five year Business Plan rather than an Annual Plan.

Members Agreed to note the report

EIFCA16/16 Item16: Marine Protection Quarterly Reports

Members Agreed to note the report.

EIFCA16/17 Item 17: Marine Environment Quarterly Reports

Members Agreed to note the report

EIFCA16/18 Item 18: HR Update of Activity

Members Agreed to note the report

EIFCA16/19 Item 19: Any Other Business

Mr Pinborough read through a letter that had been sent to the Minister from a recreational sea angling group regarding new management measures for bass which had been put forward by the EU. These measures put in place very strict restrictions on regulation for bass for commercial fishers with no landings permitted between January and the end of June 2016. During this time there is an exception for the hook and line fishery and for fixed gill netting, which had been assessed as being sustainable. These fisheries been given an increased landing allowance to 1.3t/month but could not operate during February and March.

Mr Pinborough felt fixed gill netting should be brought in line with other fisheries, however it was Defra's opinion that it had a low impact and was sustainable. Mr Pinborough felt sustainability depended on how the nets were set up and he asked members to consider bringing in an emergency byelaw to put a moratorium on fixed net fishing for bass for the same period as other commercial fisheries were affected, or to at least consider the option when carrying out the byelaw review.

The ACEO acknowledged Mr Pinborough's concern and advised that as these management measures had been considered at an EU level if EIFCA were to take a different view there would need to be a strong case because it would effectively be contrary to EU & UK advice. He also advised that an emergency byelaw for bass had previously been considered and not pursued because it was questionable whether the criteria for such a byelaw could be met. Given the circumstances it was likely to be the case again.

Mr Pinborough countered this by reminding members that the previous Emergency Byelaw was only stopped because EU was bringing out regulations.

The ACEO advised that the Strategic Assessment 2016-17 had not identified bass as a priority species because of the measures already in place and about to be introduced. It had, though, identified unregulated netting as a priority, which would impact upon bass fishing. He further advised that in order to be effective any restriction would need to cover the bass spawning area, which was on the edge of the Eastern IFFCA district in the south and would require a mirror approach by the MMO outside the 6nm limit and with KEIFCA. The ACEO had briefly discussed it with KEIFCA and their previous position of not supporting the introduction of measures by IFCA's had not changed. He advised that

given these factors, if an emergency byelaw was introduced to further restrict fishing for bass there may be an increased potential for challenge because the supporting case would not be strong. He also advised that introducing an emergency byelaw would require a review of the current workload, which had been presented earlier in the meeting when members had been advised that there was little spare capacity. The ACEO suggested that in light of the factors he had outlined and given the comprehensive approach to bass management at EU and UK levels and the limited impact that any measures introduced by Eastern IFCA would have, it was not appropriate to develop additional measures unilaterally.

Mr Spray felt the initial concern with Bass was the un-licensed netting being un-measurable; he therefore requested a counter argument to the one put forward by Mr Pinborough.

Mr Shaul advised that under the new rules relating to minimum sizes he had hauled his nets and found he needed to return 100 fish to the sea, consequently he changed his nets and was currently returning about 7 fish to the sea. He felt those not conforming could benefit from Fishery Officer intervention and suggested a review of net size would be better than a ban on fishing.

Mr Pinborough again requested a decision on when this could be discussed in more detail and the ACEO advised that it would be managed alongside other priorities for the next financial year. Mr Pinborough pressed the ACEO for a timescale to be attached and the ACEO advised that he couldn't put specific dates to things now but that it would be a priority for the year and that it would be managed as such and reported to the Authority.

The Chair then closed the discussion, saying that the matter would be further considered by officers and reported to the Authority in due course.

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

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



23rd Eastern Inshore Fisheries and Conservation Authority meeting

27 April 2016

Health and Safety update

Report by: Nichola Freer – Head of HR

Purpose of report

The purpose of this report is to update members on health and safety activity, risks and associated mitigation over the last reporting period

Recommendations

It is recommended that members:

- **Note** the contents of this report

Background

H&S law mandates through the general duty of employers to their employees that it shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

The Authority has declared its intent to promote and nurture an appropriate health and safety culture throughout the organisation.

Incidents

The table below summarises the incidents that have occurred from January to March 2016:

Date	Nature of incident	Injury / damage occurred	RIDDOR Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
13.01.16	Accident	Spine & neck pain due to boat seat vibration in poor weather	N	Y	R Jessop	Y - Skipper education & boat seats to be adjusted (manufacturer advice to be sought)
04.02.16	Accident	Right arm & shoulder pain due to helming vessel in poor weather	N	Y	S Howard	Y - Senior IFCO to investigate modifications to throttle length
24.02.16	Accident	Cut to shin due to slipping when boarding from one vessel to another	N	Y	S Lee	N

Annual report of H&S services provided by Health & Safety Advisory Services 2015/16

Appendix 1 details the annual report received by our contracted H&S advisory services for the year 2015/16.

Risks

The project to develop a full suite of current risk assessments for all routine activity undertaken by employees, as reported last period, is well underway. Officers have completed a number of key assessments, which have been quality reviewed by our H&S partner at Norfolk County Council.

Members would wish to be aware of the H & S risks at *appendix 2*.

Appendix 1

Annual Health and Safety Management Information for Services provided via Health and Safety Advisory Services 2015/16

1. Health and Safety Monitoring Activities

1.1. Proactive Monitoring

A review of safe operating procedures was carried out on the Three Counties and a findings report has been issued by the Health and Safety Adviser. The findings are positive and some improvement actions were identified.

1.2 Reactive Monitoring - Incident Statistics 2015/16

Type of incident	2015/16
Accident resulting in injury: injured while handling, lifting or carrying	2
Accident resulting in injury: slip, trip, or fall on the same level	1
Accident resulting in injury: struck against something fixed or stationary	4*
~Accident resulting in injury: other~	1
Damage to building or property	3
Near miss	1
Total	12

*One of these incidents involved two employees who both reported the incident, the two reports have been treated as one incident for the purpose of these statistics.

~This incident involved development of a musculoskeletal injury due to impact of vessel against water in rough sea conditions.

There were no serious incidents which required reporting to Enforcing Authorities during the period.

2. Risk Assessment Review

A review of the following risk assessments have been carried out:

1. Deploying equipment from boats – Grabs
2. Deploying equipment from boats – Beam trawls
3. Deploying equipment from boats – Mussel oyster dredges
4. Deploying equipment from boats – Underwater camera
5. Deploying equipment from boats – Site scan sonar
6. Deploying equipment from boats – Crab lobster whelk pots
7. Over the side operations
8. Accessing the shore river bank using RHIBs tenders
9. Driving on road
10. Lone working

3. Training

A Risk Assessment Workshop session was carried out for employees with line management and supervisory responsibility in December 2015. This half day session received positive feedback.

4. Management System Review

The health and safety management system was fully reviewed during 15/16.

Eastern IFCA Health and Safety risks

Risk	Intervention	Residual Risk	Risk rating* (Current)	Risk rating* (Previous)
Failure to develop a full suite of risk assessments to cover the range of activity undertaken by Eastern IFCA officers	<ul style="list-style-type: none"> • Introduction of revised management system (policies and process) • Managers tasked to review and develop the suite of risk assessments • Training session on risk assessments for first line managers 	<ul style="list-style-type: none"> • New or unusual activities may be overlooked and not have a risk assessment in place 	Treat	Treat
Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> • Staff briefing • Management overview to ensure rostered duties are appropriate and achievable • Reasonable work adjustments • Routine periodic medical assessment (ML5) 	<ul style="list-style-type: none"> • Individual health fragilities • Individual lifestyle choice 	Tolerate	Treat
Unreported incidents/unilateral decisions with little regard for safe working practices.	<ul style="list-style-type: none"> • Leadership • NCC H&S officer led review of policy and procedure • Training • Equipment • Management systems to capture incidents • Routine agenda items at all meetings at all levels of Authority 	<ul style="list-style-type: none"> • Injury to personnel as a result of failure to acknowledge or adhere to H&S direction and guidance 	Treat	Treat
Inappropriate conduct of vessels at sea	<ul style="list-style-type: none"> • Leadership • Briefings • Formal training and assessment 	<ul style="list-style-type: none"> • Death/injury of personnel through un-seamanlike 	Treat	Treat

	<ul style="list-style-type: none"> • Periodic review of performance • Sharing lessons learned from <i>FPV Pisces</i> incident in July 15 	operation of vessels at sea		
Material state of Sutton Bridge moorings	<ul style="list-style-type: none"> • Safe systems of work introduced to manage immediate risks including improved lighting. • Officers have driven an acceptance by agents that immediate repair is necessary to alleviate existing H&S issues. • Authorisation received from F&P sub committee to commit capital funds to support Fenland DC and Lincs CC initiative to establish new moorings in Sutton Bridge. • Moorings upgrade project expected to begin in Q2 FY 16/17. 	<ul style="list-style-type: none"> • The material state of the moorings is in decline but firm plans to address safety issues are now in place • Risk of injury to personnel. 	Treat	Treat
Whole Body Vibration	<ul style="list-style-type: none"> • Risk awareness training to manage impacts. • Health monitoring process to be developed. 	<ul style="list-style-type: none"> • Personal injury from boat movement owing to lower resilience as a result of individual physiology 	Treat	Treat
Lone working operations	<ul style="list-style-type: none"> • Management scrutiny of any proposal for lone working. • Introduction of electronic support means 	<ul style="list-style-type: none"> • Failure of devices to give requisite support. • Personnel interventions render 	Tolerate	Tolerate

		devices unreliable or unworkable.		
Staff injury/long term absence through inappropriate posture at office work stations	<ul style="list-style-type: none"> Information. Training. Risk assessment. Provision of suitable bespoke equipment where reasonable. Access to NCC H&S team. Occupational health assessment KLWNBC H&S specialist advice 	<ul style="list-style-type: none"> Individual failure to adhere to guidance 	Tolerate	Tolerate
Staff stress through exposure to unacceptable behaviour of stakeholders	<ul style="list-style-type: none"> Introduction of Unacceptable Behaviour policy Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy. Dialogue with Stakeholders to ensure appropriate tone of communications 	<ul style="list-style-type: none"> No change in behaviour of some stakeholders. Long term sickness caused by stakeholder hostility 	Tolerate	Tolerate
Damage to vehicles, trailers and/or equipment through inappropriate operation.	<ul style="list-style-type: none"> Formal trailer training for unqualified officers Refreshers for those with previous experience Periodic vehicle maintenance checks training 	<ul style="list-style-type: none"> Failure to adhere to training Mechanical failure of vehicle or trailer 	Tolerate	Tolerate

*

Risk Rating
High
Medium
Low

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

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 9

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27th April 2016

Report by: Julian Gregory – Acting CEO

Annual Appraisal Process - MMO Appointee to the Authority

Purpose of report

To advise members of the development of guidance on an appraisal process for MMO appointees to the Authority and to recommend a process for Eastern IFCA to adopt.

Recommendations

Members are asked to:

- **Note** the content of the report
- **Agree** to adopt the recommended process for the annual appraisal of general members

Background

The Marine Management Organisation (MMO) is responsible for making appointments of general members of IFCAs under S151(i)(b) of the Marine and Coastal Access Act 2009. Eastern IFCA has general members who have been appointed for different periods of time in order to avoid all members coming up for re-appointment in the same year.

Under the terms and conditions set for appointees by the MMO appointees may serve for an initial period with an extension of up to a maximum of 10 years, subject to annual written confirmation from the IFCA Chair (or appointed officer) of satisfactory performance. However, there has not previously been an objective process to identify satisfactory performance. As a consequence, the MMO has now introduced a requirement for annual performance assessments for all general appointees. This will be included as a mandatory requirement in the terms and conditions of appointment and all existing general members will be required to sign amended terms and conditions if they wish to remain as appointees. The MMO has produced a guidance document outlining the key principles for an assessment regime and on conducting annual assessments and their use. This paper sets out a proposed way forward for managing this requirement.

It should be noted that all of the Authority's officers undergo an annual performance assessment and County Councillors are held to account through different mechanisms and the democratic process.

MMO Guidance

The MMO recognises that managing a performance assessment system for up to 15 members on an annual basis is a significant piece of work to undertake. An assessment regime therefore needs to be proportionate to meet the following objectives:

- To enable those who are making the decision about whether to re-appoint a general member to have sufficient information about their performance to make a fair decision based on merit.
- To assist the appointee and Authority Chair in ensuring that appointees maximise the effectiveness of their contribution to the work of IFCA.

This assessment process will not be used by the MMO to question whether a term of appointment should be terminated early. It is separate to the requirements of the terms and conditions of appointment and the statutory provisions which if breached can lead to the termination of an appointment.

As with any performance assessment the process should be transparent and objective and based on a dialogue between the assessor and appointee.

The work of a general member of an IFCA requires generic skills, although these will be applied in the particular context of each Authority area. There is consistency of the criteria when new members are being appointed across all 10 IFCAs. The assessment criteria set out in the guidance have been subject to consultation with each IFCA and will apply to all general members across all 10 IFCAs.

For the avoidance of doubt these arrangements do not apply to council members of the Authority, who are appointed by the relevant council. The performance of these elected members will be assessed by the arrangements that apply for each relevant council. These arrangements also do not apply to the general members who are employees of the MMO. As public servants acting as part of their official duties these members will be subject to the MMO's performance management policy and procedure. The additional members appointed by Natural England and the Environment Agency will be subject to the relevant performance management regime for their respective organisations.

In line with the general approach of the MMO to engaging with IFCAs the MMO does not wish to be prescriptive as to who conducts the assessments. Each Authority should identify who it considers has the skills and authority to undertake the assessments, including performance assessment for the Chair if they are a general member. However, it is suggested that it would not be appropriate for a member of the Authority's paid service to assess an Authority member.

Proposed Appraisal Process

It is important that the performance assessment process does not become too onerous for the assessor as this is not akin to assessing the performance of members of staff who are paid to carry out specific duties and responsibilities with aims and objectives to achieve. General members are appointed by the MMO, based on their knowledge and expertise and they applied to become members of the IFCA as volunteers. As such they

give their time freely because they want to be involved and make a contribution to the overall aims of the Authority.

The proposed process for conducting appraisal is as follows:

- Undertaken by the Chair and Vice-Chair of the Authority
- Work to the calendar year with meetings held each November/December
- Appraisal to address
 - The performance criteria set out in the document at Appendix A
 - Any development or training the member might wish to undertake to assist them in their role

The MMO has provided a template for recording an assessment and associated performance criteria, which has been adapted for the Authority and this is attached as Appendix A.

Background Papers

MMO Guidance on Appraisal Process

Appendix A

**Eastern Inshore Fisheries and Conservation Authority
General Member Appraisal**

OFFICIAL – SENSITIVE WHEN COMPLETED

MMO Appointee:	Assessor:	Date of Appointment:
		Term of Appointment:
		Assessment Year:

Assessment summary with any relevant examples

1. Attendance Record during the year

2. Meetings – makes an informed and positive input to Authority meetings

3. Behaviour – behaves in accordance with the Nolan principles and accepts corporate responsibility for decisions once taken

4. Representational – is a diligent and credible ambassador for the Authority

Comments by the general member:

Signed (general member) _____ Date _____

I confirm satisfactory performance from this member *(please delete as appropriate)*

I do not confirm satisfactory performance from this member

Signed (assessor) _____ Date _____

Performance Assessment Criteria

Assessment Criteria	Examples which might support assessment
1. Meetings – makes an informed and positive input to Authority Meetings	<ul style="list-style-type: none"> • Attends all agreed meetings • Prepares well for meetings, for example by attending events, reading papers and noting points to raise • Listens and takes part • Keeps to agenda item or subject • Contributes fully and adds value to the debate, including feeding in issues from stakeholders
2. Behaviour – behaves in accordance with the Nolan principles and accepts corporate responsibility for decisions once taken	<ul style="list-style-type: none"> • Consistently shows high ethical and professional standards • Accepts and stands by board decisions • Is honest and prepared to be challenged and provide evidence to support their argument • Observes confidentiality when appropriate • Takes an interest across the breadth of IFCA business • Makes clear any conflicts of interests at the beginning of any relevant agenda items • Only votes on issues where they have no conflict of interests • Sets aside personal interests and considers issues at hand as they relate to the wider context of the IFCA objectives • Is consistent and exercises good judgement
3. Representational – is a diligent and credible ambassador for the Authority	<ul style="list-style-type: none"> • Engages with and listens to IFCA stakeholders in their District • Attends external meetings on behalf of the IFCA • Actively promotes IFCA decisions to stakeholders

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 10

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27 April 2016

Review of Eastern Inshore Fisheries and Conservation Authority (IFCA) Constitution and Standing Orders

Report by: J. Gregory, Clerk

Purpose of report

The purpose of this report is to report the outcome of the annual review of the Eastern IFCA constitution.

Recommendations

It is recommended that members:

- **Agree** to the proposed changes to the Constitution and Standing Orders

Background

Eastern IFCA adopted the current Constitution and Standing Orders on 31 October 2012 with a requirement for it to be reviewed annually. The Constitution and Standing Orders represent the embodiment of the requirement for the Authority to ensure that it has sound governance.

Report

A full review of the Constitution has been carried out with support from NpLaw officers at Norfolk County Council. Proposed changes to the document are shown at Appendix A. The revised Constitution and Standing Orders is at Appendix B.

NpLaw advise that there are no recent changes to public law governance and constitutional rules which would be applicable to EIFCA conduct and operations.

It should be noted that the provisions relating to disclosable interests in the Constitution and Standing Orders differed from the provisions relating to Disclosable Pecuniary Interest under the Localism Act 2011. Whilst this is acceptable members are required to comply with both and compliance with the Eastern IFCA requirements would not be a defence to a charge of failing to comply with the Act. The Constitution and Standing Orders have been amended to better reflect the Act and there is ongoing dialogue with NpLaw to establish a process that is compliant with the requirement for dispensations for non-elected members to participate in discussion where there is a disclosable pecuniary interest.

MMO appointees

The MMO appointment process has been completed. New protocols have been developed jointly by Defra/MMO and IFCA's to deliver a process for an annual appraisal of MMO appointees (agenda item 9) and a procedure to accommodate complaints against MMO appointees. Once finalised, these processes will be reflected in revised terms of reference for general members.

Financial implications

There are no immediate financial implications to making the required amendments to the document and the activity will be accommodated within existing staff resource. There will be charges for the assistance and advice drawn from NpLaw which will be reflected in due course in the quarterly accounts. Failure to update the Constitution may introduce legal and thereby financial risk.

Legal implications

It is a legal requirement for the Authority to keep abreast of revised legislation for the operation and conduct of public business. Failure to do so will introduce legal risk.

Conclusion

The Constitution and Standing Orders as adopted remain fit for purpose and require only the adjustments listed. The Clerk will continue to hold them under review and will bring any future changes to the Authority meeting in April annually unless there is a pressing need to make changes more urgently.

Appendix A

Chapter/para No.	Existing text	Proposed text	Rationale
Chapter 1, para 9.5	If the Chair and Vice-Chair are absent from a full Authority meeting, the election of a Chair for the duration of the meeting will become the first item on the agenda. For this item, the Clerk will take the chair to conduct the election.	If the Chair and Vice-Chair are absent from a full Authority meeting, the election of a Chair <u>from the councillors present</u> for the duration of the meeting will become the first item on the agenda. For this item, the Clerk will take the chair to conduct the election.	Reflect the requirement of Chapter 1, para 3.2, which states that the Chair must be a councillor
Chapter 2, Code of Conduct for Non-Elected Members para 4	<p>Registering interests</p> <p>I agree to disclose the following interests to be included in the Eastern IFCA Register of Members' Interests:</p> <ul style="list-style-type: none"> • Any employment or trade related to local fishing and/or marine environmental interests for which I receive payment and/or profits. • Any contracts for goods or services, works to be executed, or land/property between the Eastern IFCA and: <ul style="list-style-type: none"> • me personally, • any organisation with which I am involved. <p>I do not need to disclose this interest if the contract has been fully discharged.</p> <ul style="list-style-type: none"> • Any contracts that I am aware of, for goods or services, works to be executed, or land/property between the Eastern IFCA and: 	<p>Registering interests</p> <p>I agree, before the end of 28 days beginning with the day on which I was appointed to the Authority, to disclose the following interests to be included in the Eastern IFCA Register of Members' Interests:</p> <ul style="list-style-type: none"> • Any employment, office, trade, profession or vocation related to local fishing and/or marine environmental carried on for profit or gain by: <ul style="list-style-type: none"> ▪ Me personally ▪ My spouse or civil partner ▪ A person with whom I am living as husband and wife, or ▪ A person with whom I am living as if we are civil partners ▪ Any organisation with which I am involved 	Reflect the requirements of the Localism Act 2011 insofar as they relate to disclosable pecuniary interests (and associated Regulations of 2012)

	<ul style="list-style-type: none"> • my spouse, civil partner, or a person I live with as husband or wife or civil partner, • any organisation with which one of the people listed above is involved. <p>I do not need to disclose this interest if the contract has been fully discharged.</p> <p>I am aware that the Register of Members' Interests will be available for public inspection at the Eastern IFCA's office.</p>	<ul style="list-style-type: none"> • Any contracts for goods or services, works to be executed, or land/property between the Eastern IFCA and: <ul style="list-style-type: none"> ▪ Me personally ▪ My spouse or civil partner ▪ A person with whom I am living as husband and wife, or ▪ A person with whom I am living as if we are civil partners ▪ Any organisation with which I or one of the people listed above is involved <p>I do not need to disclose this interest if the contract has been fully discharged.</p> <p>I am aware that the Register of Members' Interests will be available for public inspection at the Eastern IFCA's office</p>	
Chapter 2, Code of Conduct for Non-Elected Members para 9	In taking part in the discussion of a matter in which I have an interest, I will ensure that my contributions relate only to the specialist knowledge or experience for which I was appointed to the Eastern IFCA, and do not improperly seek to favour my own interests or those of anyone connected with me.	In taking part in the discussion of a matter <u>that directly or indirectly affects something in which I have a declared interest</u> , I will ensure that my contributions relate only to the specialist knowledge or experience for which I was appointed to the Eastern IFCA, and do not improperly seek to favour my own interests or those of	Reflect the requirements of the Localism Act 2011 insofar as they relate to disclosable pecuniary interests (and associated Regulations of 2012)

		anyone connected with me.	
Chapter 3, Terms and Conditions	Entire Chapter replaced with the updated version agreed between the MMO and IFCA's		Reflect the revised Terms and Conditions
Chapter 4, F&P sub-committee delegations point 4	Decision making powers to approve standing interview procedures and the appointment of interview panels for the recruitment of the Chief Executive Officer and Executive ¹ personnel <u>including Consultants</u> .	Decision making powers to approve standing interview procedures and the appointment of interview panels for the recruitment of the Chief Executive Officer and Executive personnel.	Consultants rarely engaged and when they are it is on a limited basis. Engaging F&P in the process appears to be an anomaly
Chapter 4, MPA sub-committee delegations point 1	Opening fisheries for the prescribed shellfish species in the area of the Wash covered by the WFO 1992 <u>providing notice of at least 7 days of the intention to Entitlement holders</u>	Opening fisheries for the prescribed shellfish species in the area of the Wash covered by the WFO 1992	Providing 7 days' notice is a requirement of the Cockle Charter, which is an agreement between Eastern IFCA and the industry and as such it can change or not be adhered to if circumstances dictate. Inclusion in Standing orders is unnecessary
Chapter 4, P&C sub-committee delegations point 2	Preparing the Authority's Annual Plans and Annual Report	Preparing the Authority's Business Plan, Annual update and Annual Report	Reflect the change from an Annual plan to a five-year Business Plan
Chapter 4, P&C sub-committee delegations point 3	Approving the Authority's Annual Plan to meet DEFRA deadlines.	Approving the Authority's Business Plan to meet DEFRA deadlines.	Reflect the change from an Annual plan to a five-year Business Plan

Chapter 4, P&C sub-committee delegations point 4	Approving the Authority's Communication and Engagement Plan	Deleted	Reflect the change from an Annual plan to a five-year Business Plan
Chapter 4, Delegations to Chairs/Vice-Chairs	No previous text	<i>Finance & Personnel sub-committee</i> To the Chair (and in their absence, the Vice-Chair) in conjunction with the Chair (and in their absence, the Vice-Chair) of the Authority and the CEO, decision making power regarding, recruitment, remuneration and retention of Executive Officers.	Reflect the decision taken at the F&P meeting on 114 th November 20115
Chapter 5, para 5.2	A schedule of payments made and monies received shall be prepared by the RFO and presented to the Authority at their Meetings. If the schedule is in order it shall be authorised by a resolution of the Authority signed by the Chair or Vice Chair.	A schedule of payments made and monies received shall be prepared by the RFO and presented to the Authority at their Meetings. If the schedule is in order it shall be authorised by a resolution of the Authority <u>minuted, with such minutes signed/initialled</u> by the Chair or Vice Chair.	Amended to reflect actual process
Chapter 5, para 5.4	Monthly lists of payments made by cheque or direct debit/standing order will be prepared by the RFO and approved by the Chair or Vice-Chair	Deleted	Fully audited annually so appears to be an unnecessary process
Chapter 5, para 6.1	All payments other than petty cash transactions shall be effected by means of cheque or other order drawn on the Authority's bankers.	All payments other than petty cash transactions shall be effected by means of <u>electronic transfer</u> or other order drawn on the Authority's bankers.	Reflect contemporary payment methods
Chapter 6, para 5	<u>Heads of Service</u> The Heads of Marine Protection, Marine Environment & Research,	<u>Executive Officers</u> The <u>CEO, Deputy CEO, Head of Finance and</u>	Reflects changes in roles/titles

	<p>Finance and HR are responsible for:</p> <ul style="list-style-type: none"> identifying the fraud, corruption and bribery risks involved in each operational area; 	<p><i>Head of HR</i> are responsible for:</p> <ul style="list-style-type: none"> identifying the fraud, corruption and bribery risks involved <i>in their respective</i> operational area; 	
Chapter 6, para 6	Various	Various minor changes to reflect changes in role/title	Reflects changes in roles/titles



**EASTERN INSHORE FISHERIES
& CONSERVATION AUTHORITY**

**CONSTITUTION
and
STANDING ORDERS**

Reviewed	April 2013 April 2014
Amended	Oct 2014
Amended	April 2015
Amended	April 2016

INTRODUCTION

The Eastern Inshore Fisheries and Conservation Authority (the Eastern IFCA) was established under Chapter 1 of Part 6 of the Marine and Coastal Access Act 2009 and the Eastern Inshore Fisheries and Conservation Order 2010. It is a stand-alone joint committee of Lincolnshire, Norfolk and Suffolk County Councils.

The Eastern IFCA has defined its purpose and vision as follows:

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

In this Constitution, the Eastern IFCA sets out how it will operate, how its decisions will be made and the procedures that it will follow in order to ensure efficient, transparent and accountable decision-making in line with its purpose and vision, its policies and legal requirements. The Constitution will be reviewed annually at the Eastern IFCA's April meeting.

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CHAPTER 1: Standing Orders

The Standing Orders for the Eastern IFCA include provisions required under the Marine and Coastal Access Act 2009, the Eastern Inshore Fisheries and Conservation Order 2010 and the Local Government Act 1972 as well as provisions adopted by the Authority. The footnotes indicate the statutory provisions.

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Section 1: Membership of the Eastern Inshore Fisheries and Conservation Authority

- 1.1 The Authority is made up of 21 members as follows²:
- Seven county councillors appointed by Lincolnshire County Council (two members), Norfolk County Council (three members) and Suffolk County Council (two members);
 - 12 'general' members appointed by the Marine Management Organisation (MMO) who are:
 - a) *'persons acquainted with the needs and opinions of the fishing community of the district, and*
 - b) *persons with knowledge of, or expertise in, marine environmental matters.*³
 - Two 'additional' members appointed by Natural England and the Environment Agency.⁴
- 1.2 One 'general' member must be an employee of the MMO.⁵
- 1.3 A person is not eligible for appointment or re-appointment as a member of the Eastern IFCA if they have been convicted of a criminal offence and the conviction is not spent for the purposes of the Rehabilitation of Offenders Act 1974(1).⁶
- 1.4 The proceedings of the Eastern IFCA will not be invalidated if a vacancy occurs or if there is a defect in the election or qualifications of any member.⁷

Terms of appointment

- 1.5 The terms of appointment of each member are determined by their appointing organisation.⁸ The terms of appointment for members appointed by the MMO are in Chapter 3 of this Constitution.
- 1.6 The maximum period of appointment for each member is ten years from 1 October 2010 or the date from which the member is appointed, if later.

Resignation of a member

- 1.7 A member may resign from the Eastern IFCA by giving written notice to the Authority and to their appointing body.⁹

Suspension of a member

- 1.8 If criminal proceedings are started against a member, the Eastern IFCA or the appointing body may suspend the member's appointment. If the member's appointment is suspended, they will also be suspended from acting as an office-holder on behalf of the Authority.
- 1.9 The suspension will end if the member is acquitted of the offence or the proceedings are discontinued or withdrawn.
- 1.10 If a council member's membership of their county council is suspended by that county council, their membership of the Eastern IFCA will also be suspended, as

² Article 5(1) Eastern Inshore Fisheries and Conservation Authority Order 2010

³ Section 151(2) Marine and Coastal Access Act 2009

⁴ Article 5(4) Eastern Inshore Fisheries and Conservation Authority Order 2010

⁵ Article 5(2)(b) Eastern Inshore Fisheries and Conservation Authority Order 2010

⁶ Article 12 Eastern IFCA Order 2010

⁷ Paragraph 43 Schedule 12 Local Government Act 1972

⁸ Article 6(2) Eastern IFCA Order 2010

⁹ Article 9(1) Eastern IFCA Order 2010

will be their ability to act as an office-holder for the Authority. This includes the offices of Chair and Vice-Chair of the Authority.¹⁰

- 1.11 If the council member's suspension ends, it will be up to the relevant county council to decide whether to re-appoint the member to the Eastern IFCA.

Termination of membership

- 1.12 A member's appointment to the Eastern IFCA ends if:
- a) the member is convicted of an offence under fisheries legislation, nature conservation legislation or marine licensing legislation;
 - b) the member receives a fine under fisheries legislation, nature conservation legislation or marine licensing legislation;
 - c) the member ceases to be a member of the county council that appointed them to the Authority.¹¹
- 1.13 The Authority may terminate a member's appointment if the member is convicted of any other criminal offence other than those in paragraph 1.12.¹²
- 1.14 A member's appointment also ends when they reach the end of their term of appointment.

Section 2: Members' attendance at meetings

- 2.1 In each year, a member must attend no less than 50% of the total number of meetings of the full Authority and of sub-committees to which they have been appointed. A year is defined as the period from 1 April to 31 March.
- 2.2 If a member fails to attend the required number of meetings, the Chair of the Authority may ask the appointing organisation to reconsider the appointment of the member.
- 2.3 No substitutes are allowed for members of the Authority.

Section 3: Appointment of the Chair of the Eastern IFCA

- 3.1 At the April meeting of the Authority, members will elect a Chair who will serve for the year beginning with the meeting at which they are elected and ending with the April meeting the following year.¹³
- 3.2 The Chair must be a council member from one of the three county councils.
- 3.3 A member is not eligible to stand as Chair if they have previously been removed from this office¹⁴ or from the office of Vice-Chair¹⁵.
- 3.4 The Chair may stand for re-election for a second year but will not be eligible for election to the post of Chair again for a period of two years following the end of their term of office (whether this is one or two years).
- 3.5 Nominations for the post of Chair will be made orally to the Clerk of the Eastern IFCA at the April meeting and the election will be by vote of the members present.
- 3.6 If there are an equal number of votes for the members nominated, the Clerk will decide the election by lot.

¹⁰ Article 10 Eastern IFCA Order 2010

¹¹ Article 11(1) Eastern IFCA Order 2010

¹² Article 11(2) Eastern IFCA Order 2010

¹³ Article 7 Eastern IFCA Order 2010

¹⁴ Article 8(6) Eastern IFCA Order 2010

¹⁵ Article 14(5) Eastern IFCA Order 2010

Role of the Chair of the Eastern IFCA

- 3.7 The role of the Chair of the Eastern IFCA is to:
- ensure that the Authority is able to carry out the business at its meetings efficiently, in line with its plans and policies, legal duties, Constitution and standing orders, and
 - enable members to participate fully in discussions and decisions so that the Authority can benefit from their experience and expertise, and their knowledge of the interests of the Eastern IFCA's communities and stakeholders.
- 3.8 In fulfilling this role, the Chair will work closely with, and take advice from the Authority's CEO and professional officers and its Clerk.
- 3.9 The Chair will also attend such meetings and functions as are necessary in order to represent the interests of the Eastern IFCA on the advice of the CEO and, as appropriate, the Clerk.

Resignation of the Chair of the Eastern IFCA

- 3.10 The Chair of the Eastern IFCA may resign the office by giving notice in writing to the Authority.¹⁶
- 3.11 Following the resignation of the Chair, the Authority must appoint another eligible member to the office until the next April meeting of the Authority.¹⁷

Removal from the office of the Chair of the Eastern IFCA

- 3.12 The Authority may remove a member from the office of chair if it considers that the member is failing, or has failed, to discharge the duties of chair in accordance with legal requirements and its standing orders. The member concerned is not eligible to be re-appointed as Chair¹⁸ or appointed as Vice-Chair.¹⁹
- 3.13 Following the removal of the Chair, the Authority must appoint another eligible member to the office until the next April meeting of the Authority.²⁰

Termination of appointment of the Chair of the Eastern IFCA

- 3.14 Where the appointment of a member who is also the Chair of the Eastern IFCA is terminated or comes to an end, the Authority must appoint another eligible member to the office of Chair.²¹ A member who has previously been removed from the office of Chair or Vice-chair cannot be appointed as Chair.²²
- 3.15 The member appointed as Chair holds the office until the next April meeting of the Eastern IFCA.²³

Section 4: Appointment of the Vice-Chair of the Eastern IFCA

- 4.1 At the April meeting of the Authority, members will elect a Vice-Chair for the year beginning with the meeting at which they elected and ending with the April meeting the following year. The Vice-Chair will chair meetings of the Authority in the absence of the Chair²⁴

¹⁶ Article 9(2) Eastern IFCA Order 2010

¹⁷ Article 9(3),(4) and (5) Eastern IFCA Order 2010

¹⁸ Article 8(1),(2) and (6) Eastern IFCA Order 2010

¹⁹ Article 14(5) Eastern IFCA Order 2010

²⁰ Article 8(5) Eastern IFCA Order 2010

²¹ Article 11(3) Eastern IFCA Order 2010

²² Articles 8(6) and 14(5) Eastern IFCA Order 2010

²³ Article 7(4) Eastern IFCA Order 2010

²⁴ Article 14(1) Eastern IFCA Order 2010

- 4.2 The Vice-Chair must be a council member from one of the three county councils.
- 4.3 A council member cannot be appointed or re-appointed as Vice-Chair if they have been previously removed from this office or from the office of Chair.²⁵
- 4.4 The Vice-Chair may be appointed for a further year.
- 4.5 The Vice-Chair is eligible for appointment to the office of Chair on serving either one or two terms as Vice-Chair.

Resignation, removal from office or termination of the appointment of the Vice-Chair of the Eastern IFCA

- 4.6 Paragraphs 3.10-3.15 of these standing orders apply to the Vice-Chair as to the Chair.²⁶

Section 5: Meetings of the full Authority

- 5.1 Meetings of the full Authority will take place quarterly in January, April, July and October each year.
- 5.2 The date and time of meetings for the following year will be agreed at the October meeting.
- 5.3 Meetings will be held at locations which are convenient for members and provide access for the members of the public who might wish to attend.
- 5.4 If the Chair is absent from a meeting of the full Authority, the Vice-Chair will take the role. If both the Chair and Vice-Chair are absent, members will elect a member to chair the meeting.²⁷ The Clerk will take the chair to conduct the election. The member so elected must be a council member. Election will be by way of seconded nomination and vote.
- 5.5 The full Authority may delegate any of the Eastern IFCA's functions to a sub-committee, member or employee of the Authority if it considers it expedient to do so.²⁸

Section 6: Quorum for a meeting of the full Authority

- 6.1 The quorum for a meeting of the full Authority is six, including at least one council member and one member appointed by the MMO (a 'general' member).²⁹

Section 7: Access to agendas and papers for ordinary meetings of the full Authority and its sub-committees

- 7.1 The Clerk will give up to 10, but not less than five, clear days' notice of any meeting by emailing details of the meeting to all relevant members. The CEO will ensure that the notice of meeting is posted on the Authority's website and at its office when it is sent to members.³⁰
- 7.2 The Clerk will email copies of the agenda and papers for a meeting to members at least five clear days before the date of the meeting. The CEO will ensure that copies of the agenda and papers are posted to the Authority's website and are made available for inspection at the Authority's office when they are emailed to members.³¹

²⁵ Article 14(4) and (5) Eastern IFCA Order 2010

²⁶ Article 14(3) Eastern IFCA Order 2010

²⁷ Article 14(2) Eastern IFCA Order 2010

²⁸ Article 17 Eastern IFCA Order 2010

²⁹ Article 13(1) Eastern IFCA Order 2010

³⁰ Section 100A(6)(a) Local Government Act 1972

³¹ Section 100B(3) Local Government Act 1972

- 7.3 Five clear days has been defined in case law as excluding the day of the meeting and the date on which the member receives the agenda or paper, and weekends and public holidays.

Late agenda items

- 7.4 An item of business for a meeting may not be added to an agenda less than five clear working days before the date of a meeting or tabled at the meeting, unless the Chair of the meeting decides that there are special circumstances which make the late item a matter of urgency and require it to be considered at the meeting. The special circumstances must be recorded in the minutes for the meeting.³²
- 7.5 Special circumstances justifying the addition of a late item to an agenda will generally occur where significant information or circumstances arise within the five clear working day period which could not reasonably have been known or anticipated before the agenda for the meeting was agreed and published.
- 7.6 If the Chair agrees to add an item to an agenda, the revised agenda and the relevant paper will be circulated to members, and then posted to the Authority's website and made available for public inspection at the Authority's office.³³
- 7.7 The Clerk may withhold a paper from public inspection if the paper contains exempt or confidential information. Every copy of an exempt or confidential paper will be marked "not for publication"³⁴ and the exemption category will be indicated on the paper.³⁵ The exemption categories are set out in paragraph 15.1 of these standing orders.

Background documents

- 7.8 The author of a paper relating to an item on the agenda for a meeting will set out, at the end of the paper, a list of background documents which contain facts or matters on which the report, or an important part of it, was based and which the author has relied on in preparing the report. The list of background papers should exclude published works and must exclude documents which disclose exempt or confidential information.³⁶
- 7.9 The Clerk will ensure that a copy of each document included in the list of background documents is kept and made available for public inspection for four years after the date of any meeting or decision.

Form in which agendas and papers will be made available

- 7.10 Agendas and papers for meetings will be circulated to members in electronic form by email. A member may request a hard copy of any document.
- 7.11 Agendas and papers that have not been withheld from public inspection will be available to the members of the public in electronic form on the Authority's website. Such documents will also be available in hard copy form at the relevant meeting.³⁷

Section 8: Access to minutes and records of decisions

- 8.1 The minutes of the proceedings of each meeting will be kept by the Clerk in a loose leaf folder maintained for that purpose, the pages of which will be consecutively numbered.³⁸

³² Section 100B(4) Local Government Act 1972

³³ Section 100B(3)(b) Local Government Act 1972

³⁴ Section 100B(5) Local Government Act 1972

³⁵ Schedule 12A Local Government Act 1972

³⁶ Section 100D Local Government Act 1972

³⁷ Section 100B(6) Local Government Act 1972

³⁸ Paragraph 41(2) Schedule 12, Local Government Act 1972

- 8.2 The minutes will be presented for members to confirm as an accurate record at the next suitable³⁹ meeting of the relevant body and the Chair of the meeting will sign the minutes and initial each page.⁴⁰
- 8.3 The minutes will not be open to discussion but members may propose corrections or additions where they identify inaccuracies or omissions.
- 8.4 The minutes will include a list of members present at the meeting.⁴¹
- 8.5 Members can request a copy of the unconfirmed minutes of a meeting for their personal information but unconfirmed minutes will not normally be published until after they have been agreed by the relevant meeting.
- 8.6 The Clerk will keep and make available for public inspection for six years after a meeting of the Authority or a sub-committee:
- the minutes of the meeting, except for any part of the minutes that includes exempt or confidential information, and
 - a disclosable summary of any proceedings during a part of the meeting that was not open to the public, if the published minutes do not provide a reasonably fair and coherent record of those proceedings.⁴²

Section 9: Rules of procedure for ordinary meetings of the full Authority or Sub-Committees

Order of business

- 9.1 The business to be conducted will be dealt with in the order set out in the agenda, unless the Chair decides to vary the order.
- 9.2 The format for the agenda will normally be as follows:
- Item 1: Welcome by the Chair
 - Item 2: Apologies for absence
 - Item 3: Declarations of interest
 - Item 4: Minutes of the last meeting
 - Item 5: Matters Arising
- Items for decision
- Items for information
- Last Item: Any other urgent business
- 9.3 At the April meeting of the full Authority, the first item on the agenda will be the election of the Chair of the Authority. For this item, the Clerk will take the chair to conduct the election.
- 9.4 The fourth item on the agenda for the April full Authority meeting will be the election of the Vice-Chair. This will come before the items for decision.
- 9.5 If the Chair and Vice-Chair are absent from a full Authority meeting, the election of a Chair from the councillors present for the duration of the meeting will become the first item on the agenda. For this item, the Clerk will take the chair to conduct the election.

³⁹ Paragraph 41(4) Schedule 12, Local Government Act 1972

⁴⁰ Paragraph 41(2) Schedule 12, Local Government Act 1972

⁴¹ Paragraph 40 Schedule 12, Local Government Act 1972

⁴² Section 100C Local Government Act 1972

- 9.6 If it is necessary for the full Authority to appoint a member to a sub-committee, this will be the sixth item on the agenda and will come before the items for decision.
- 9.7 Urgent business items will only be taken at any meeting if the Chair is satisfied that the item is urgent and could not reasonably have been included in the published agenda for the meeting.
- 9.8 At the end of any meeting, the Chair may invite members to remain for informal discussion of matters put forward by officers or members but these discussions will not form part of the business of the meeting and no formal decisions will be taken.

Exclusion of the public and the media from a meeting

- 9.9 The media and the public will be excluded from meetings whenever it is likely that exempt or confidential information will be disclosed.⁴³
- 9.10 The decision to exclude the media and the public must be made by a resolution of the meeting which must state the reasons for the exclusion.⁴⁴ The reasons must be recorded in the minutes of the meeting.

Motions

- 9.11 A member may put forward a motion for debate at any meeting. The motion may propose the resolution contained in a paper for an item on the agenda, or a resolution formulated at the meeting if the paper contains options or no specific proposals, or it may propose an amendment to a resolution.
- 9.12 All motions must be seconded by another member present.
- 9.13 A motion may be put forward orally unless the Chair requires it to be put in writing. In this case, the written motion must be signed by the proposer and given to the Clerk as soon as it has been seconded.
- 9.14 Where the motion is an amendment to an original resolution, it must be considered and voted on before the resolution is put to the meeting. If the amendment is carried by a majority vote, the amended resolution becomes the substantive resolution to be considered by the meeting. Further amendments to the substantive resolution may be moved.
- 9.15 If an amendment is not carried, further amendments to the original resolution may be moved.
- 9.16 Members may put forward procedural motions during the course of a debate. These are as follows:
- to refer the matter to officers or to the full Authority or to a sub-committee, as relevant, for further consideration
 - to withdraw a motion
 - to postpone consideration of the matter
 - to move to a vote
 - to adjourn a meeting
 - to suspend Standing Orders

Rules of debate

⁴³ Section 110A(2) and (3) Local Government Act 1972

⁴⁴ Section 110A(4) and (5) Local Government Act 1972

- 9.17 The CEO will decide in advance of a meeting who should present an item on the agenda. This will normally be the report author, but may be a relevant senior manager or Eastern IFCA member where appropriate.
- 9.18 Following the presentation of the report, the Chair will open the item to general debate. In order to encourage participation by all members and support the consensual approach of the Eastern IFCA, debates will normally follow the procedure set out in paragraphs 9.19-9.27 below. (Where the Chair determines that a more formal process of debate is required, the procedure in paragraphs 9.28-9.34 below will be followed.)
- 9.19 Members will indicate their wish to speak by raising their hand. The Chair will aim to take speakers in the order in which they indicate.
- 9.20 At the Chair's discretion, members may speak more than once on an item.
- 9.21 In the course of debate, members may ask officers for clarification or information. At the Chair's discretion, officers may enter the debate to contribute information or explanations.
- 9.22 The Chair will determine when the debate should be closed.
- 9.23 Where the item requires a decision, and a resolution has been proposed in the paper, the Chair will put the resolution to the meeting and will ask for a mover and a seconder. If no amendments to the resolution are proposed, the Chair will put the resolution to the vote.
- 9.24 If a member indicates that they wish to amend the resolution, the Chair will request a seconder. The Chair will then invite the mover of the amendment to speak, before opening a general debate on the amendment.
- 9.25 When the debate has been closed, the Chair will put the amended resolution to the vote.
- 9.26 If the amendment is carried, it becomes the substantive resolution before the meeting. If no more amendments are proposed, the Chair will normally put the substantive resolution to the vote. If the Chair considers that further information or debate is required to enable members to take an informed decision on the substantive resolution, they may invite further general debate before putting it to the vote.
- 9.27 If a resolution, whether amended or not, is put to the vote and is not carried, the Chair will either invite members to put forward a new resolution for consideration, or will defer the decision to a future meeting. In deciding the most appropriate course of action, the Chair will take the advice of the CEO (or, in the absence of the CEO, the most senior officer present at the meeting), and the Clerk.

Rules of formal debate

- 9.28 Should the Chair decide that a more formal structure for debate is necessary, the following procedure will be used.
- 9.29 Where the meeting is debating an original or substantive resolution (not an amendment) proposed by a member, speakers will be taken in the following order:
- The proposer of the resolution
 - The seconder of the resolution
 - Members in the order in which they indicate
 - The proposer of the resolution, exercising the right to reply
- 9.30 Where the meeting is considering an amendment to a resolution, speakers will be taken in the following order:
- The proposer of the amendment

- The seconder of the amendment
 - Members in the order in which they indicate
- 9.31 The seconder can reserve their right to speak until later in the debate.
- 9.32 The proposer of an amendment will not have the right to reply. If the amendment is carried, they will be able to speak again to propose the substantive resolution.
- 9.33 Except for the proposer of an original or substantive resolution, members will only be entitled to speak once unless they are raising a point of information or a point of order. A point of information must offer relevant factual information or clarification only, and not include argument or opinion; a point of order must identify how the Authority's standing orders have been breached. The Chair will determine whether the point of information or order is admissible.
- 9.34 When the proposer has exercised the right to reply, the Chair will put the resolution to the vote.

Reconsidering resolutions agreed by the full Authority or a sub-committee

- 9.35 No resolution agreed by the full Authority or a sub-committee will normally be reconsidered within 6 months of the date the decision was made.
- 9.36 Where the CEO considers it necessary to reconsider a decision within this period, the agenda item will state the reason for considering the matter again and the changes proposed to the agreed resolution.

Voting

- 9.37 All members of the Eastern IFCA or of a sub-committee who are present at a meeting of the Authority or of the relevant sub-committee will be entitled to vote, unless they have declared an interest under the Members' Code of Conduct which prohibits them from voting, or the vote is on the setting of the Authority's annual budget.⁴⁵
- 9.38 Only council members of the Authority can vote on the setting of the annual budget.
- 9.39 Voting at all meetings will be by a show of hands unless the Chair or a member requests a recorded vote. In this case, the Clerk will ask each member present to declare their vote and this will be recorded in the minutes of the meeting.
- 9.40 A resolution or amendment will be deemed to be carried if it receives a simple majority of the votes of those present. Where an equal number of votes are cast for and against a resolution, the Chair of the meeting will have a second or casting vote.⁴⁶

Suspension of rules of procedure

- 9.41 The rules of procedure set out in paragraphs 9.1-9.40 may be suspended by a vote of the majority of members present at a meeting, with the exception of paragraphs 9.1-9.10 and 9.35-9.40.

Section 10: Audio-visual recording devices

- 10.1 Provided agenda items being discussed are open to the public anyone present can report the proceedings by either filming, photographing or audio recording for dissemination after the meeting or providing commentary on proceedings either

⁴⁵ Note that section 180(4) of the Marine and Coastal Access Act allows council members to veto the Authority's proposed budget

⁴⁶ Paragraph 39(1)and(2) Schedule 12 Local Government Act 1972

orally or in writing as the meeting takes place. Items not for public discussion cannot be reported on. Members of the Authority should be notified at the commencement of the meeting of anyone wishing to record the proceedings.

Section 11: Sub-Committees of the Eastern IFCA

- 11.1 The Authority may establish sub-committees with responsibility for considering or determining functions of the Eastern IFCA.⁴⁷
- 11.2 A sub-committee's power to make decisions on behalf of the Eastern IFCA, or to make recommendations to the full Authority for determination, will be stated in the resolution establishing the sub-committee and will be included by the Clerk in the Eastern IFCA's Schedule of Delegations (Section 4 of the Eastern IFCA's Constitution).
- 11.3 With the agreement of the Chair of a sub-committee, the CEO can refer back to the full Authority for decision, a matter which has been delegated to a sub-committee, where it is in the interests of the Eastern IFCA that the matter is determined by the full Authority.⁴⁸
- 11.4 A sub-committee may refer to the full Authority a matter which has been delegated to it where this is in interests of the Eastern IFCA and a majority of sub-committee members agree.⁴⁹
- 11.5 Sub-committees will follow the Rules of Procedure for ordinary meetings set out paragraphs 9.1-9.40 (excluding 9.3-9.6).
- 11.6 The lead officer for the sub-committee will make a written report to the next meeting of the full Authority following the sub-committee's meeting, summarising the discussion and decisions or recommendations of the sub-committee.
- 11.7 Meetings of sub-committees will be held at locations which are convenient for members and which also provide access for the members of the public who might wish to attend.

Quorum

- 11.8 The quorum for a sub-committee will be one third of the total membership.

Membership

- 11.9 Only members of the Eastern IFCA are eligible to be members of a sub-committee.⁵⁰ Any member is eligible to be appointed to any sub-committee.
- 11.10 Each sub-committee will consist of at least nine members of the Authority, including the Chair and Vice-Chair as ex-officio members.
- 11.11 There is no limit to the term that a member can serve on a sub-committee.
- 11.12 Where a vacancy occurs as a result of a member leaving a sub-committee, a replacement member will be appointed by the full Authority at the next meeting following the vacancy.

Chair and Vice-Chair

- 11.13 Any member of a sub-committee is eligible to stand as Chair or Vice-Chair.

⁴⁷ Article 17(1) Eastern IFCA Order 2010

⁴⁸ Article 17(3) Eastern IFCA Order 2010

⁴⁹ Article 17(3) Eastern IFCA Order 2010

⁵⁰ Article 17(2) Eastern IFCA Order 2010

- 11.14 Where the office of Chair or Vice-Chair becomes vacant, members of the sub-committee will elect a Chair or Vice-Chair at the next meeting following the vacancy. The Clerk will take the meeting to conduct the election of a Chair.
- 11.15 Nominations for the post of Chair or Vice-Chair will be made orally to the Clerk at the meeting and the election will be by majority vote of the members present.
- 11.16 If there are an equal number of votes for the members nominated, the Clerk will decide the election by lot.
- 11.17 In the absence of both the Chair and Vice-Chair of a sub-committee, the Chair or Vice-Chair of the Authority shall act as Chair for the duration of the meeting.
- 11.18 Should the Chairs and Vice-Chairs of the sub-committee and the Authority not be present, members of the sub-committee will elect one of their number as Chair for the duration of the meeting.

The role of the Chair of a sub-committee

- 11.19 The role of the Chair of a sub-committee of the Eastern IFCA is to:
- ensure that the sub-committee carries out its business efficiently and lawfully within the remit it has been given by the Authority and in line with the Authority's plans and policies, legal duties, Constitution and standing orders, and
 - enable members to participate fully in discussions and decisions so that the sub-committee can benefit from their experience and expertise, and their knowledge of the interests of the Eastern IFCA's communities and stakeholders.
- 11.20 In fulfilling this role, the Chair will work closely with, and take advice from the Authority's CEO and professional officers and its Clerk.
- 11.21 The Chair will also represent the Eastern IFCA at meetings and functions if requested to do so by the Chair of the Authority and the CEO.

Substitutes

- 11.22 Any member of the Authority can act as a substitute for a member of a Sub-Committee.
- 11.23 A member who wishes to be substituted at a meeting will, before the date of the meeting, notify the Clerk of the name of the substitute.

Section 12: Appointment of working groups

- 12.1 The Authority or any of its sub-committees may set up informal working groups to examine matters that are within the remit of the Authority or sub-committee. The resolution setting up the working group will define its terms or reference.
- 12.2 Any member or officer of the authority may be a member of a working group.
- 12.3 The working group will report back to the meeting that set it up.

Section 13: Participation in meetings by members of the public and representatives of partner organisations

Members of the public

- 13.1 All meetings of the full Authority and its sub-committees will be open to members of the public, except where a resolution to exclude the press and public has been agreed by the full Authority or the sub-committee.⁵¹
- 13.2 Members of the public may not make comments or ask questions at the meeting, unless invited to do so by the Chair of the meeting.
- 13.3 Members of the public may submit written questions or comments for consideration at a meeting. The question or comment should concern an item on the agenda for the meeting.
- 13.4 The question or comment must reach the CEO at least two days before the date of the meeting. The CEO and the Chair of the Authority will decide whether it is appropriate to put the matter to the meeting.
- 13.5 If it is decided not to put the matter to the meeting, the CEO will ensure that a prompt written response is sent to the member of the public concerned.
- 13.6 Members of the public can also ask individual members to raise issues at a meeting as long as the issue concerns an item on the agenda for the meeting.

Representatives of the MMO, Natural England, the Environment Agency and other partner agencies

- 13.7 The members appointed by the Environment Agency and Natural England, and the member appointed as an MMO employee may invite a colleague or colleagues to present information with the prior consent of the CEO.
- 13.8 The CEO, in consultation with the Chair of the meeting, may allow representatives of other partner agencies to present information.

Section 14: Extraordinary Meetings

- 14.1 After consulting the CEO, the relevant Chair or any three members may summon an extraordinary meeting of the full Authority or a sub-committee, for a reason relating to the functions of the Eastern IFCA that they consider urgent, by giving notice to the Clerk.
- 14.2 The Clerk will call a meeting of the full Authority or sub-committee within three clear working days of receiving such a notice.
- 14.3 The agenda for an extraordinary meeting will be as follows:
 - Item 1: Welcome by the Chair
 - Item 2: Apologies for absence
 - Item 3: Declarations of interest
 - Item 4: The purpose for which an extraordinary meeting has been summoned
 - Item 5: Any other urgent business
- 14.4 No other items, including minutes of the last meeting, will be taken at an extraordinary meeting.⁵²
- 14.5 The rules of procedure set out in paragraphs 9.9-9.40 will apply to extraordinary meetings.

Section 15: Exempt information under Schedule 12A of the Local Government Act 1972

⁵¹ Section 100A Local Government Act 1972

⁵² Paragraph 41(4) Schedule 12, Local Government Act 1972

15.1 The exemption categories referred to in paragraph 7.7 are as follows⁵³:

- Information relating to any individual
- Information which is likely to reveal the identity of an individual
- Information relating to the financial or business affairs of any particular person (including the authority holding the information)
- Information relating to any consultations or negotiations or contemplated negotiations in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- Information which reveals that the authority proposes –
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or;
 - (ii) to make an order or direction under any enactment
- Information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime

⁵³ The exemption categories must be interpreted in the light of the Freedom of Information Act 2000 and the advice of the Information Commissioner

CHAPTER 2: Code of Conduct for Non-Elected Members⁵⁴ of the Eastern Inshore Fisheries & Conservation Authority

1. Introduction

As a member of the Eastern Inshore Fisheries and Conservation Authority (Eastern IFCA), I have a responsibility to work constructively with staff, partner organisations and the wider community to manage the marine environment and inshore fisheries of the Eastern IFCA district in a sustainable and balanced way, taking full account of all the economic, social and environmental needs of the district.

When acting as a Member of the Eastern IFCA, I am committed to behaving in a manner that is consistent with the Nolan Committee's Principles of Public Life in order to maintain public confidence in the Eastern IFCA and to ensure the best use of its resources in the public interest.

2. Principles of Public Life

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

3. My conduct as a Member

As a Member of the Eastern Inshore Fisheries and Conservation Authority, I will ensure that my conduct is in line with the Principles of Public Life by:

- Supporting the Authority's vision to lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry, and helping the Authority to achieve this vision.

⁵⁴ Members appointed by the Marine Management Organisation ('general members' S5(2)(b) EIFCA Order 2010), the Environment Agency and Natural England ('additional members' S5(2)(c) EIFCA Order 2010)

- Dealing with representations or enquiries from our communities fairly, appropriately and impartially, and reporting these interactions to the Chief Executive so that appropriate management action can be taken.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing the interests of the Eastern IFCA or the good governance of the Authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this Authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by our communities.
- Contributing to making the Authority's decision-making processes as open and transparent as possible to enable our communities both to understand the reasoning behind decisions and to be well-informed when holding me and other members to account, but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and the Authority's staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Respecting the managerial and operational responsibilities of the Authority's staff and only interacting with them in relation to the management of the Authority through the Chief Executive or senior managers.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.
- Not acting in a way that could be perceived as counter to the stated aims or decisions of the Authority.

4. Registering interests

I agree to disclose the following interests to be included in the Eastern IFCA Register of Members' Interests:

- Any employment, office, trade, profession or vocation related to local fishing and/or marine environmental interests carried on for profit or gain by:
 - Me personally
 - My spouse or civil partner
 - A person with whom I am living as husband and wife, or
 - A person with whom I am living as if we are civil partners
 - Any organisation with which I am involved

- Any contracts for goods or services, works to be executed, or land/property between the Eastern IFCA and:
 - Me personally
 - My spouse or civil partner
 - A person with whom I am living as husband and wife, or
 - A person with whom I am living as if we are civil partners
 - Any organisation with which I or one of the people listed above is involved

I do not need to disclose this interest if the contract has been fully discharged.

I am aware that the Register of Members' Interests will be available for public inspection at the Eastern IFCA's office.

5. Sensitive interests

If I reasonably believe that disclosing an interest (as defined in Section 4) could put me, or a person connected with me at risk of intimidation or violence, I will ask the Clerk to decide whether this is a sensitive interest and will provide him/her with all relevant evidence.

If I disagree with the Clerk's decision, I have the right to appeal to an appeals and complaints board made up of two council members (normally the Chair and Vice-Chair of the Authority), one general and one additional member of the Eastern IFCA. I agree to abide by the appeals and complaints board's decision.

A record of sensitive interests will be kept by the Clerk but only the existence of a sensitive interest will be included in the Register of Members' Interests.

6. Timescale for registering interests

I will notify the Clerk in writing of my interests as described in Section 4 within 28 days of the adoption of this Code of Conduct by the Eastern IFCA or of my appointment/re-appointment to the Authority (whichever is later).

If my registered interests change, or I become aware of a new interest within one of the categories in Section 4, I will notify the Clerk in writing within 28 days of the date on which I become aware of the change or the new interest.

7. Declaring interests at meetings

I agree to declare my registered interests at any meeting I attend where a relevant matter is being considered. If it has been agreed that the interest is sensitive, I will only have to declare that a sensitive interest exists.

I may have other interests in a matter being considered at a meeting I attend, that I do not have to include in the Register. These could be other pecuniary, or non-financial, interests which arise because the matter affects me, or someone connected with me, more than it affects the general population. I agree to declare these interests as they arise.

In deciding whether I should declare an interest of this type, I will consider whether a reasonable person who knew about the interest would perceive me as acting inappropriately if I did not declare it.

8. Voting at meetings

I will not take part in the vote at a meeting on a matter that directly or indirectly affects:

- any income received, or expenditure, by me personally or by one of the people described in Section 4;
- any income received, or expenditure, by an organisation described in Section 4.

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

9. Participating in discussion at meetings

In taking part in the discussion of a matter that directly or indirectly affects something in which I have a declared interest, I will ensure that my contributions relate only to the specialist knowledge or experience for which I was appointed to the Eastern IFCA, and do not improperly seek to favour my own interests or those of anyone connected with me.

10. Delegated authority to make decisions alone

If I have delegated authority to make decisions or carry out actions on behalf of the Authority, I will ensure that I do not do anything in connection with a matter in which I have an interest, apart from notifying the Chief Executive Officer at the earliest opportunity to ensure that the matter can be dealt with effectively in another way.

11. Gifts and hospitality

If I receive any gift or hospitality over the value of £25 related to my role as a member of the Authority, I will notify the Clerk in writing giving details of the gift or hospitality and the date I received it, for inclusion in the Eastern IFCA's Register of Gifts and Hospitality.

SIGNED:

DATE:

CHAPTER 3: Marine Management Organisation appointees: Terms and Conditions of Appointment

Terms and conditions for appointment as a General Member of the Eastern Inshore Fishery and Conservation Authority Section 151(6)(c) Marine and Coastal Access Act 2009

Introduction

You have confirmed that you are willing to serve as one of the Marine Management Organisation (MMO) appointed General Members (an Appointee) to the Eastern Inshore Fishery and Conservation Authority (IFCA). Your knowledge and experience will be important in helping to provide sustainable management of the IFCA district. This important role will require commitment and active participation from you. The MMO has a responsibility under the Marine and Coastal Access Act 2009 (the Act) to set out the terms and conditions appointees are required to adhere to.

All MMO Appointees are required to agree to be bound by the terms and conditions set out below. Please sign and date the acceptance form on the attached letter and return it to us to confirm that you understand and agree to your appointment on the basis of these conditions.

Terms and conditions

1. The term of your initial appointment has been confirmed to you separately. Appointees may serve for a maximum of 10 years. Any period of appointment beyond the initial period will be subject to the requirements to maintain a balance of interests and experience on the Authority and will be at the MMO's absolute discretion. Any re-appointment after the initial period will be in accordance with the Nolan principles⁵⁵, meaning that it will be based on evidence of satisfactory performance provided under the annual appraisal scheme for General Members. An appointee must continue to be legally eligible for re-appointment.
2. Guidance on the operation of the annual performance assessment scheme is published by the MMO and has informed the process for Eastern IFCA. All appointees must agree to take a constructive part in their annual assessment. All appointees are expected to achieve satisfactory performance each year.
3. Officers employed by an IFCA will not be permitted to serve on that committee.
4. Appointees to IFCA's are legally required to take into account all the local fishing and marine conservation interests in the waters of the IFCA district, in a balanced way, taking full account of all the economic, social and environmental needs of that district. Appointees should recognise that they are part of a committee and should not regard themselves as representing solely one particular interest within the IFCA district
5. Details of how the IFCA will operate, the election of chair and vice chair, together with the roles and responsibilities of the committee and its members will be set out

⁵⁵ Defra has issued formal guidance to the MMO on the exercise of the function of making appointments of IFCA general members. Your appointment has been made in accordance with this guidance which can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf

in the IFCA standing orders and/or code of conduct for members. All appointees will be required to follow the procedures as set out under these orders. Appointees will be responsible and answerable to the chairman.

6. The committee ordinarily meet each quarter and, in addition it is envisaged that appointees will serve on sub-committees according to the requirements of the IFCA. The attendance of appointees at meetings of the committee, unless prevented by illness or other serious matter, is regarded as a condition of your appointment. Appointees with a poor attendance record, as identified by the IFCA chair or appropriate officer maybe required to stand down from the authority by the MMO, in accordance with the guidance published by the MMO.
7. Appointees are required to declare any outside interests that may impact in any way on their duties as IFCA authority members. If an appointee is unable to decide whether or not he or she has an interest that should be declared, guidance should be sought from the chair of the committee or the IFCA Chief Officer.
8. Appointees must declare any such interests prior to participation in any discussion of a relevant matter by the committee in order to allow for open and transparent discussions to take place.
9. Where interests are such that a decision to be made by the committee would directly or indirectly affect an interest of you as an appointee (or that of a business or other body in which you have an interest or that you represent), you may only participate in that decision to the extent permitted by the relevant IFCA Code of Conduct. It is recommended that you refer to the IFCA Code of Conduct for further guidance.
10. Appointees must not undermine the credibility of the IFCA. Appointees must not, in their official capacity or in any other circumstances, behave in a manner which could reasonably be regarded as bringing their office, the MMO, the IFCA committee or IFCA's in general into disrepute. Examples might include but are not limited to; misuse of social media, abuse of position, failure to declare a conflict of interest, consistent poor behaviour as an appointee. Breach of this clause could lead to termination of the appointment by the MMO.
11. Where issues relating to the conduct of an appointee cannot be resolved by the committee itself, the matter should be referred to the MMO who will decide in liaison with the IFCA chair (or the MMO representative, if it relates to the chair), if the appointment should be terminated or other action taken. Guidance on how such allegations will be dealt with is published by the MMO.
12. Any appointee found to have been convicted for an offence or receiving a monetary penalty under fisheries, nature conservation or marine licensing legislation will have their appointment automatically terminated, and will not be eligible for re-appointment. Appointees who are convicted of other criminal offences may have their appointment terminated at the discretion of the IFCA. Any appointee who is arrested for any criminal offence or called to be formally interviewed about a fishery, nature conservation or marine licensing offence (whether they attend such an interview or not) must inform the Chief Officer of the IFCA within 24 hours of arrest or request for interview. The Chief Officer will notify the MMO and the MMO reserves the right to suspend the appointment at its discretion until the conclusion of any investigation and/or prosecution.
13. Where an appointee is made aware of any conduct by another appointee or other IFCA committee member whom they reasonably believe is not compatible with the

duties and responsibilities of such a committee member, they are required to make a written statement to that effect to the IFCA

14. Appointments to IFCA's are on a voluntary basis and it will be for IFCA's to decide whether allowances are payable to general members for any reason. IFCA's will set procedures and guidelines in relation to expenses and other claims at the beginning of each financial year, in accordance with relevant local authority or any other rules relevant to their IFCA.
15. Notification of a resignation. When an appointee wishes to resign from an IFCA committee, a resignation should be submitted in writing to the Chief Officer or other relevant head of service, who will then notify the MMO. The MMO will then be responsible for seeking an appropriate replacement, in co-ordination with the chair of the relevant IFCA committee.
16. All appointees are required to undertake training as notified by the IFCA or MMO, including induction.

CHAPTER 4: Scheme of Delegations

Responsibility for functions

1. Chapter 4 of this Constitution sets out the extent to which the Authority's functions are:

- the responsibility of the full Authority;
- the responsibility of Sub-Committees of the Authority;
- the responsibility of the Chief Executive Officer.

The allocation of responsibilities aligns with the three County Councils' interpretation of the approach to the division of functions between Executives and Authorities, namely:

- Determination of the policy framework and budget and other constitutional and quasi legislative functions are to be the responsibility of the full Authority.
 - Functions which involve the delivery of the vision of Eastern IFCA across the spectrum of Conservation and Enforcement business are to be the responsibility of the Chief Executive Officer (CEO).
 - All other functions are to be the responsibility of either the CEO or the Authority's Sub-Committees.
2. Within this framework all members have agreed that it is the role of Authority members to concentrate upon broad strategy and policy decisions and that it is essential that the CEO and subordinate managers have clear managerial control and authority to implement those decisions.
3. It is part of the role of Authority members to raise concerns, particularly those of stakeholders, and bring to the attention of the CEO matters of concern on any element of Eastern IFCA business. Members agree that their involvement in day to day management beyond this is unlikely to promote the most effective service. In exercising their delegated powers, the CEO shall consider the concerns and comments of Members whilst recognizing their responsibility to manage delivery of Eastern IFCA outputs in accordance with the Authority's policy framework.

MATTERS WHICH IT IS THE RESPONSIBILITY OF THE FULL AUTHORITY TO DISCHARGE
Function
1. Approving and adopting the Annual Budget and setting the levy to the County Councils.
2. Agreeing quarterly accounts and statements of payments made and monies received.
3. Approving bank signatories.
4. Adopting and changing the Constitution including reviewing Standing Orders; Schedule of Delegations; Non-Elected Members' Code of Conduct; Anti-Fraud and Corruption policy and other constitution documents.
5. Agreeing and reviewing annually the Members' expenses scheme.
6. Agreeing and/or amending the terms of reference for Sub-Committees, deciding on their composition and making appointments to them.
7. Appointing Member representatives of the Authority to outside bodies.
8. Agreeing the Authority's strategic policy framework as follows: <ul style="list-style-type: none"> • Annual Report • Annual Plan

<ul style="list-style-type: none"> • Research and Environment Plan • Communications and Engagement Strategy • Research Reports • Biosecurity Plan • Risk Management strategy • Derogations Policy
9. Agreeing the Authority's strategic enforcement framework as follows: <ul style="list-style-type: none"> • Enforcement Strategy • Enforcement Code of Conduct • Financial Administrative Penalties for Fisheries Offences
10. Receiving reports on complaints against the Authority and on Freedom of Information 2000, Environment Information Regulations 2004 and Data Protection Act 1998 requests.
11. Agreeing and signing Memoranda of Understanding and other partnership initiatives.
12. Receiving minutes of meeting of the Association of Inshore Fisheries and Conservation Authorities.
13. Managing inshore fisheries outwith WFO 1992 as delegated and approved by DEFRA.
14. Waiving any of the procedures relating to contracts which are set out in the Financial Regulations.
15. Agreeing the sale of assets worth more than £10,000.
16. Receiving reports and agree action on bad debts.
17. Acting as a consultee for planning proposals and other issues that may affect or impact on fisheries resources or the marine environment within the Authority's District.

MATTERS WHICH IT IS THE RESPONSIBILITY OF THE FINANCE & PERSONNEL SUB-COMMITTEE TO DISCHARGE
Function
1. Decision making powers concerning strategic financial matters and approving the annual Statement of Accounts, transfers between accounts, appointment of the Auditor and amendments to the Financial Regulations, but not the setting of the levy, approval of quarterly accounts and statements and approval of bank signatories, all of which are reserved to the full Authority.
2. Decision making powers in developing the Human Resources strategy for the organisation including staff structure and employment policy to include personal development, training and appraisal strategies to assure adherence to relevant UK employment law and other mandated public sector initiatives.
3. Decision making powers regarding policy on the recruitment, remuneration and retention of personnel.
4. Decision making powers to approve standing interview procedures and the appointment of interview panels for the recruitment of the Chief Executive Officer and Executive ⁵⁶ personnel including Consultants. Authority members of interview panels will be drawn from this Sub-Committee and panels will also include appropriate Authority senior officers; panels will normally be chaired by the Chair

⁵⁶ Executive posts deemed to be the Deputy CEO, Head of Finance and Head of Human Resources

of this Sub-Committee; panels will carry out all processes leading to the selection of the successful candidate who will be appointed by the Sub-Committee.
5. Decision making powers to conduct Disciplinary/Grievance appeals panels.
6. The Sub-Committee may delegate any of its powers to an individual member of the Sub-Committee or to the CEO except where the power falls to be discharged by a panel.
7. The Chair of the Sub-Committee, or the CEO in consultation with the Chair, may refer any of the matters set out above to the full Authority for determination where this is in the Authority's interests.

MATTERS WHICH IT IS THE RESPONSIBILITY OF THE MARINE PROTECTED AREAS SUB-COMMITTEE TO DISCHARGE
Function
1. Decision-making powers in relation to the following provisions of the WFO 1992: <ul style="list-style-type: none"> • Opening fisheries for the prescribed shellfish species in the area of the Wash covered by the WFO 1992 • Management measures for fisheries in the relevant area of the Wash including approving any underpinning research initiatives • Granting and revoking licences • Approving and reviewing the Derogation process
2. Decision making powers in relation to European Marine Site (EMS) responsibilities including: <ul style="list-style-type: none"> • Establishing the policy framework to enable accommodation of developing EMS initiatives material to Authority outputs.
3. Making recommendations to the full Authority in relation to the management and administration of all Marine Protected Areas in the district.
4. The Sub-Committee may delegate any of its powers to an individual member of the Sub-Committee or to the CEO.
5. The Chair of the Sub-Committee, or the CEO in consultation with the Chair, may refer any of the matters set out above to the full Authority for determination where this is in the Authority's interests.

MATTERS WHICH IT IS THE RESPONSIBILITY OF THE PLANNING AND COMMUNICATIONS SUB-COMMITTEE TO DISCHARGE
Function
1. Developing the Authority's vision and strategic planning to deliver the DEFRA success criteria.
2. Preparing the Authority's Business Plan, Annual update and Annual Report.
3. Approving the Authority's Business Plan to meet DEFRA deadlines.

4. Formulating the replacement strategy for Authority capital assets for recommendation to the full Authority.
5. The Sub-Committee may delegate any of its powers to an individual member of the Sub-Committee or to the CEO.
6. The Chair of the Sub-Committee, or the CEO in consultation with the Chair, may refer any of the matters set out above to the full Authority for determination where this is in the Authority's interests.

MATTERS WHICH IT IS THE RESPONSIBILITY OF THE REGULATORY AND COMPLIANCE SUB-COMMITTEE TO DISCHARGE
Function
1. Making, amending, revoking, re-enacting or adopting byelaws.
2. Reviewing enforcement strategy assuring adherence to UK Law, other legal precedents and mandated public service protocols.
3. Developing a risk-based enforcement strategy suitable for Authority purposes.
4. The Sub-Committee may delegate any of its powers to an individual member of the Sub-Committee or to the CEO.
5. The Chair of the Sub-Committee, or the CEO in consultation with the Chair, may refer any of the matters set out above to the full Authority for determination where this is in the Authority's interests.

MATTERS WHICH IT IS THE RESPONSIBILITY OF THE CHIEF EXECUTIVE OFFICER TO DISCHARGE
Function
Human Resources
1. Being the Head of the Eastern IFCA's paid service and ensure that the Authority deals effectively and lawfully with day to day operational control of personnel issues, including management of staff structure, recruitment, retention, welfare, training, disciplinary and grievance matters. To develop plans to deliver HR strategy.
2. Managing the performance of staff to ensure that the Authority's policies and decisions are implemented effectively and that key targets and objectives are met.
3. Being ultimately responsible for all other HR matters that have not been delegated to the Finance & Personnel Sub-Committee or reserved to the full Authority.
Protection and Conservation
4. Leading and directing the Authority's officers in the enforcement of all legislation relating to the management and policing of the inshore fisheries and the conservation of the marine environment.

5. Instigating and taking legal proceedings for offences under any legislation which empowers the Authority to take legal proceedings, after consultation with the Chair and Vice-Chair of the Authority.
6. Making emergency byelaws under Section 157 of the Marine and Coastal Access Act 2009 after consulting with the Chair and Vice Chair of the Authority and notifying the Chair and Vice Chair of the Regulatory & Compliance Sub-Committee. On making an emergency byelaw, the CEO must call an extraordinary meeting of the full Authority.
7. Ensuring that the Authority liaises and works in co-operation with other inshore fishery and conservation organisations, including other IFCAs.
8. Being ultimately responsible for all fisheries management matters that have not been delegated to the Marine Protected Areas Sub-Committee or reserved to the full Authority.
Governance and Financial management
9. Being the Responsible Financial Officer for the Eastern IFCA as defined in the Authority's Financial Regulations.
10. Entering into and varying contracts on behalf of the Authority where these are necessary to implement the Authority's decisions or to discharge the responsibilities of the CEO and provide the best value for the Authority.
11. Being responsible for all financial management matters that have not been delegated to the Finance & Personnel Sub-Committee or reserved to the full Authority.
12. Acting as signatory in respect of permits, licences, agendas, cheques and other such Authority documentation.
13. Ensuring that all governance, enforcement, financial management and HR policies and procedures are maintained in an accurate and up-to-date state and are adhered to by all staff and members.
14. Ensuring that all matters within the decision-making powers of the full Authority and its Sub-Committees are brought forward to the relevant forum in a timely manner and with all information necessary for a robust and lawful decision.
15. Receiving and investigating complaints against non-elected members of the Authority and making recommendations to the appointing body. Referring complaints against elected members to the relevant county council Monitoring Officer.
16. Ensuring the Authority's complaints procedure is implemented and monitored.
17. Ensuring the preparation and circulation of agendas, papers and minutes for all Authority and Sub-Committee meetings in line with legal requirements and the Eastern IFCA Constitution.
18. Attending, or being represented, at all meetings of the Authority, Sub-Committees, working groups, and other meetings and ensuring that advice is available on legal and procedural issues.
19. Ensuring the Authority meets its obligations under the Freedom of Information 2000, the Environment Information Regulations 2004 and the Data Protection Act 1998
External representation and communications
20. Ensuring that the Eastern IFCA is appropriately represented at meetings with other bodies such as DEFRA, MMO, Environment Agency, Natural England, Association of Inshore Fisheries and Conservation Authorities, county councils etc.
21. Ensuring effective communications between Eastern IFCA staff and members, and between the Authority and other bodies.
22. Maintaining effective community consultation, engagement and participation arrangements for the Authority that meet external and internal objectives.

Powers of Delegation
23. Delegating functions to another officer of the Eastern IFCA but remaining accountable for the outcome of such delegations.
Provision for emergencies
24. Where, in the opinion of the CEO (or their DCEO in their absence) a decision which is within the powers of the Authority, but is not within the CEO's delegated powers, is urgently required by the Eastern IFCA, and cannot be delayed until an Authority or relevant Sub-Committee meeting is convened, the CEO may take the decision, having first consulted the Chairman and the Vice-Chairman of the Authority and, where relevant, the Sub-Committee Chair and Vice-Chair. All such decisions must be reported to the next meeting of the Authority and the relevant Sub-Committee.

Delegations to the Chair and Vice-Chair of the Authority and the Chair/Vice-Chair of the Finance and Personnel sub-committee
<p><i>On 11 October 2011, the Authority delegated the following power to the Chair and Vice-Chair of the Eastern IFCA:</i></p> <p>To the Chair (and in their absence, the Vice-Chair), sign orders for the payment of money by the county councils jointly with the CEO.</p> <p><i>On 14th January 2016, the Finance and Personnel sub-committee delegated the following power to the Chair and Vice-Chair of the Finance and Personnel sub-committee:</i></p> <p>To the Chair (and in their absence, the Vice-Chair) in conjunction with the Chair (and in their absence, the Vice-Chair) of the Authority and the CEO, decision making power regarding, recruitment, remuneration and retention of Executive Officers.</p>

CHAPTER 5: Financial Regulations 2012

1 General

- 1.1 These financial regulations shall govern the conduct of the financial transactions of the Authority and may only be amended or varied by resolution of the Authority.
- 1.2 The Responsible Financial Officer (RFO) shall be the Chief Executive Officer who shall be responsible for the proper administration of the Authority's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

2 Annual Estimates

- 2.1 Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, shall be prepared each year by the RFO. Proposals in respect of revenue services and capital projects in a rolling three year forecast shall also be prepared each year by the RFO.
- 2.2 The Finance and Personnel Sub-Committee shall review the estimates and make a recommendation to the Authority not later than the end of January in each year on the precept to be levied for the ensuing financial year.
- 2.3 All expenses incurred by the Authority within the agreed budgets are to be met by the relevant County Councils.
- 2.4 Orders for the payment of money by the County Councils (Levies) must be signed by the Chair, or in the Chair's absence, the Vice-Chair, and the Chief Executive Officer.
- 2.5 The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

3 Budgetary Control

- 3.1 Expenditure on the revenue account may be incurred up to the amounts included in the budget.
- 3.2 The RFO shall when requested provide the Authority with a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.
- 3.3 The RFO may incur expenditure on behalf of the Authority which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The RFO shall report the action to the Authority as soon as practicable thereafter.
- 3.4 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year other than as balances to reduce subsequent levy calls unless authorised by the Authority.
- 3.5 Notwithstanding 3.4 above, the RFO shall be responsible for identifying and establishing specific earmarked reserves where appropriate.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the Authority or Sub-Committee concerned are satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.
- 3.7 All capital works shall be administered in accordance with Authority's procedures and financial regulations relating to contracts.

4 Accounts and Audit Commission

- 4.1 All accounting procedures and financial records of the Authority shall be determined by the RFO as required by the Accounts and Audit Regulations 1996 and the *Accounts and Audit (England) Regulations 2011*.
- 4.2 The RFO shall be responsible for completing the annual accounts of the Authority as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Finance and Personnel Sub-Committee by no later than 30th June in any one year. The Finance and Personnel Sub-Committee is responsible for the approval of the annual Statement of Accounts prior to submission to the Authority at the July Authority Meeting.
- 4.3 The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the Authority's accounting, financial and other operations in accordance with Regulation No.5 of the Accounts and Audit Regulations 1996.
- 4.3.1 As part of the effective system of internal audit the Authority shall appoint a suitable person who is removed from the decision making process of the Authority who shall be responsible for undertaking an internal audit from time to time but at least annually.
- 4.3.2 Any officer or member of the Authority shall, if the RFO requires, make available such documents of the Authority which relate to their accounting and other records as appear to the RFO to be necessary for the purpose of the audit and shall supply the RFO with such information and explanation as the RFO considers necessary for that purpose.

5 Banking Arrangements and Cheques

- 5.1 The Authority's banking arrangements shall be made by the RFO and approved by the Authority. A Current Account shall be maintained at the bank, to cover general expenses and a Salary & Wages Account to cover payroll. In addition to these the RFO is authorised to operate such bank accounts he/she may consider necessary in order to optimise income from interest bearing accounts.
- 5.2 A schedule of payments made and monies received shall be prepared by the RFO and presented to the Authority at their Meetings. If the schedule is in order it shall be authorised by a resolution of the Authority minuted, with such minutes signed/initialled by the Chair or Vice Chair.
- 5.3 BACS, Cheques, Direct Debits and Standing Orders drawn on the Current bank Account in accordance with the schedule referred to in the previous paragraph shall be signed by two duly authorised signatories in accordance with current bank mandates resolved by the Authority.

5.4

6 Payment of Accounts

- 6.1 All payments other than petty cash transactions shall be effected by means of electronic transfer or other order drawn on the Authority's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the officer issuing the order. Before certifying an invoice, the officer shall satisfy him/herself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- 6.3 Duly certified invoices shall be passed to the RFO who shall examine them in relation to arithmetical accuracy and authorisation, and shall code them to the appropriate expenditure head. The RFO shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.

6.4 All duly certified invoices will be summarised in the schedule referred to in 5.2 above.

7 Payment of Salaries and Wages

7.1 The payment of salaries and wages shall be made by the RFO from the payroll account in accordance with the payroll records.

7.2 All time sheets shall be certified as to accuracy by or on behalf of the RFO.

8 Investments

8.1 All investments under the control of the Authority shall be negotiated by the RFO in the name of the Authority.

8.2 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9 Income

9.1 The collection of all sums due to the Authority for work done, services rendered or goods supplied shall be the responsibility of, and under the supervision, of the RFO.

9.2 The RFO will review all fees and charges as necessary.

9.3 Any bad debts shall be reported to the Authority.

9.4 All sums received on behalf of the Authority shall either be paid to the RFO for banking or be banked by the officer collecting the money as directed by the RFO. In all cases all receipts shall be deposited with the Authority's bankers as soon as possible.

9.5 A reference to the related debt, or otherwise, indicating the origin of each cheque, shall be entered on the paying in slip.

9.6 Personal cheques shall not be cashed out of money held on behalf of the Authority.

10 Orders for Work, Goods and Services

10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. petty cash purposes. Copies of orders issued shall be maintained.

10.2 Order books shall be controlled by the RFO.

10.3 All officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.

10.4 All officers are required to comply with the requisite authorisation to undertake a transaction as specified in internal memoranda issued by the RFO.

11 Contracts

11.1 Procedures as to contracts are as follows:

(a) Every contract whether made by the Authority or by a Sub-Committee to which the power of making contracts has been delegated shall comply with these procedures, and no exception from any of the following provisions of these procedures shall be made otherwise than by direction of the Authority or in an emergency by such a Sub-Committee as aforesaid provided that these procedures shall not apply to contracts which relate to items (i) to (v) below:

(i) for the supply, of gas, electricity, water, sewerage and telephone services

(ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.

- (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Authority.
 - (v) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at fixed price, or for which there is only one source of supply.
- (b) Where it is intended to enter into a contract, other than specified in (c) below:
- (i) exceeding £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out on paragraph (a) the RFO shall invite quotations from at least three appropriate firms.
 - (ii) if less than three quotations are received or if all three quotations are identical the RFO may make such arrangements as he thinks fit for procuring the goods or materials or executing the works.
- (c) Where it is intended to enter into a contract for major capital expenditure relating to e.g. new vessels and or their replacement, buildings etc. the RFO shall invite tenders from at least three appropriate firms.
- (d) When applications are made to waive procedures relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Authority.
- (e) Every exception made by a Sub-Committee to which the power of making contracts has been delegated shall be reported to the Authority and the report shall specify the emergency by which the exception shall have been justified.
- (f) Such invitation to tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the RFO and the last date by which such tenders should reach the RFO in the ordinary course of post. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (g) All sealed tenders shall be opened at the same time on the prescribed date by the RFO or the properly authorised deputy in the presence of at least one member of the Authority.
- (h) If less than three tenders are received or if all three tenders are identical the Authority may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (i) The Authority shall not be obliged to accept the lowest of any tender. Justification of the chosen tender must be given in writing to the Authority.
- (j) Any invitation to tender issued under these procedures shall contain a statement to the effect that procedures 11.1(c) to 11.1(i) will be adhered to.

12 Payments Under Contracts for Building or Other Construction Works

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract.
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of work carried out under a contract, excluding fluctuation clauses, will exceed the

contract sum by 1% or more a report shall be submitted to the appropriate Committee.

- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the RFO in writing, the appropriate Committee being informed where the final cost is likely to exceed the financial provision.

13 Assets

- 13.1 The RFO shall make appropriate arrangement for the custody of all title deeds or assets owned by the Authority. The RFO shall ensure a record is maintained of all assets owned by the Authority, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Regulation No.4(3)(b) of the Account and Audit Regulations 1996.
- 13.2 No asset exceeding the £10,000 de-minimis level recommended by District Audit shall be sold, leased or otherwise disposed of without the authority of the Authority.

14 Insurance

- 14.1 The RFO shall effect all insurances and negotiate all claims on the Authority's insurers.
- 14.2 The RFO shall be responsible for insuring all new risks, properties, vessels or vehicles and any alterations affecting existing insurances.
- 14.3 The RFO shall keep a record of all insurances effected by the Authority and the property and risks covered thereby and annually review it.
- 14.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.
- 14.5 All members and employees of the Authority shall be included in suitable fidelity guarantee, professional indemnity, and Directors and Officers insurances.

15 Revisions of Financial Regulations

- 15.1 It shall be the duty of the RFO to review the financial regulations at a maximum interval of two years and to report to the Authority accordingly.

CHAPTER 6: Anti-Fraud and Corruption Policy



**Anti – Fraud &
Corruption Policy**

April 2013

Contents

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Appendices

Appendix 1 Table of adequate procedures

1. Introduction

In order to achieve the Authority's objectives, protect its integrity, enhance its reputation and maximise its resources, the Eastern IFCA will not tolerate any level of fraud or corruption in the organisation. This policy demonstrates that the Authority has effective governance arrangements in place to prevent fraud and corruption as far as it is possible to do so, and to detect, investigate and deal effectively with any incidents that might occur.

The policy applies to all Members of the Authority, and to all Authority staff whether permanent, temporary, fixed term, full- or part-time, casual employees or volunteers, as well as to any consultants, contractors, agents or intermediaries engaged to work for the Authority or on its behalf.

It is the responsibility of the Chief Executive Officer (CEO) and all managers within the Eastern IFCA to make sure that all staff are aware of the Anti-Fraud and Corruption policy and comply with it.

The CEO and the Chair of the Authority are responsible for ensuring that all Members are aware of the policy and comply with it and that the public are aware of the policy.

The Authority will follow its disciplinary procedure up to and including dismissal and where appropriate, will seek to prosecute anyone who engages in corrupt practices against, steals from, or defrauds the Authority and will seek to recover the proceeds of any such actions from identified offenders.

2. What is fraud and corruption?

The following definitions, as well as those contained in relevant legislation, illustrate the Authority's approach to fraud and corruption:

- Fraud includes any dishonest act or intention which involves the misuse of any assets or information held by, or on behalf of, the Authority with the aim of achieving gain or advantage for any person, or causing loss or disadvantage to any person.
- Theft includes intentional, dishonest and unlawful borrowing, misappropriation or misuse of the Authority's assets or facilities.
- Corruption includes:
 - the offering, giving, soliciting or acceptance of an inducement or reward intended to influence the action of any Member;
 - situations where any Member, employee, volunteer, contractor, agent or intermediary of the Authority intentionally makes or promotes a decision which is contrary to the Authority's decision-making policy and/or procedures, and is based on no sound reasoning, with the intention of giving any person an unfair advantage or disadvantage.

3. The Bribery Act 2010

Bribery can be defined as offering, promising or providing an inducement or reward in order to obtain personal, commercial, regulatory or contractual advantage. As a public organisation, the Eastern IFCA is subject to the Bribery Act 2010 which creates the following offences:

- to offer, promise or give a bribe (Section 1);
- to request, agree to receive, or accept a bribe (Section 2);
- to bribe a foreign public official (Section 6).

Failure by a commercial organisation to prevent bribery that is intended to obtain advantage for the organisation in the conduct of business is an offence under Section 7 of the Act. An unincorporated public body can be a commercial organisation for the purposes of Section 7 if it engages in commercial activity, regardless of the use of any profits made. On 27 July 2011, the Authority agreed a table of 'adequate procedures' intended to demonstrate the measures it had taken to prevent bribery as required under the Act. This is attached as Appendix 1

4. Culture

The Authority is determined that the culture and tone of the organisation is one of honesty and opposition to fraud and corruption.

There is both an expectation and requirement that Authority members and staff, at all levels, will lead by example in these matters and that all individuals and organisations associated in whatever way with the Authority, will act with integrity.

To support this culture, the Authority has in place the following corporate governance arrangements relevant to the prevention and detection of fraud:

- Sound and effective internal systems of financial, management and ethical control.
- A Constitution including Standing Orders (Chapter 1), a Code of Conduct for Non-elected Members (Chapter 2), Marine Management Organisation terms of appointment (Chapter 3), a Scheme of Delegations (Chapter 4), Financial Regulations (Chapter 5), and this Anti-Fraud and Corruption Policy (Chapter 6).
- Codes of conduct for elected and non-elected Authority Members and a procedure for dealing with complaints against Members together with registers of interests and of gifts/hospitality.
- Up-to-date staff and management procedures and policies including expense claims, disciplinary and grievance, Whistleblowing and staff code of conduct.
- A risk register which includes the risk of fraud, corruption and bribery.
- An Enforcement and Compliance procedure

All Eastern IFCA Members and employees must comply with the code of conduct relevant to them:

- for Members: the Non-elected Members' Code of Conduct or the Codes of Members' Conduct of Lincolnshire, Norfolk and Suffolk County Councils, as appropriate;
- for employees: the Staff Code of Conduct and Behaviour

5. Responsibility for the Authority's internal control systems

Chief Executive Officer

The CEO has overall responsibility for establishing and maintaining Authority's systems of financial, management and ethical control and ensuring compliance with those systems, The CEO is also the Eastern IFCA's Responsible Financial Officer for the purposes of the Authority's Financial Regulations.

The CEO is responsible for:

- the Authority's anti-fraud and corruption culture;
- ensuring appropriate and effective risk management, including the risks related to fraud, corruption and bribery;
- ensuring effective fraud prevention, detection and investigation systems and procedures.

Executive Officers

The CEO, Deputy CEO, Head of Finance and Head of HR are responsible for:

- identifying the fraud, corruption and bribery risks involved in their respective operational area;
- ensuring an adequate assessment of each risk;
- devising appropriate anti-fraud, corruption and bribery controls and incorporating them in all systems and processes for each operational area;
- regularly reviewing and testing the control systems in each area;
- should incidents of fraud, corruption or bribery take place, devising and implementing new controls to improve prevention and detection in order reduce the risk of further incidents occurring.

Line managers

Line managers are responsible for:

- ensuring that their staff comply with the Anti-Fraud and Corruption Policy, and the Authority's other policies, procedures and codes of conduct;

- Reviewing responsibilities with their employees and ensuring refresher training is arranged as appropriate
- promptly reporting suspicions, concerns or allegations about fraud, corruption or bribery to the appropriate of Service or the CEO.

6. Reporting concerns

Staff should report any suspicions of, or concerns about, fraud, corruption or bribery to their line manager, a member of the Executive team or directly to the CEO. A line manager or Executive officer who receives a report from a member of staff will refer it to the CEO without delay. (Where the report concerns the CEO, the referral will be to the Chair of the Authority, or the Vice-Chair in the Chair's absence.)

The Authority has a Whistleblowing procedure for staff who wish particular confidentiality in reporting genuine concerns about wrongdoing at work, and feel they need to go outside the usual management structure.

Authority Members should report suspicions or concerns about fraud, corruption or bribery to the CEO.

Members of the public can report concerns to the CEO, or to any Authority member, employee, volunteer, consultant, contractor or agent/intermediary. Anyone who receives such a report must refer it to the CEO without delay.

7. Assessing allegations of fraud or corruption

All allegations will be dealt with in confidence and promptly assessed by the CEO to establish whether further investigation is required. The CEO will report the outcome of the assessment to the Chair and Vice-Chair of the Authority and the Chair of the Finance & Personnel Sub-Committee, and will state whether further action is required, such as further investigation, referral to the police and/or implementation of the Authority's disciplinary procedures.

Where the matter concerns the CEO, it will be for the Chair of the Authority or, in their absence, the Vice-Chair, to arrange an assessment in line with the advice of the Authority's contracted legal adviser. The legal adviser will report the outcome of the assessment to the Chair and Vice-Chair and the Chair of the Finance & Personnel Sub-Committee, and will recommend further action as required by the Chair of the Authority (or in their absence, the Vice-Chair).

Where the matter concerns any of the office-holders indicated above, they will be excluded from this process.

8. Investigating allegations of fraud or corruption

The Chief Executive Officer will ensure that:

- either an internal or external investigator, as appropriate, is promptly appointed to investigate, taking advice from the Authority's contracted legal adviser as necessary;
- the method of investigation will comply with the standards necessary to support criminal or disciplinary action, should this be outcome, and will avoid prejudicing any such outcome;

Decisions on suspending an officer or member concerned in an allegation of fraud or corruption will be taken according to the Authority's staff disciplinary procedures and codes of employee and Member conduct.

The CEO will report to the Chair and Vice-Chair of the Authority and the Chair of the Finance & Personnel Sub-Committee the outcome of investigations and the remedial actions that have been, or will be, taken. A report will also be made to the next appropriate Finance & Personnel Sub-Committee and quarterly Authority meeting.

Where the allegation concerns the CEO, the Chair of the Authority will take all necessary actions in line with the advice of the Authority's contracted legal adviser and in consultation

with the Vice-Chair of the Authority and the Chair of the Finance & Personnel Sub-Committee. Where the allegation concerns any of the office-holders named above, they will be excluded from the process.

9. Publicity and Training

The Authority recognises that the continuing success of its Anti-Fraud and Corruption Policy and its general credibility will depend largely on the effectiveness of publicity, programmed training and responsiveness of staff throughout the Authority.

To facilitate this, the Authority supports the concept of induction and re-training, particularly for staff involved with internal control systems, to ensure that their responsibilities and duties are regularly highlighted and reinforced.

The CEO will ensure that this policy is available to members of the public as part of the Authority's Constitution.

Appendix 1

Agreed by the Authority on 27/7/11 as Agenda Item 11 'Adequate procedures' under the Bribery Act

Bribery Act 2010 - - - - - Risk & Mitigation

Type of Activity	Agents	Mitigation
Purchasing and Procurement	Administrative staff, Executive staff	<ul style="list-style-type: none"> • Financial regulations for operating • Whistle blowing policy • Annual Internal Audit by Norfolk County Council • Annual External Audit
Personnel and Management	Administrative staff, Executive staff and Authority Members	<ul style="list-style-type: none"> • Use of a 'Recruitment Protocol' to confirm need and appropriateness • Competitive advertising and recruitment process including use of interview panel • Restricted and recorded access to personnel information
Allocation and management of Wash Fishery Order 1992 Entitlements/Licenses	Administrative staff, Executive staff and Authority Members	<ul style="list-style-type: none"> • Decisions made by the Marine Protected Areas Sub-Committee • Authority meetings open to public scrutiny, including minutes of decisions • Authority Members subject to Code of Conduct and Standing Orders
Allocation and management of Wash Fishery Order 1992 Lays	Administrative staff, Executive staff and Authority Members	<ul style="list-style-type: none"> • Decisions made by the Marine Protected Areas Sub-Committee • Authority meetings open to public scrutiny, including minutes of decisions • Authority Members subject to Code of Conduct and Standing Orders
Quota management	Research staff, Executive staff and Authority Members	<ul style="list-style-type: none"> • Agreed sampling regime and peer review of results • Appropriate Assessment submitted to Natural England • Checking of landings both at quayside, through the Marine Management Organisation and processors
Compliance (including inspection of catch, method monitoring and infringement notices)	Warranted Officers, Executive staff,	<ul style="list-style-type: none"> • Warranted Officers undergo pre employment drugs testing and Police vetting • Lone worker arrangements, including follow up and vehicle support • Reporting requirements for Warranted Officers • Fixed Administrative Penalties submitted to the Marine Management Organisation for consideration
Fisheries Prosecutions	Warranted Officers, Executive staff, Authority Chair and Vice-Chair	<ul style="list-style-type: none"> • Warranted Officers undergo pre employment drugs testing and Police vetting • Large enforcement operations completed with multiple officers with peer review • Review of case notes by 'Investigating Officer' and 'Disclosure Officer' • Inclusion of legal advice in the process and at review • Decision to prosecute taken by Chair and Vice-Chair of the Authority • Fixed Administrative Penalties submitted to the Marine Management Organisation for consideration

Policy setting and review	Executive and Authority Members	<ul style="list-style-type: none"> • Authority meetings open to public scrutiny, including minutes of decisions • Authority Members subject to Code of Conduct and Standing Orders Policy • Policy papers are prepared and peer reviewed
Development of marine conservation management measures (e.g. Codes of practice, voluntary agreements, byelaws etc)	Research/Environment staff, Executive and Authority Members	<ul style="list-style-type: none"> • Objectives of Marine Conservation Zones set out by Defra and the Marine Management Organisation • Implementation agreed in meetings representative of the community, and subject to public scrutiny

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 11

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27th April 2016

Report by: Julian Gregory – Acting CEO

WFO 1992 Cockle Fishery 2016

Purpose of report

To advise members of the current status of the cockle fishery and to seek approval for extraordinary management measures to enable the fishery to open during May 2016 if appropriate.

Recommendations

Members are asked to:

- **Note** the content of the report
- **Agree** that estimated stocks on Daseleys are adjusted to account for any stocks that were harvested during the period between being surveyed and closure on 21st April 2016
- **Agree** in principle that a continuation of contingency management measures may be appropriate in the Wash cockle fishery.
- **Delegate** decision making on the early opening of the 2016-17 fishery (or part of the fishery) to the A/CEO in consultation with the Chair and Vice-Chair of the Authority.
- **Agree** that in the event of early opening the fishery would operate under the same management measures as the 2015-2016 fishery
- **Agree** that any stocks harvested following an early opening would be deducted from the TAC eventually allocated to the 2016-2017 TAC

Background

At its meeting of 3rd June 2015 the Authority agreed to open the Wash hand worked cockle fishery with a TAC of 2,079 tonnes.

In July 2015, following requests from fishermen, officers assessed the cockle stocks within an area of the Roger/Toft/Trap Sand that had been closed to protect Yr-0 juvenile cockles. The cockles in this area were found to have grown exceptionally well. Following this assessment, the closure was removed from this area for two reasons:

1. Many of the stocks had attained 14mm width, offering a good fishery resource.
2. In many places, where the cockles were present in high densities, ridging out was occurring and their chances of survival were poor.

As a consequence of the exceptional growth observed on this particular sand a review of the fishery was undertaken, which concluded that contingency management measures should be considered. The key factors in reaching this conclusion were:

1. There was an opportunity to offer more exploitation opportunities in the 2015 fishery, and;
2. Without a review of management measures, the fishery would end by late August and cockles of harvestable size that would provide significant income to local businesses would subsequently die.
3. Cockle mortalities were anticipated to be high during 2016 risking a wholesale loss of stock.
4. Juvenile cockle stocks were currently exceptionally high, providing a large buffer to protect the future sustainability of the stocks.

It should be noted that the review was conducted due to exceptional conditions including:

- The presence of exceptionally good juvenile stocks that allow the imposition of exceptional contingent management measures without endangering the sustainability of the fishery.
- Exceptional growth both enabling stocks to be fished earlier than anticipated but also greatly increasing the imminent risk of natural mortality from ridging out or atypical mortality.

Options were prepared in a paper, which was considered at an extraordinary meeting of the full Authority held on 21 August 2015. Following consideration of the options it was decided to ring fence the Roger/Toft/Trap Sand and to treat the exploitation of its cockle stocks in a bespoke manner. In so doing all cockles harvested from this area were discounted from the TAC and instead only cockles harvested from other sands will be taken from the TAC.

The overall effect of this decision was to allow fishers to exploit this particular sand until it is no longer commercially viable and for the TAC to be applied to the remaining open sands in the fishery. This represented a substantial increase in the quantity of cockles available to be fished during the 2015 fishery.

At its meeting of 28 October 2015 the Authority was advised that some members of the industry had chosen to breach the rules and reports had been received of double tiding and taking more daily quota than was permitted. The consequence of this had been increased enforcement activity. Given the circumstances, further authority was delegated to the A/CEO to manage the fishery effectively.

Decisions taken at the Authority meetings of 3 June, 21 August and 28 October 2015 mean that the CEO is currently empowered to:

- Determine opening times for the fishery based on preferences of Entitlement Holders, appropriate tides, regular breaks in the fishery by operating a four-day week and an extension to a five-day week should atypical mortality be judged to be a significant factor.
- Immediately (without seven days' notice) close a fishery or parts of a fishery should malpractice and/or unacceptable levels of sediment damage be observed.
- Close the fishery when it is estimated the TAC has been exhausted.
- Restrict access to cockle beds if juvenile stocks are judged to be disproportionately targeted.
- Close the Roger sand when it was judged that it is no longer offering a viable fishing opportunity.

- Immediately (without 7 days' notice) specify opening and closing times for the fishery and to specify upon which tides it is permissible to fish on the sands and on which tide catch can be landed, for the duration of the 2015 fishery.
- Dispense with the customary 7 days' notice when closing the fishery upon exhaustion of the TAC or when the Roger/Toft/Trap sand (or any part thereof) is judged to no longer be viable.

Current Position

As a consequence of the contingency management measures introduced for the 2015 fishery it is estimated that circa 4,967 tonnes of cockles have been landed and that there are circa 992 tonnes of the TAC remaining.

It is normal practice to close the fishery when either the TAC is exhausted or the annual cockle surveys commence.

During March 2016 representations were made from the fishing industry to break with normal practice and to keep the fishery open during the cockle surveys and through the Spring months. The rationale for this was that the TAC has not been expended and it was thought that there may be a high TAC for the 2016 fishery combined with the potential for significant mortality of cockles due to stock density.

As a consequence, the majority of the fishery was closed at the commencement of the annual surveys in late March 2016 but two areas remained open on the Roger/Toft/Trap and Daseleys/Seal/Rooks Middle sands. Whilst Daseleys sand was surveyed and remained open both sands were closed on 21st April 2016, prior to the survey sands for survey of the Roger/Toft/Trap sand.

Early indications from the 2016 annual surveys are that there are some high densities of stock of adult size. Whilst only preliminary indications this may indicate that there will be a relatively high TAC for the 2016 fishery and there is the possibility that there will be significant mortality later in the season.

This being the case then it may be appropriate for the fishery to operate on those sands with high stock densities and/or the potential for 'ridging out' and 'die-off' through May and June. The objective would be to reduce the risk of commercially viable stock either being lost as a consequence of mortality or due to an inability to fish the entire TAC.

Proposed Management Measures

Under normal circumstances, when the fishery is closed prior to the spring surveys, there is a distinct cut-off between one year's TAC and that allocated for the following year's fishery. When fisheries are allowed to continue during the surveys, that distinct cut-off is less clear. Whilst the Roger/Toft/Trap sand was closed prior to survey Daseleys remained open following survey until 21st April 2016. It is therefore proposed that when determining the 2016-2017 TAC, the estimated stocks on Daseleys are adjusted to account for any stocks that were harvested from them during the period between when those sands were surveyed and closure on 21st April 2016.

If the surveys identify there is the potential for high mortality late in the season and/or there is likely to be a relatively high TAC officers are seeking an opportunity to open the 2016-2017 fishery in May rather than waiting until after the June Authority meeting. Until management measures for this fishery can be formally agreed in by the Authority in June, the fishery would operate under the same management measures as the 2015-2016 fishery. Any stocks harvested following an early opening would be deducted from the TAC

eventually allocated to the 2016-2017 TAC. In the event that it is judged appropriate to open the fishery as described it is likely that those sands with high stock densities and/or the potential for 'ridging out' and 'die-off' would be opened to fishing.

The 2016-2017 fishery would go through the usual process to determine the TAC, method of exploitation and management measures. This will be determined at a meeting of the full Authority on 1 June 2016.

The agreement of Natural England would be required but early indications are that this would be achievable.

Conclusion

It appears that given the relatively unusual circumstances that have applied to the fishery since August 2015 it may be appropriate to continue with innovative contingency management measures in order to maximise the fishing opportunities available to the industry. Any decision to do so will be based upon the emergent findings of the cockle surveys and the judgement of officers.

It is suggested that the appropriate approach to this is to delegate decision making to the A/CEO in consultation with the Chair and Vice-Chair of the Authority.

It should be noted that the intention is to provide the ability to operate contingency management measures should the circumstances require it but it may be that no action is required.

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 12

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27 April 2016

Marine Protected Area Management – Shrimp Fishery

Report by: F. A. Burrows (Project Officer)

Purpose of report

The purpose of this report is to present the method and conclusions of the updated Habitats Regulation Assessment for shrimp fishing in The Wash and North Norfolk Coast SAC, and to propose mitigation to account for potential impacts on the features of the site.

Recommendations

It is recommended that members:

- **Note** the updated assessment of shrimp trawling within The Wash and North Norfolk Coast SAC (W&NNC SAC)
- **Note** the requirement to seek Natural England's advice on the assessment
- **Direct** officers to utilise mitigation to develop management measures that meet the conservation objectives of the MPA
- **Agree** that future shrimp management items are remitted back to the Regulation and Compliance Sub-Committee.

Background

At the 22nd Eastern IFCA Authority meeting, members were updated on decisions taken at the Regulation and Compliance sub-committee in relation to the management of the shrimp fishery in The Wash and North Norfolk Coast SAC. Following extended debate, members agreed to note the direction of travel regarding shrimp management but requested that it be dealt with by the full Authority, with an update at the Statutory Meeting in April 2016 for further discussion.

Subsequent to this officers reviewed the Habitats Regulations Assessment (HRA) for shrimp beam trawling in The Wash and North Norfolk Coast Special Area of Conservation (W&NNC SAC), challenging some of the rationale underpinning the approach and taking into account newly available data. This approach reflects the importance of the shrimp fishery and the potential impact of management measures. The intention of reviewing the HRA was to provide as robust a rationale as possible for any proposed measures, with the overriding principle being that the conservation objectives of the MPA must be met.

Report

Updated shrimp trawling assessment; interactions with subtidal mud and subtidal mixed sediment

The original HRA was based upon calculating a ranged activity footprint per fleet trip and dividing the fleet’s footprint over sub-feature extent to derive an impact footprint - a percentage of the sub-feature. Significance was assigned according to the percentage overlap of the fleet’s footprint with the sub-feature.

However, there are a number of limitations with the original footprint calculations that have potentially influenced the assessment conclusions to date. The width of the net was not included in the calculation of gear width making seabed contact. Number of tows and catch per unit of effort was not included in formulae for the area of fleet impact per trip. The maximum area of fleet impact made the unrealistic assumption that 71 vessels were active per trip, and that all of these vessels targeted the sub-feature. Furthermore, the footprint was calculated per fleet trip as opposed to an annual fleet footprint which is preferred for comparison with sub-feature recovery and natural disturbance.

Officers conducted a review of the shrimp fleet’s footprint and assessment conclusions, taking into account new evidence. Figure 1 shows the groups of evidence reviewed.

Officers undertook the following tasks during the review:

- Reviewed fishing activity evidence for 2010-15 and calculated annual fleet footprints over each sub-feature;
- Reviewed further sensitivity evidence from secondary literature;
- Utilised the published footprint method for fishing activities in MPAs from MRAG Ltd & Envision Mapping Ltd (2015);
- Incorporated modelled data about sediment mobility from ABPmer and Ichthys Marine (2015);
- Incorporated updated statutory conservation advice; and
- Reviewed updated primary literature regarding shrimping trawling and innovative trawl interactions with sedimentary subtidal habitats.

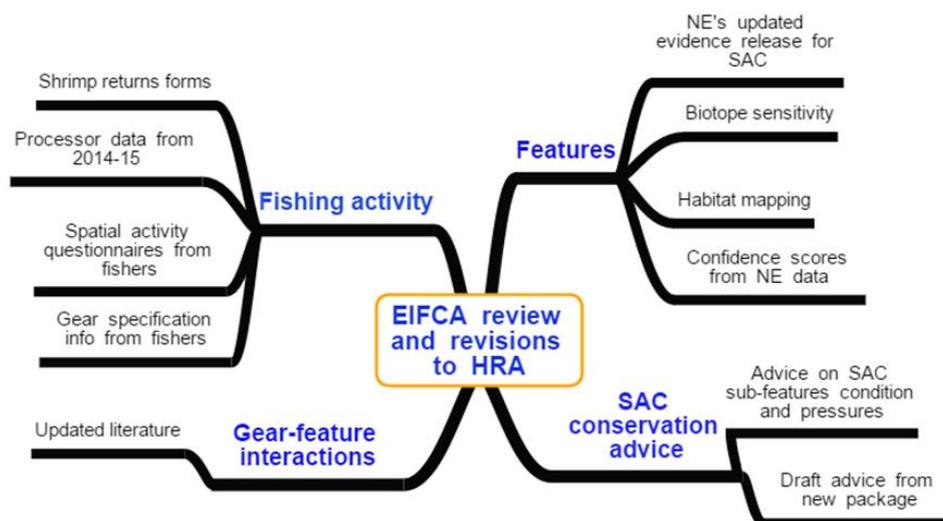


Figure 1. Strands of assessment evidence review

Annex 1 of this paper summarises the relationship between the evidence review and outcomes.

Owing to limitations of the original footprint calculations, publication of a fisheries footprint method and availability of updated fishing activity evidence; a new, annual fleet footprint has been calculated. The new approach is based on the area of the fleet’s seabed impact annually, as a proportion of the sub-feature area.

The new approach divides the calculation into two steps;

1. Calculate the (maximum/minimum) area of annual fleet seabed interaction; and
2. Divide the value from step 1 by the sub-feature extent to calculate a proportion of the sub-feature impacted (i.e. fleet impact footprint).

Seabed interaction is based on the proportion of each gear component in contact with the seabed. The components are the trawl shoes, net and ground gear (footrope and rollers). Average gear component width are sourced from fisher questionnaire responses, from EIFCA shrimp returns and liaison with fishers. This data is then combined with annual number of fleet tows and tow distance. The maximum (20,000) and minimum (9,800) number of annual tows is derived from analysis of 2010-14 MMO landings data, processor records, and officers’ expert judgment regarding realistic catch per unit of effort. Seabed impacted per tow assumes an average towing speed (2 knots) and an average tow duration (2 hours), which are derived from shrimp returns data and officer expert knowledge. The fleet’s area of seabed interaction is divided by the sub-feature extent to derive an annual, fleet impact footprint.

The new footprint method differs from the original method in a number of ways which are summarised in Table 1. There are limitations and assumptions underpinning the new footprint approach; however, the approach is considered robust. The newer approach is preferred because there is a greater level of confidence in the assumptions and calculations. As result, the new approach is considered more informative for underpinning the assessment conclusions.

Table 1. Summary of differences between the new and original footprint approaches

New approach	Original approach
Includes all gear components	Did not factor in the swept area of the net
Does not calculate footprint by vessel size, gear component size or activity approach (e.g. short trips of 12 hours vs 24 hour trips)	Divided the fleet into vessel “classes” and associated gear component attributes with vessel classes
Derived maximum and minimum number of annual fleet tows. Based on catch per unit of effort against average beam length per vessel for the fleet between 2010-14	Not calculated
Summed individual vessel effort to calculate annual fleet footprint	Calculated fleet footprint per trip
Derived vessel numbers from number of vessels with landings records between 2010-15.	Calculated the maximum number of fleet vessels based on vessels capable of fishing, not actively fishing over past 5 years.

In the updated assessment, sub-feature sensitivities are revised for all pressures to take account of dominant fauna (infauna and epifauna), water depth and natural disturbance. Sensitivity and recovery are separated according to depth (<10m and >10 m below chart datum) and exposure to natural disturbance. This process has produced more realistic sub-feature sensitivity and recovery ratings.

The assessment has clarified the type and magnitude of physical and biological pressures exerted by various gear components as well as clarifying how fishing-induced pressures compare with natural disturbance.

The new fleet footprint is expressed as impact of the fleet’s gear components on the sub-feature. Physical abrasion from the trawl shoes and net/ground gear is considered to be an order of magnitude less than physical abrasion due to natural disturbance in the site; therefore, these gear components are excluded from consideration. This means the fleet’s footprint is based on the trawl shoes and is expressed as a minimum value (58 km²), indicative of a low effort fishery (Table 2), and as a maximum value (118 km²), indicative of a high effort fishery (Table 3).

Table 2. Annual fleet shoe footprint – minimum (58 km²)

Sub-feature	Assumptions	Footprint as proportion of sub-feature	Exposure rating
Subtidal mud	100% of fleet footprint over sub-feature	1.29	HIGH
	50% of fleet footprint over the sub-feature, assuming 50% of fishing activity occurs in subtidal SAC areas	0.64	HIGH
Subtidal mixed sediment	100% of fleet footprint over sub-feature	0.72	MODERATE
	50% of fleet footprint over the sub-feature, assuming 50% of fishing activity occurs in subtidal SAC areas	0.36	MODERATE

Table 3. Annual fleet shoe footprint – maximum (118 km²)

Sub-feature	Assumptions	Footprint as proportion of sub-feature	Exposure rating
Subtidal mud	100% of fleet footprint over sub-feature	2.62	VERY HIGH
	50% of fleet footprint over the sub-feature, assuming 50% of fishing activity occurs in subtidal SAC areas	1.31	VERY HIGH
Subtidal mixed sediment	100% of fleet footprint over sub-feature	1.46	HIGH
	50% of fleet footprint over the sub-feature, assuming 50% of fishing activity occurs in subtidal SAC areas	0.73	MODERATE

In the HRA, key factors in determining potential for adverse effect are the fleet’s impact

footprint, feature sensitivity (a combination of resistance and resilience), recoverability and sub-feature exposure. The fleet's annual footprint is used to quantify exposure with significance assigned according to an exposure scale ranging from 0 to 150% of the sub-feature exposed in a year.

The revised assessment conclusions are as follows:

i) *Subtidal mud*

- **No adverse effect** on site integrity due to abrasion from the net, ground gear, or trawl shoes on shallow or deep subtidal mud.
- **Adverse effect** on site integrity due to shallow and sub-surface penetration and biological disturbance pressures from trawl shoes. This conclusion applies only to deep subtidal muds.

ii) *Subtidal mixed sediment*

- **No adverse effect** on site integrity due to abrasion from the net and ground gear, or trawl shoes on shallow or deep subtidal mixed sediment.
- **Adverse effect** on site integrity for shallow and sub-surface penetration and biological disturbance pressures from trawl shoes. This conclusion applies only to deep subtidal mixed sediment.

Tables 4 and 5 summarise judgments of significance for each sub-feature and shrimp trawling interaction using a set of conclusion criteria (as detailed in the HRA). The caveats associated with each criteria and judgment are provided. The default conservation objective for the W&NNC SAC is to restore site integrity. Shrimp trawl shoes cumulatively exert significant physical damage pressures (sub and shallow penetration and resulting biological disturbance). Owing to the potential for adverse effect and the need to "restore" site integrity, mitigation is required for deep subtidal mud and subtidal mixed sediment.

Table 4. Conclusion summary for shrimp beam trawling interaction with subtidal mud

Criterion	Significant?	Rationale	Caveats	Conclusion
Feature sensitivity on relative Tulin <i>et al.</i> , (2010) / ABPmer, (2013) scale	N	No to low sensitivity to all physical damage pressures, based on areas of the sub-feature present in shallow, dynamic locales (<10m below CD).	Sensitivities for this sub-feature are ranged and therefore express uncertainty. Acknowledged that subtidal sandbank communities in the SAC are dynamic which influences the fauna and hence sensitivity ratings temporally/spatially.	Adverse effect alone.
	Y	Low to moderate sensitivity to the physical damage pressures, based on areas of the sub-feature in sheltered, deeper locales with little natural disturbance (>10m below CD).		
Multiple pressures (or single dominant pressure) of activity	Y	Shrimp trawl feet cause shallow and sub-surface penetration, and prey species removal and sediment displacement. The dominant pressure is surface penetration and resultant biological disturbance.	All physical damage effects are inferred from expert opinion in the absence of primary literature.	
Significant footprint potential and high spatial concentration of activity on feature	Y	The worst case footprint for the fleet's shoes ¹ as a proportion of the sub-feature, is significant (2.62-1.29 ⁵⁷). This range of values assumes all activity in a year is focused on subtidal mud, which is considered unlikely. Concentration of vessel activity is very high (16.1 sightings per km ²).	Footprint does not account for repeated deployment over preferred fishing grounds or presence of optimal sediments and inter-annual variation in fishery productivity. Sightings data do not represent full coverage and may be biased towards EIFCA survey locations.	

⁵⁷ Max area of shoe interaction over sub-feature (118 km²) divided by feature extent (45.11 km²), gives an annual fleet shoe footprint of 2.62 times the area of sub-feature. Min area of shoe interaction over sub-feature (58 km²) divided by extent of the sub-feature (45.11 km²), gives an annual fleet shoe footprint of 1.29.

Table 5. Conclusion summary for shrimp beam trawling interaction with subtidal mixed sediment

Criterion	Significant?	Rationale	Caveats	Conclusion
Feature sensitivity on relative Tilin <i>et al.</i> , (2010) / ABPmer, (2013) scale	N	Exhibits low to moderate sensitivity based on areas of the sub-feature present in shallow, dynamic locales (<10m below CD).	Sensitivities for this sub-feature are ranged and therefore express uncertainty. Acknowledged that subtidal sandbank communities in the SAC are dynamic which influences the fauna and hence sensitivity ratings temporally/spatially. Heterogeneous nature of the sub-feature means that high sensitivities may be dictated by presence of key organisms. The assessment has relied upon identification of biotopes to determine sensitivities across the sub-feature but acknowledges that exact extents of biotopes varies with the dynamic nature of the site.	Adverse effect alone
	Y	Exhibits moderate sensitivity to physical removal, surface penetration and sub-surface penetration, as well as moderate sensitivity to surface abrasion. Based on areas of the sub-feature in sheltered, deeper locales with little natural disturbance (>10m below CD).		
Multiple pressures (or single dominant pressure) of activity	Y	Shrimp trawl feet cause shallow and sub-surface penetration, and prey species removal and sediment displacement.	All physical damage effects are inferred from expert opinion in the absence of primary literature.	
Significant footprint potential and high spatial concentration of activity on feature	Y	The worst case footprint for the fleet's shoes is a significant proportion of the entire sub-feature, annually	Footprint does not account for repeated deployment over preferred fishing grounds or presence of optimal sediments and inter-annual variation in fishery productivity. Sightings	

		(0.72-1.46 ⁵⁸). This is supported by a moderate concentration of activity over the sub-feature (3.1 sightings per km ²).	data do not represent full coverage and may be biased towards EIFCA survey locations	
Recoverability	N	Some areas of the sub-feature may recover <2 years. This applies to areas of the sub-feature in shallow and naturally disturbed locales.	Recovery rates are theoretical and based on biological trails and available literature (Collie et al., 2000; Dernie et al., 2003). Recovery assumes that the activity has ceased and that the habitat is structurally and functionally recognisable as the designated sub-feature. (ABPmer, 2013).	
	Y	Full recovery is expected in 3 years (as a minimum).The frequency of exposure due to shrimp beam trawling could re-exposed areas in the process of recover, so full recovery may not occur. This applies to areas of the sub-feature in deeper and less naturally disturbed locales.		

⁵⁸ Max area of shoe interaction over sub-feature (118 km²) divided by feature extent (80.9 km²), gives an annual fleet shoe footprint of 1.46 times the area of sub-feature. Min area of shoe interaction over sub-feature (58 km²) divided by extent of the sub-feature (80.9 km²), gives an annual fleet shoe footprint of 0.72.

Proposed mitigation

The default conservation objective for the SAC is to *restore site integrity*. Shrimp trawling interactions with two of the designated sub-features is, potentially, having an adverse effect. If the level of effect can be reduced such that site integrity is not impacted, e.g. through fishery management measures, the fishery can be allowed to continue. Therefore, mitigation is required to ensure that shrimp trawling can continue in the SAC, but in manner that is compliant with Article 6 of the Habitats Directive.

Sub-feature closures

To promote recovery of the most sensitive areas of each sub-feature i.e. in locales > 10m below CD, spatial closures will be used to prevent interaction between these areas and shrimping gear. As there is potential for in-combination effects from shrimp trawling with other towed demersal gear (white fish beam trawls and light otter trawls), all towed demersal gear will be excluded from the closed areas.

There are 5 proposed closed areas across the SAC (Fig. 2) where both sub-features are present. A total of 14.21 km² of deep subtidal mud and 48.23 km² of deep subtidal mixed sediment are within the proposed closures. Table 6 and 7 give a breakdown of the extents of the sub-features within individual closures.

Table 6. Draft closures for deep subtidal mud

Closure number	Area of subtidal mud within closure (km ²)	% of subtidal mud feature extent within closure	Area of subtidal mud 10 - 50m depth (km ²)	% of subtidal mud 10 - 50m depth within closure
1	1.38	3.07	0.34	0.80
2	0.33	0.73	0.26	0.62
3	1.24	2.76	0.02	0.04
4	9.57	21.22	2.31	5.47
5	1.68	3.72	0.43	1.01
Total	14.21	31.50	3.36	7.94

Table 7. Draft closures for deep subtidal mixed sediment

Closure number	Area of subtidal mixed sediment within closure (km ²)	% of subtidal mixed sediment feature extent within closure	Area of subtidal mixed sediment 10 - 50m depth (km ²)	% of subtidal mixed sediment 10 - 50m depth within closure
1	0.90	1.11	0.63	1.23
2	0.65	0.81	0.65	1.27
3	4.38	5.41	0.34	0.67
4	22.97	28.38	14.91	29.15
5	19.33	23.88	17.80	34.80
Total	48.23	59.60	34.33	67.12

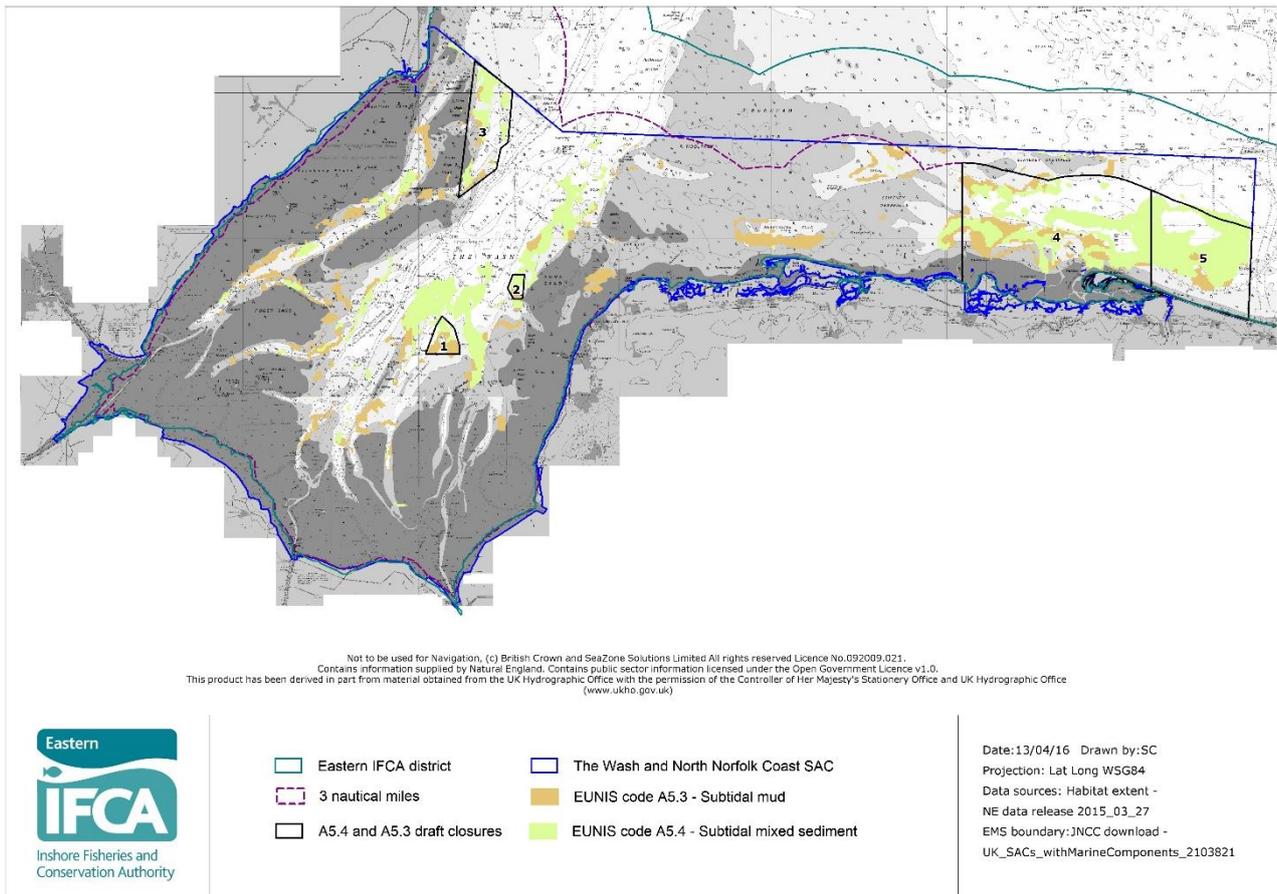


Figure 2. Proposed closures within The W&NNC SAC for deep subtidal mud and deep subtidal mixed sediment.

A set of criteria are used to determine location and extent of the closed areas:

- Areas of the SAC where a sub-feature is present between depths of 10-50 metres below chart datum;
- Areas of the sub-feature at the 10-50 m depth range where MESH-based confidence scores for the sub-feature dataset are highest;
- Where relatively large expanses of sub-feature can be protected to promote recovery and support ecological coherence;
- Areas of the SAC identified by fishers as being least important grounds/least fished (based on fishers' questionnaire feedback, February 2016);

Shrimp fishery management

To manage levels of shrimp trawling and sub-feature interaction outside the closures, the maximum annual fleet footprint (118 km²) is to be reduced by 25%. This amount of reduction assumes that annually, 25% of the fleet's maximum footprint occurs over subtidal mud and over subtidal mixed sediment respectively i.e. a total of 50% of all fleet effort over these sub-features. This assumption is based upon the large area of the SAC, the potential for fishing in accessible and suitable intertidal and subtidal areas, and variability in SAC sediments with an optimal grain size (4-1000µm) for shrimp burial.

Reducing the fleet's maximum footprint (118 km²) by 25% leads to a revised maximum of 88.5 km² (shoes only). Assuming 25% of all annual activity is targeted at subtidal mud and subtidal mixed sediment, this gives a more realistic, maximum of 22.13 km² of seabed

impacted annually by the fleet's trawl shoes. The fleet's impact footprint for sub-feature outside the closures is amended to 0.72 for subtidal mud and 0.68 for subtidal mixed sediment. This means that the fleet shoes overlap 72% (or 22.2 km²) of unprotected subtidal mud and 68% (or 22.2 km²) of unprotected subtidal mixed sediment, annually. To put this into context, 22.2 km² of subtidal mud and subtidal mixed sediment equals a combined total of 4% of the total SAC area.

Sub-features outside the closures are expected to have no to low sensitivity to all physical damage pressures and biological disturbance, given their occurrence in shallow and relatively disturbed locales. With closures and effort management as mitigation, maximum, annual exposure is reduced from very high to moderate for subtidal mud, and from high to moderate for subtidal mixed sediment. The moderate exposure rating for all physical damage pressures, combined with very high sub-feature recoverability (200 days - 6 months); shrimp trawling outside of the closures can continue, and without adversely affecting SAC site integrity.

With the inclusion of mitigation as detailed, the final assessment conclusion is: *no adverse effect from shrimp beam trawling on subtidal mud and subtidal mixed sediment in The Wash and North Norfolk Coast SAC, alone or in-combination.*

Next steps

The updated assessment will be passed onto Natural England for consideration. Once NE's formal advice has been received, there may be a requirement to amend the proposed mitigation or provide additional rationale.

Once mitigation has received favourable advice from Natural England, officers can develop management measures pursuant of the mitigation.

The Protected Areas Byelaw (please note – Action Item 14; Marine Protected Areas Byelaw 2016) can be used to implement closed areas through a Regulatory Notice. The process for implementing a new Regulatory Notice includes the production of an Impact Assessment, a formal consultation and approval by the Regulation and Compliance Sub-Committee.

Currently, there is no mechanism for effort management in the shrimp fisheries. Therefore, it is proposed that the shrimp fisheries be included within a permit scheme through the Permit Byelaw 2016 (**N.B.** the Permit Byelaw 2016 is currently being reviewed by the Marine Management Organisation prior to ministerial consent). To achieve this a new byelaw is proposed in Action Item 13 of this meeting – the Shrimp Byelaw 2016. This byelaw will have the effect of requiring shrimp fishers to obtain a permit which is endorsed for shrimp and to fish in accordance with any permit conditions. A Permit Conditions Notice can be used to apply such conditions to limit effort as required.

The approach to limiting effort is likely to be a combination of a limit on the number of shrimp permit endorsements and a limit on the number of trips per period.

It is recommended that as the project progresses further and deals with the details of the management measures, the process is remitted back to the Regulation and Compliance Sub-Committee. This will provide the necessary flexibility to progress the work-stream in line with the December 2016 deadline i.e. approval of management measures is not hampered by the timing of full Authority Meetings.

Financial implications

Considerable extra officer time has been spent on the updated assessment. The management measures to be developed to reflect the proposed mitigation, will be innovative and complex, and this is a reflection of the importance of the shrimp fishery and the W&NNC SAC.

Legal implications

There is a requirement for the habitats designated through The Conservation of Habitats and Species Regulations 2010 (as amended) and the Habitats Directive (Council Directive 92/43/EEC) to be protected from potentially damaging activities, including fishing. Failure to meet the requirements of these legislation may result in infraction from the European Union (on the UK). The resultant fines are likely to be passed down to the relevant Competent Authorities including Eastern IFCA.

The proposed mitigation could draw legal challenge from fishers and environmental non-governmental organisations as we progress through the byelaw making process.

Conclusion

The method and conclusions of the HRA for shrimp trawling in The W&NNC SAC have been reviewed and updated. At present there is potential for adverse effect on site integrity due to shrimp trawling on deep subtidal mud and subtidal mixed sediment. Therefore, mitigation is required to meet the site conservation objectives. Proposed mitigation includes 5 habitat closures across the SAC and reducing the fleet's annual footprint by 25% by managing effort through a permitted fishery. With the inclusion of these mitigation measures, the final assessment conclusion is: *no adverse effect from shrimp beam trawling on subtidal mud and subtidal mixed sediment in The Wash and North Norfolk Coast SAC, alone or in-combination.*

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Collie, J.S., Hall, S.J., Kaiser, M.J. & Poiner, I.R. (2000). A quantitative analysis of fishing impacts on shelf-sea benthos. *Journal of Animal Ecology*. Vol. 69, 785-798.

Dernie, K.M., Kaiser, M.J. and Warwick, R.M. (2003). Recovery rates of benthic communities following physical disturbance. *Journal of Animal Ecology*. Vol. 73, 1043-1056.

MRAG Ltd in association with Envision Mapping Ltd (2015) *Feasibility study on applying a spatial footprint approach to quantifying fishing pressure*. Contract Reference: MMO1108, November 2015. Pp 1-83.

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Annex 1- Evidence strands, review process and outcomes

Evidence		Details of review	Outcome
Fishing activity	Activity characterisation	<ul style="list-style-type: none"> Reviewed additional primary literature to determine decadal trends in shrimping activity. Incorporated activity locations from fisher questionnaires received Feb 2016. Quantified fleet averaged effort from 2014-15 using MMO landings data from 2010-15 and processor data from 2014-15. Identified annual and inter-annual activity levels using effort data. 	Updated the assessment
	Gear specifications	<ul style="list-style-type: none"> Clarified shrimp trawls as light demersal gear. Utilised fisher feedback on gear configurations to describe fleet gear. 	Updated the assessment
	Fleet seabed interaction	<ul style="list-style-type: none"> Calculated impact width for gear components; ground gear/net and trawl shoes. <ul style="list-style-type: none"> Calculated minimum and maximum average number of fleet tows. Based on landings data 2010-15 and processor data. Combined impact width of gear components with number and distance of tows to produce a minimum and maximum area of fleet interaction annually. <ul style="list-style-type: none"> Area of fleet interaction annually given for all gear components and calculated only for shoes. Reviewed NFFO's (2015) shadow assessment to compare findings of EIFCA's revised fleet area of interaction. 	Updated the assessment
Features	NE national evidence release	<ul style="list-style-type: none"> Identified and mapped sub-features and constituent biotope extents. Utilised MESH confidence scoring to identify locales with highest levels of confidence. 	Updated the assessment
	Sub-feature sensitivity	<ul style="list-style-type: none"> Reviewed additional secondary literature about the sensitivity of the sub-features/biotopes to pressures from fishing gears in European Marine Sites (ABPmer, 2013). Reviewed NFFO's shadow assessment to compare findings of sensitivity with EIFCA's. 	Updated the assessment
	Sub-feature recovery	<ul style="list-style-type: none"> Reviewed additional secondary literature about the recoverability of sub-features and biotopes to pressures linked with fishing gears in European Marine Sites (ABPmer, 2013). Adopted the recovery thresholds as detailed in ABPmer (2013). 	Updated the assessment

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	Exposure to natural disturbance	<ul style="list-style-type: none"> • Reviewed sediment mobility modelling by ABPmer and Ichthys Marine (2015). • Combined model data and expert officer knowledge to determine the influence of natural disturbance on feature sensitivity and recoverability. • Deduced that natural disturbance and sensitivity could be delineated by depth; shallow least sensitive sub-feature (<10 m below CD) and deep, more sensitive areas (>10m below CD). 	Updated the assessment
Gear-feature interactions	Fleet annual fishing footprint	<ul style="list-style-type: none"> • Area of fleet interaction annually over full feature extent to produce an annually proportional "footprint" for the fleet per sub-feature. • Moderated the fishing footprints to account for fishing activity across subtidal and intertidal, and preference for sediments due to target species and ease of gear deployment. 	Re-calculated fleet annual footprints within the assessment
	Pressures from gear	<ul style="list-style-type: none"> • Reviewed additional primary literature about traditional and modified shrimp trawl gear and impacts on the seabed. • Related fleet annual footprints i.e. annual exposure to pressure produced by shrimping gear. 	Updated the assessment
conservation advice	Draft conservation advice package (2015)	<ul style="list-style-type: none"> • Identified faunal communities present across sub-features. • Reviewed sub-feature attribute targets. • Identified that the site conservation target is to "restore" site integrity. 	Updated the assessment
Features/fishing activity	As above	<ul style="list-style-type: none"> • Drafted locations and extents of spatial closures. • Based closures on presence of both sub-features at depths > 10 m below chart datum where most sensitive areas of sub-feature are likely to be found. • Incorporated areas of the SAC where fisher's questionnaire responses identified areas least fished/inaccessible/willing to "give up". 	Drafted mitigation proposals

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Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 13

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27 April 2016

Introduction of shrimp fisheries into the permit scheme – Shrimp Byelaw 2016

Report by: L. Godwin, T/Senior IFCO (Staff Officer)

Purpose of report

The purpose of this report is to present rationale for including shrimp fisheries in the permit scheme and to present the Shrimp Byelaw 2016 for the Authorities consideration.

Recommendations

It is recommended that members:

- **Note** the rationale for introducing shrimp fisheries into the permit scheme
- **Agree** to make the Shrimp Byelaw 2016
- **Direct** officers to undertake a formal consultation for the Shrimp Byelaw 2016

Background

The shrimp fisheries within the district ranked as the highest value fishery over the period 2010-2015 (inclusive) and the third highest in terms of landed weight (Strategic Assessment 2016). The fishery is an important part of the local economy supporting local fishers and local small businesses including jobs relating to processing factories (e.g. cleaners, engineers etc.).

The shrimp fishery in The Wash represents approximately 95% of the shrimps landed in the UK making it a nationally important fishery. The Wash is also part of one of the most heavily designated areas in the UK with regards to nature conservation. Managing the fishery requires a holistic approach taking account of the needs of the fishery (i.e. to maintain a sustainable fishery) and the potential for damage to sensitive habitats.

The Strategic Assessment 2016 indicated that the shrimp fishery was a high risk fishery – primarily as a result of the high social and economic importance, the potential for the gear used to have ecosystem impacts (e.g. habitat damage and by-catch) and limited fisheries management to ensure its longevity.

Report

Proposed byelaw

Shrimp fisheries are thought to be highly dynamic and difficult to manage through regulation (ICES report 2015). A flexible approach to management is required to account for the dynamic fishery and changeable habitats over which fishing occurs.

The proposed solution is to include the shrimp fishery within the permit scheme. The Shrimp Byelaw 2016 (annex 1) will require fishers to obtain a permit to fish for shrimps

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and fish in accordance with permit conditions (as implemented through the Permit Byelaw 2016).

This will allow Eastern IFCA to introduce, vary or revoke permit conditions as required for fisheries sustainability (e.g. limiting the effort in line with maximum sustainable yield models) and damage to sensitive habitats (e.g. to reduce the foot-print of fishing activity over sensitive habitats).

It is proposed that the byelaw only is made initially (i.e. no permit conditions notice is proposed alongside the byelaw). A Permit Conditions Notice and Endorsement Criteria can be implemented at a later date in line with the progression of the Amber and Greens work stream for Marine Protected Areas (agenda item 12 refers). These will be used to meet the conservation objectives of The Wash and North Norfolk Coast SAC i.e. through limiting effort and limiting the number of permit endorsements as required.

It is also intended that measures pursuant of a sustainable fishery would also be included in the forthcoming Permit Conditions Notice after further engagement with the fishing industry (e.g. minimum mesh sizes etc.). The intention is to reflect requirements of the Marine Stewardship Council Accreditation application put in by the fishing industry.

NB the Marine Stewardship Council Accreditation scheme application has several requirements, some of which can be met with Eastern IFCA's assistance through the introduction of management measures. Supporting the application will be of benefit to the industry which may require the accreditation in the near future to sell shrimps to the Dutch market.

Potential impacts

The proposed byelaw will only require a permit (including an endorsement charge) and that fishers return catch data as required. The proposed charge is £44 annually – this only takes into account the public cost of administration associated with processing permits, production of catch returns books, postage and processing returns data (i.e. the charge does not include costs associated with research projects, environmental work or enforcement of the fishery). The impacts associated with the proposed byelaw are set out in the Impact Assessment in Annex 2.

Impacts associated with future permit conditions and endorsement limitations will be considered when they are proposed as per the Permit Byelaw 2016 process (annex 3). At this point a formal consultation and an Impact Assessment will be required to consider these impacts.

Next Steps

It is proposed that the Shrimp Byelaw is made and that the Authority directs officers to hold a formal consultation as per Defra guidance. Subsequent to this, and in line with the work presented in Action Paper 12 (shrimp management) a Permit Conditions Notice and Endorsement Criteria for shrimp will be developed and presented to the Authority for consideration. These will then also enter into a phase of formal consultation for the fishers to consider. The steps are outlined below:

1. Make the Shrimp Byelaw 2016;
2. Undertake formal consultation;
3. Develop a Permit Conditions Notice (Shrimp) and Endorsement Criteria (Shrimp) (i.e. shrimp management measures);
4. The Authority considers the proposed shrimp management measures;
5. Formal consultation of shrimp management measures;
6. Measures are implemented by December 2016.

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It is proposed that the Permit Conditions Notice and Endorsement Criteria are developed subsequent to the Shrimp Byelaw being made and consulted on. The Shrimp Byelaw will take considerably longer to implement than either the Conditions Notice or the Endorsement Criteria – the byelaw will require consent from the Minister for Defra; this part of the process can take several months.

Separating the processes will allow enough time for the byelaw to be implemented and extra time for additional scrutiny of the shrimp management measures. This is a reflection of the importance of the shrimp fishery within The Wash and the need to produce appropriate management measures.

Financial implications

There is a cost associated with the advertising of the byelaw – circa £1000 for two consecutive weeks of advertising in The Fishing News.

Legal implications

Making a byelaw has limited legal implications however, as the byelaw progresses through the byelaw process (particularly at the point of confirmation by the Minister for Defra) there is the potential for legal challenge through judicial review. In addition, the Minister for Defra could cause a public enquiry.

The byelaw is primarily required for the protection of habitats designated through The Conservation of Habitats and Species Regulations 2010 (as amended) and the Habitats Directive (Council Directive 92/43/EEC). Failure to meet the requirements of these legislation may result in infraction from the European Union (on the UK). The resultant fines are likely to be passed down to the relevant competent authorities including Eastern IFCA.

Conclusion

The management of the shrimp fisheries within the district requires a flexible approach to reflect the dynamic fishery and changeable habitats over which shrimp trawling occurs.

To achieve this, the proposed Shrimp Byelaw 2016 will require fishers to obtain a shrimp permit and fish in accordance with and permit conditions. This will allow Eastern IFCA to protect the fishery from over-fishing and safeguard sensitive, designated habitats within Marine Protected Areas (in combination with the Marine Protected Areas Byelaw 2016).

The proposed byelaw will initially only have the effect of requiring a permit which is endorsed for shrimps (for which there is an associated charge) and require catch returns to be completed and sent to Eastern IFCA.

Permit conditions and Endorsement criteria will be proposed subsequent to the byelaw being made in line with the work stream on 'amber and green' fishing interactions (Action Item 10).

It is recommended that the Authority agrees to make the Shrimp Byelaw 2016 and directs officers to conduct a formal consultation regarding the byelaw.



**Eastern
Inshore Fisheries and Conservation Authority**

MARINE AND COASTAL ACCESS ACT 2009

Shrimp Byelaw 2016

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155, 156 and 158 of the Marine and Coastal Access Act 2009 hereby makes the following byelaw for the District.

Interpretation

1. In this byelaw:
 - a) 'District' means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010 No 2189);
 - b) 'fishing' includes: digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; catching, taking or removing sea fisheries resources and fish are to be construed accordingly;
 - c) 'fishing gear' includes: any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used or deployed during fishing;
 - d) 'permit' means a Category One Permit or a Category Two Permit issued under the Eastern IFCA Permitting Byelaw.
 - e) 'the Authority' means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);

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- f) 'Shrimp' means a marine organism of the species *Pandalus montagui* (commonly known as pink shrimp) or belonging to the genus' *Crangon* or *Palemon* including *Crangon crangon* (commonly known as 'brown shrimp').
- g) 'shrimp trawl' means any fishing gear which is used to capture shrimps involving the use of a towed net.

Prohibitions

- 2. A person must not fish for shrimps from within the district unless that person is:
 - a) a holder of a permit which is endorsed for shrimps; or
 - b) a named representative, nominated by the holder of a permit which is also endorsed for shrimps; or
 - c) in the presence of one of the above.

Endorsement charges

- 3. A fee will be charged for each endorsement to fish for shrimps, granted under the Eastern IFCA Permit Byelaw 2016 which will be payable prior to the issuing of an endorsement.
- 4. The fee for an endorsement to fish for shrimps is:
 - a) for an endorsement issued in association with a Category One Permit the fee is £44
 - b) for endorsements issued in association with a Category Two Permit the fee is £44.

Title: Shrimp Byelaw 2016 IA No: EIFCA004 Lead department or agency: Eastern Inshore Fisheries and Conservation Authority Other departments or agencies:	Impact Assessment (IA)		
	Date: 23/03/2016		
	Stage: Consultation		
	Source of intervention: Domestic		
	Type of measure: Secondary Legislation		
Contact for enquiries: Julian Gregory – Acting CEO (01553 775321)			
Summary: Intervention and Options			RPC Opinion: N/A

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as Two-Out?
£m 0.001597	£15,907	£1,591	No NA

What is the problem under consideration?

The shrimp fishery in Eastern IFCA’s district represents one of the most valuable fisheries (circa £1.5m average annual 2010-2014). Marine Management Organisation collects insufficient data to effectively manage the fishery with regards to protection of Marine Protected Areas and fisheries sustainability and as such, better catch fisheries data is required (i.e. effort, spatial extent of trawls, landed weight etc.). In addition, Eastern IFCA currently has no mechanism to effectively limit effort in relation to either fisheries sustainability or protection of MPA features (NB shrimp fishing can be restricted or prohibited spatially through the Marine Protected Areas Byelaw 2016)

Why is government intervention necessary?

Eastern IFCA has a legal obligation to protect designated features of MPAs within its district and have all fisheries operating at below maximum sustainable yield.

What are the policy objectives and the intended effects? Policy Objectives: to enable the shrimp fisheries within the district to be managed through flexible permit conditions as required (none proposed at present) and to monitor fisheries data to determine which management measures will be most effective to ensure maximum sustainable yield and the protection of designated features of MPAs. **Intended effects:** to require fishers targeting shrimp to obtain a permit from Eastern IFCA, to require shrimp fishers to return fisheries data to the Authority, to enable Eastern IFCA to implement permit conditions as required.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0 - Do nothing, Option 1 - Shrimp byelaw 2016 (requirement to have a permit), Option 2 - shrimp byelaw 2016 (fisheries management measures). Voluntary measures are not appropriate given legal requirement to protect designated features of MPAs. Option 1 is considered the most appropriate given the need to manage the fishery dynamically for fisheries sustainability and the protection of MPAs.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: n/a

Does implementation go beyond minimum EU requirements?	Yes				
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: N/A		Non-traded: N/A		

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Date
 SELECT SIGNATORY: _____:

Summary: Analysis & Evidence Policy Option**Description:****FULL ECONOMIC ASSESSMENT**

Price Base Year 2015	PV Base Year 2015	Time Period Years 10	Net Benefit (Present Value (PV) (£m))			
			Low: unknown	High: unknown	Best estimate: unknown	Estimate:

COSTS (£m)	Total (Constant Price)	Transition Years	Average (excluding transition) (Constant Price)	Annual (transition)	Total (Present Value)	Cost
Low	£0		£ 1,023		£10,226	
High	£0		£ 2,727		£27,269	
Best Estimate	£0		£1,591		£15,907	

Description and scale of key monetised costs by 'main affected groups'

A permit endorsement charge of £44 per vessel which covers the administration cost per year of issuing endorsements and processing returns data. Public monetised costs are offset by this charge.

Other key non-monetised costs by 'main affected groups'

Time spent by fishers completing application forms for a Shrimp permit endorsement and time spent completing catch data forms.

There will likely be a cost to the public with regards to research resultant of the catch data. In addition, enforcement costs are likely to be incurred relating to non-compliance of catch data returns.

BENEFITS (£m)	Total (Constant Price)	Transition Years	Average (excl. transition) (Constant Price)	Annual (Transition)	Total (Present Value)	Benefit
Low	Unknown		Unknown		Unknown	Unknown
High	Unknown		Unknown		Unknown	Unknown
Best Estimate						

Description and scale of key monetised benefits by 'main affected groups'**Other key non-monetised benefits by 'main affected groups'**

Better data collection as a result of the return catch data forms will result in better informed management of the shrimp industry, particularly in relation to protection of the Wash and North Norfolk Coast SAC. In addition, data collection and related scientific fisheries modelling will assist the fishery in The Wash in becoming a Marine Stewardship Council accredited fishery which will improve the market value of the fishery.

Key assumptions/sensitivities/risksDiscount rate (%) **3.5****BUSINESS ASSESSMENT (Option 1)**

Direct impact on business (Equivalent Annual) £m:			In scope of Measure qualifies OITO?	as
Costs: N/A	Benefits: N/A	Net: N/A	No	N/A

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Evidence base

1. Introduction

The Department for Food, Environment, and Rural Affairs (Defra) has introduced a revised approach to the management of fisheries in EMS. This has resulted in the need for Eastern IFCA to establish measures to protect the features of MPAs from fishing activities where necessary to ensure full compliance with Article 6 of the Habitats Directive (92/43/EEC) and section 154 of the Marine and Coastal Access Act 2009.

In addition, there is a requirement under the Marine Strategy Framework Directive (2008/56/EC) to ensure populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock (descriptor 3) by 2020.

The shrimp industry in The Wash is of national importance (Circa 95% of the UK's shrimp landings come from the Wash fishery).

2. Rationale for intervention

Protection of Marine Protected Areas

In order to mitigate the adverse effect of fishing activity within Marine Protected Areas, Eastern IFCA is required to manage fishing activity. Within the Wash and North Norfolk Coast Special Area of Conservation, several sensitive habitats have been identified as requiring protective measures in the form of regulation. Eastern IFCA intends to use a combination of spatial closures (through the Marine Protected Areas Byelaw 2016) and effort limitations to protect such features. Spatial closures are likely to have the greatest effect on the fishing industry and as such, Eastern IFCA intends to use permit conditions to limit the interaction between fishing gear and sensitive habitats to lessen the extent of spatial closures where possible.

No permit condition notice is proposed as part of this byelaw – permit conditions notices can be introduced via the process set out in the Permit Byelaw 2016 which includes the production of an impact assessment and a formal consultation with the potentially impacted stakeholders. The rationale for requiring a permit for this fishery is to allow Eastern IFCA to introduce such measures as necessary to balance the protection of the designated features.

Furthermore, monitoring and control plans are required for MPAs where no measures are proposed – the sites have to be monitored such that increases in activity which may result in adverse effects can be detected and management measures put in place as necessary. In order to effectively monitor the potential impact on MPA features, fisheries data is required at a higher temporal and spatial resolution than is obtained by the Marine Management Organisation.

Protection of fisheries sustainability

Eastern IFCA currently has no mechanism by which the shrimp fisheries within the district can be managed or monitored such that they operate at below maximum sustainable yield. The proposed byelaw will require shrimp fishers to return fisheries data to Eastern IFCA such that data can be analysed with a view to monitor / model the fisheries productivity to determine if management measures are required.

Management measures can then be implemented as required through the production of a permit conditions notice under the Permit Byelaw 2016. The flexibility of the permit

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conditions will allow Eastern IFCA to dynamically manage the fishery as required to meet the objectives of descriptor 3 of the Marine Strategy Framework Directive and reduce the procedural burden of doing so by not requiring a full byelaw amendment.

3. Policy objectives and intended effects

Policy Objectives

- To manage the shrimp fisheries within the district such that the activity does not have an effect on the designated features of Marine Protected Areas;
- To manage the shrimp fisheries within the district such that the requirements of descriptor 3 of the Marine Strategy Framework Directive are met;
- To manage shrimp fisheries in a dynamic manner, in accordance with the needs of the fishery at the time and with minimal procedural burden;
- To obtain such fisheries data as is required to determine the impacts of shrimp fishing on the Good Ecological Status and the designated features of Marine Protected Areas which are coincidental of shrimp fisheries.

Intended effects

- To require shrimp fishers active within the district to obtain a permit which is endorsed for shrimp fishing;
- To require shrimp fishers to return such fisheries data as is required by Eastern IFCA;
- To enable Eastern IFCA to implement (through the process set out in the Permit Byelaw 2016) such measures as are required for the protection of the marine environment and fisheries sustainability through the issuing of a Permit Conditions Notice.

4. The options

Option 0 – do nothing

The 'do nothing' option would not enable Eastern IFCA to effectively manage the shrimp fisheries within the district. Relying solely on spatial closures to protect designated features of MPAs would like result in impacts on the fishing industry beyond that which is proportionate. In addition, this would provide no mechanism to manage shrimp fisheries with regards to fisheries sustainability or descriptor 3 of the Marine Strategy Framework Directive.

Option 1 – Shrimp Byelaw 2016: requirement to obtain a permit endorsed for whelk fishing

Option 1 would require shrimp fishers to obtain a permit endorsed for shrimp fishing. In the first instance the only condition impact to the fishers relates to the return of fisheries data to Eastern IFCA. Additional permit conditions (for example effort limitation, increased mesh sizes etc.) would be implemented as required through the issuing of a permit conditions notice through the Permit Byelaw 2016 (which would involve formal consultation and the production of an impact assessment).

Such a regulatory mechanism would enable Eastern IFCA to dynamically manage the fishery based on its needs at any one time rather than be restricted by 'fixed' byelaw provisions (which would require an amendment to the byelaw to change).

Option 2 – Shrimp Byelaw 2016: fixed measures

Option 2 would allow Eastern IFCA to manage the shrimp fisheries by using byelaw provisions. It would not allow for dynamic fisheries management based on the needs of

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the fishery at the time including, for example, annually changing effort limitations based on maximum sustainable yield models.

5. Analysis of costs and benefits

Option 0 – Do nothing

No monetary costs are associated with this option however; failure to comply with the Habitats Directive in a timely manner can result in infraction and large fines on member states.

Option 1 – Shrimp Byelaw 2016: requirement to obtain a permit endorsed for whelk fishing

The only cost associated with this option relates to the permit endorsement fee which is proposed to cover the administrative costs of the processing permit applications and returns data. The fee does not reflect the likely research which will be undertaken relating to fisheries sustainability or enforcement costs associated with non-compliance with requirement to return fisheries data.

Benefits cannot be monetised but are likely to be of significant economic value. Protection of the designated features of MPAs within the district (particularly in the Wash and North Norfolk Special Area of Conservation) using only spatial restrictions and prohibitions (through the Marine protected Areas Byelaw 2016) will likely have a disproportionate effect on the shrimp fishery – it is proposed that adverse effects of features can be more appropriately mitigated through a combination of closures and gear management.

In addition, the shrimp fishing industry in The Wash (which is the primary shrimp fishery in the district) are actively seeking Marine Stewardship Council accreditation for the fishery. A more complete understanding of the fishery (effort, stock health etc.), control measures and protection of the environment are all required to attain certification. Through the more complete management of the fishery, the shrimp fishing industry should be closer to meeting MSC requirements which would have economic benefits if achieved.

Furthermore, there is a reduced cost to the public compared to a conventional byelaw (with management measures fixed as byelaw provisions) in that there is a lesser procedural burden in changing such measures if associated with a permit conditions notice. Using permit conditions will also enable Eastern IFCA to be more reactive to the requirements of the fishery with regards to maximum sustainable yield modelling.

Option 2 – Shrimp Byelaw 2016: fixed measures

Public costs associated with this option are likely to be higher given that the full byelaw process would be required to amend any byelaw provisions.

Costs relating to the impacted stakeholders will be much greater as management measures would have to be proposed which would affect the industry.

One In Two Out (OITO)

OITO is not applicable for byelaws as they are local government byelaws introducing local regulation and therefore not subject to central government processes.

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Small firms impact test and competition assessment

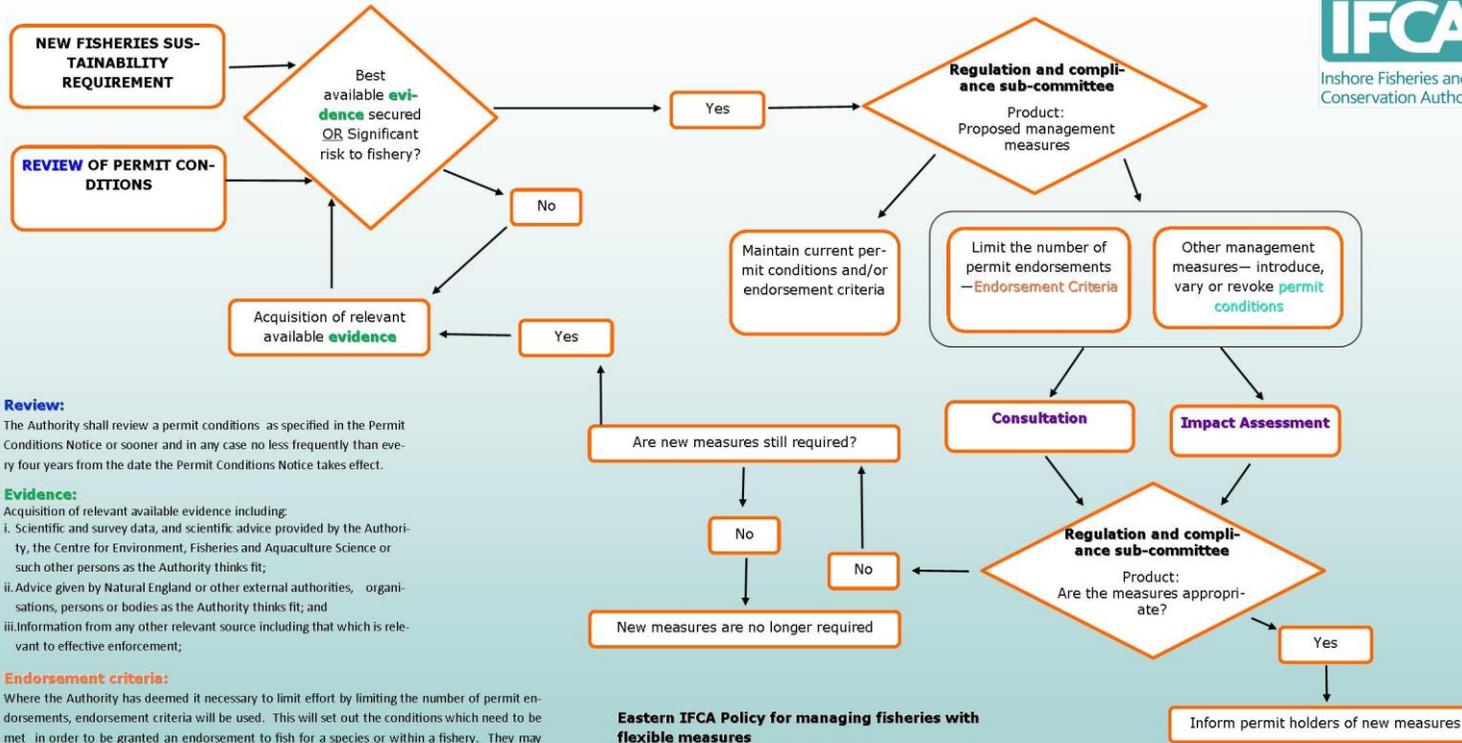
No firms are exempt from this byelaw as it applies to all firms who use the area, it does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.

Conclusion

Recommended option: Option 1 – Shrimp Byelaw 2016: requirement to obtain a permit endorsed for whelk fishing

This option represents the most proportionate balance between managing the fishery in the long-term and in relation to Eastern IFCA's requirement to have a protective effect on the features of Marine Protected Areas. It will allow for adaptive management which will compliment a particularly dynamic fishery including with regards to fisheries sustainability.

Permitting Byelaw - Procedure to Issue, Vary or Revoke permit conditions or limit the number of permit endorsements through endorsement criteria



Review:

The Authority shall review a permit conditions as specified in the Permit Conditions Notice or sooner and in any case no less frequently than every four years from the date the Permit Conditions Notice takes effect.

Evidence:

- Acquisition of relevant available evidence including:
- i. Scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Science or such other persons as the Authority thinks fit;
 - ii. Advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
 - iii. Information from any other relevant source including that which is relevant to effective enforcement;

Endorsement criteria:

Where the Authority has deemed it necessary to limit effort by limiting the number of permit endorsements, endorsement criteria will be used. This will set out the conditions which need to be met in order to be granted an endorsement to fish for a species or within a fishery. They may

Permit conditions Notice:

Permit conditions are set in the Permit Conditions Notice. These measures include, for example, effort limitation, gear specifications and spatial restrictions.

Consultation and Impact Assessment:

Consultation by such methods as the Authority considers appropriate, with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any restriction or prohibition. An Impact Assessment will also be produced detailing potential impacts of the proposed measures.

Eastern IFCA Policy for managing fisheries with flexible measures

It is the intension of Eastern IFCA to reflect up-to-date evidence in the management of the fisheries within the district. By using flexible measures, Eastern IFCA aims to provide fishing opportunity for as many fishers as possible whilst also delivering viability for those fishers.

Measures will as far as possible reflect a proportional approach as well as precaution where necessary. This will be achieved by using a combination of limiting the number of vessels in a fishery and permit conditions in the most appropriate balance.

.... Local seas managed well

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 14

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27 April 2016

Marine Protected Areas Byelaw 2016

Report by: L. Godwin, T/Senior IFCO (Staff Officer)

Purpose of report

The purpose of this report is to present the outputs of the formal consultation and present the Marine Protected Areas Byelaw 2016 for the Authorities consideration.

Recommendations

It is recommended that members:

- **Note** the outputs of the formal consultation for the Marine Protected Areas Byelaw 2016
- **Note** the rationale for requiring flexibility with regards to the application of Regulatory Notices in MPAs
- **Agree** to submit the Marine Protected Areas Byelaw 2016 to the Marine Management Organisation for formal QA
- **Direct** Officers to pursue the removal of Schedule One from the Byelaw in accordance with independent legal advice
- **Delegate** to the A/CEO the ability to amend the byelaw to introduce a schedule to specify the designated sites in which Regulatory Notices should it prove necessary to do so

Background

At the 6th regulatory and Compliance Sub-Committee (24th February 2016) the Marine Protected Areas Byelaw 2016 was made and a formal consultation was started.

The purpose of the Byelaw is to enable Eastern IFCA to implement Regulatory Notices within three additional MPAs within the district. Two of these MPAs contain so called 'red-risk' features (*Sabellaria* reef) – these require spatial closures immediately. To achieve this, the Protected Areas Byelaw (confirmed May 2014) needed to be amended. Two methods were possible to achieve this;

Method 1 - Amend Schedule One of the Byelaw to include the additional MPAs;

This would allow Eastern IFCA to implement closures through a Regulatory Notice but would only be a short term fix. In order to apply a Regulatory Notice to any additional MPAs (which are not currently on Schedule One) the full byelaw process would have to be observed again (i.e. formal consultation, Impact Assessment and Ministerial Consent).

Method 2 - Amend the wording of the byelaw to reflect any new MPAs being designated within the district.

This would enable Eastern IFCA to implement Regulatory Notices in any MPA within the district. When new MPAs are confirmed it will fall into the remit of the Marine Protected Areas 2016 Byelaw 2016 and a Regulatory Notice can be applied immediately.

NB the proposed byelaw includes due process for implementing a Regulatory Notice including a formal consultation and the production of an Impact Assessment.

Method 2 has the effect of future proofing the byelaw and achieves a lesser procedural and financial burden (advertises for formal consultation typically cost between approximately £1500 - £2000). The Authority agreed to make the Marine Protected Areas Byelaw in accordance with method 2.

Informal legal advice from Defra had indicated that method 2 may represent unlawful sub-delegation of power i.e. it would grant Eastern IFCA an inappropriate amount of power.

The Regulation and Compliance sub-committee directed officers to pursue method 2 in the event that independent legal advice supported this as a viable option. They also delegated to the A/CEO the ability to amend the byelaw to introduce a schedule to specify the designated sites in which Regulatory Notices can be introduced in the event that legal advice indicates that the existing definition of a 'marine protected area' in the byelaw is not appropriate

Report

Formal consultation results

No objections were received regarding the proposed Marine Protected Areas Byelaw 2016. This is likely to be a reflection that the byelaw itself has no direct impacts on fishers – the subsequent Regulatory Notices are likely to have impacts on the fishing industry and these will also go out to formal consultation at which point a greater number of responses are anticipated.

Proposed byelaw for submission to the Marine Management Organisation prior to ministerial consideration

Independent legal advice has been informally received (formal written advice is pending) regarding the issue of unlawful sub-delegation of power. It indicates that it is unlikely that the byelaw as is (i.e. as per method 2 – above) represents unlawful sub-delegation of power. The rationale for this is that the byelaw contains enough due process to ensure regulation (through a Regulatory Notice) is proportionate and that the designation/confirmation process of an MPA represents significant due process in itself.

As such officers recommend that the byelaw be submitted to the Marine Management Organisation as it is presented in Annex 1 together with the independent legal advice.

It is also recommended that officers continue to pursue the removal of Schedule One from the byelaw on the grounds that it is a proportionate level of sub-delegation. It should be noted that this does represent a risk with regards to our obligation to protect the 'red-risk' features found in the two MPAs which are not currently named on Schedule One.

Financial implications

Additional legal advice may be sought regarding the legality of the byelaw. Failure to gain consent for the proposed byelaw as per method 2 would lead to future costs to amend the byelaw as new MPAs are designated (in the region of £1500 to £2000 per formal consultation for the cost of adverts in addition to officer time).

Legal implications

Submitting the byelaw for confirmation has limited legal implications however, at the point of confirmation by the Minister for Defra there is the potential for legal challenge through judicial review. In addition, the Minister for Defra could cause a public enquiry.

The byelaw is primarily required for the protection of habitats designated through The Conservation of Habitats and Species Regulations 2010 (as amended) and the Habitats Directive (Council Directive 92/43/EEC). Failure to meet the requirements of these legislation may result in infraction from the European Union (on the UK). The resultant fines are likely to be passed down to the relevant competent authorities including Eastern IFCA.

Conclusion

The Marine Protected Areas Byelaw 2016 received no objections during formal consultation and will not have any direct impacts on the fishing industry. Further formal consultation will be held relating to the Regulatory Notices which will be made subsequent to the new byelaw and impacts are anticipated.

The proposed byelaw will future proof the regulatory mechanism for protecting MPAs from fishing activity and reduce the cost on the public in the long term. Independent legal advice has indicated that the byelaw does not represent unlawful sub-delegation of power but further discussions with Defra are needed. It may be the case that the consent for the byelaw is delayed as a result of these discussions.

DRAFT



EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009

Marine Protected Areas Byelaw 2016

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Interpretation

1. In this byelaw and associated Regulatory Notices:
 - a) 'the Authority' means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
 - b) 'the District' means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010;
 - c) 'Regulatory Notice' means a notice issued by the Authority in accordance with this byelaw;
 - d) 'fishing' includes:
 - (i) digging for bait;
 - (ii) shooting, setting, towing and hauling of fishing gear;
 - (iii) gathering sea fisheries resources by hand or by using a hand operated implement;
 - (iv) catching, taking or removing sea fisheries resources; and fish shall be construed accordingly;
 - e) 'fishing gear' includes: any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used or deployed during fishing;

- f) 'management measures' means any of the measures as listed in paragraph 3.
- g) 'marine protected area' means a site of the following type insofar as they exist in the sea
 - (i) a site of special scientific interest, within the meaning of Part 2 of the Wildlife and Countryside Act 1981 (c.69);
 - (ii) a national nature reserve declared in accordance with section 35 of that Act;
 - (iii) a Ramsar site, within the meaning of section 37A of that Act;
 - (iv) a European marine site, within the meaning of paragraph 4 of regulation 8 of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490);
 - (v) A marine conservation zone designated under section 116 of the Marine and Coastal Access Act 2009 (c.23);
- h) 'restricted area' means an area, within or adjacent to a marine protected area, defined within a Regulatory Notice and for which a management measure has been introduced by that Regulatory Notice.

Regulatory Notices

- 2. In order to further the conservation objectives of a Marine Protected Area, the Authority may issue a Regulatory Notice in relation to fishing within a Restricted Area in accordance with the procedure outlined in paragraph 7.
- 3. A Regulatory Notice may impose any of the following management measures within a Restricted Area:
 - a) restriction or prohibition of all fishing;
 - b) restriction or prohibition of specified fishing gear types or methods of fishing:
 - i. towed fishing gear;
 - ii. dredges;
 - iii. pots and traps;
 - iv. all netting including fixed, drift and seine;
 - v. all fishing lines;
 - vi. commercial diving;
 - vii. bait collection;
 - viii. crab tiling;
 - ix. intertidal hand working;
 - c) restriction or prohibition of fishing during specified periods;
 - d) restriction or prohibition of fishing using fishing gear of a specified description;
 - e) limitation of fishing effort;
 - f) restriction or prohibition of fishing using vessels of a specified description.

In this paragraph and paragraphs 5 and 6 'specified' means specified in the Regulatory Notice.

- 4. A Regulatory Notice must specify:
 - a) the marine protected area in which the Regulatory Notice applies;

- b) the feature for protection by the Regulatory Notice;
 - c) the co-ordinates of the Restricted Area;
 - d) the date from which the Regulatory Notice takes effect;
 - e) the latest date for the Regulatory Notice to be reviewed;
 - f) the date on which the Regulatory Notice expires if there is to be an expiry date.
5. Where a Regulatory Notice contains a provision which restricts or prohibits fishing using fishing gear of a specified description in a Restricted Area a person must not carry any such fishing gear on board a vessel in that Restricted Area unless:
- a) it is stored in such a way that use cannot readily be made of it for any purpose; or
 - b) there is an exemption to the requirement for fishing gear to be stored in such a way that use cannot readily be made of it for any purpose specified within the Regulatory Notice.
6. Any exemptions to the management measures set out in a Regulatory Notice will be specified in that notice.

Procedure

7. The procedure for issuing, varying or revoking a Regulatory Notice includes the Authority taking the following steps:
- a) acquisition of relevant available evidence including:
 - i. scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Science or such other persons as the Authority thinks fit;
 - ii. advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
 - iii. information from any other relevant source.
 - b) consultation by such methods as the Authority considers appropriate, with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any restriction or prohibition;
 - c) undertaking an impact assessment on the introduction of a Regulatory Notice; and
 - d) consideration by the Authority of all information arising from subparagraphs (a) to (c) above.
8. The Authority will review a Regulatory Notice as specified in the Regulatory Notice or sooner and in any case no less frequently than every four years from the date the Regulatory Notice takes effect.
9. The review of a Regulatory Notice will be in accordance with a formal operational procedure agreed by the Authority and includes:
- a) The steps set out at sub-paragraphs 7 (a) and (b) above and where a variation of the Regulatory Notice is being considered the steps set out at sub-paragraph 7 (c);
 - b) Consideration by the Authority of all the information arising from sub-paragraph 9 (a).
10. The decision of the Authority to issue, maintain, vary or revoke a Regulatory Notice will be published using relevant media.

Application

11. Contravention of a provision of a Regulatory Notice constitutes a contravention of this byelaw.
12. This byelaw does not apply to any person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in exercise of any right of common held by that person.

Revocations

13. The byelaw with the title "Protected Areas Byelaw" made by the Authority on 18 September 2013 and in force immediately before the making of this byelaw is revoked.

Explanatory Note

(This note does not form part of the byelaw)

This byelaw enables the Authority to provide protection to sensitive marine habitats and species, in a manner that seeks to balance the needs of inshore fisheries and local socio-economic considerations with the requirement to secure a sustainable marine environment.

This Byelaw introduces flexibility in the way that the Authority manages inshore fisheries and will support the achievement of conservation objectives in marine protected areas. This Byelaw enables the Authority to issue Regulatory Notices to restrict or prohibit fishing where this is necessary (paragraphs 2 to 6). The Byelaw also sets out a procedure for issuing, varying and revoking a Regulatory Notice (paragraphs 7 to 10).

The introduction and review of Regulatory Notices will be undertaken in accordance with formal operational procedures set out by the Authority. All decisions relating to Regulatory Notices will be undertaken by the Authority or a properly constituted sub-committee in meetings that are open to the public and conducted in accordance with the Authority's Constitution and Standing Orders. Regulatory Notices will be reviewed in accordance with the review date set at the time that the notice is made or upon receipt of evidence that in the opinion of the Authority warrants an earlier review.

The areas where the byelaw has effect include any area within the District which has been designated, confirmed or notified under associated legislation for reasons of conservation or environmental protection and adjacent areas.

Paragraph 12 of this Byelaw specifically preserves personal "rights of common". These are particular specialised and defined rights held by "commoners" in respect of registered "common land". "Rights of Common" relate only to registered common land and this Byelaw retains full force and effect against all other persons, including those exercising their common law right of fishery and any person exercising a private or several right of fishery. If you have any doubts about the applicability of this Byelaw to you, you should seek guidance from the Authority before fishing for or taking any sea fisheries resources.

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



23rd Eastern Inshore Fisheries and Conservation Authority meeting

27th April 2016

Report by: Julian Gregory – Acting CEO

Meeting of the Planning and Communications Sub-Committee

Purpose of report

The purpose of this paper is to report the proceedings of the Planning and Communication sub-committee (P&C S-C) meeting held on 24 February 2016.

Recommendations

Members are asked to:

- **Note** the content of the report
- **Note** the addition of capital expenditure projections to the Business Plan since it was approved

Report

The P&C S-C met on 24 February 2015 to transact the following business:

- Consider revisions to the business planning cycle
- Approve the Communications report 2015-16
- Consider the 2016-17 Strategic Assessment
- Approve the Business Plan 2016-2021

Outcomes

Business Planning Cycle

Since inception as an IFCA the organisation has utilised an annual planning cycle in line with guidance issued by Defra. Whilst this has proved to be an effective tool it did not facilitate planning beyond annual horizons, particularly in relation to financial matters. Additionally, it did not portray Eastern IFCA's ability to deliver against its priorities. In a climate of austerity and potential change it was considered that Eastern IFCA needed to be efficient and effective organisation and is effectively 'on top of its game'. An important element of this was an approach to planning that demonstrates a clear understanding of where it fits in the strategic landscape, its ability to deliver what is required over an expanded timeframe and a clear rationale behind its priorities. It was agreed to adopt a new model for business planning based upon a rolling five-year Business Plan with annual updates informed by the annual Strategic Assessment.

Communications Report 2015-16

The overall objective for the period 2013-16 has been to address issues identified by the 2012 benchmarking survey through the development of a Communication and Engagement Strategy and annual plans to prioritise issues. The Communication and

Engagement Plan 2015-16 aimed to build upon the visibility of Eastern IFCA generated in 2013-14 and the engagement with "harder to reach" stakeholders during 2014-15. The primary objective for 2015-16 was to engage with young people in educational establishments. Building on the achievements of previous years and with appropriate infrastructure in place (aquarium and display trailer) the activities undertaken proved to be successful in terms of achieving visibility and being almost universally well received. There was some 'scope creep' inasmuch as events were taken on in addition to those planned for the year and whilst these were serviced and had a positive impact, there was an impact on our ability to roster staff for other work. The annual report was approved and it was agreed to publish it online.

Overall, the impact of the strategy was judged to have been positive and whilst it had originally been intended to repeat the benchmarking exercise during the first half of 2016 in order to assess progress it was judged that this would be an unnecessary use of public funds.

Given the increasing levels of demand on the Authority it was agreed to incorporate communications and engagement as 'business as usual' in the proposed five-year Business Plan. As such, whilst future years will still see similar kinds of activity it is likely to be on a lower scale and with a focus on being more efficient, for example by utilising social media to greater extent.

2016-17 Strategic Assessment

The Strategic Assessment encompasses two assessments – a data driven, initial assessment to determine the risk of sustainability issues associated with groups of fisheries and an additional assessment which takes into account incomplete datasets and contextual and political issues as well as expert knowledge from officers. The priorities identified in the assessment were agreed.

Business Plan 2016-21

A rolling five-year Business Plan had been developed, which brings together all elements of activity undertaken by the organisation. The plan is intended to project five years in advance with annual reviews in order to update the strategic and financial context and to prioritise and plan for each financial year. The revised model is intended to provide a longer term and more cohesive approach to business planning by drawing together all elements of activity in a single plan.

The plan provides the strategic framework within which Eastern IFCA operates and describes our ability to deliver against our vision and priorities. This is demonstrated by setting out factors such as effective leadership arrangements; the strength of the team in terms of experience, qualifications and skills; being appropriately equipped; operating effectively and; effective financial management.

Since presentation to the sub-committee the plan has been updated to include capital expenditure projections.

The overall priorities for 2016-17 have been identified as a consequence of the annual Strategic Assessment and are set out in Appendix 3 of the Business Plan.

The Enforcement plan is set out in Appendix 4.

The Environment and Research priorities are set out in Appendices 5 and 6.

The Communications and Engagement Plan is set out in Appendix 7.

The overall priorities for 2016-17 are:

1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by:
 - a. Delivering fisheries management measures for the 'Red Risk' designated features in the Inner Dowsing, Race Bank and North Ridge SCI, and the Haisborough, Hammond & Winterton SCI;
 - b. Delivering fisheries management measures for 'Amber and Green' designated features within European Marine Sites (EMS) within the mandated timeframe (continued from 2015-16);
 - c. Assessing the impact of fishing activities on the Cromer Shoal Chalk Beds tranche 2 Marine Conservation Zone and delivering management measures (if required) by December 2017;
 - d. Reviewing Regulatory Notices 1-4 (inclusive) issued under the Protected Areas Byelaw, for revocation, amendment or renewal by March 2017 (to include management measures for potting fisheries on *Sabellaria* and stony reef (boulder & cobble) habitats).

2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements by:
 - a. Developing fishery sustainability management measures for the brown shrimp fishery in conjunction with priority 1(b) above;
 - b. Developing management measures for unregulated fishing activity (netting);
 - c. Continuing the project to rejuvenate previously productive mussel beds in The wash and to undertake research to establish the reason for continued decline in stocks;
 - d. Reviewing fisheries management measures for crab and lobster in conjunction with the Defra-led 'stock based' sustainability project;
 - e. Developing mechanisms to improve fisheries data for skates/rays, demersal and flatfish species, particularly in relation to spatial/temporal and effort information.

3. To ensure that the marine environment is protected from the effect of exploitation by reviewing district wide bio-security measures including management of invasive, non-native species (roll over from 2015-16);

4. To develop management of the fisheries regulated under the WFO 1992 by:
 - a. Reviewing the fishery management policies;
 - b. Reviewing regulations and policy notes;
 - c. Developing options for greater cost recovery

Whilst most will be completed within year the complexities involved, particularly where regulation is required, mean that some may roll into 2017-18.

The Business Plan was approved by the sub-committee.

Background Papers

Strategic Assessment 2016-17

Eastern IFCA Business Plan 2016-2021

Communications and Engagement report 2015-16

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 16

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27th April 2016

Report by: Andrew Bakewell – Head of Finance

Payments made and monies received during the period 1st January 2016 to 31st March 2016

Recommendations

Members are asked to:

Note the content of the paper

Background

It is an audit requirement that the Authority's receipts and payments are presented to Members on a quarterly basis.

The report on Payments made and monies received during the period 1st January to 31st March is attached.

The payments have been made in accordance with EIFCA's Financial Regulations and the necessary processes and approvals have been carried out.

Background documents

There are no background documents to this paper

Finance Officer's Report on Payments Made and Monies Received during the period
1st January 2016 to 31st March 2016

Payments made during the period 1st January 2016 to 31st March 2016

	Month 10	Month 11	Month 12	TOTAL
	£	£	£	£
Transfers to EIFCA Salaries & Wages Acct.	80,000.00	80,000.00	80,000.00	240,000.00
Rent, Rates & Service Charges	1,499.50	1,790.09	10,314.80	13,604.39
General Establishment	5,444.42	12,603.90	21,020.56	39,068.88
Legal Fees	1,082.80			1,082.80
Staff Travelling & Subsistence	920.68	292.05	766.54	1,979.27
Members' Allowances	564.77	153.20	380.40	1,098.37
Training	2,869.20	2,765.00	199.88	5,834.08
Moorings/Harbour Dues	409.09	1,503.68	6,224.50	8,137.27
Pisces III Operating Costs				
Hire of rib		1,969.43	1,842.37	3,811.80
Three Counties Operating Costs	8,959.19	9,516.05	3,202.00	21,677.24
FPV JA & ST -Operating Costs	1,865.87	4,406.65	1,090.24	7,362.76
Vehicle Operating Costs	1,126.08	560.31	8,114.90	9,801.29
Communication and Development		347.98	19.05	367.03
Research and Environment	10,227.64	302.32	2,047.62	12,577.58
Enforcement	340.44	1,305.66	5,906.07	7,552.17
Wash & Nth Norf. EMS Project	291.24	275.00		566.24
Wash Fishery Order		4,800.00	10,300.00	15,100.00
New vessel				
IT Project	4,470.00	15,303.11	4,628.18	24,401.29
Petty Cash				
VAT recoverable (Quarter)	6,257.36	10,547.96	12,281.40	29,086.72
TOTAL PAYMENTS MADE	126,328.28	148,442.39	168,338.51	443,109.18

Monies received during the period January 2016 to March 2016

	Month 10	Month 11	Month 12	TOTAL
	£	£	£	£
Levies				
Treasury Deposit Interest		452,724	535,815	988,539
VAT				
Grants			32,223	32,223
WFO - Licences				
WFO - Tolls				
Whelk licences	500	1,050	1,510	3,060
Wash & North Norfolk Coast EMS		2,025	10,700	12,725
Sale of equipment				
Fixed Penalty Fine	14,000	500		14,500
EHO sampling			2,400	2,400
MMO- CEO costs			21,136	21,136
Miscellaneous	75	13,986	117	14,178
TOTAL MONIES RECEIVED	14,575	470,285	603,901	1,088,761

Notes

Payments –

- WFO includes £15,000 for mussel rejuvenation project.
- Research and Environment includes £8,349.22 for Habitat Assessments completed by Gardline this is funded from a Defra section 31 grant of £27,223 (received in period 12) the remainder of the grant will be held in reserve.

Receipts –

- Miscellaneous receipts includes £13,985 for the insurance settlement for the Isuzu 4x4 in period 11.
- Levies in the quarter are from LCC and NCC. Suffolk levy received 11th April.

Vision

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Action Item 17

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27th April 2016

Report by: Andrew Bakewell – Head of Finance

Report on the Management Accounts for the third quarter of the 2015/16 financial year

Purpose of report

To set out the Quarterly Management Accounts for members to note.

Recommendations:

Members are asked to:

Note the Management Accounts

Detailed below are the management accounts for the 2015/16 financial year. Actual spend is compared with the budget with explanations of the significant variances provided.

The first nine months saw the following cumulative variances against budget made up as follows:-

	£	
Salaries	81,467	CEO secondment and vacancy management
General expenditure	(21,692)	Office refurb and IT upgrade
Communications	4,793	costs shown under other headings
Enforcement	(10,389)	Whelk tags, increased effort
Research & Env.	(7,209)	Equipment and consultants
Vessels	7,458	Part year Sebastian Terelinck.
Vehicles	(1,599)	Increased insurance
Income	60,724	Fines (£16k), grants (£ 38k) and whelk Permits (£6k)
	113,533	

The position at the 4th quarter shows a considerable surplus due in the main to salary savings and unbudgeted income. Savings offset by one-off costs of office refurb and IT upgrade, replacement equipment and consultant fees.

Management Accounts Financial Year 2015/2016

	ACTUAL Year to Date Qtr 3 £	BUDGET Year to Date £	MEMO Budget For Year £
<u>SALARIES & WAGES</u>			
Staff Remuneration	685,743	740,730	740,730
Pension	133,644	155,550	155,550
National Insurance	51,126	55,700	55,700
TOTAL	870,513	951,980	951,980
<u>GENERAL EXPENDITURE</u>			
Accommodation	133,351	85,688	85,688
Insurance	18,474	15,365	15,365
General Establishment	73,964	76,330	76,330
Officers' Expenses	13,013	19,570	19,570
Members' Travel	2,129	4,750	4,750
Training	19,464	37,000	37,000
TOTAL	260,395	238,703	238,703
Development & Communication	5,472	10,265	10,265
Enforcement	21,399	11,010	11,010
Research & Environment	24,539	17,330	17,330
<u>VESSELS</u>			
Moorings & Harbour Dues	26,911	26,720	26,720
<u>Vessel Operating Costs</u>			
Three Counties	99,119	80,286	80,286
Enforcement Vessels John Allen & Sebastian Terelinck	25,816	56,520	56,520
Pisces III	14,995	10,773	10,773
TOTAL	166,841	174,299	174,299
<u>VEHICLES</u>			
Operating Costs	22,306	20,707	20,707
TOTAL	22,306	20,707	20,707
TOTAL EXPENDITURE	1,371,465	1,424,294	1,424,294
<u>INCOME</u>			
Bank Interest	7,254	5,000	5,000
Levies	1,391,070	1,391,070	1,391,070
WFO Licence Tolls	9,900	6,000	6,000
Whelk licences	6,012		
Grants	38,723		
Fixed Penalties	16,000		
Surveys		5,000	5,000
EHO sampling	5,185	4,000	4,000
Lay rents	2,650	5,000	5,000
TOTAL INCOME	1,476,794	1,416,070	1,416,070
Net Expenditure	105,329	-8,224	-8,224

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 18

23rd EIFCA Meeting

27th April 2016

Report by: Andrew Bakewell, Head of Finance

Payment of expenses to MMO appointees

Purpose of report

The purpose of this report is to make recommendations on the payment of expenses to members.

Recommendations

Members are recommended to:

Approve the payment of expenses to MMO appointees for a further year.

Background

It is considered advantageous to encourage a wide and diverse membership of the Authority, the modest cost of reimbursing out of pocket expenses is thought to be instrumental in achieving meaningful and constructive meetings. The budget for the coming year is £2,750 with actual expenditure for the year to date c.£2,000.

Comment and recommendations

The authority being mindful of its' financial duties will, whilst recognising the cost to the individual, continue to assess the affordability of the payment of expenses as standing orders require.

Expenditure at current levels is comfortably sustainable from existing funds without compromising achievement of the authority's targets.

Financial implications

The recommendation has no effect on the 2016/17 budget.

Proposal: That the authority resolves to continue payment of expenses until the next review at the equivalent meeting in 2017.

Vision

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23rd Eastern Inshore Fisheries and Conservation Authority meeting

27 April 2016

Supreme Court Judgement regarding the Le Strange Estate

Report by: L. Godwin, T/Senior IFCO (Staff Officer)

Purpose of report

The purpose of this report is to update the Authority regarding the Supreme Court Judgement on the following case; *Lynn Shellfish Ltd and others (Appellants) v Loose and another (Respondents)* and to inform the Authority of potential implications on Eastern IFCA and the shellfish fisheries in The Wash.

Recommendations

It is recommended that members:

- **Note** the content of the report

Background

The extent of the Right to fish held by the Le Strange Estate (and currently leased to Mr John Loose), referred to as "the Estate", has been contended in court several times over the past hundred years.

In the summer of 2007, 13 fishers from King's Lynn took cockles from two areas (the Stubborn Sand and the Ferrier Sand) which were, according to the Estate, included within their Right to exclude the public from fishing. The case was eventually heard at the High Court, the judgment of which was appealed by the King's Lynn fishers (referred to in the judgment as Lynn Shellfish Ltd and others) and heard by the Supreme Court. The recent judgment refers to that appeal heard by the Supreme Court.

The main contention regards two main factors; i) which 'low tide mark' the boundary of the Estate extends to (i.e. mean low water springs, astronomical low water etc.) and ii) to what extent does the Estate's Right extend westwards as accretion increases the size of the foreshore (the area referred to in the prescription of the Right to fish).

Report

The judgment of the Supreme Court

The Supreme Court concluded the following;

1. **The extent of the Estate's Right is determined in part by the lowest astronomical tide.** The rationale being that at the time the Right was granted, collection of shellfish (cockles and mussels) was only achievable by walking from

land and as such, the public fishery would not have been disadvantaged in these shellfish not being available.

2. **The extent of the Estate's Right may fluctuate in as much as accretion of the foreshore will increase the area which can be reached from land.** This follows a well-established principle of law which was referred to in the judgment. It is important to note that the doctrine on which this was based includes the rationale that this relates to "gradual and imperceptible" changes of the boundary.
3. **The extent of the Estate's Right does not include sands which were previously detached but became attached through the siltation of channels.** For example, the Ferrier Sand was once separate from the foreshore but became attached after the channel which separated them silted up. The rationale is that it does not follow the rationale of a gradual change (although siltation of the channel may be gradual, the sand bank will become part of the Estate's Right in one moment).

The full judgment can be seen on line at the following link:

<https://www.supremecourt.uk/cases/docs/uksc-2014-0191-judgment.pdf>

The press release of the judgement is included at Annex 1 of this paper.

The Supreme Court did not determine actual boundaries with regards to The Estate but directed the relevant parties to agree such boundaries following the principles set out above. In particular, this refers to the boundaries of the Estate with regards to the Ferrier Sand, which are now joined to the foreshore. In the absence of an agreement, the matter will be dealt with at the High Court.

Implications of the judgment for Eastern IFCA

Potential for unregulated areas of The Wash - Some of the Estate's Right to fish extends into the WFO Boundary. The Sea Fisheries (Shellfish) Act 1967 (under which the WFO was granted) does not provide for the removal of any Several Rights as per section 1(5) of the Act. i.e. Where the Le Strange fishery overlaps with the WFO, the Le Strange's Right to fish prevails and the public are excluded from fishing.

Where a gap emerges eastwards of the WFO, between the WFO boundary and the Estate's boundary, a 'no-man's-land' occurs where no regulation exists save for the Authority's Byelaws. Byelaw 3 (Molluscan Shellfish Methods of Fishing) prohibits the use of dredges to take molluscs without authorisation from the Authority. However, there would be the potential for this area to be targeted by a hand-worked fishery for cockles.

Such areas may have occurred as a result of the judgment. These areas are no longer considered part of the Estate as it is thought to have joined the foreshore after previously being separated by a channel. Most of these areas exists outside of the WFO boundary and as such, only Eastern IFCA Byelaws apply (i.e. an WFO licence is not required to fish there).

These areas also fall within the conservation designations of The Wash and as such, the Authority is required to ensure there is no damage as a result of fishing activity. Furthermore, there is a will from the fishers of The Wash cockle fishery that this area needs to be protected such that it can form part of the annual regulated cockle fishery. An emergency byelaw could be used to prohibit fishing activity in this disputed area until an agreement on the boundaries has been reached.

Legal advice has been sought regarding such an emergency byelaw however, as there are no boundaries to currently refer to (boundaries will be set through discussions between the two parties involved in the case) this method is not thought to be viable.

The potential for risks to the fishery will be investigated and further legal advice will be sought to develop measures in the form of an emergency byelaw which will mitigate any risk if required. This will include involvement from Natural England who will advise on the potential for damage to the Marine Protected Area of The Wash.

Financial implications

Legal advice has been sought with regards to the wording of an emergency byelaw. Further advice would likely be needed to implement any such byelaw.

Legal implications

An emergency byelaw could result in Eastern IFCA restricting the Rights of both a public fishery and a several fishery (i.e. the Le Strange Estate). Whilst this is legal as per section 158(6) of the Marine and Coastal Access Act (2009) it could result in legal challenge.

Conclusion

The judgment of the Supreme Court in the case; *Lynn Shellfish Ltd and others (Appellants) v Loose and another (Respondents)* could have implications on Eastern IFCA. There is the potential that an emergency byelaw may be needed in the short-term to protect a specific area in The Wash whilst the Right to fish there is in dispute.

Precise boundaries were not prescribed by the judgment – only the principles by which boundaries should be determined by the parties of the case. Such an agreement may have implications on Eastern IFCA's management of the Regulated fishery and the protection of the environment within the designated conservation site of which The Wash is part.

Officers continue to investigate the issue and management measures will be developed and introduced if it is necessary and appropriate to do so.



13 April 2016

PRESS SUMMARY

Lynn Shellfish Ltd and others (Appellants) v Loose and another (Respondents) [2016] UKSC 14
On appeal from: [2014] EWCA Civ 846

JUSTICES: Lord Neuberger (President), Lord Clarke, Lord Sumption, Lord Carnwath, Lord Hodge

BACKGROUND TO THE APPEAL

The Le Strange family (“the Estate”) is the owner of a substantial amount of land adjoining the east side of the foreshore (“the Foreshore”) on the east side of the Wash, on the west coast of Norfolk (“the Wash”), as well as holding an exclusive right to take cockles and mussels from the Foreshore (“the Right”). In 1970, the Estate granted a lease of the Right to Mr John Loose, who is still holding over under that lease.

The appellants operate fishing boats out of King’s Lynn in Norfolk. During the summer of 2007, 13 of the appellants’ boats fished for cockles in locations claimed by the respondents to be within the area of the exclusive fishery vested in the Estate (“the Area”). Mr Loose and the Estate (“the respondents”) subsequently brought a claim in the Chancery Division of the High Court, alleging that the appellants had infringed the Right.

The parties accepted that the Estate is the owner by prescription of the Right, but were in dispute as to two issues relating to the extent of the Area. The first issue was which of the low water measurements should determine the location of the western, seaward, boundary of the Area. Four different types of low water measurement were contended for: (i) mean low tide; (ii) mean spring low tide; (iii) mean neap low tide; and (iv) the lowest astronomical tide, the most extreme neap low water, which occurs every 18.6 years. At first instance, the High Court held that the mean spring low water represented the location of the western, seaward boundary of the Area; whereas the Court of Appeal concluded that it was the lowest astronomical tide mark.

The second issue between the parties was whether the Right extended to sandbanks which, having been previously separated from the Foreshore, became attached to it as a result of the gradual silting up of channels separating the banks and the Foreshore. The appellants contended that the respondents must establish that the Right extended to the relevant sandbanks before they became part of the foreshore; whereas the respondents contended that either the Right applied to the Foreshore as it was constituted from time to time, or, by the doctrine of accretion, the sandbanks were treated in law as added to the Area when it became attached to the Foreshore. The High Court and the Court of Appeal accepted both the respondents’ arguments on this issue.

JUDGMENT

The Supreme Court unanimously (i) dismisses the appeal regarding the seaward boundary, finding that the boundary is determined by the lowest astronomical tide, and (ii) allows the appeal in relation to the second issue, holding that the Estate’s right to fish does not extend to the sandbanks which attach to the Foreshore as and when they become so attached. Lord Neuberger and Lord Carnwath give a joint judgment, with which the other Justices agree.

REASONS FOR THE JUDGMENT

There are two important principles which apply to both issues. The first principle is that unless it is taken away from them, the public have the right to gather fish and shellfish from the foreshore and since Magna Carta it has not been possible for the Crown, the owner of the foreshore, to grant a private fishery (which

ousts the public right) [32-35]. The second principle is that, in order to establish that he has obtained a fishery (as with any right) by prescription, a person must establish that he has physically enjoyed the fishery “as of right” for the requisite period, so the extent of the right must be determined by the extent of the actual or probable use in the past, not by inquiring into the mind of the notional grantor [44-47].

The first issue: the seaward boundary

Resolving the first issue involves answering two questions. The first is whether the western boundary is fixed or whether it fluctuates with the relevant low mark, because, over time, the low water marks, marking the edge of the sea at low water had moved further seaward [57]. The Court concludes that it is a fluctuating boundary. The evidence clearly establishes that during the substantial period during which the prescriptive Right to take shellfish from the Foreshore was exercised, the only way in which the shellfish were gathered was by individuals walking from the land when the tide was out [58]. In those circumstances, it was very likely that the putative Right would have been exercised over an area which was defined or limited by a shifting low tide mark [58]. It is not as if the existence of such a fluctuating right would have detrimentally affected any other interests of any significant value [60].

The second question is which of the suggested low water marks is the appropriate boundary [57]. The Court concludes that the most satisfactory low water mark is the lowest astronomical tide, as this means that all parts of the Foreshore which are at any time uncovered by the sea are included in the Area, whereas any other selection involves some of those parts being excluded from the Area [64].

The second issue: the previously separated sandbanks

As to the respondents’ first argument, the evidence does not establish that the Estate’s prescriptive Right extends to sandbanks which were not previously joined to the Foreshore as and when they become so attached [70].

There are two distinctions between the change in the Foreshore and the fluctuation of the low tide mark boundary. First, (while the silting up of channels which leads to the attachment is gradual), the actual attachment of sandbanks to the Foreshore itself will happen at one moment, whereas the shifting of the low tide mark will normally be gradual [71].

Second, and of particular significance, the public will have had the right to take fish, including shellfish, from such a sandbank. Unlike the position in relation to the fluctuating low tide mark, and notwithstanding the respondents’ contention to the contrary, it is by no means plain or obvious that, once a sandbank became attached to the Foreshore, the Estate would have exercised an exclusive Right to take shellfish from that former sandbank [72-73]. In fact, it appears unlikely that local fisherman would have been prepared to accept the Estate maintaining its exclusive Right to fish over former sandbanks which became attached to the Foreshore [73]. The fact that it is common ground between the parties that one of the sandbanks, Stubborn Sand, falls within the Area, is not inconsistent with the Court’s conclusion [74].

As to the Respondents’ second argument, based on accretion, the doctrine of accretion is concerned with gradual and imperceptible changes in a boundary; in the present case, however, there is a specific moment in time when the whole of a sandbank becomes attached to the Foreshore [78]. There is a difference in kind between the gradual extension of one recognised bank and the joining up of two formerly distinct banks. There is no room for the doctrine of accretion in relation to the sandbanks which became connected to the foreshore in the present case [80].

Conclusion

The Court would only be able to define the precise extent of the Area if the parties were able to agree it following receipt of the Court’s judgment. In the absence of agreement, the Court considers that the best course of action would be to remit the proceedings to the Chancery Division to enable the precise extent of the Area to be identified [83].

References in square brackets are to paragraphs in the judgment

This summary is provided to assist in understanding the Court’s decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document.

Judgments are public documents and are available at: <http://supremecourt.uk/decided-cases/index.html>

The Supreme Court of the United Kingdom
Parliament Square London SW1P 3BD T: 020 7960 1886/1887 F: 020 7960 1901 www.supremecourt.uk

Vision

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Information Item 22

23rd Eastern Inshore Fisheries and Conservation Authority Meeting

27 April 2016

Report by: J. Gregory, Acting Chief Executive Officer

Quarterly progress against Annual Plan

Purpose of report

The purpose of this report is to update members on progress towards the objectives established in the Annual plan.

Recommendations

Members are recommended to:

- **Note** the contents of this report

Background

Eastern Inshore Fisheries and Conservation Authority is mandated to produce an annual plan each year to lay out the expected business outputs for the year ahead. The plan for financial year 2015-16 was agreed by the Planning and Communication Sub-Committee on 25 February 2015 and published thereafter.

Report

The tables at the Appendix detail the progress against the key priorities set in the Annual plan for 2015-16. The majority of priorities identified for 2015-16 are either completed or on track.

Risk

There is no change to the strategic risk register matrix.

Conclusion

Authority officers are committed to delivering success across the breadth of our remit. The emphasis on closer coordination and joint working with partner agencies may present opportunities to share or better balance the prodigious work load the Authority is bound to deliver.

Background documents

Eastern Inshore Fisheries and Conservation Authority Annual Plan 2015-16.

Appendices

1. Report on priorities set for 2015-16

Background Documents

Eastern IFCA Annual Plan 2015-16

APPENDIX 1**Eastern Inshore Fisheries and Conservation Authority**

27 April 2016

Quarterly Progress against Annual Plan

8 major priorities are established for 2015-16.

FY 2015-16		
Major Priority	Progress	Comment
To continue investments in staff to preserve appropriate subject matter expertise		See HR plan for 2015-16 Actions for 2015-16 complete
To ensure that the conservation objectives of Marine Protected Areas in the region are furthered by delivering fisheries management measures for 'Amber and Green' designated features within European Marine Sites (EMS) within the mandated timeframe and formulating potential management measures for Tranche 2 candidate Marine conservation zones (MCZ).		<p>This priority will continue into 2016-17, as it relates to Defra's implementation deadline of December 2016. Progress on actions during 2015/16 is outlined here.</p> <p>The full suite of assessments of "amber and green" fishing/feature interactions has been completed for EMSs in the District. This work was prioritised within the environment team during Q2 and Q3, and supported by the additional Defra funding for this project, used to fund a sub-group of assessments by external consultants. Natural England have provided feedback on the first set of assessments and a period of liaison and incorporating their feedback has been started, before the assessments can be finally signed off.</p> <p>After adverse impact was identified from the shrimp beam trawl fishery in the Wash & North Norfolk Coast EMS, mitigation measures have been drafted for development during 2016/17. The Eastern IFCA Protected Areas byelaw has been amended in order to apply to the additional (straddling) sites requiring fisheries management measures.</p> <p>The assessment of fishing activities in the Tranche 2 Marine Conservation Zone (designated in January 2016) is to be undertaken during 2016/17.</p>

Support community voice method project.		Thirty-five filmed stakeholder interviews have been conducted across Lincolnshire, Norfolk and Suffolk for the Community Voice project being undertaken in partnership with Marine Conservation Society and the Wash & North Norfolk Coast European Marine Site management scheme. Workshops are to take place in spring 2016.
To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements by continuing the comprehensive byelaw review process guided by the strategic assessment of fisheries within the district;		The 2015 Strategic Assessment identified two fisheries in urgent need of management for their protection, namely the whelk fisheries and bass fisheries. As a result of work conducted throughout 2015 both of these have been addressed and, as a result, the 2016 Strategic Assessment indicates that risk associated with these fisheries has successfully been reduced. It should be noted that, particularly in the case of whelks, the lower risk associated with the fishery is a result of work conducted and that planned (i.e. the whelk research project) without which, the fishery would still be at risk.
To promote sustainable development through a project to rejuvenate previously productive fishing grounds		Permission for funding the 2015 Mussel Regeneration project has been received from the Wash fishermen's associations. A site had been identified for conducting the trial but when visited in March to mark out the area, it was found to support high densities of recently settled cockles. Alternative sites were sought during the cockle surveys, but the widespread settlement of cockle spat made this difficult. Following concerns from some fishermen that the shells were planned to be laid too late, a decision was made to delay the project until March 2016. Alternative sites in which to conduct this study were sought during the autumn mussel surveys, during which alternative sites were identified near the Gat and North Mare Tail mussel beds. Shell relaying was undertaken in March 2016.
To continue the Seagoing Assets Review and to introduce into service a second enforcement vessel;		Actions for 2015-16, which were primarily undertaking upgrades to <i>FPV John Allen</i> and completing the build and delivery of the second enforcement vessel (<i>FPV Sebastian Terelinck</i>) have been achieved. A replacement for <i>FPV Pisces</i> is required and will be addressed during 2016-17.

<p>To ensure that the marine environment is protected from the effect of exploitation by reviewing district wide bio-security measures including management of invasive, non-native species;</p>		<p>Work on the Biosecurity Project was planned to start in quarter 2 of the current financial year but the project was put on hold as a consequence of higher priorities. It has been rolled over as a priority for 2016-17.</p>
<p>To balance the needs of all within the fishery by assessing the impact of Common Rights Holders activity;</p>		<p>Liaison has been undertaken with the county records team to verify the register of rights in common where these rights coincide with European Marine Sites. Officers have used established stakeholder groups in Norfolk and Lincolnshire to introduce the project concept to local holders of rights in common; individuals from within these groups have offered to provide assistance in verifying levels of activity to inform the assessment. Due to the resource requirements for Marine Protected Area assessment work and the Community Voice interviews during Q4 2015/16, progress with this project has paused and it will be rolled over for completion in 2016/17.</p>
<p>To promote sustainable development by reviewing the process to issue WFO Entitlement and explore cost recovery mechanisms</p>		<p>A review of waiting list for WFO entitlements has been carried out. All 34 individuals who have previously applied (over the last 8 years) for an Entitlement have confirmed that they still wish the application to stand. Given the continued level of demand and the extant pressures within the fishery, it is unlikely that the review of the moratorium on issuing entitlements will be lifted. It may be that if stocks continue to recover the greater stock abundance may enable an increase in effort but this will need to be carefully managed as any issue of further Entitlements will be considered as a permanent allocation would be difficult to subsequently retract. Work on cost recovery has commenced and has been rolled over as a priority for 2016-17</p>

Subordinate Priority	Progress	Comment
To influence and shape the national inshore marine management debate and narrative.		Achieved through attendance at national meetings and other for a, including leadership in some elements e.g. NIMEG, MMO/IFCA Collaboration Programme Board.
To continue to advance the Authority's understanding of the species, habitats and activities occurring in the district.		The 2015-16 Research and Environment plan included several research projects designed to improve the Authority's understanding of the species and habitats in the District. Two of these, the WFO cockle surveys and the WFO mussel surveys were completed on schedule informing the management of those respective fisheries. Similarly, a two-year habitat mapping programme designed to monitor the impacts of the byelaw closures on the Sabellaria reef and cobble/boulder features has been completed. Other on-going projects studying whelks, fin fish and crustacean species have all helped to inform management measures, both at a local and national level, while the SWEEP water monitoring and EHO/DSP bio-sampling projects help us to monitor the food availability and hygiene quality of the water around the shellfish cultivation areas. Other smaller projects have enabled us to monitor the level of shellfish stocks at Horseshoe Point and Titchwell Marsh, invasive Pacific oysters on the Gat sand and Eelgrass beds in the district. In addition to planned survey activities, the Authority was also able to assist Cefas with their Shark ByWatch 2015 project. Literary reviews have also been conducted on numerous gear/feature interactions in order to inform the European Marine Site habitat assessments.
To engage with marine planning issues, including consultations on marine licences and developments and active participation in Commercial Fisheries Working Groups.		85 consultations have been completed this year. Responses to significant consultations are now published on the website. The East Marine Plans are routinely used to inform responses to consultations. Officers have participated in Commercial Fisheries Working Groups for Greater Gabbard and Galloper wind farms. Officers have continued liaison with DONG energy, Natural England and Marine Management Organisation with regards to Race Bank wind farm, particularly in relation to works associated with export cable installation.

		The Authority has noted the new ability of IFCAs to call in marine licence applications for Inquiry where significant concerns exist.
To continue to promote the work of Eastern IFCA through outreach events.		<p>The programme for this year has been completed with 13 events having taken place. These have included 3 very successful educational events at Primary schools as well as high profile public events such as the Cromer carnival, the Norfolk Food and Drink Festival and the Cromer Crab and Lobster Festival. Whilst individual events have been well received they are very resource intensive and effective measurement of their impact is difficult in terms of the overall context of 'being seen and heard'.</p> <p>The Community Voice project has required engagement with a large range of coastal stakeholders (including fishermen, anglers, conservationists, processors, tourist boats, kite surfers, wildfowlers). The 35 interviews undertaken throughout the district between February and April 2016 have supported promotion of the work of Eastern IFCA, with a particular focus on (but not limited to) Marine Protected Area work.</p>
As a Directing body contribute to the activities and output of the Association of IFCAs.		<p>Development of response to Defra tasking to seek financial savings through greater joint working between IFCAs and MMO.</p> <p>Development of revised High Level Objectives.</p>

Key:

	Complete
	In progress
	No progress

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Information Item 23

23rd EIFCA Meeting

27 April 2016

Report by: Nichola Freer, Head of HR

Purpose of report

To inform members of the progress of the HR plan to 2018 and specifically an update of the HR activity planned to be completed during this financial year.

Recommendations

It is recommended that members:

- **Note** the contents of the report

Background

The Head of HR took up post in 2012 and developed a 3-year strategic plan of the key HR activity required to support the achievement of Defra's high level objectives. This plan has been successfully delivered and as such a further strategic plan has been developed during quarter one of this year to support the delivery of required HR activity to 2018. This report gives an overview of current activity in support of this plan.

Update of specific activity

The key activity for 2016 focuses on:

- Developing line manager capability
- Developing the performance review process
- Review of current organisational structure
- Employee engagement
- Management systems

End of year performance reviews have been completed and line managers are currently agreeing performance objectives with their teams for the 2016/17 year.

A behavioural competency framework for our officer population has been developed and introduced to employees. We have already introduced a set of behavioural competencies that identify what managers need to demonstrate in order to be effective in their role. These competencies have been identified as 'the way we do things around here' to enable us to effectively deliver against personal and strategic business objectives. The officer framework will complement the management competencies and will provide further support to our officer level.

The behavioural competency framework will form part of the performance review process and will feature in one to one meetings between individuals and line managers. The framework can be seen in *appendix 1*.

An employee self-appraisal process has also been developed and introduced in March 2016 to further support individuals to get the most out of the performance review process.

Looking forward, we are scheduled to complete the bi-annual 'best employers survey' engagement survey in May / June 2016. Members will recall that Eastern IFCA have taken part in the last 2 surveys which are externally administered. Results are planned to be released in September 2016.

Temporary internal moves

Following confirmation that the CEO, Philip Haslam will remain on secondment until end February 2017, we have made some internal temporary moves to minimise any operational disruption / additional pressure that this gap may bring to the organisation. For the duration of the CEO secondment, Julian Gregory will continue as acting CEO. Other temporary moves have been:

Luke Godwin (Project Officer) – stepped into a newly created temporary post of Senior IFC / Staff Officer

Frances Burrow (Marine Environment Officer) – temporarily moved into the Project officer role

Stephen Thompson (Research Officer) - temporarily moved into the Marine Environment Officer role

In addition, a temporary Research Assistant has been externally recruited to support the research activity until February 2017.

Appendices

Appendix 1 – Behavioural competency framework for officer level employee

Appendix 1

Behavioural Competencies for Officers	
Behaviour	Description
Embraces Change	Not fazed by new ways of doing things. Readily adapts to changes in work, people and circumstances. Willing to change plans and objectives to account for new circumstances. Maintains performance in changing circumstances by adapting ways of working as necessary to continue to meet objectives.
Planning & Organising	Organises own work, setting appropriate timescales and milestones, so that tasks are completed on time. Work is orderly, accurate and up-to-date. Prioritises and manages workload effectively, follows all relevant procedures and keeps to agreed working hours. Integrates plans to fit with those of others. Reviews tasks when completed to enhance future planning.
Achieving	Gets tasks done in an appropriate manner. Has a clear plan for achieving objectives and checking progress of the plan. Desire to achieve and/or surpass standards of excellence and deliver business goals, initiating action and making timely decisions. Work is completed and delivered on time.
Effective Communication	Explains things clearly, gives the right information and keeps colleagues informed. Follows the organisation's guide to style and presentation. Understands the impact of their communication and uses appropriate body language and tone of voice.
Teamwork	Shares information and ideas with colleagues within the wider organisation. Offers opinions appropriately with the belief that it will help the organisation achieve results. Helps colleagues with problems.
Developing self	Keen to learn. Welcomes and acts on feedback received. Helps others by giving constructive feedback where appropriate. Learns from mistakes. Assesses own development needs and suggests how they might be met.

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Information Item 24

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27 April 2016

Report by: Simon Lee – Senior IFCO (Compliance)
Simon Howard – Senior IFCO (Marine)

Marine Protection Quarterly Reports

Purpose of report

To provide members with an overview of the work carried out by the Marine Protection team and in particular the Area IFCOs and the vessels, *RV Three Counties*, *FPV John Allen* and *FPV Sebastian Terelinck*.

Recommendations

Members are asked to:

- **Note** the content of the reports

Area/Vessel	Officer
Area 1 (Lincs & Kings Lynn)	Jason Byrne
Area 2 (Norfolk)	Adrian Woods
<i>RV Three Counties</i>	Simon Howard
<i>FPV John Allen</i>	Simon Howard
<i>FPV Sebastian Terelinck</i>	Simon Howard

NB Due to sickness absence the Area 3 officer has not been at work for much of the quarter and as such it has not been possible to compile a quarterly report.

Case Files

This quarter no additional case file was submitted. There are still two case files outstanding, one case is being dealt with by the MMO because it arose from a joint operation. The most notable case involves some nineteen fishing vessels that allegedly fished in a close area during the Wash cockle fishery. All owners and skippers were given a Financial Administrative Penalty and whilst a number accepted this sanction some didn't and they will now be prosecuted in the magistrates' court.

Background documents

Area Officers and vessel quarterly reports for January to March.

From: Jason Byrne Fishery Officer (Area 1)
To: Julian Gregory
Date: 13th April 2016
Ref: Quarterly Report Area 1
Monthly Report: Jan, Feb, March 2016

Area 1: Hale Sand – Kings Lynn

General

Fishing activities throughout this quarter have included twin beaming for brown Shrimp, potting for Whelks, longlining for Cod, Bass, Whiting & Skate & handraking Mussels from the Welland Wall. It is also believed that other Whelk vessels are coming in to EIFCA six-mile area sailing from Grimbsy fishing within the 6nm.

Port Summary

Saltfleet - Chapel point

One commercial vessel without a permit is believed to be working this part of the coast potting for Whelks and landing into Grimsby Port, 16 trips were achieved throughout this quarter by the new vessel *MFV Creelers Pride GY 5* potting for Crab & Lobster, also caught within the pots was some Cod. Vessel based anglers have been in touch asking if they need a licence to recreational fish and if I could speak with the Saltfleet commodore William Hill to explain rules and regs that apply to vessel based anglers which was carried out via email, this is another good contact for EIFCA. Also a visit was made to Horseshoe Point to check on the eelgrass site for any activities. Two vessel based anglers have reported catching some Cod within the mouth of the Humber using rod & line.

Skegness – Gibraltar Point

Four sperm whales were washed up along the Lincs coast throughout this quarter, they are believed to be part of a larger Pod of Whales that have entered the North Sea and came into too shallow waters resulting in inevitably dying on the shore lines. One commercial fisherman from this part of the coast has been potting for Crab, Lobster, Whelks & longlining for Cod, Bass, Whiting & Skate achieving 23 trips throughout the quarter. This fisherman has also been in touch with EIFCA to enrol on our Whelk Byelaw Permit.

Boston

A maximum of three vessels twin beamed for brown shrimp throughout this quarter totalling in only six landings being achieved. One further vessel has been handraking Mussels off Welland Wall and relaying them onto private lays within the Wash, a further vessel from Brancaster has also handraked mussels off the Welland Wall which were then relayed into Brancaster Harbour onto their private lays. One of the commercial vessels from this port has been lifted out of the water at Boston for a major refit, works will be carried out at owners home as most of the Marinas locally do not like shot blasting carried out within the compounds.

Fosdyke

The marina at Fosdyke has been busy again this quarter with three commercial MFV having some major overhauls, one of these vessels is from Brancaster, the other two are from Boston. One of the vessels from Boston is believed to be gearing up for potting for Crab & Lobster, once this is complete the vessel will then fish out of Whitby. No fishing activity to report off.

Sutton Bridge - Wisbech

One Kings Lynn MFV was lifted out of the water at the Wisbech marina throughout this quarter to renew shafts, it was returned back to the water and continued working the shrimp fishery. Towards the end of the quarter an incident occurred as a large ship *Lady Nora* which had been in Wisbech docks collided with two other crafts in the River Nene as it reached Sutton Bridge, thus resulting in Sutton Bridge and Wisbech pilots sharing EIFCA moorings.

Kings Lynn

A maximum of 18 vessels twin beamed for brown Shrimp throughout this quarter totalling in 179 landings being achieved, one vessel managed three trips handraking Mussels off Welland Wall, a further eight vessels potted for whelks throughout this quarter totalling in 123 trips being achieved. Shorebased anglers fishing at Heacham using nets have reported catching 20 Herring & 4 Dabs fished over one tide.

Species Summary

NB All landing and effort (e.g. potting) figures detailed within this report are estimates based upon observations made by Fishery Officers and reports from fishermen. They are intended to be an indicator only and should not be regarded as definitive figures.

Saltfleet - Chapel Point

Number of vessel inspections:		0
Species	Landings (kg)	Value of catch (£)
Crab	9,769	11,722.00
Lobster	642	8,346.00
Cod	214	620.00

Skegness – Gibraltar Point

Number of vessel inspections:		1
Species	Landings (kg)	Value of catch (£)
Crab	2,600	3,120.00
Lobster	142	1,954.00
Whelks	8,109	7,298.00
Bass	184	2,484.00
Cod	2,010	4,752.00
Whiting	125	118.00
Skate	75	165.00

Boston

Number of vessel inspections:		0
Species	Landings (kg)	Value of catch (£)
Brown Shrimp	1,100.5	4,955.00
Welland Wall Mussel	0	0

Fosdyke

Number of vessel inspections:		0
Species	Landings (kg)	Value of catch (£)
0	0	0

Sutton Bridge

Number of vessel inspections:		0
0	0	0

Kings Lynn

Number of vessel inspections		6
Species	Landings (kg)	Value of catch (£)

Potting

Crab and lobster

Number of pots inside 6nm fished by vessels from within area:

Number of pots outside 6nm fished by vessels from within area:

Bio-sampling of brown crab and lobster

Number of brown crab measured during the month: 0

Number of lobsters measured during the month: 0

Whelk

Number of pots inside 6nm fished by vessels from within area:

Number of pots outside 6nm fished by vessels from within area:

Non Commercial Activities

Recreational Sea Anglers (shore based):

Number of anglers inspected:	0		
Locations fished:	Species targeted:	Average catch (kg):	
Heacham	Herring	15	
	Dab	2	

Recreational Sea Anglers (vessel based):

Number of vessels inspected:	0		
Locations fished:	Species targeted:	Average catch (kg):	
Mouth of Humber	Cod	0	

Charter Angling Vessels:

Number of charter vessels inspected:			
Number of vessels in area:	0	Number of trips:	0
	Species targeted:		Number of anglers:
	0		0
			Total Landings (kg):
			0

Locations fished throughout the month: 0

Fishery Officer Duties

Training:

Office- form filling.

IFCO training at office two days.

Other duties carried out:

Dropped off summons to Norwich court.

Onboard TC marking out Mussel lays & collect samples.

Onboard TC maintenance.

Attended Stat meeting at Wisbech.

Attended meeting with CEO JG at KL processor.

Lincs coast checking Whelk riddles.

Taxi crew to Gt. Yarmouth x2.

Tab Head collect mussel samples.

Terrington Marsh collect samples.
Attended job description review at office.
Unit A general duties.
On board ST patrol coast x2.
On board JA collect water samples/sweep.
Grimsby MMO, Cleethorpes, Horseshoe Point.
Attended TCG meeting at office.
On board JA patrol.
Monitor activities at Horseshoe Point.
Collect EHO samples.
Attended staff meeting.
Attended weekly ops meetings.
Onboard TC cockle surveys.
Attended PDP meeting.
Attended Shrimp/Cockle Industry meeting.

1st sale value of different species within this area (£/kg)

Crab	1.20
Lobster	13.00 – 16.00
Brown Shrimp	4.43 – 5.84
Whelks	90p
Bass	13.50
Cod	2.20 – 2.90
Whiting	95p
Skate	2.20

From: Ady Woods I.F.C.O (Area: Norfolk)
To: J. Gregory ACEO
Date: 13 April 2016
Ref:
Report: January – February – March

Area 2: Norfolk Coast: Heacham to Great Yarmouth

General

For most of this last quarter the weather has remained relatively mild, with little ground frost, keeping sea temperatures higher than what would be expected. This has had the effect of keeping fisheries buoyant for longer. Obviously sales along with the wind have dictated how regular vessels put to sea, but all in all more vessels have continued to fish throughout this past winter than they would do normally.

The inshore fleet have continued to target crab and lobster, maybe 2 – 3 trips a week at best, whilst the majority of the offshore fleet have turned their attention to the whelk industry.

The Fisheries

Crabs – have maintained a relatively steady flow of catches, though the crab did slow up towards the end of January when a bout of frost hit the coast, this was only a glitch. By the end of March catches of crab would seem more prolific than in past years, anybody who think that the crab fishery is under threat really need to get out on a boat and have a first-hand view of the catch as it come over the side of the vessel, as from what I've seen of the few landings which I've done, this fishery is better than it has been for a long time.

Fishermen are reporting hauling less gear for more and a better quality of catch, as many are returning the met crabs to allow them to grow on, to continue to feed the fishery.

Lobsters – as would be expected, this fishery did quieten down, though this was likely to be due to the lack of pots being chanced on the shoal grounds, as in bouts of settled weather when the risk wasn't so high a few vessels did chance their luck and made some reasonable landings.

Whelks – This has been the main target fishery for the majority of the offshore vessels throughout the quarter, a few of the inshore fleet have made some effort towards this fishery, however with the crab fishery remaining fishable little interest has been in the whelk.

During January lots of whelk spawn was reported to be entangled around gear on the inshore grounds, with less spawn offshore.

Netting – with the changes in the Bass legislation this saw vessels not keen to chance a net in the water, during February or March, although Bass are seldom seen this far north this early in the year.

For those vessels targeting the herring shoals, it's been a mixed bag with no two days the same, some day's vessels have drifted all day for 5kg and then the following day been out for a couple of hours and caught 200 – 300kg. As the months have progressed catches have become more consistent, however, although catches have been on the up sales have been getting fewer and farer between, so much so that BFP has stopped taking Herring for the foreseeable future.

Angling – The recent changes in Legislation has certainly disgruntled several local anglers, although some have reported that it will not stop them doing from what they do.

Throughout this quarter, angling as any other fishing is always a bit hit and miss, if the weather deteriorate and the cod move inshore some good fishing can be had, however this year the weather has been fine, a few codlings have been taken overnight, but for the majority catches have consisted of; dabs, flounders, and the odd sole, and if you're able to keep a bait on the hook long enough some good whiting have been caught.

Emerging Issues - None

Wind Farms – Wire layer for dudgeon windfarm has been into Weybourne and is currently working offshore – as far as I'm aware there wasn't any issues.

Port Summary

Brancaster

The main activity at this port has been targeted at the mussel fishery, with the collapse of the Morston mussel beds, Brancaster Mussels have become more popular.

The main concern coming from this port is where the next lot of seed mussel is to come from, as currently stocks on beds are being sold up for prices reported to be reaching from £2,000 - £3,000/tonne.

Brancaster Fishermen Association held their AGM during the quarter which JG attended.

Wells-next-the-Sea

This port has mainly been targeting the whelk fishery – catches have been reasonable ranging from 500kg up to 4,000kg per trip. As the quarter came to a close more vessels were once again turning over more crab and lobster gear, getting it straightened out and baited ready for when the crab fishery takes off again.

Wells Fisherman's Association also held their AGM, however they chose not to invite anyone from EIFCA, as they felt that their concerns are not listened to.

Morston

The one vessel operating from this port remained relatively quiet for January and February, although has been more regular during March.

Though after having a near death experience of being hauled over the side, after a tow jumped out of the hauler and grabbed his foot, he was a little shaken for time, understandably!

Cley-next-the-Sea

This port has remained quiet, there is talk of this port becoming more popular come the new season with possibly three new vessels to be operating from here.

Weybourne

There hadn't been any activity at this port until mid-March, when pots were being taken to sea for the coming year.

Sheringham

Maintained one working vessel throughout the quarter, targeting crab, though during January he was hauling maybe a day a week advancing to a couple of days throughout February, come March he's now full time having quit his previous job.

East & West Runton

Vessels here have continued to fish throughout the quarter.

Cromer & Overstrand

A good handful of vessels continued to fish here throughout the quarter, targeting crab and lobster.

During January one vessel retrieved whelk pots which had been at sea all year, and made necessary alterations to them to allow them to be fished in line with the whelk byelaw, however with the crabs coming on thick and fast, it was decided to keep the pots ashore until the end of the crab season.

Mundesley to Caister

This stretch remained mostly quiet, with only a couple of vessels potting, mainly turning gear over to keep it fishing should the crab come on in a hurry.

A few vessels have been partaking in the drift net fishery; this has been very hit and miss. Those targeting herring have found themselves either inundated with herring seeing the price drop to next to nothing, or it's been the other extreme where vessels have drifted for an hour or two and only caught a pale of fish if they've been lucky.

Some vessels have also had a go sprat-ting, and although there hasn't been many of these around at £3+/kg not many are needed to make a day's money.

Yarmouth/Gorleston

This port has remained quiet, the one vessel which currently operate whelk pots from this port didn't fish for January or February, as he believes it's responsible to allow the breeding stock of whelk time to do their mating, to feed the ground further with the next generation of whelks, he would like to see a blanket ban on fishing for whelk at the time when they are most active and breeding.

Species Summary

NB All landing and effort (e.g. potting) figures detailed within this report are estimates based upon observations made by Fishery Officers and reports from fishermen. They are intended to be an indicator only and should not be regarded as definitive figures.

	<u>Potting Brancastrer</u>	
Number of times port visited		3
Number of vessel inspections:		0
Species	Landings (kg)	Value of catch (£)
Crab	3,500	11,050
Lobster	320	4,240
Whelk	200	180
Mussel	1,000	4,000

	<u>Wells-next-the-Sea</u>	
Number of times port visited		5
Number of vessel inspections:		13
Species	Landings (kg)	Value of catch (£)
Crab	8,480	10,174
Lobster	2,001	27,442
Whelk	133,283	119,105

Morston

Number of times port visited		7
Number of vessel inspections:		2
Species	Landings (kg)	Value of catch (£)
Crab	680	2,108
Lobster	100	1,200
Whelk	100	90

Sheringham

Number of times port visited		10
Number of vessel inspections:		4
Species	Landings (kg)	Value of catch (£)
Crab	1,173	1,830
Lobster	120	1,440

Cromer

Number of times port visited		14
Number of vessel inspections:		22
Species	Landings (kg)	Value of catch (£)
Crab	22,903	68,052
Lobster	313	3,983
Whelk	1,000	900

Cley, Weybourne, E Runton, W Runton, Overstrand, Mundesley & Bacton

Number of times port visited		40
Number of vessel inspections:		2
Species	Landings (kg)	Value of catch (£)
Crab	2,352	7,178
Lobster	146	1,816
Whelk		

Sea Palling

Number of times port visited		5
Number of vessel inspections:		2
Species	Landings (kg)	Value of catch (£)
Cod	17	55
Crab	4,590	14,229
Herring	200	200
Lobster	104	1,380
Spratt	100	300
Whelk	6,090	5,325

Caister & Gorleston

Number of times port visited		13
Number of vessel inspections:		3
Species	Landings (kg)	Value of catch (£)
Herring	7,500	4,375
Spratt	700	1,700
Whelk		

Potting

Crab and lobster

Number of pots declared to be fished inside 6nm:	4,330 – 13,000
Number of pots declared to be fished outside 6nm:	3,400 – 10,900

Bio-sampling of brown crab and lobster

Number of brown crab measured during the month:	100
Number of lobsters measured during the month:	10

Whelk

Number of pots declared to be fished inside 6nm:	520 – 1,300
Number of pots declared to be fished outside 6nm:	770 – 2,750

Non Commercial Activities

Recreational Sea Anglers (shore based):

Number of anglers inspected:	22		
Locations fished:	Species targeted:	Average catch (kg):	
Cley	Various	0.5	
Weybourne	Various	0.5	
Cromer Pier	Various	0.0	
Mundesley	Various	0.0	

Recreational Sea Anglers (vessel based):

Number of vessels inspected:	0		
Locations fished:	Species targeted:	Average catch (kg):	

Fishery Officer Duties

Training:

2 Days Statement writing

Other duties carried out:

January

4th Jan – Statement writing

5th Jan – Suffolk patrol

6th Jan – Patrol Cromer to Brancaster

7th Jan – Familiarisation to FPV Sebastian Terelinck

8th Jan – WFH report writing

11th Jan – Patrol Mundesley to Wells

12th Jan – Firefighting refresher at Petans

13th Jan – Sea survival refresher at Petans

14th Jan – Day trip O/B Sebastian Terelinck

15th Jan – Patrol Overstrand to Cley

18th Jan – Patrol and landings Cromer to Southwold

19th Jan – To office at Lynn for meetings

20th Jan – Joint patrol with MMO, Cromer to Brancaster, landings at Wells

21st Jan – Meetings at Lynn office

22nd Jan – Suffolk patrol

25th Jan – Annual leave
26th Jan – Annual leave
27th Jan – WFH
28th Jan – Suffolk patrol
29th Jan – At Lynn office

February

1st chasing missing whelk returns
3rd patrol Brancaster to Cromer
4th Move FPV ST from Levington to Lowestoft
5th WFH & landings at Cromer
8th Patrol Suffolk
9th familiarisation to FPV ST electronics, patrol LT to Cromer, landings Caister
10th Office day / car serviced
11th Day trip FPV ST
12th Day trip FPV JA
15th WFH
16th Patrol Suffolk with SR
17th Weekly maintenance FPV ST
18th Training at office
19th training at office
22nd Meeting at office
23rd Patrol Suffolk / update signage
24th Day trip FPV ST
25th Daytrip FPV JA
26th Toil
29th Toil

March

1st Kings Lynn office
2nd Coast patrol Cromer to sea Palling
3rd Landings Wells, 2 x premises inspections
4th TOIL
7th WFH
8th Kings Lynn office
9th patrol Cromer to Gorleston
10th Suffolk patrol
11th Kings Lynn office TCG's
14th WFH
15th Patrol and landings Suffolk
16th Kings Lynn office – PC swap
17th FPV Sebastian Terelinck day patrol
18th kings Lynn office TCG
21st Landings and patrol Cromer to Morston
22nd Meetings at Lowestoft GGOSWF
23rd WFH – PDP prep
24th Kings Lynn PDP
25th – 28th Easter
29th Landings and patrol Cromer to Weybourne
30th Landings and patrol Cromer to Gorleston
31st ½ daytrip O/B FPV Terelinck, patrol coast home

1st sale value of different species within this area (£/kg)

Cod	£3.10
Crab	£1.20 - £3.20
Herring	£0.00 - £1.90
Lobster	£12.00 - £16.00
Sprat	£0.30 - £3.00
Whelk	£0.90

TO: J Gregory
FROM: S P Howard
DATE: 11th March 2016

THREE COUNTIES
QUARTERLY REPORT JAN - MARCH 2016

January

A patrol on the Boston side of the Wash was conducted while collecting the EHO/DSP samples. The Sonar camera was loaded aboard the deck alongside the moorings and the set up so representatives from a number of IFCA's around the coast could see the set up and the deployment.

Areas for the mussel regeneration project were marked out on the Gat sand, ready for the deployment of cockle shell, which it is anticipated will attract mussel spat onto the shell on the sand. A representative from the RSPB came along to see the areas picked for the settlement area and type of seabed.

February

Three Counties made her way down to Gt Yarmouth to be lifted out for the Workboat code/MCA survey. Which she passed after the planned annual refit inspection and service. A few unforeseen issues were identified after changing the exhaust spray cooling system. Excessive wear on the hull exhaust flanges welds and both of the stubs had to be cut out and new ones made and fitted.

March

Three Counties steamed back up to the Wash following the refit at Alicat Workboats. Sweep water samples were collected from around the Wash during which a patrol was also carried out.

Annual cockle surveys started on a number of the middle sands, including Daseley's, Stylemans and the Holbeach Range

FPV SEBASTIAN TERELINCK

TO: J Gregory
FROM: S P Howard
DATE: 11th MARCH 2016

QUARTERLY REPORT JAN-MARCH 2016

January

Patrols were carried out from Levington up to the Ipswich Dock, then back down to Harwich Quay and along into the river Stour.

With a high number of gales for the time of year the number of patrols possible was restricted.

FPV Sebastian Terelinck was moved from Levington to the new mooring at the Royal Norfolk and Suffolk Yacht Club

February

Patrols started from Lowestoft and headed north up towards Cockle Buoy during which a number of vessels were boarded, ranging from anglers/netters to scallop dredgers on transit to the south coast.

Whilst boarding angling vessels the opportunity was taken to pass on information regarding the changes to the bass fishery.

March

Patrols were carried out sailing down to the southern end of district and then back up to the north. During these patrols a number of angling/netting vessels were checked, these vessels were fishing for cod and prospecting for any early Bass.

Both Cod and Bass were found in the areas where these anglers/netters had been operating.

FPV JOHN ALLEN

TO: J Gregory
FROM: S P Howard
DATE: 11th March

QUARTERLY REPORT JAN - MARCH 2016

January

Having undergone some alterations to the dive ladder, John Allen was lifted back into the water from Wisbech Marina.

Unfortunately, a high number of gales for the time of the year put a stop to a number of patrols.

February

Sweep and EHO/DSP samples were collected from around the Wash. While collecting the samples around the Wash a number of visual and radar observations were made.

Additionally, shrimp vessels were boarded during a patrol in the Wash along with a number of observations being made during the patrol.

March

During March the tender was used to collect the EHO/DSP samples from the Boston side of the Wash. Visual and radar observation were made while patrolling around the Wash.

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Information Item 25

23rd Eastern Inshore Fisheries and Conservation Authority meeting

27th April 2016

Reports by:

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

Marine Environment Quarterly Reports

- a) Senior Research Officer's Quarterly Report
- b) Senior Marine Environment Officer's Quarterly Report

Purpose of report

The Authority runs a year-round programme of research projects and environmental work. This paper enables Members to be kept informed of key activities undertaken by the Authority's Research and Environment team during the previous quarter, January to March 2016, any issues that have arisen either through internal or external drivers, and an indication of up-coming developments that could require future actions.

Recommendations

Members are asked to;

Note the report

Background

a) Senior Research Officer's Quarterly Report

Due to poor weather usually being experienced in winter, and the research vessel being in refit throughout February, fieldwork is usually limited during the January to March quarter. Instead, the research team tend to spend more time in the office analysing the backlog of data collected during the rest of the year, writing their reports and developing plans for the coming year. In addition to the usual paperwork associated with the various research projects, this year the team has also spent time helping to develop a comprehensive set of risk assessments and operational project plans for the various activities the team conducts.

One of the larger tasks has been to sort and analyse the side scan and ground truth data collected during the habitat mapping project. Over the past two-years the team have been surveying the closed areas of *Sabellaria* reef and cobble/boulder features in the Wash in order to monitor the impact of the byelaw. Charts of the surveyed areas have now been

completed showing the extent of identified *Sabellaria* reef, coarse, sandy, mixed and muddy habitats. A report is in the final stages of completion.

The crustacean project has focused on capturing the last of the Monthly Shellfish Activity Returns (MSARs) from 2015 crustacean fishery. Bespoke spreadsheets that have been developed in Excel then convert this data into a form suitable for creating surplus production models and providing summary statistics for the main fishing grounds. With a January cut off for any outstanding MSAR records to be entered into the database, analysis and report writing has commenced and is now nearing completion.

The team have been conducting a whelk project aimed at informing the new whelk byelaw. This has involved measuring numerous whelks to determine suitable riddle sizes and dissecting them to determine size of maturity. Since the introduction of the byelaw, however, the fishery within the district has almost ceased, limiting the number of whelks that can be accessed for the study. This has forced the project into a temporary hiatus until more samples can be sourced. A sample of whelks was recently obtained from a vessel fishing out of Lowestoft and size of maturity analysis is currently underway on this sample. Efforts are also being made to obtain similar samples from other areas within the district to investigate the theory that size of maturity of whelk populations can vary dramatically over relatively small spatial scales.

During March two commercial fishing boats from Boston were chartered to assist with the mussel regeneration project. This involved depositing 200 tonnes of cockle shells into two boxes that had been previously marked out on the Gat and Mare Tail sands, close to the mussel beds. It is hoped that following the success of the initial 2014 trial on Inner Westmark Knock, this culch of shell will help attract juvenile mussels. It is also planned to suspend 50kg of shells in the water column for three months beneath the sonde buoy. These shells will then be spread over a marked section of the Gat box to determine whether this will enhance potential recruitment.

In January it was possible to trial the new sonar camera and its recently manufactured frame at sea. The trial, which also involved a training session on its use, was completed successfully without incident. Because this camera uses sound rather than light waves to "see", it will enable us to operate in highly turbid waters. The trial was conducted on an unidentified feature that had previously shown up during side scanning for the Shark ByWatch 2015 project. Although from the side scan the feature appeared to be something solid rising above 1m sand waves, potentially even an outcropping of peat, the sonar camera was able to identify the area as a mixture of flat sand intermingled with areas of sand waves. Pleasingly, the camera was also able to detect the tracks left by the frame where it had contacted the bottom. As such, it should be able to detect disturbance left by various types of fishing gear. During the trial, our old light cameras which were also attached to the frame for comparative purposes were unable to see the seabed.

Although the majority of the spring cockle surveys are planned for next quarter, four days of surveys were conducted prior to Easter this quarter. Surveys on the Blackguard, Styleman's, Pandora, Peter Black, Daseley's and Gat sands were completed, plus 40 stations on Holbeach. The data from these surveys has yet to be analysed, but the samples show there are approximately 3,000 tonnes of cockles on Daseley's sand, of which about a third have attained "adult" size of 14mm width. One station on the Gat sand was found to support densities of cockles ≥ 14 mm width exceeding 2,000 cockles/m². These were all

fast-growing individuals from the 2014 year-class cohort. High densities were also found at several of the stations in Holbeach, but these appeared to be growing at a more typical rate and were unlikely to contribute towards the 2016 fishery.

As usual, the Authority has continued to collect Environmental Health samples in the Wash on behalf of the local district councils throughout this quarter. Poor weather has made this difficult, but the majority of the samples have nevertheless been collected.

During the past quarter three of the team have conducted STCW firefighting and sea survival refresher training.

The recent creation of a temporary Staff Officer post has resulted in several staff members temporarily shuffling their posts. This has culminated on one of the research officers, Stephen Thompson, moving into the Environment team until next February. His vacated post has been filled by Charles Cross, who will be acting in a supporting role as a temporary research assistant.

b) Senior Marine Environment Officer's Quarterly Report

Introduction

This report provides an update on progress for projects set out in the Research & Environment Plan 2015/16. This report includes a summary of the main pieces of case work, and any ongoing issues arising from this work. The assessment and management of fisheries in marine protected areas (MPAs) remains a key priority for the Authority, and this is reflected in the level of resource applied to this work within the environment team.

The extension of the Chief Executive Officer's secondment with the Marine Management Organisation has effected staff changes within the Research and Environment teams during the quarter. In March the Marine Environment Officer (MEO) – Consultations Lead, Frances Burrows, was successfully appointed in the position of Project Officer. Frances's MEO position was filled by Research Officer Stephen Thompson from 1st April 2016.

EP2015A: Assessment of fishing activities in European Marine Sites, and EP2015E: Development of management measures for fisheries in Marine Protected Areas

This work remains the key priority for the Environment team, as it directly supports the Authority's fulfilment of obligations relating to MPAs, and must be completed within strict timelines set out by Defra: assessments and implementation of any associated fisheries management measures are to be completed by December 2016.

During the quarter, officers have continued to liaise with Natural England over the assessments of commercial fisheries in European Marine Sites in the Eastern IFCA district. Natural England has provided formal advice on the assessments, and in some cases additional feature data. Eastern IFCA officers benefited from a Natural England data workshop that provided clarification on feature data, evidence sources and confidence scores. Natural England advice has been in agreement with the conclusions in the Eastern

IFCA assessments in the majority of cases. However, for some interactions – for example impacts of potting on *Sabellaria* reef – Natural England has advised that further evidence is required to support conclusions of “no adverse effect” on site integrity. Officers have revisited several assessments, where possible expanding upon the initial evidence base, to enable more detailed consideration of interactions.

The sites and interactions where action is required (either because adverse effect has been identified, or has not been ruled out, or because interactions are categorised as high-risk) are shown in Table 1. *It should be noted that the assessment conclusions and actions required are based on the current understanding, but could change as assessments are updated with improved evidence.*

The Eastern IFCA Protected Areas Byelaw needed to be amended in order to apply to the two straddling sites (Inner Dowsing, Race Bank & North Ridge SCI, and Haisborough, Hammond & Winterton SCI). The amendment was authorised by the Authority at the Regulation and Compliance Sub-Committee on 24th February 2016 but requires formal approval by the Secretary of State – see Agenda item 14.

During the quarter the main focus of work has been on reviewing the assessment of the shrimp beam trawling fishery in The Wash and North Norfolk Coast SAC. This included a shrimp fishing questionnaire, meetings with fishermen and conservation stakeholders, review of the National Federation of Fishermen’s Organisation (NFFO) shadow assessment for this fishery, and updating the assessment using additional fishing activity data and feature sensitivity data. This is detailed, alongside the outcomes of the revised assessment and management recommendations, at Agenda Item 12.

Table 1. Commercial fishing interactions in Marine Protected Areas requiring Eastern IFCA intervention

Site name	Interaction	Assessment conclusion	Action required
The Wash & North Norfolk Coast SAC	Beam trawling (shrimp)/subtidal sandbanks (subtidal mixed sediment and subtidal mud)	Adverse effect unless mitigation measures are introduced	Closed areas (Protected Areas byelaw); Effort limitation (shrimp permitting byelaw) See Agenda Items 12 and 13
The Wash & North Norfolk Coast SAC	Potting/ <i>Sabellaria spinulosa</i> reef; Potting/subtidal stony reef	Potential adverse effect in combination with wind farm cable burial operations	Update potting activity evidence and consider updated NE feature advice; review and update assessment

Inner Dowsing, Race Bank & North Ridge SCI	Potting/ <i>Sabellaria spinulosa</i> reef	Not yet assessed (straddling site latterly transferred to EIFCA)	Review updated NE feature advice; undertake assessment
Inner Dowsing, Race Bank & North Ridge SCI	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef	High-risk interaction (red risk on matrix)	Apply closures via updated (2016) Protected Areas byelaw
Haisborough, Hammond & Winterton SCI	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef	High-risk interaction (red risk on matrix)	Apply closures via updated (2016) Protected Areas byelaw
Cromer Shoal Chalk Beds MCZ	All commercial fishing within site on all designated features	Not yet assessed (site designated January 2016; site outside of Defra deadline)	Undertake assessment; ensure liaison with local fishermen

Officers have ensured that marine protected area considerations are fed into the Strategic Assessment for 2016. This has in turn been used to guide priorities as set out in the Business Plan for 2016-2021, which was agreed at the Planning and Communication Sub-Committee on 24 February 2016. A significant number of priorities relates to marine protected area work, reflecting the importance of this area of work in the IFCA remit.

Eastern IFCA officers continue to maintain involvement with the local Marine Protected Area management groups for the Wash and North Norfolk Coast, and for the Stour & Orwell Estuaries. These groups support relationships between relevant authorities, local site managers and stakeholders, which are invaluable in identifying the most relevant feature and activity evidence to inform assessments. Local advisory groups (stakeholder groups) are also attended by environment team members when possible, as they present additional opportunities to engage with local fishermen and wider community members, enabling Authority officers to provide updates on fisheries and conservation matters and to listen to stakeholder views.

EP2015B: Assessment of fishing activities in Marine Conservation Zones

A single, tranche 2 Marine Conservation Zone was designated in the Eastern IFCA district, announced by the Government in January 2016. The widely-anticipated site, Cromer Shoal Chalk Beds, is an inshore site extending between Weybourne and Happisburgh on the Norfolk Coast, and reaching 6 miles out to sea. It has been designated to protect shallow rocky habitats including chalk beds (not currently well-represented in North Sea marine protected areas) and mixed sediments, and the biological communities they support including the commercial target species edible crab and lobster.

The assessment of commercial fishing activities in this site is planned for 2016. Officers recognise concerns within the fishing community about uncertainty around management

measures that could be required for this site. Officers intend to continue to liaise with commercial fishing associations and the Wash & North Norfolk Coast European Marine Site North Norfolk Advisory Group, to engage with fishing representatives regarding the development of any fisheries management measures for this site.

EP2015H: Eastern IFCA input to consultations on marine developments

The Eastern IFCA district is subject to a large number of marine and coastal activities that are regulated through the issuing of consents by authorities such as the Marine Management Organisation, Environment Agency, Defra and the Authority itself. The Authority continues to emphasise Marine Plan policies relating to fisheries and marine protection when responding to informal and formal consultations.

During the last quarter (January to March 2016), a total of 22 responses were produced by the environment team. These included several items relating to the Race Bank offshore wind farm (cable installation plan and risk assessment, drill arisings/disposal and bed levelling, and cockle bed survey plans, discussed with EIFCA Research officers and the applicant DONG energy); officers once again raised concerns over seabed impacts in the Race Bank crab breeding grounds. Eastern IFCA officers provided input towards a joint statement with Natural England and the Marine Management Organisation in relation to permissions for the laying of wind farm cables through areas currently closed to towed demersal fishing under the Eastern IFCA Protected Areas byelaw.

Other developments commented upon during the quarter include the Greater Gabbard offshore wind farm (operations and maintenance plan); Wells Harbour dredging and disposal activities, and the King's Lynn Conservancy Board Pollution Response Plan. The environmental statement for the Boston Barrier (flood defence project) was considered; the Environment Agency (promoting the project) is also in direct liaison with fishermen whose moorings are likely to be affected by this scheme.

The environment team also considered three applications for dispensation from Eastern IFCA byelaws for scientific purposes. All three applications were from Cefas. One application did not require a dispensation whilst the other two required dispensations. As the projects were to take place within designated or recommended marine protected areas, the Authority sought Natural England's advice before granting the dispensations. No fisheries or conservation objections were raised so the derogations were granted.

EP2015D – Community Voice (Common Ground) project

The objectives of this project are to gather opinions on marine protected areas from a diverse range of local people, using innovative interview and video techniques – and in so doing, to identify common values for management of the marine environment. The outputs, to include a video documentary, will support the Authority in producing Impact Assessments for MPA-related regulations, as well as in gauging a wider understanding of stakeholder values throughout the district. The project is a collaboration between Eastern IFCA and Marine Conservation Society.

During February and March 2016, thirty-five filmed interviews were undertaken in Lincolnshire, Norfolk and Suffolk. A wide range of stakeholders participated, for example commercial and recreational fishermen, shellfish processors, conservationists, coastal wardens, kite surfers, wildfowlers, common rights holders, statutory bodies (including the Eastern IFCA A/CEO) and local business owners. This has produced a wealth of material

on views about marine resource management and protected areas. The Marine Conservation Society are currently undertaking the next stage of the project, i.e. editing video footage to produce a thirty-minute film that captures the diverse stakeholders and identifies common ground. The videos will be shown at workshops in Lincolnshire, Norfolk and Suffolk later in 2016.

The interviews required considerable input from the Marine Environment Officer (Geographic Information) lead, Sandra Cowper, and the Wash & North Norfolk Coast European Marine Site project officer, Sharron Bosley, in terms of co-ordinating times and locations as well as travel throughout the district and participation in the interviews. Feedback has generally been positive; although some individuals chose not to participate others expressed appreciation that the Authority was taking an innovative approach to listen to stakeholders.

EP2015C – Assessment of Common Rights Holders activities in Marine Protected Areas

This project has not been completed during the quarter, since officer resource has been prioritised on work for the revised shrimp fishery assessment and Community Voice projects. Work to complete the assessment of common rights activities in marine protected areas has been planned for later in 2016. Officers have continued to work in partnership with Natural England in relation to improving the understanding of traditional activities, including activities undertaken as rights in common. Natural England is updating the conservation advice for the Wash and North Norfolk Coast European Marine Site, where such activities feature in the ongoing management of the site. The Senior Marine Environment Officer attended a stakeholder meeting with Natural England in January 2016 to discuss the reflection of traditional activities in the updated conservation advice.

Research Internship: Economic Value and Economic Potential of Fisheries in the Eastern IFCA District

This project is not strictly within the Research and Environment remit, but as there is no Economic team within the Authority structure, the work is reported here to ensure it is not overlooked.

Henry Fenn, an undergraduate Geography student from Sheffield Hallam University, is undertaking a nine-month internship with the Authority, between October 2015 and June 2016. This involves investigating and reporting on the Economic Value and Economic Potential of Fisheries in the Eastern IFCA District. A desk-based study has been undertaken to collate and analyse fisheries landings and values in the District; the next stage of the work is interviews with fishermen and processors to discuss fisheries values and future potential for the district's fisheries. The results will serve to enhance Eastern IFCA's understanding of economic drivers and will help ensure that management decisions take account of these considerations, for example by informing economic Impact Assessments required to accompany regulatory measures. Mr Fenn's report will be available to the Authority in summer 2016.

Financial implications

No new proposal is contained in this report – it is an information paper.

Publicity

No publicity is planned relating to this paper, other than reference to the Authority's research and environment work on the Authority's website and newsletter.

Background documents

1. Eastern IFCA Research & Environment Plan 2015/16.
2. Eastern IFCA Strategic Assessment 2016.
3. Eastern IFCA Business Plan 2016-21.
4. Cromer Shoal Marine Conservation Zone fact sheet:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492323/mcz-cromer-shoal-chalk-beds-factsheet.pdf
5. Joint Statement between EIFCA, NE and MMO in relation to cable laying operations in protected areas.
6. Future of Our Fisheries – economic survey poster, H.Fenn.