

## 36<sup>th</sup> 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 on Wednesday 15<sup>th</sup> May 2019 at 1030 hours.

### Members Present:

Cllr Paul Skinner	(Chair)	Lincolnshire County Council
Cllr T FitzPatrick	(Vice Chair)	Norfolk County Council
Shane Bagley		MMO Appointee
Stephen Bolt		MMO Appointee
Roy Brewster		MMO Appointee
Cllr M Chenery of Horsbrugh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
John Davies		MMO Appointee
Paul Garnett		MMO Appointee
Cllr T Goldson		Suffolk County Council
Ian Hirst		Environment Agency Representative
Charlie Moffat		Natural England Representative
Rob Spray		MMO Appointee
Keith Shaul		MMO Appointee
Paul Tyack		MMO Representative
Cllr M Vigo Di Gallidoro		Suffolk County Council
Stephen Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance and HR
Greg Brown	IFCO/Project Officer
Jon Butler	Head of Operations
Sandra Cowper	Marine Science Officer
Luke Godwin	Senior IFCO - Regulation
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Samantha Hormbrey	Marine Science Officer
Ron Jessop	Senior Marine Science Officer
Judith Stoutt	Senior Marine Science Officer

### Minute Taker:

Jodi Hammond

### EIFCA19/21 Item 1: Election of Chair

The meeting was opened by the outgoing Chair (Cllr Goldson) and nominees for the post of Chair were requested.

**It was Resolved that Cllr Skinner would take the role of Chair of EIFCA for the following 2 years.**

**Proposed: Cllr Goldson**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed.**

## **EIFCA19/22 Item 2: Apologies for Absence**

Apologies for Absence were received from Cllr D Collis (NCC), Ms Davey & Messrs Shaul, Warner, & Worrall (MMO Appointees).

## **EIFCA19/23 Item 3: Declarations of Members Interest**

There were no additional Declarations of Interest to those already recorded by members.

## **EIFCA19/24 Item 4: Election of Vice-Chair of the Authority**

**It was Resoled that Cllr T Fitzpatrick would take the role of Vice Chair of EIFCA for the following two years.**

**Proposed: Cllr Skinner**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed**

## **EIFCA19/25 Item 5: Minutes of the 35<sup>th</sup> EIFCA Meeting, held on 30<sup>th</sup> January 2019**

**Members Resolved to approve the minutes as a true record of the proceedings.**

**Proposed: Cllr Goldson**

**Seconded: Cllr Chenery of Horsbrugh**

**All agreed**

## **EIFCA19/26 Item 6: Matters Arising**

EIFCA19/14: SLIPPER LIMPET REMOVAL: Members were advised that some removal work had taken place. Approximately 2.5 tonnes of Slipper Limpets had been removed but it was felt there were potentially a further 8 tonnes which needed to be taken ashore and disposed of.

EIFCA19/15 EIFCA/MMO COLLABORATION: The Clerk advised that closer working with the MMO had been put on hold pending the outcome of the EU Exit.

## **EIFCA19/27 Item 7: Health & Safety Risks**

The Head of Operations advised members that, with the exception of FPV John Allen, the vessels had been subjected to fixed wiring and PAT testing.

A variety of chemicals left over from lobster testing had been disposed of in the appropriate manner

All Staff had completed both a Manual Handling questionnaire and Mental Health Wellbeing course. In addition, Managers had taken part in a one-day Mental Health First Aid Course.

There had been four incidents:

- An Officer had trapped a finger in the pressure washer.
- Discarded needles were found on Boston Quay, these were reported to Boston Borough Council
- Vessel ran aground, there were no injuries, but lessons were learnt about ensuring correct kit was worn and provisions taken.
- Whilst lifting a sample basket the vessel moved and an Officer suffered a twisted back. Skippers were encouraged to be more aware of Officers on deck when moving the vessels.

There was no change to the Health & Safety Risk Table.

Cllr Chenery questioned whether there were any options for individual role development as it was apparent that the more senior Marine Science and Enforcement positions were held by long serving Officers. The Clerk advised the lack of development had been noted and progression steps from Grade 5 to Grade 6 had been put in place for IFCOs once they had achieved skipper qualifications. A similar opportunity was being trialled for the Marine Science team.

**Members Agreed to note the report.**

#### **EIFCA19/28 Item 8: Review of the Constitution and Standing Orders.**

Members were reminded they had an annual undertaking to review the Constitution and Standing Orders

The Clerk advised that following previous comments made regarding working groups he had reviewed the sub-committees and did not believe they were working as envisaged. With the exception of the F&P sub-committee none of the others met with any regularity and the matters which were discussed were then taken to the full-authority for ratification. The proposal was therefore to retitle the Finance & Personnel sub-committee to Finance & HR, discontinue the Planning & Communication, Marine Protected Areas and Regulation & Compliance sub-committees, and establish a permanent Fisheries and Conservation Management Working Group, which would enable members to provide knowledge and experience prior to recommendations being put to the full authority. It was also proposed that the quarterly meeting dates were altered to bring the meetings in line with when decisions re finance or fisheries opening were more likely to be made, ie, March, June, September, December. These proposals had been checked with NpLaw to ensure they were in line with legislation.

The Clerk also proposed that an additional MMO member be appointed to the Finance & HR sub-committee and that the chair

and vice chair of the full authority should automatically become the chair and vice chair of the Finance & HR sub-committee. Cllr Goldson was concerned this would mean any complaints/disciplinary would not leave the Chair of the Authority in a position of impartiality in the event of an appeal, he would prefer the Authority Chair not to chair the sub-committee. The Clerk felt this could be addressed by wording the terms of reference in such a way that it was clear any Disciplinary discussions would be dealt with by the vice chair leaving the Chair completely impartial in the event of an appeal.

Members considered the proposed changes to the Constitution and Standing Orders. Mr Garnett requested that the proposed working group arrangement could be reviewed after a period of two years to ensure it was working in the anticipated manner.

Cllr Goldson accepted the proposed change in quarterly meeting schedule but suggested the election of Chair should be moved to the June meeting as Council elections took place in May and it would ensure a Chair was not elected at the March meeting and then lost their seat in May, leaving the Authority with no Chairperson.

**Cllr Goldson requested a change to the proposed recommendation. It was proposed that the Constitution and Standing Orders be revised to show that the Vice-Chair of the Finance & HR sub-committee would deal with any Disciplinary process, and that the election of Chairperson for the full authority should take place at the meeting in June, not March.**

**Proposed: Cllr Goldson**

**Seconded: Cllr Chenery of Horsbrugh.**

**All Agreed to accept the proposed amendment to the recommendations.**

**It was then put to the vote and all voted in favour of the amendment.**

**It was further Resolved to:**

- **Agree to the proposed changes to the constitution and Standing Orders**
- **Agree that Dr Bolt, Mr Worrall and one other non-elected member were appointed to the Finance and HR sub-committee.**
- **Agree that the full Authority meeting dates for 2019-20 be revised to:**

**Wednesday 11<sup>th</sup> September 2019**

**Wednesday 11<sup>th</sup> December 2019**

**Wednesday 11<sup>th</sup> March 2020**

**Proposed: Cllr Goldson**

**Seconded: Cllr Vigo Di Gallidoro**

**All Agreed**

**EIFCA19/29 Item 9: Planning & Communication sub-committee held 13<sup>th</sup> March 2019**

Members were advised the meeting had considered and approved the 2019 Strategic Assessment as well as the rolling five-year Business Plan for 2019-24.

Members were advised of the Critical Work-streams highlighted by the Business Plan for the forthcoming year.

**It was Agreed to note the content of the report.**

**EIFCA19/30 Item 10: Finance Officers Report on payments made and monies received during the period January 2019-April 2019**

The Head of Finance had provided a table of incoming and outgoing expenditure for the period as well as notes of any exceptions.

The most notable expenditure related to RV Three Counties for the annual refit. Income noted related to early levy payments for the 2019/20 financial year.

**Members Agreed to note the content of the report.**

**EIFCA19/31 Item 11: Quarterly Management Accounts**

It was anticipated there would be an underspend of £49,000 to place in reserves. The bulk of this underspend related to the salaries budget, either due to vacancies or officers reducing their hours.

**Members Agreed to note the content of the report.**

**EIFCA19/32 Item 12: Expenses to MMO Appointees**

The cost of MMO appointee expenses were considered. It was noted that the previous year the total claim was £1,532, which formed the budget for the forthcoming financial year. It was felt at this level the payment of expenses remained affordable.

**Members Resolved to approve the payment of expenses to MMO appointees for a further year.**

**Proposed: Cllr Goldson**

**Seconded: Cllr FitzPatrick**

**All Agreed**

**EIFCA19/33 Item 13: Marine Protected Areas Byelaw 2019 (Cromer Shoal MCZ and Haisborough, Hammond and Winterton SAC management measures)**

SMSO Stoutt, MSO Cowper and IFCO Brown provided members with a presentation highlighting the proposals and the suggested next steps.

Members were reminded this would be the 4<sup>th</sup> version of the byelaw, which was to protect sensitive areas and communities from loss or damage, largely through towed demersal gear. This would not be the final iteration of the byelaw.

The Clerk advised that EIFCA were responding to this slightly belatedly due to other priorities so the MMO were ahead and already had some management measures for the area beyond 6nm in place.

Mr Garnett queried the data which had been used as he noted the Ground Truthing data did not match modelling data, so he wanted to be sure the right areas were being protected. MSO Stoutt advised this was partially why the Officers had spent 2 years looking into the data to be sure they were getting an accurate picture. IFCA surveys had been conducted to provide evidence to support the proposed closures, and additional data from CEFAS meant Officers were confident these were the right areas to target.

There was some debate on the damage being caused by windfarm cables, however EIFCA had no control over such matters and can only express a view in response to consultations. It was also questioned whether the whole of the sabellaria reef needed to be protected, which the Clerk advised was not the case but EIFCA must be able to demonstrate that site integrity was not affected.

Note

*All Sabellaria reef does need to be protected, but Natural England advice had highlighted “areas to be managed as reef” which Eastern IFCA officers had scrutinised closely and sourced additional evidence. This resulted in agreement with Natural England that some of the original “areas to be managed as reef” did not in fact have sufficient supporting evidence. However, the areas proposed in the MPA Byelaw 2019 included all the reef areas that NE and EIFCA agreed required protection.*

Members remained concerned about the amount of restrictions in place in the District and the damage to the site being caused by windfarms. The Clerk advised EIFCA had a legal obligation to meet the conservation objectives of MPAs, but officers would usually recommend meeting the minimum requirement only because 96% of the district was covered by MPAs, which alongside other pressures contributed to a ‘squeeze’ on inshore fishermen and meant there was less opportunity to diversify.

SMO Stoutt advised that any proposed measures were in order to meet conservation requirement and as far as possible to minimise the impact.

Roy Brewster requested a chart by drawn up to show all the activity going on so that members could have a complete view of how the Wash was changing.

**Members Agreed to:**

- **Note the rationale and justification for the Marine Protected Areas Byelaw 2019**
- **Note the Impact Assessment associated with the Marine Protected Areas Byelaw 2019**

**Members Resolved to:**

- **Agree to the closed area in the Cromer Shoal Chalk Beds MCZ**
- **Agree to the closed areas in the Haisborough, Hammond & Winterton SAC**
- **Agree to the closed areas in the Wash & North Norfolk Coast SAC**
- **Agree to make the Marine Protected Areas Byelaw 2019**

**Proposed: Mr Spray**

**Seconded: Dr Bolt**

**All Agreed**

**Members Resolved to:**

- **Direct officers to undertake a formal consultation in relation to the Marine Protected Areas Byelaw 2019**
- **Direct the CEO to submit a final version of the Marine Protected Areas Byelaw 2019 to the Marine Management Organisation for formal QA after completing a formal consultation**

**Proposed: Cllr Goldson**

**Seconded: Mr Spray**

**All Agreed**

**Members Agreed to delegate authority to the CEO to make changes to the byelaw which would not substantially alter the intended effects of the byelaw, taking into account responses from the formal consultation and for the formal QA process.**

**Proposed: Mr Spray**

**Seconded: Dr Bolt**

**All Agreed**

**EIFCA19/34 Item 14: Wash Restricted Area Byelaw**

Senior IFCO Godwin gave a presentation on the proposed Wash Restricted Area Byelaw 2019, which was intended to replace the Emergency Byelaw introduced in 2018.

The byelaw was essentially to provide regulation to an area which fell outside the boundary of the Wash fishery Order and was no longer deemed to be part of the le Strange Estate. The effect of the byelaw would be to provide flexible management arrangements consistent with the Wash Fishery Order.

The Clerk advised a lot of work had gone into producing the byelaw and it was thought this may provide a model which could be used to replace the WFO when it expired.

Members considered the possible outcome of such a byelaw replacing the WFO and the possibility of no longer having WFO entitlements but permitted fisheries open to all instead. Discussion followed which included the type of offence necessary to have a permit revoked and what type of offence could result in a FAP or prosecution, why it was one offence that revoked the licence rather than two and whether it was an automatic ban or at the discretion of the CEO. Mr Williamson enquired whether it was possible to have a regulation size bag which would negate the need to weigh catches. The Chair suggested this was a subject which could be discussed by the new working group.

**Members Agreed to note the results of the informal consultation.**

**Members Resolved to**

- **Agree to make the Wash Restricted Area Byelaw 2019**
- **Agree to introduce the eligibility criteria and permit conditions as at Appendices 2 and 3 respectively**
- **Agree to adopt the Wash Restricted Area Byelaw: Formal Operating Procedure**

**Proposed: Mr Spray**

**Seconded: Dr Bolt**

**All Agreed**

**Members Agreed to note the results of the informal engagement and draft impact assessment for the Wash Restricted Areas byelaw 2019.**

**Members Resolved to:**

- **Direct officers to undertake formal consultation on the Wash Restricted Areas Byelaw 2019**
- **Direct the CEO to submit a final version of the Wash Restricted Areas Byelaw to the Marine Management Organisation for formal QA after completing a formal consultation.**

**Proposed: Mr Spray**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed**

**Members Resolved to:**

- **Agree to delegate authority to the CEO to make changes to the byelaw which would not substantially alter the intended effects of the byelaw, taking into account responses from the formal consultation and the formal QA process**
- **Agree to delegate authority to the CEO to extend the Emergency Wash Byelaw 2018 by six months if the Wash Restricted Area Byelaw 2019 was unlikely to be implemented by the 27<sup>th</sup> July 2019.**

**Proposed: Dr Bolt**

**Seconded: Cllr Goldson**

**All Agreed**

*Mr Hirst left the meeting*

***At this point the meeting broke for lunch and reconvened at 1330 hrs***

**EIFCA19/35 Item 15 – Shrimp Permit Byelaw**

The shrimp permit byelaw continued to be an ongoing workstream. Delays in the wording of the national regulation for iVMS had resulted in the CEO making the decision to include iVMS in the permit rather than the byelaw as any change in wording would be more easily addressed as a permit condition. It was not anticipated that a Category 2 permit would require iVMS as it would be a very low level of shrimp fishing.

Members were advised of other amendments to be made to the proposed byelaw, which included removal of a permit fee for category 2 permits, although all permit regulations would still apply, and to amend the wording of the permit so that it only applied to the use of bottom towed gear.

Consultation of the byelaw had resulted in one objection which officers had tried to resolve but each attempt had been met by further objection.

Next steps for the byelaw would be minor wording changes prior to seeking Ministerial approval.

**Members Agreed to note the decision made by the CEO to remove iVMS from the face of the byelaw and include as a permit condition for a Category One Permit only.**

**Members Resolved to:**

- **Agree to the amended wording of the Shrimp Permit Byelaw 2018, including the removal of a fee for a Category two permit.**

- **Agree to delegate authority to the CEO to make amendments to the Shrimp Permit Byelaw 2018 as a result of the formal QA which would not affect its intention.**
- **Agree to continue to seek ministerial approval for the byelaw without having resolved the objections raised.**

**Proposed: Mr Spray**

**Seconded: Cllr FitzPatrick**

**All Agreed**

**Members Agreed to note the consideration of further correspondence with one respondent regarding shrimp management measures and the response of Officers.**

**Members Resolved to Direct the CEO to submit the Shrimp Permit byelaw 2018 to the Marine management Organisation for formal QA:**

**Proposed: Cllr Goldson**

**Seconded: Cllr Vigo Di Galidoro**

**All Agreed**

#### **EIFCA19/36 Item 16 – Wash Fishery Order 1992 Review**

The CEO advised members the purpose of the report/presentation was to update them on progress made with regard to the review of the WFO 1992, with regard to management policies, the assessment of potential for dredged cockle fisheries and the implementation of revised WFO regulations.

MSO Hombrey gave a presentation on her work on a Impact Assessment of suction dredging in the Wash and Senior MSO Jessop presented the current status of the Cockle Fishery Management Plan. Senior IFCO Godwin provided an update on the WFO regulations.

Mr Garnett believed there was a lot of feedback from the industry which had not been included in the presentation and wondered where this was. He was particularly concerned by the knock-on effect of cockle dredging to bait diggers and cockle sands which could take 10/12 years to recover.

Members discussed in detail the potential effects of having a dredge cockle fishery. It was noted that since the initial cockle dredging seasons there have been improvements in gear design & technology which may mean the effect could be less impactful.

The CEO advised it was important to understand the range of issues associated with dredging set out in the Impact Assessment, including the uncertainty around environmental impact, the high percentage smash rates and associated cockle mortality as well as socio-economic and fisheries management factors. He suggested

that the Impact Assessment indicated that the direction of travel was to not to have a dredge fishery, even as a contingency.

Members considered the amended WFO Regulations, there was concern about the use of tenders only being permitted if they were not powered by any means. This could have an impact on the Welland Wall Mussel fishery as small tenders were necessary to access the beds, tenders without engine power could be a safety issue.

*Cllr Goldson left the meeting*

**Members Resolved to:**

- **Note the progress made towards reviewing the WFO Management policies and the assessment of the potential for future dredged cockle fisheries in the WFO.**
- **Direct officers to undertake consultation with relevant stakeholders to inform a final proposal to the Authority regarding potential for future dredged cockle fisheries in the WFO.**
- **Note the advice received from Defra regarding the use of tenders and transhipping requirements within the WFO and the potential impact on WFO fishers.**
- **Agree to WFO Regulations as amended set out in Appendix 3.**
- **Agree to delegate authority to the CEO to make changes to the Regulations which do not substantially alter the intended effects of the Regulations, taking into account advice received from the formal QA process.**
- **Direct officers to investigate the current use of tenders in the WFO to inform a proportionate enforcement approach of the related legislation.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Spray**

**All Agreed**

**EIFCA19/37 Item 17 – 2019 Cockle Fishery**

Members were reminded that normally the cockle survey reports would be presented to the meeting. On this occasion delegated authority was being sought to allow the CEO to open the 2019 Wash cockle fishery, and to introduce, vary or revoke management measures, including closing the fishery, as required.

Members questioned likely opening dates and whether officers could be provided with suggested opening dates from the industry. The CEO advised there would be opportunity to comment during the consultation.

**Members Resolved to:**

- **Agree to delegate authority to the CEO to open the 2019 cockle fishery within the Wash Fishery Order in accordance with the established policies and processes, set out in the report;**
- **Agree to delegate authority to the CEO to introduce, vary and revoke management measures (including the licence conditions, operating times and Total Allowable Catch) and to open and close part or all of the fishery as may be required for the protection of the Wash and North Norfolk Coast Special Area of Conservation and Special Protection Area or for fisheries management purposes including the sustainability of the cockle stocks;**
- **Agree to delegate authority to the CEO to introduce, vary or revoke management measures or to open or close the fishery or parts of the fishery, without 7 days' notice (as per the cockle charter) where it was judged necessary to do so to meet the conservation objectives of the Wash and North Norfolk Coast European Marine Site or for the sustainability or the viability of the fishery;**
- **Agree to delegate authority to the CEO to open or close a cockle fishery under paragraphs 14, 15 and 16 under the Wash Emergency Byelaw 2018 in accordance with the established policies and processes set out in the report;**
- **Agree to delegate authority to the CEO to issue, vary or revoke flexible permit conditions under the Wash Emergency byelaw which were consistent with WFO licence conditions;**
- **Agree to delegate authority to the CEO to implement flexible management measures under paragraphs 15, 16, 19, 21, 22, 24, 26, 27 and 29 of the proposed Wash Restricted Areas Byelaw 2019 in a manner consistent with the associated Formal Operating Procedure, should such be implemented prior to the end of the cockle fishery;**

**Proposed: Cllr Vigo Di Gallidoro**

**Seconded: Cllr FitzPatrick**

**All Agreed**

**Members Resolved to Direct Officers to report on the management of the 2019 WFO cockle fishery at the 37<sup>th</sup> Eastern IFCA meeting.**

**Proposed: Cllr FitzPatrick**

**Seconded: Dr Bolt**

**All Agreed**

**EIFCA19/38 Item 18 Quarterly progress against Business Plan priorities**

**Members Agreed to note the report**

## **EIFCA19/39 Item 19 – Resolution**

**Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be exclude from the meeting for item 20 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of schedule 12A of the Act.**

**Proposed: Cllr FitzPatrick**

**Seconded: Cllr Vigo Di Gallidoro**

**All Agreed**

## **EIFCA19/40 Item 20 – wash Fishery Order 1992 shellfish lay application**

*Summary in accordance with Section 100(c)(2) of the Local Government Act 1972*

Members were advised consideration was being given as to whether these parties were attempting to circumvent a waiting list and it was recommended the CEO be delegated authority, in conjunction with the Chair and Vice Chair to reach a final decision.

### **Members Resolved to:**

- **Note the investigation into the application from a lay holder to enter into a partnership with a third party and to allow the lay holder to assign his lay to the third party**
  - **Agree to delegate authority to the CEO in conjunction with the Chair and Vice-Chair to make the final decision regarding the application to enable the parties to enter into a partnership with the effect of allowing the lay holder to assign his lay to a third party**
  - **Agree to delegate authority to the CEO in conjunction with the Chair and Vice-Chair to make decisions relating to applications to enter into partnerships or assign or sub-lease WFO lays in accordance with the Wash Fishery Order 1992 Shellfish Lays – Interim Policies;**

**Proposed: Mr Spray**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed**

**Members Resolved to Direct officers to seek approval from the Minister in relation to the same application.**

**Proposed: Cllr Vigo Di Gallidoro**

**Seconded: Mr Davies**

**All Agreed**

## **EIFCA19/41 Item 21 – CEO Update**

The CEO gave a verbal update on matters of interest.

- IVMS remained a work in progress but it was still intended that the national regulation and roll-out would be completed by 2021.
- The Spending Review and New Burdens Funding could not reach any conclusion until EU Exit had been completed. New Burdens funding was scheduled to run out in April 2020, but it was anticipated it would be rolled out for a further year in its current form. AIFCA had a bid in place to increase NB funding from 3 to 6 million, it was hoped an update would be available in June.
- Operation Blake funding had been successful so EIFCA could continue the sampling programme in conjunction with CEFAS.
- The Defra sponsored review of IFCA's was underway and EIFCA was one of 4 case studies.
- Vessel Replacement was ongoing. Officers would be trailing a vessel with jet propulsion, if this provide a viable option for survey and sampling work it could open the possibility of a refurbished vessel.

Association of IFCA minutes were circulated to keep members up to date.

**Members Agreed to note the content of the report.**

**EIFCA19/42 Item 22 – Head of Operations Update**

The Head of Operations briefly went through the Marine Protection Quarterly reports. There were no questions.

With regard to the Marine Science Quarterly reports it was questioned whether there was any indication of how often responses to consultations was taken into account. The response being that once a response had been sent notification was received and very often the response was copied and pasted into the MMO's conditions.

**Members Agreed to note the content of the report.**

There being no other business the meeting closed at 1517hours.