

## 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



## 41<sup>st</sup> Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 9<sup>th</sup> September 2020 at 1030 hours via Zoom video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (Statutory Instrument 2020 no.392).

### Members Present:

Cllr D 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 D Collis		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
Tania Davey		MMO Appointee
John Davies		MMO Appointee
Paul Garnett		MMO Appointee
Cllr T Goldson		Suffolk County Council
Charlie Moffatt		NE Representative
Rob Spray		MMO Appointee
Paul Tyack		MMO Representative
Cllr M Vigo Di Gallodoro		Suffolk County Council
Stephen Williamson		MMO Appointee
Stephen Worrall		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

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

### Minute Taker:

Jodi Hammond

### **EIFCA20/17 Item 1: Welcome**

Cllr Skinner welcomed members to the meeting.

### **EIFCA20/18 Item 2: Apologies for Absence**

Apologies for Absence were received from Mr Shaul (MMO Appointee) and Cllr Chenery of Horsbrugh (NCC). Mr R Spray would be joining the meeting slightly late.

### **EIFCA20/19 Item 3: Declarations of Members Interest**

Some items on the agenda related to interests that had been declared members were reminded that in these instances they would be able to take part in discussions but not vote, unless there was a dispensation to vote.

### **EIFCA20/20 Item 4: Minutes of the 39<sup>th</sup> EIFCA Meeting, held on 11<sup>th</sup> March 2020**

ITEM 12: OFFSHORE WINDFARM COMPENSATORY MEASURES: Mr Garnett requested the minute be reworded as it was not all members who were not happy with the position statement, he felt it was more a 50/50 split. It was agreed the minute would be reworded.

Ms Davey advised that the shrimp fishery had not been discussed during the last Working Group meeting and requested it be added to the October meeting. The CEO advised it would depend on the upcoming work streams.

**Members Agreed that with the rewording of minute EIFCA20/12 the minutes were a true record of the meeting.**

**Proposed: Mr Worrall**

**Seconded: Cllr Goldson**

**All Agreed**

**Notes of the Extraordinary meeting of the Finance and HR sub-committee held on 4<sup>th</sup> August 2020.**

**Members Agreed the notes were a true record of the meeting.**

**Proposed: Cllr Skinner**

**Seconded: Mr Worrall**

**All Agreed**

### **EIFCA20/21 Item 5: Matters Arising**

EIFCA20/07 WFO 1992 REPLACEMENT: The CEO reminded members that previously the decision had been taken to replace the Wash Fishery Order with a Byelaw permit scheme subject to legal

advice confirming analysis that a Byelaw could provide the same as a Regulating Order. Legal advice had now confirmed this. Mr Brewster advised that he did not agree with the Order being replaced by a Byelaw and added that the industry were also not happy. The CEO felt the industry's position was misplaced and was concerned that his reassurances had not been taken onboard.

**URGENT MEETING:** The CEO advised that the Fish Local bid in the EIFCA district had been unsuccessful. The Vessel Replacement Project had reached the tendering process which it was envisaged would be out within the next couple of weeks.

#### **EIFCA20/22 Item 6: Health & Safety risks and mitigation**

Members were advised 'Working from Home' arrangements due to Covid-19 had proved successful. Vessels were still able to go sea, and officers were continuing to patrol the district.

Only one incident had been reported in the last quarter which involved overheating of a charger. The charger had subsequently been replaced.

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

#### **EIFCA20/23 Item 7: Minutes of the Finance & HR Meeting held on 4<sup>th</sup> August 2020**

Members were provided with a brief summary of the meeting. It was noted that a large sum had been moved into the salary account as a contingency measure. Savings on the previous years' accounts had resulted in movement to the asset replacement and vessel replacement reserves.

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

#### **EIFCA20/24 Item 8: Closed Area Byelaw 2020**

Members were referred to the previously circulated papers and SMSO Stoutt provided an overview about the proposed areas to be closed and progression of previous byelaws.

IFCO/Project Officer Brown gave members a summary of the consultation process with stakeholders and the feedback which had been received. Members were also provided with details of the impact these closures were expected to have on industry members in terms of lost revenue or additional costs, and the impact on EIFCA as a result of additional patrols.

When questioned what the practicality of compliance and enforcement would be in these areas the CEO advised that whilst iVMS would be a useful tool, he was currently confident there was not a significant risk to non-compliance in these areas.

It was questioned whether in future if areas of Sabellaria became covered in mussel they would be opened to fishing, SMSO Stoutt advised that if the area was considered to be a core area for Sabellaria then it would most likely remain closed, although there would be discussion with NE.

Cllr Goldson expressed concern that fishers in the district could be losing more available grounds whilst windfarms seemed able to run rough shod across the area. The CEO advised every effort was made to minimise the areas to be closed. He was aware there was a myriad of activity in the marine environment and EIFCA were very active in responding to marine planning and licence applications to ensure all concerns were included in the feedback.

Mr Williamson noted that the chart showing areas of Sabellaria in the Wash should be evidence that the fishing industry was not damaging the beds. He questioned when NE would consider enough areas had been closed for the protection of Sabellaria. The CEO advised this was a question NE would not be able to answer as they followed Government Policy and legislation.

Cllr Vigo Di Gallidoro also expressed concern regarding the impact of windfarms in the area and questioned whether it would be possible to prepare a full and frank report to send to MPs, this was a sentiment Cllr FitzPatrick agreed with.

Mr Davies expressed concern about push net fishing and the fear that a total ban would affect all children on holiday from trying their hand with a small net. The CEO advised that push nets were still being looked into, to assess the potential impacts with a view to exempting them from restrictions.

Ms Davey questioned what the next phase of work would be in terms of gathering data. SMSO Stoutt advised that data used covered several years and was ongoing. Discussion was continuing with NE regarding core reef areas. The CEO added that this work remained a priority in the Business Plan.

**Members Agreed to:**

- **Note the rationale and justification for the *Sabellaria* reef closed area in Inner Dowsing, Race Bank and North Ridge Special Area of Conservation;**

- **Note** the rationale and justification for the intertidal *Sabellaria* reef closed area in The Wash and North Norfolk Coast Special Area of Conservation;
- **Note** the rationale and justification for the change to the seagrass closed area in Humber Estuary Special Area of Conservation;
- **Note** the Impact Assessment associated with the proposed closures;

**Members Resolved to delegate authority to the CEO to exempt push netting by hand from the prohibitions under the closed area byelaw if the environmental assessment concludes that the activity does not have an impact on the relevant sub-features closed under the closed areas byelaw. Alternatively, should the assessment conclude that push netting does have an impact delegate authority to the CEO to alter the wording of the byelaw to clarify that bottom towed gear use does apply to push netting.**

**Proposed: Dr Bolt**

**Seconded: Mr Davies**

**All Agreed**

**Members Resolved to make the Closed Areas Byelaw 2020.**

**Proposed: Dr Bolt**

**Seconded: Cllr FitzPatrick**

**All Agreed**

#### **EIFCA20/25 Item 9: Whelk Permit Conditions Review**

Members were provided with a short presentation on the Whelk Permit byelaw which was made in 2016. The byelaw required the permit conditions be reviewed every 4 years.

Consultation had taken place which resulted in 18 responses that were discussed at length at the Fisheries and Conservation Management Working Group.

Members discussed the suggestion that over-fishing was taking place in certain areas throughout the district and the knock on effect this may have in other areas if restrictions were put in place. MLS and the effectiveness of escape holes were also considered as was the need for effective enforcement if changes were to be instigated.

**Members Resolved to:**

- **Note** the key findings of the review of whelk permit conditions including the technical summary of the fishery,

the consultation with whelk permit holders and assessment of impacts.

- **Direct officers to develop revised Whelk Permit Conditions which seek to address the issues identified in the assessment including through dialogue with whelk permit holders**
- **Agree to maintain the current whelk permit conditions until such time as new permit conditions are approved by the Authority**

**Proposed: Cllr Goldson**

**Seconded: Mr Worrall**

**All Agreed**

### **EIFCA20/26 Item 10: Offshore Windfarm Compensatory Measures**

At the previous meeting members had mixed views on the wording of the position statement, it had therefore fallen to the working group to revise the statement which was now put to members for consideration.

Both Ms Davey and Moffatt advised they did not feel it appropriate for them to vote on this item.

#### **Members Resolved to**

- **Note the content of the report, and**
- **Agree the following position statement:**

***Eastern IFCA will actively engage in exploring opportunities for environmental compensatory measures but will not be supportive of measures that will have an overall adverse impact upon fishing activities and opportunities.***

**Proposed: Cllr Goldson**

**Seconded: Mr Worrall**

**All Agreed - with the exception of those who expressed a wish not to vote**

*At this point the meeting stopped for a 5 minute break*

### **EIFCA20/27 Item 11: Horseshoe Point Cockle Fishery**

Members were referred to the previously circulated papers and Senior IFCO Godwin provided an overview. Due to insufficient cockles to support a fishery this fishery had been closed since 2002. There had been one year when sufficient cockles were available, however, access to the fishery had not been possible by boat. Subsequently a decision had been made by the local council to no longer continue with the water classification.

Whilst members expressed concern about the closure of the fishery if remained there were insufficient stocks and no water classification to enable a fishery. It was felt the cockles in this area did not survive long enough to spawn, unless there was a very cold winter at which times, they were more likely to survive into a second year.

**Members Resolved to:**

- **Note the contents of the report.**
- **Agreed to maintain the closure of the Humber Estuary cockle fishery until 1<sup>st</sup> October 2021.**
- **Agree to delegate authority to the CEO to implement further closures as required.**

**Proposed: Mr Spray**

**Seconded: Cllr Vigo Di Gallidoro**

**All Agreed**

**EIFCA20/28 Item 12: Shrimp Permit Scheme**

Members were referred to the previously circulated papers and Senior IFCO Godwin provided an overview of the results of consultation and proposed amendments to the Byelaw and permit conditions for shrimp fishing in the Wash and North Norfolk Coast SAC.

Whilst it was not anticipated there would be a great influx of shrimp vessels it was proposed there should be similar conditions to those applied to a Wash Fishery Order licence such as experience of fishing in the Wash, weekly landing returns, and the ability to bring in the use of iVMS data at a later date, all of which would be subject to consultation.

The CEO advised the HRA had been agreed with NE, the plan was to put the fishery in a better position for the future. Ms Davey felt there should be some habitat monitoring.

**Members Resolved to:**

- **Note the contents of the Report and the results of the consultation**
- **Agree to the proposed amendments to the Shrimp Permit Byelaw 2018;**
- **Agree in principle (subject to legal advice) to introduce the experience requirement set out in the report in relation to Category One shrimp Permits;**
- **Agree to delegate authority to the CEO to introduce a permit condition or eligibility criterion to implement the proposed experience requirement having taken into account legal advice on the matter;**
- **Agree in principle to implement the additional permit condition relating to catch return frequency;**
- **Direct Officers to undertake a formal consultation as per Schedule One of the Shrimp Permit Byelaw 2018 in**

**relation to the experience requirement and catch return frequency permit condition;**

- **Agree to delegate authority to the CEO to make amendments which do not substantially affect the intention of the proposed measures following the formal consultation and further scrutiny of the wording by legal advisors;**
- **Agree to delegate authority to the CEO, following consultation, to introduce the permit condition relating to catch return frequency and to implement the experience requirement as an additional permit condition or eligibility criterion on the commencement of the Shrimp Permit Byelaw 2018.**

**Proposed: Cllr Goldson**

**Seconded: Dr Bolt**

**Agreed**

Ms Davey requested that a further recommendation be added to allow further discussion on habitat monitoring as she believed some detail was lacking, however the CEO felt this was not appropriate as this paper was covering specific issues about the byelaw but her point was noted. The Chair suggested maybe a future working group was a better place for further discussion.

Mr Davies said he was conscious a lot of decisions were being left to the CEO and was concerned that with some elements of industry being unhappy about some decisions it might expose him to criticism. He felt that the Authority should be seen to support the CEO.

The CEO advised he was aware there was some concern but the decisions he was delegated to make were minor amendments to enable smooth running and on more serious matters such decisions could be taken in discussion with the Chair and Vice Chair. Mr Garnett advised he was happy with the current arrangements but added that his concern was for the future if a new appointee was expected to make decisions before they had sufficient experience and knowledge.

### **EIFCA20/29 Item 13: Annual Report**

Members were reminded the format of this report followed on from previous years and it was a requirement of Defra that the report be published.

**Members Resolved to Approve the report and Direct the CEO to publish the report and distribute to Defra.**

**Proposed: Cllr Collis**

**Seconded: Mr Worrall**

**All Agreed**

## **EIFCA20/30 Item 14: Quarterly review of annual priorities and Risk Register**

The CEO advised members some elements of the Business Plan had been affected by Covid-19.

Cromer Shoal MCZ: Formal NE advice had been received, which indicated that management would be required on the rugged chalk, so EIFCA could now assess what needed to be done. An Engagement Plan was being worked on to consult stakeholders.

WFO Replacement: Members were advised some of the industry did not want to replace the WFO with a permitting byelaw and had employed a legal representative who was in discussion with the CEO. It was noted that it was the mechanism that was changing, many elements of the WFO would roll over but some issues such as entitlements would require careful consideration and discussion with the industry.

New Burdens Funding: Members were advised this was the last year there would be New Burden Funding in its current, it was hoped similar funding would be available in an alternative form but this would not be known until after the Spending Review.

Following the CEO's update on the Business Plan members discussed in detail the WFO Review and the views of the industry.

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

## **EIFCA20/31 Item 15: WFO Cockle Fishery 2020**

Members were referred to the previously circulated papers and were advised that despite the survey difficulties encountered as a result of Covid-19, the SMSO (Research) had managed to develop an alternative methodology to assess the fishery which had resulted in a cockle fishery being possible with a TAC which was judged to be about what it would have been if it had been possible to do a full survey.

There was further discussion regarding the replacement of the WFO following which the Chair suggested the Fisheries and Conservation Management Working Group would be the way forward for discussing the permit scheme, it was emphasised the industry needed to be aware the replacement should be in place prior to the expiry of the WFO to ensure continuation of fishing.

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

## **EIFCA20/32 Item 16 – Wash Restricted Area Byelaw 2019**

Members were referred to the previously circulated papers and advised that Officers had been working on a replacement for this temporary byelaw. The Byelaw referenced WFO regulations, which were in the process of being revised so a solution had to be agreed with the MMO on how best to ensure that the WFO regulations could be included in the byelaw.

### **Members Resolved to ;**

- **Note the advice from The Marine Management Organisation with regards to referencing the Wash Fishery order 1992 Regulations within the Wash Restricted Area Byelaw 2019;**
- **Agree to delegate authority to the CEO to amend the Wash Restricted Area Byelaw as necessary, including through the addition of a provision within a separate byelaw, to ensure that the revised Wash Fishery Order 1992 Regulations were applied within the Wash Restricted Area.**

**Proposed: Mr Worrall**

**Seconded: Cllr FitzPatrick**

**All Agreed**

## **EIFCA20/33 Item 17: CEO Update**

The CEO advised the Association of IFCA Minutes were provided for information. Members were also advised that Dr Bolt had moved on from AIFCA but remained a member of EIFCA.

The CEO gave a general update to members, advising on working arrangements as a result of Covid-19, strengthened working arrangements with Defra had been established as a result of close monthly liaison.

The review of IFCAs had also been completed although it was still in draft it was thought to be relatively positive.

## **EIFCA20/34 Item 18: Head of Operations update**

This report had been circulated to members in advance of the meeting to allow time for the content to be considered.

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

There being no other business the meeting closed at 1410 hours.