

39th 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 11th March 2020 at 1030 hours.

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 M Chenery of Horsbrugh		Norfolk County Council
Cllr D Collis		Norfolk 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
Mike Warner		MMO Appointee
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
Imogen Cessford	Project Officer
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Judith Stoutt	Senior Marine Science Officer
Stephen Thompson	Marine Science Officer

Minute Taker:

Jodi Hammond

EIFCA20/01 Item 1: Welcome

Cllr Skinner welcomed members to the meeting. He advised members the agenda would be slightly amended with items 10 and 11 being discussed prior to item 6.

EIFCA20/02 Item 2: Apologies for Absence

Apologies for Absence were received from Messrs Hirst (EA Representative) Shaul and Worrall (MMO Appointee) and Cllrs Coupland (LCC) & Vigo di Gallidoro (SCC).

EIFCA20/03 Item 3: Declarations of Members Interest

The CEO advised that three of the items on the agenda related to interests that had been declared by MMO appointees. Members were reminded that in these cases they would be able to take part in discussion but not vote.

EIFCA20/04 Item 4: Minutes of the 38th EIFCA Meeting, held on 11th December 2019

Members Agreed that the minutes were a true record of the meeting.

Proposed: Cllr Collis

Seconded: Cllr Goldson

All Agreed

EIFCA20/05 Item 5: Matters Arising

EIFCA19/65 REAF: The CEO advised that subsequent to the meeting Jason Berry had been in touch with the possibility of recruiting the CEO to sit on the Steering Group.

EIFCA19/72 WASH MUSSEL FISHERIES: Results of the mussel surveys had, as expected, shown a decrease in stock levels. There were insufficient stocks to be able to open a fishery. The CEO was concerned what the knock-on effect would be for the cockle fishery as bird food count would have to be taken into consideration. However, on a positive note the CEO was able to advise that CEFAS may be in a position to investigate the problems being faced

EIFCA20/06 Item 10: Wash Fishery Order 1992 replacement

Members were provided with a brief account of what the Wash Fishery Order was, how it worked and its powers. The Wash Fishery Order 1992 was due to expire in January 2023. Whilst in theory the order could be extended it had been advised that Defra were not considering extensions to Orders which would mean making a new order.

Officers advised that a replacement Order was not necessarily the best option and suggested a byelaw based permit scheme might be more flexible. It was also felt that making a byelaw, which would only need the approval of the Minister, would be much less complex

than making a new order and waiting for it to be passed through Parliament. A comparative analysis of what was provided by an Order versus a Byelaw had been undertaken, which concluded that a byelaw could meet all needs and was, on balance, the better option. This analysis was with legal advisors for confirmation.

In addition, it would be necessary to create a Several Order to cover the lays currently operated under The WFO 1992.

Industry members expressed the concerns of the industry. There was fear they may lose their Entitlements to fish or the ability to pass them from father to son, which would put their business's in jeopardy, as well as discouraging investment in the fishery. There was also concern that the fisheries may be opened up to far more effort which could see the demise of the cockle fishery due to overfishing.

The CEO believed there was some misconception of the future expectations and added that this discussion was not about the content of either an order or a byelaw, but to decide the mechanism which would be used to replace the WFO 1992. Whichever mechanism was chosen, the content would be the subject of review, not least because there had been numerous complaints from industry about some of the failings of the WFO1992 over the years. That said, the intention was not to cause widespread upset to business models, but instead to look at what was best and equitable for the industry in the round as well as being mindful of preserving business models. It was the Authority's responsibility to look after all elements of the industry and to 'balance the needs of everybody'.

There was some concern that a permit byelaw would be less flexible than an Order in terms of opening a fishery without permission from NE, however the CEO advised that generally EIFCA worked closely with NE to work out solutions to any disputes, and EIFCA would still be duty bound to adhere to the mechanisms in place to manage the fisheries. There would be checks and balances in the byelaw to ensure the Authority did not make unfounded decisions.

Members were advised the replacement for the WFO 1992 would also encompass the area of the WRA fishery.

Timescales were discussed and it was noted that it was unlikely that there was insufficient time to get a new Regulating Order in place before the WFO 1992 expired. In the event that a byelaw was not in place it would be necessary to take out an emergency byelaw to manage the area. If nothing was in place when that expired there would be no fishery.

Cllr Goldson felt the Industry members should be able to go back to their members and explain that the Authority understand their concerns and there was no intention to affect family businesses, but the Authority needed to give assurances that this would happen. The CEO advised at this stage only the mechanism was being discussed and that at a later stage there would be consultation with regard to the content which would be developed with close engagement with the industry. He reiterated there was no intention of disrupting existing legitimate business models.

The CEO advised the mechanism for issuing permits would be reviewed and there may be a point system with weighting to points. Such a system may provide scope for new blood to take part in the fishery.

Members Agreed to note the content of the report.

Members Resolved to:

- **Agree, subject to supporting legal advice, to replace the regulated fishery element of the Wash Fishery Order 1992 with a byelaw-based permit scheme.**
- **Agree to replace the several fishery element of the Wash Fishery Order 1992 with a new Several Order under the Sea Fisheries (Shellfish) Act 1967**
- **Agree to work with all parties on the content to agree to a sustainable Wash Fishery.**

Proposed: Mr Spray

Seconded: Dr Bolt

All Agreed

EIFCA20/07 Item 11: Cockle Fishery Management in The Wash

Due to the timing of Authority meetings members were being asked to delegate the CEO authority to open the 2020 cockle fishery, taking into account the Cockle Fishery Management Plan and Formal Operating Procedure.

Cllr Collis felt these were very important decisions and would prefer to see the decision taken in conjunction with the Chair and Vice Chair. This was reiterated by other members as in future to set a precedent of this nature may not be wise if there was a new CEO as they would have less knowledge of the dynamics of the fishery. As the opening of the fishery was usually time critical and it was not always possible to get in touch with both the Chair and Vice Chair it was suggested the requirement should be in conjunction with either the Chair or Vice Chair.

Members were asked to vote on the amendment to the recommendation.

**Proposed: Cllr Collis
Seconded: Cllr Skinner
All Agreed**

Members Resolved to

- **Agree to delegate authority to the CEO, in conjunction with either the Chair or Vice Chair, to open cockle fisheries, including the 2020 cockle fishery, within the Wash Fishery Order 1992 and Wash Restricted Area in accordance with the Cockle Fishery Management Plan and Formal Operating Procedure.**
- **Agree to delegate authority to the CEO, in conjunction with either the Chair or Vice Chair, to introduce, vary and revoke management measure (including the licence conditions, operating times and Total Allowable Catch) and to open and close part or all of the fisheries within the Wash Fishery Order 1992 and Wash Restricted Area as may be required for the protection of the Wash marine protected areas or for fisheries management purposes including the sustainability or viability of the fisheries in accordance with the Cockle Fishery management Plan and Formal Operating Procedure.**
- **Agree to delegate to the CEO, in conjunction with either the Chair or Vice Chair, to introduce, vary or revoke management measure or to open or close the fishery or parts of the fisheries with the Wash Fishery Order 1992 and Wash Restricted Area, without 7 days' notice (as per the cockle charter) which it is judged necessary to do to meet the conservation objectives of the Wash marine protected areas or for the sustainability or viability of the fisheries in accordance with the Cockle Fishery Management Plan and Formal Operating Procedures.**
- **Direct Officers to report on the management of the 2020 WFO cockles fishery at the 40th Eastern IFCA meeting.**
- **Note the potential implications of low mussel stocks on the 2020 cockle fishery.**

**Proposed: Cllr Collis
Seconded: Cllr Chenery of Horsbrugh
All Agreed**

At this point Luke Godwin left the meeting

EIFCA20/08 Item 6: Health & Safety Risks

The CEO advised there had been several incidents during the last quarter all of which were relatively minor and where necessary appropriate actions had been put in place to prevent reoccurrence.

Members Agreed to note the report.

EIFCA20/09 Item 7: Meeting of the Finance & HR Sub-Committee held on 4th February 2020

Members were provided with a brief summary of the meeting. It was noted that as from 1st April 2020 MMO Appointees who put in expense claims which were over 3 months old would not have them honoured.

OFFICE ACCOMMODATION: The Head of Finance & HR advised that Norfolk County Council had agreed in principle to fund the purchase of new office accommodation.

REPLACEMENT VESSEL: Norfolk County Council had been retained to carry out the procurement process for a replacement vessel.

Members Agreed to note the content of the report.

EIFCA20/10 Item 8: Strategic Assessment 2020-21

IFCO Brown explained to members that the Strategic Assessment was an established tool, which was reviewed on an Annual basis, used to identify priorities in the District during the coming year. Whilst many of the workstreams for the forth coming year remained unchanged the changes which were to take place had been highlighted.

Members congratulated the Officer on a good piece of work and queried some of the wording. The CEO advised the areas raised were in fact addressed in the Business Plan for 2020-2025, as well as being highlighted in the explanatory paper provided to members.

It was Agreed that the monitoring control plan for the shrimp fishery in the Wash would be discussed at the next Working Group meeting.

Members Resolved to note and Approve the content of the Strategic Assessment, including the priorities identified for 2020-21.

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Goldson

All Agreed

EIFCA20/11 Item 9: Business Plan 202-2025

Members were reminded this was a rolling 5 year Business Plan which was reviewed Annually allowing the Authority to prioritise and plan for each financial year.

The CEO worked through the list of priorities, explaining any anomalies.

Members Resolved to note and Approve the content of the Business Plan, including the priorities and plans for 2020-21.

Proposed: Cllr Goldson

Seconded: Cllr Collis

EIFCA20/12 Item 12: Offshore Windfarm Compensatory Measures

Senior MSO Stoutt explained to members the complexity of windfarm activity in the Wash and explained the compensatory measures referred to were not financial compensation but measures to repair areas of the seabed/marine life that had been affected by windfarm activity.

Members were advised that suggested measures were not necessarily in the best interests of the industry and it was not the Authority's intention to agree to measures that may have an adverse effect on fishing. With this in mind members were asked to consider a Position Statement which the Officers had put together.

Members discussed some of the activity which had previously had an adverse effect on fishing as well as some of the suggested compensatory measures. It was also questioned whether compensatory measures would be ongoing as work on cable routes was an ongoing process.

There was some concern expressed by members that they were not happy with the proposed Position Statement as they felt the integrity of the site was more important than the effect compensatory measures may have on fishing. The CEO reminded members there was a need to look at the Authority's duties in the round, there was a need for balance. Conservation duties were taken seriously but there was a need to take a stand in principle against a negative impact on the fishing industry.

Following discussion about the wording of the Position Statement a counter proposal to that put forward in the paper was suggested, which read,

Eastern IFCA will support exploring compensatory measures and delegate authority to the CEO to represent EIFCA's views once site specific proposals have been developed at the appropriate time.

Proposed: Ms Moffat

Seconded: Mr Spray

There remained concern that this took away too much of the original intention. In light of the difficulty in reaching agreement with regard to the Position Statement a further counter proposal was put forward. Which was that the amended Position Statement would be

agreed to, pending the matter being discussed at the next Fisheries & Conservation Management Working Group, after which a revised Position Statement would be proposed to the next Authority meeting.

Members Resolved to agree to an amendment to the original proposal

Proposed: Ms Moffat

Seconded: Mr Spray

1 vote against the motion was carried

Members Resolved to:

- **Note the content of the report and**
- **Agree that “Eastern IFCA would support exploring compensatory measures and delegate authority to the CEO to represent EIFCA’s views once site specific proposals have been developed at the appropriate time”. Subject to the above statement being reconsidered and reworded at the next FCMWG meeting after which a further proposal will be put to the full Authority.**

Proposed: Ms Moffat

Seconded: Cllr Bolt

All Agreed

EIFCA20/13 Item 13: Quarterly Review of Business Plan priorities

The Business Plan had been discussed previously on the Agenda. Members had been circulated the papers and were content with progress to date.

Members Agreed to note the content of the report.

At this point the meeting stopped for a 5 minute break

EIFCA20/14 Item 14: Fishing into the Future

Mike Warner provided members with a presentation on the work of the charity. Members were advised that Fishing into the Future was a forum which acted on behalf of fishermen on a countrywide basis with the intention of ensuring sustainable, prosperous UK fisheries.

Following the presentation the CEO advised he had attended a 3 day workshop held by Fishing into the Future which he had felt was very beneficial and by the end of the 3 days presentations and discussion between industry members, scientists and fisheries managers, he felt that there had been a positive change in the views of those attending.

EIFCA20/15 Item 15 – CEO Update

The CEO updated members on current workstreams,

- Cromer Shoal MCZ - engagement was under way with questionnaires having been sent out. A response had been received from one of the North Norfolk fishermen's association's which stated they did not trust the Officers and were therefore not prepared to respond which was disappointing but the CEO would continue to attempt constructive engagement.
- Covid-19 – contingency plans would be drawn up to ensure critical workstreams were met. Current concerns being the EHO sample collection and cockle surveys.

AIFCA Minutes were provided for members information. It was noted that Dr Bolt would be moving on from AIFCA in April. Recruitment for the post had begun along with a review of AIFCA, it was expected a feasibility study would determine whether AIFCA would remain a Limited Company or become IFCA hosted.

Members Agreed to note the information provided and the AIFCA minutes.

EIFCA20/16 Item 16 – Head of Operations Update

There was one enquiry as to what the National line recycling scheme was, which members were advised is the ability for anglers/members of the public to take fishing line to approved collection points for recycling.

Members Agreed to note the content of the reports.

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