

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



46th Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 8th December 2021 at 0955 hours in the Assembly Rooms, King's Lynn Town Hall.

Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr T Adams		Norfolk County Council
Cllr E Back		Suffolk County Council
Mr S Bagley		MMO Appointee
Dr S Bolt		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
Mr K Copeland		MMO Appointee
Cllr P Coupland		Lincolnshire County Council
Mr P Garnett		MMO Appointee
Mrs G Roberts		Natural England Representative
Cllr P Skinner		Lincolnshire County Council
Stephen Williamson		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of HR & Finance
Matt Breathwick	IFCO
Jon Butler	Head of Operations
Jason Byrne	IFCO
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Ron Jessop	Senior Marine Science Officer
Judith Stoutt	Senior Marine Science Officer

Minute Taker:

Jodi Hammond

The start of the meeting was slightly delayed due to traffic issues which delayed the Chair.

EIFCA21/49 Item 1: Welcome

The Chair welcomed members to the meeting. He began by asking MMO Appointees to complete and sign their appraisal forms.

EIFCA21/50 Item 2: Apologies for Absence

The chair advised that at the previous meeting there had been an unprecedented number of apologies tendered, he was concerned this could be as a result of concerns re Covid and moving away from online meetings. Attendance was notably better at this

meeting but overall attendance was still lower than normal, although it was also noted that sometimes being unable to attend was unavoidable.

Apologies for Absence were received from Cllr Vigo Di Gallidoro (SCC), Dr I Hirst (EA Representative), Mr Bowell, Ms Davey, Mr Davies, and Ms Smith (MMO Appointees).

EIFCA21/51 Item 3: Declarations of Members Interest

Members were reminded pre-recorded Declarations of Interest had been noted, those affected would be able to comment on agenda items affected but not vote.

EIFCA21/52 Item 4: Minutes of the 45th EIFCA Meeting, held on 8th September 2021

Members Resolved these were a true record of the meeting.
Proposed: Cllr Chenery of Horsbrugh
Seconded: Mr Bagley
All Agreed

EIFCA21/52 Item 5: Matters Arising

EIFCA21/40 HIGHLY PROTECTED MARINE AREAS: The CEO advised that site selection had slowed but was ongoing, IFCA's were engaged in the process through the AIFCA.

EIFCA21/41 ANNUAL REPORT: The report had been published on the website and a copy sent to Defra

EIFCA21/44 WASH SEVERAL ORDER APPLICATION: The CEO advised that other work on the replacement of the Wash Fishery Order had taken priority but it was intended to progress this work and to go to consultation with industry in the near future.

EIFCA21/53 Item 6: Health & Safety Risks and Mitigation

The Head of Operations advised there were no reported incidents during the previous quarter.

Covid continued to affect ways of working, the office was being manned by reduced numbers with Officers working from the office on a rostered basis to support the Admin team and to avoid lone working. There had been one staff member tested positive for Covid during the quarter.

It was noted that the majority of staff had been double vaccinated and many already booked in for booster jabs. EIFCA had also offered all Officers a flu vaccine.

Members Agreed to note the content of the report.

EIFCA21/54 Item 7: Wash Cockle and Mussel Byelaw 2021 policies update

The CEO reminded members that progress on the byelaw had been delayed allowing the policies for access to the fishery to be developed as a consequence of objections to the byelaw. They had been drafted and consulted on twice, as well as being discussed with the solicitor and fisheries management consultant representing industry members (the coalition of interests). The intention was to update Members on progress with the policies with a view to seeking agreement to submit the byelaw for formal quality assurance. The rationale for this was that the Wash Fishery Order expires in early 2023 and it is essential that the new byelaw is in place by then. Substantial progress had been made on the policies but there were still some areas to address, and officers were working with industry to achieve this.

The Senior IFCO (Regulation) gave a presentation in support of the content of the accompanying paper, highlighting the key issues for members. Members were reminded that a key concern from industry was around access to the fisheries and extensive efforts had been made to consult industry members. The first consultation had limited success, largely due to an industry preference for a large meeting which hadn't been possible due to Covid issues, but the second had been more productive but had been resource intensive as it involved a range of approaches, including calls to individual industry members. Consultation responses had been considered and where possible concerns raised had been answered.

The CEO advised members that they were meeting with the solicitor and fisheries management consultant who represented the 'coalition of interests' on a 'without prejudice' basis, which meant that the meetings were confidential but that the outputs may or may not find their way into the policies that would ultimately be put before the Authority for consideration and approval. There was a concern that, without diminishing their role, this 'coalition of interests' did not operate in the same way that the Authority did and that was why so much effort had been put into consultation to ensure that there was an opportunity for every voice to be heard.

Mr Williamson asked whether Covid issues were a barrier to making the right decisions and whether or not it might be preferable to seek an extension to the WFO 1992 to allow time to ensure that the right decisions were made. The CEO said that he did not think that things were being rushed and he reminded members that the byelaw was simply a framework that did not include the access policies and would come into effect upon expiry of the WFO, The access policies had been under development for

some time and a number of elements of the policy were probably where they needed to be with two or three elements that still needed to be resolved. Given that the policies would sit under the byelaw there was effectively at least a year and possibly up to 18 months before the 2023 fishery when they would need to be in effect, although it would be preferable for them to be in place sooner in order to manage the transition. It was possible that the final drafts of the policies would be ready for the Authority meeting in March 2022 or failing that June 2022

Dr Bolt asked that when the byelaw and policies were in place how much flexibility would there be to adjust the policies to address any issues that had not worked quite as envisaged. The CEO said that this touched upon one of the fundamental differences in the perspectives of industry and the Authority. Industry would, understandably, prefer less flexibility with more contained on the face of a byelaw or in an order to provide certainty. Experience has shown that this isn't good because the absence of flexibility means that when issues become apparent there is not ability to address them. With this in mind the objective was to enable the Authority, with the safeguards for industry provided by a process under the byelaw including consultation, to revise policies as required. The CEO said that he had been considering whether there may be some benefit in re-establishing some form of Wash Management Sub-Committee to allow detailed discussion and to deal with transition from the WFO to the new management regime. This would address a criticism from some elements of industry that officers had too much influence. Whilst the CEO did not accept this and observed that the suggestion was inherently disrespectful of Authority members, he suggested that it might be something to consider addressing industry concerns if members were minded to do so. The Chair felt the sub-committee should be established, initially for a two year timeframe.

Mr Bagley observed that there appeared to be a lot of consideration about preventing renting out licences, but he was concerned about the issue of having a deputy for the permit holder who would be able to take the boat to sea in their absence. The Senior IFCO (Regulation) advised that a deputy would be able to take a boat to sea but it would be restricted in normal circumstances but there would be provision to address exceptional circumstances. The CEO noted the comments and said that the policies were under development and that ongoing consultation would lead to a position that was agreeable to both industry members and the Authority.

Mr Garnett said that he supported the re-introduction of a Wash related sub-committee for at least a period of time that covered the transition. He said that the draft policies looked to be at a stage where they could go to industry for further consultation in order to

stimulate debate and to resolve the outstanding issues.

The CEO reminded members that they had previously agreed to abolish sub-committees in order to ensure that important fisheries and conservation matters were addressed by the full Authority, but he did not see this as a block to re-introducing a Wash fisheries management sub-committee if members were minded to do so. The Chair put forward a motion to establish the sub-committee for a period of two years. The CEO advised that the sub-committee could simply be put in place with no time limit and could be discontinued at any time if it was felt appropriate to do so and the Chair agreed and revised his proposal. Mr Bagley suggested that it could also cover other species such as whelk and shrimp and the CEO said he would consider it in the scheme of delegations that would need to be included in the Constitution and Standing Orders.

Members Resolved to support the Chair's motion to put forward an amendment to the Recommendations, to include the re-establishment of the Wash Management Sub-Committee.

Proposed: Cllr Skinner

Seconded: Dr Bolt

All Agreed

Members Resolved to:

- **Note the progress made in developing the Wash Cockle and Mussel Access policy**
- **Note the consideration of responses to the consultation at Appendices 1 and 2**
- **Direct Officers to continue consultation and development of the policy with a view to finalising it for consideration by the Authority.**
- **Direct the CEO to re-establish the Wash Management Sub-Committee.**

Proposed: Cllr Skinner

Seconded: Cllr Chenery of Horsbrugh

All those able to vote Agreed

EIFCA21/55 Item 8: Wash Cockle and Mussel Byelaw 2021

The Senior IFCO (Regulation) gave a presentation in support of the content of the accompanying paper and addendum, highlighting four key issues. The first was the policies on access to the fisheries, which had been a key reason for delaying submission of the byelaw to enable further work, as covered in the previous agenda item. It was felt that this objection had been addressed as far as was possible at this stage. The second was an objection to separate categories of permit and following further consideration this had been removed from the byelaw. The third

was that the byelaw should cover all bivalve molluscs with a single permit, but this was not considered appropriate, not least because cockles and mussels had been the only fisheries for a number of years but also because other species would likely require more detailed consideration and would be best considered by subsequent byelaws if required. The final point was the suspension of permits for 12 months for non-compliance. It was pointed out that under the WFO 1992 a licence could be lost permanently following two convictions so the proposed suspension for 12 months following one conviction was considered to be a proportionate development. It had been suggested that there should be some discretion for the Authority on this and that it shouldn't apply to vessel owners, but it was judged that both would diminish the deterrent effect and so the provision had been retained in the byelaw. The 12 month period had been added to the face of the byelaw to provide clarity and certainty for industry that the period would not be changed. Members were advised that the guidance for making byelaws required objections to be considered and either changes made to the byelaw, or a clear rationale provided as to why changes would not be made, and this was set out in detail in the accompanying paper. Recent engagement had identified that there was a strong preference from some elements of industry for transitional arrangements on access to the fishery to be on the face of the byelaw. Whilst this may or may not be appropriate and it was important to fully understand the perspective of all industry members before considering such a step, it was recommended that having the ability to do so was appropriate and this had been added as a recommendation.

Mr Bagley expressed concern about the ability to suspend a permit for 12 months following conviction for only one offence and the potential for a fisherman to unintentionally make a minor breach of regulations such as landing under-sized mussels. The CEO acknowledged the concern and explained that the Authority took very few prosecutions and had a proportionate enforcement policy and prior to such an action being taken there would probably have been informal educational advice, both verbal, written warnings and the opportunity for a FAP before a case was taken to court, unless the offence was serious enough to warrant prosecution as a first offence. For a case to be prosecuted it had to pass both an evidential and public interest test as set out in the Code for Crown Prosecutors and ultimately a conviction would be a decision of a court having heard all the evidence. It was felt the inclusion of the ability to suspend a permit was an appropriate deterrent to illegal activity.

Mr Garnett acknowledged the reassurance that putting the transitional arrangements on the face of the byelaw would provide but questioned whether it might introduce delay if it required further consultation. The CEO said that MMO colleagues had advised that

such a change would not require further consultation, particularly if supported by industry. He observed that he didn't see it making any material difference inasmuch as a policy approved by the Authority would be enacted and adding it to the byelaw wouldn't add anything. However, if it offered some reassurance and there was no identified downside it might be appropriate to include it.

Mr Garnett also questioned the boundary of the Le Strange Estate and whether the boundary would be clearly defined for all time, rather than it being allowed to be subsumed back into the private fishery overtime. Members were advised this had been considered by legal advisors when drafting the byelaw and would be checked in the quality assurance process.

Members Resolved to:

- **Note the development and amendments to the byelaw**
- **Agree that objections to the byelaw had been given due consideration and that where objections remained unresolved, the explanation as to why was sufficient**
- **Agree to submit the byelaw to the MMO for formal QA**
- **Agree to delegate authority to the CEO, in consultation with the Chair or Vice-Chair, to make minor amendments to the byelaw which did not significantly alter the intended effects of the byelaw.**
- **Agree to delegate authority to the CEO, Chair and Vice-chair to determine whether or not to add 'transitional provisions' to the Wash Cockle and Mussel Byelaw 2021 pending the outcome of further dialogue with industry representatives on the matter and amend the byelaw accordingly in accordance with the decision**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Dr Bolt

Agreed, by all those able to vote

EIFCA21/56 Item 9: Finance & HR sub-committee held on 2nd November 2021

The Head of Finance & HR advised members that since the meeting the full Statement of Accounts had been received from the External Auditors, with no matters arising from them.

Members Resolved to Note the content of the report

Proposed: Cllr Skinner

Seconded: Cllr Back

All Agreed

EIFCA21/57 Item 10: Budget and Levies 2022-23 and Budget Forecast to 2027

Members had been provided with a comprehensive paper setting out the Draft Budget and Forecast. Since the paper had been written the CEO and Head of Finance & HR had met with representatives of the three County Council's Finance Directors who all appeared to be content with the Authority's expectations and appreciated the cautious and consistent approach to expenditure.

The overall budget anticipated 2% inflation, if this were to be higher this could be met through savings made throughout the year.

It was questioned whether EIFCA would be affected by the changes being made to the purchase of Red Diesel. The CEO advised that his understanding was that there was no change for IFCA's, but he would confirm this.

Members Resolved to:
Approve the draft budget 2022/23
Approve the Levies for 2022/23
Approve the Forecast for the following 4 years to 2026/27
Proposed: Cllr Skinner
Seconded: Cllr Back
All Agreed

At this point Andrew Bakewell left the meeting.

EIFCA21/58 Item 11: Closed Areas Byelaw 2021

The Senior MSO (Environment) gave a presentation in support of the content of the accompanying paper, highlighting the progress of the Closed Areas Byelaw 2021 and the inclusion of two new exemptions and a revision to one closed area previously considered by the Authority. This Byelaw would be a consolidation of all the work which had begun in 2014, maintaining Closed Areas that had been Agreed in 2018 and would include additional Closed Area previously considered by the Authority. Every effort had been made to keep the closed areas to the minimum in terms of impact on the fishing industry whilst still ensuring that sensitive features are protected. In order to streamline the Byelaw process Members were advised only the proposed Closed Areas which were not already in place would be formally consulted on.

At this point Cllr Adams left the meeting

Mr Williamson, whilst realising that bodies like NE have the best interests at heart, questioned how windfarm, aggregate dredging and cable laying are able to go ahead which all damage the seabed but the fishing industry are penalised. Mrs Roberts advised that all these companies also had to meet Government

Guidelines, but they were considered a priority. Mrs Roberts also explained that part of the mechanism in place for windfarms to get approved was that they compensate for any damage caused, with this in mind EIFCA could suggest project which could be carried out in conjunction with NE which could benefit the fisheries.

Mr Bagley questioned how often Closed Areas would be reviewed, it was advised that reviews would take place regularly, but they were, in effect, being reviewed every 6 months currently when new feature evidence was provided by Natural England. In addition officers review our own evidence and will undertake survey work where gaps are identified.

Members Resolved to:

- **Note the rationale for the measures in the Closed Areas Byelaw 2021, which include previously agreed closed areas and two new exemptions,**
- **Note the impact assessment of the measures in the Closed Areas Byelaw 2021**
- **Agree to make the Closed Areas Byelaw 2021**
- **Direct officers to undertake formal consultation on the byelaw, and**
- **Agree to delegate authority to the CEO and Chair or Vice-Chair to make changes to the byelaw which do not substantially alter the intended effects of the byelaw, taking into account responses from the formal consultation and the formal QA process.**

Proposed: Dr Bolt

Seconded: Cllr Skinner

Agreed by all those able to vote.

EIFCA21/59 Item 12: Authority Meeting Dates 2022-23

The Schedule of Meetings had been compiled in line with normal practice, however in view of changing Covid Guidance at this point no venues had been booked.

Members Resolved to Approve the calendar of Meetings

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Back

All Agreed

EIFCA21/60 Item 13: Review of Annual Priorities and Risk Register

The CEO advised the quarterly review of both the Business Plan and Risk Register had been carried out. One element of the Risk Register which was considered a priority was the funding to cover costs of Capital Assets and this would likely be reviewed on delivery of the replacement for RV Three Counties.

Another issue on the Risk Register was negative media comment, and one reporter having taken opportunity to criticise both EIFCA and the CEO on a personal level. It was initially decided not to dignify the article with a response, however, following a second article a response from the Chair to clarify some of the negative comments was sent to the Fishing News and was subsequently published in full. Another negative response from industry had subsequently been published but it was felt that continuing with another response would achieve little.

The loss of New Burden Funding remained a possibility, however the CEO was reasonably confident funding this year would be forthcoming as a result of Government Spending Review. In the event that it wasn't forthcoming then there was a contingency plan in place to address any budget shortfall from reserves in year 1, which would allow time to consider how to address it in the longer term. This could include increasing levies to maintain current levels of service delivery.

The Chair observed that it was unfair that personal criticism is directed at the CEO, not least because he was undertaking work on behalf of and often at the direction of the Authority.

Members Agreed to Note the content of the report.

Proposed: Cllr Skinner

Seconded: Cllr Chenery of Horsbrugh

All Agreed

EIFCA21/61 Item 14: CEO Update

MUSSEL SURVEY UPDATE: The CEO advised that surveys had been completed indicated a potential stock threshold of 13,357 tonnes, an improvement on the previous year. However, in order to protect the fishery for future years it was anticipated any fishery would not exceed 980 tonnes spread over 6 beds. It was anticipated this would be a relaying seed fishery but not a harvestable fishery.

Mr Garnett questioned whether this level of stock meant there would be no impact on the TAC for the cockle fishery next year. The CEO was unable to answer this until cockle surveys were carried out.

CROMER MCZ: The CEO advised this project was progressing well, an ROV had been purchased to carry out underwater camera work, which it was hoped would continue to some extent over the winter, and trackers on local vessels were providing evidence of fish landings. There was a very good working relationship with industry, which was important in taking things forward.

IFCA MEMBERSHIP: Since the previous meeting one MMO Appointee had resigned. Since the outset of IFCA MMO Appointee membership had been set at a maximum of 10 years, this had been reassessed and the MMO were now happy for members with 10 years on the IFCA's to reapply alongside other applicants.

Members were advised three of the current MMO Appointees would reach 10 years during 2022.

WFO REPLACEMENT: This matter has created a degree of angst amongst industry members, but the CEO was pleased to say that in the main engagement had remained cordial and constructive. There was concern that some sectors felt they were not being listened to. The CEO believed this was not the case, but it was a perception, he hoped to address this matter. Industry had suggested that some Members may not be fully conversant with issues affecting the fishery industry and the coalition of interests had suggested that it might be helpful to invite members to an event or visit to a Wash based industry premises as a means to expose them to some of the industry members concerns. It might be that this could coincide with the FCMWG in January of the Finance & HR meeting in early February if the Covid situation permits it. Both the CEO and the Chair were supportive of this.

NEW VESSEL: Members were advised the vessel design was being finalised with the builders. It would be slightly smaller than Three Counties but with similar facilities.

Members Agreed to note the content of the report.

EIFCA21/62 Item 15 – Operational Update

This paperwork was circulated in advance of the meeting to enable members time to read through it and prepare any questions they may have.

Cllr Skinner queried why the report on the Cromer Shoal MCZ only referred to damage by fishing practices and not other vessels which would also damage the site. The CEO advised other activity would be monitored by NE.

Members Agreed to note the report

Proposed: Cllr Chenery of Horsburgh

Seconded: Chair

All Agreed

EIFCA21/63 Item 16 – Recreational Sea Angling Strategy

Unfortunately Mr Bowell was unable to attend the meeting. The CEO advised the intention of the Agenda item was to consider the

possibility of introducing a Recreational Sea Angling Strategy. The item would be carried forward to a future meeting.

EIFCA21/64 Item 17 - Any Other Business

Mr Bagley requested, in view of the two recent storms and very strong winds, that the Cromer Shoal area be checked for damage. The CEO advised it was not possible to monitor underwater damage. Mr Bagley wanted to know if the weather had damaged the bed by moving rocks etc.

No urgent items of business had been advised.
The Chair wished everyone compliments of the season.

There being no other business the meeting closed at 1217 hours.