

### 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



## 45th Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 8<sup>th</sup> September 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
Ian Bowell		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
John Davies		MMO Appointee
Stephen Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

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

### Other Invited Attendees:

Ian Butterfield	Natural England
Tony Goldson	Ex EIFCA Member

### Minute Taker:

Jodi Hammond

The start of the meeting was slightly delayed as a result of waiting for sufficient members to be present for the meeting to be quorate.

### Tony Goldson

Prior to the commencement of the meeting Cllr Fitzpatrick began by welcoming Mr Goldson, a previous Authority member between 2009-2021. During that time he was a very active member taking part in all sub-committees when the Authority was ESFJC as well as taking on the role of Chair several times even extending to a four year run for his last period of office.

Throughout his membership Mr Goldson was always aware of the conservation duties as well as being a strong supporter of the commercial fishing industry.

Mr Goldson was presented with a commemorative compass from EIFCA after which he expressed how much he had enjoyed his time on the Authority and recalled there had been good times as well as conflicts. He recommended to keep communicating as the solution to conflict.

### **EIFCA21/33 Item 1: Welcome**

The Chair welcomed Mr Butterfield who would be speaking on behalf of Natural England, in the absence of Georgie Roberts.

### **EIFCA21/33 Item 2: Apologies for Absence**

The chair advised 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.

Apologies for Absence were received from Cllrs Back (SCC), Coupland (LCC), Skinner (LCC) and Vigo Di Gallodoro (SCC), Ms Roberts (NE Representative), Dr I Hirst (EA Representative), Mr Rowley (MMO Representative) Ms Davey, Ms Smith and Messrs Bagley. Bolt, Copeland, Garnett, Shaul & Warner (MMO Appointees).

### **EIFCA21/34 Item 3: Declarations of Members Interest**

In addition to the Declaration of Interests previously circulated Mr Williamson expressed an interest in item 9 on the Agenda.

### **EIFCA21/35 Item 4: Minutes of the 44<sup>th</sup> EIFCA Meeting, held on 9<sup>th</sup> June 2021**

**Members Resolved these were a true record of the meeting.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Cllr Adams**

**All Agreed**

### **EIFCA21/36 Item 5: Matters Arising**

EIFCA21/20 DECLARED PECUNIARY INTERESTS: The CEO advised that further advice from NPLaw confirmed the Localism Act does apply to EIFCA.

Other Matters Arising would be covered by individual items on the Agenda.

### **EIFCA21/37 Item 6: Membership of the Finance & HR Sub-Committee**

Following the completion of the maximum 10 years service by Mr Worrall there was a vacancy on the Finance & HR Sub-Committee for an MMO Appointee. Ms Smith had expressed an interest in being considered for the position

**It was Resolved that Ms Smith be elected as a member of the Finance & HR Sub-Committee.**

**Proposed: Mr Davies**

**Seconded: Cllr Adams**

**All Agreed**

### **EIFCA21/38 Item 7: Health & Safety Risks and Mitigation**

Members were advised there had been no incidents during the previous quarter. The biggest challenge being faced continued to be Covid-19. Steps were being taken to begin re-populating the front-facing office.

Cllr Chenery queried whether any staff members had refused the vaccine, to the best of the Head of Operations knowledge this had not happened and all staff had agreed to take twice weekly Lateral Flow Test.

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

### **EIFCA21/39 Item 8: Report of the Finance & HR Meeting held on 3<sup>rd</sup> August 2021**

Members were advised the draft Annual Accounts had now been completed and were ready for the Chair and CEO to sign.

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

### **EIFCA21/40 Item 9: Highly Protected Marine Areas**

Senior MSO Stoutt provided members with a presentation on HPMA's and IFCA involvement in nominating sites as part of a pilot scheme. Initial recommendation would be based on ecological criteria, with social and economic criteria being considered later in the process. The main concern with HPMA sites was that fishing would be prohibited.

The initial deadline for proposed sites had closed on 31<sup>st</sup> August 2021, EIFCA had chosen not to put forward any potential sites as they were processing the ongoing challenge of red risk MPA's within the district.

The next stage for designation pilot sites would involve NE and CEFAS sifting through the nominations, followed by social and economic criteria being considered. There would be a consultation process followed by a period of monitoring before any further work to establish HPMA's was undertaken.

The CEO advised that he was expecting other groups to put forward the Cromer Shoal MCZ site for consideration but there was a long process to be undertaken before decisions were made. To keep it in perspective members were reminded there were only going to be five pilot sites so potentially only 50% of IFCA's would have a site within their district.

Mr Butterfield suggested that rather than taking a negative approach to HPMA's EIFCA should put forward a different model that works on a local level. He advised that HPMA's were not all about conservation, they were designed to improve fishing opportunities and it may be the presence of an HPMA could promote a more productive sustainable fishery. Mr Butterfield felt this was 'an opportunity not a threat' and consideration should be given to what is trying to be achieved rather than what it is perceived they are trying to stop.

Mr Williamson hoped that what Mr Butterfield had stated would come to fruition but felt uncertain there would be benefits for the commercial fisheries, he asked whether an action plan could be put in place for what happened to commercial fishers when more areas become closed to fishing. He felt that having addressed bad practices to reach sustainable fisheries these measures should be looked at and what has already been achieved should be recognised rather than putting more restrictions in place, which he considered to be totally unfair on businesses.

The CEO advised that further ahead in the process there would be an Impact Assessment which would consider the impact on the industry.

Mr Davies was equally wary, he questioned how local 6-8m single crewed vessels would be able to work if large closed areas were put in place, particularly when there was already a sustainable fishery with a healthy seabed.

The Chair acknowledge there would be more information coming forward, and suggested time be taken to look at progress that is being made, for example the Wells lobster hatchery, he believe it was important that EIFCA bring both conservation and fisheries together to benefit the whole of the coast.

Mr Bowell noted the passion of the commercial fishers but also felt the economic benefit of the RSAs should not be over looked, there were already catch restrictions in place. He recommended proving what steps were already in place to meet the same objective as HMPAs.

Mr Davies acknowledged Mr Butterfields advice to put forward how alternative methods and in place to achieve the same goal, but he hoped the dialogue already being had with Georgie Roberts from NE was proof that steps were being taken to work towards agreement for all.

The CEO agreed to keep members informed on any further progress, particularly any indications that proposed sites may fall within the Authority's District.

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

### **EIFCA21/41 Item 10: Annual Report 2020-21**

Members were advised production of the Annual Report was an annual obligation under the Marine & Coastal Access Act.

**Members Resolved to approve the Annual Report 2020-21 and to Direct the CEO to publish the report and distribute it to Defra.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Cllr Adams**

**All Agreed**

### **EIFCA21/42 Item 11: Closed Area Byelaw 2021 – Area Proposal**

Senior MSO Stoutt gave a presentation highlighting the proposal to include an addition closed area to fishing activity using bottom-towed gear within the Inner Dowsing, Race Bank and North Ridge SAC, for inclusion in the Closed Areas Byelaw 2021, which was scheduled to be formally presented to the Authority in December 2021.

Essentially the proposed closed area was to meet the Authority's requirements under MaCAA to protect an area of Sabellaria Reef. As part of the process a consultation with stakeholders have been undertaken to understand the impact on fishers, a response to the consultation would be presented at the making of the byelaw.

Mr Davies noted drift netting appeared to have been removed from the byelaw and questioned if this had been agreed and whether fixed nets had been banned. Senior MSO Stoutt advised there was further work to be done on the affects of netting so it had not been included at this time. If investigation was completed in time it may be brought in in December.

Mr Butterfield advised NE had not yet received the most up to date raw data and until they had been able to consider it their guidance on closed areas would not change. Senior MSO Stoutt advised there had been a considerable amount of discussion with NE around an outstanding area for consideration. EIFCA were not satisfied with NE's conclusion that is contained sabellaria reef, consequently more ground truthing research was planned to get a clearer view of the area in question.

The CEO advised that the working relationship with NE was excellent with decisions made based on discussion and agreement, he did however, advise that in the event that EIFCA could not accept guidance from NE then EIFCA would explain why and provide evidence as to why they had reached that decision.

**Members Resolved to:**

- **Note the responses to the informal consultation on the proposed closures as at Appendix 1**
- **Note the rationale and justification for the closure to bottom towed gear, and the provisional impact assessment**
- **Agree to the inclusion of the proposed closures within the Inner Dowsing, Race Bank and North Ridge SAC as part of the Closed Areas Byelaw 2021 to be formally presented to the Authority in December 2021**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Cllr Adams**

**All Agreed**

*At this point Andrew Bakewell left the meeting.*

**EIFCA21/43 Item 12: Wash Cockle & Mussel Byelaw 2021 update**

Senior IFCO Godwin gave a presentation showing progress made in the development of Wash Cockle and Mussel Byelaw 2021, and to put forward suggestion for next steps in the process.

The CEO advised members that dialogue with the industry had been challenging and he was concerned the views of individual fishers were not being heard, the CEO hoped to pursue this matter further and therefore the presentation of the byelaw had been delayed until the December meeting after a further opportunity had been provided to all stakeholders to attend and take part in small group discussions. This would enable officers to take into account the views of the collective as well as individual voices.

Senior IFCO Godwin advised that draft Policies had been developed it was intended that elements of the Wash Fishery Order 1992 that worked well would be converted into policies within the Byelaw. It was proposed that only 'beneficial' owners would be eligible to take out permits, this was in an attempt to prevent the practice of 'renting out' licences.

Mr Davies queried who would be responsible for an offence committed at sea, would it be the owner or a skipper? Members were advised that it was common practice across all fisheries legislation that the principle owner was responsible. It was also emphasised that the suggested 12 month suspension of a permit would only occur after a conviction in court, most offences don't go to court but it was vital to get the correct balance of deterrent.

Members were also advised that despite a decision being made at the previous Authority meeting to remove the 'Category Two' permit from the byelaw there had been feedback from the industry which suggested to protect Business Models there should be a second category of permit. It was anticipated that previous objections would be overcome.

**Members Resolved to:**

- **Note the progress made in engagement on the development of access policies for the replacement of the WFO 1992**
- **Agree to defer the final submission of the Wash Cockle and Mussel Byelaw 2021 until December 2021**
- **Agree in principle to re-consider separate categories of permits issuable under the Wash Cockle and Mussel Byelaw 2021**
- **Direct Officers to**
  - **Continue to pursue engagement with industry**
  - **Continue to liaise with respondents and other stakeholders in relation to the objection to the Wash cockle and mussel Byelaw 2021; and**
  - **Report to the Authority at the next full Authority meeting the results of the further dialogue and a final draft of the Wash Cockle and Mussel Byelaw 2021**

**Proposed: Cllr Adams**

**Seconded Mr Bowell**

**All Agreed**

**EIFCA21/44 Item 13: Wash Several Order Application**

Having been provided with comprehensive paperwork prior to the meeting, Members were given a short presentation on the need and process involved in replacing the several fisheries element of the Wash Fishery Order 1992.

Several fisheries, refers to those fisheries which are severed from the public fishery and are effectively areas of seabed, known as lays, which EIFCA lease to individual fishers. When the WFO 1992 expires in January 2023 so will the current Several Order applicable to these lays, consequently it is necessary to put a new Several Order in place to ensure this practice can continue.

Members were advised the replacement Several Order would differ slightly in the allocation of lays but the intention would remain the same that the areas of land would be available in order for fishers to cultivate stock which would hopefully make them less reliant on wild stocks.

Mr Williamson provided a brief summary of the history of lays in the Wash and the unfortunate way the available mussel seed had been depleted by the arrival of windfarms in the Wash. He also advised that currently no live shellfish can be transported to Europe as a result of Brexit, he hoped to alleviate that situation by applying for funding for purification plant that all fisheries could benefit from.

**Members Resolved to:**

- **Note the report including the process for applying for a Several Order**
- **Agree in principle to the draft fisheries Management Plan at Appendix 1**
- **Agree to submit a 'Form of application' to the Minister to include the draft Fisheries Management plan for the Wash Several order 2022**
- **Direct officers to consult with Natural England and stakeholders in relation to the fisheries management plan.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Cllr Adams**

**All Agreed**

#### **EIFCA21/45 Item 14: Quarterly Review of Annual Priorities and Risk Register**

Members were advised priorities were progressing as expected in line with guidance set out in the Business Plan for 2021-26.

The Risk register was continually updated, New Burden Funding remained an ongoing concern for all IFCAs. The CEO advised there would be a three year spending review in November, AIFCA had put forward a funding request which sat with Defra, if was hoped there would be a response to this request in the first quarter of 2022.

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

#### **EIFCA21/46 Item 15: CEO Update**

WASH COCKLE FISHERY 2021: It had become apparent that this fishery was predominantly small cockles which were thinly distributed, with reports of landing reasonable weights being a challenge. Reports of very small cockle being landed became a concern which prompted discussion around introducing a Minimum Landing Size. As a result of a quick consultation it as evident there was no agreement amongst the industry. The consensus was that in the long term this practice was not sustainable. However, as the fishery was almost two-thirds of the way through it was decided this was not the best time to introduce a MLS but it would be considered for future fisheries.

Areas within the fishery had been closed to fishing, with the intention that they would provide stock for next years fishery. Requests had been received for these areas to be opened as fishers anticipated the stock would be lost. However as the Senior MSO (Research) had examined the closed areas and saw what he had anticipated would happen the decision was made to keep the areas closed. The CEO felt that without trying new approaches the IFCA will never know what can be achieved.

CROMER SHOAL MCZ: The CEO reported that with so many Stakeholders wanting to take part in this process the management process had been reviewed, resulting in the development of a Business Planning Board and a Stakeholder Group which would allow a wider range of bodies to contribute.

In order to establish the extent of the chalk beds a new ROV had been bought which was proving to be very effective in mapping the features of the area.

Ten tracking devices had also been purchased which local vessels had agreed to use in order to establish patterns of fishing activity. It was felt these tools would be effective in addressing some of the concerns around fishing in the area.

FISHERIES MANAGEMENT PLANS: Members were advised there is a requirement to develop Fisheries Management Plans. All IFCA's were involved in the process with Kent & Essex IFCA taking the lead. EIFCA's involvement will focus on letting Defra know there is something to offer particularly with regard to stocks and making sure management is appropriate.

IVMS: This project had rumbled on the several years but the MMO were now pursuing it again. There would be a variety of approved devices with anticipated role out beginning in 2022. Larger vessels would be in the 1<sup>st</sup> tranche with smaller vessels becoming involved later in the year. The CEO emphasised that use of VMS was very important for EIFCA Management and essential for the brown shrimp fishery in the Wash.

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

#### **EIFCA21/47 Item 16 – 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 Chenery of Horsbrugh queried what was meant by a berried lobster. He was advised it was an egg bearing female lobster, removal of it from the fishery could potentially mean about 50,000 eggs were prevented from developing.

**Members Agreed to note the report**

#### **EIFCA21/48 Item 15 – Any Other Business**

No urgent items of business had been advised.

The Chair thanked Mr Butterfield for attending on behalf of Natural England.

There being no other business the meeting closed at 1329 hours.