

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



44th Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 9th June 2021 at 0930 hours in the Assembly Rooms, King's Lynn Town Hall.

Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr M Vigo Di Gallidoro	(vice Chair)	Suffolk County Council
Cllr T Adams		Norfolk County Council
Cllr E Back		Suffolk County Council
Shane Bagley		MMO Appointee
Stephen Bolt		MMO Appointee
Ian Howell		MMO Appointee
Cllr Chenery of Horsburgh		Norfolk County Council
Kieran Copeland		MMO Appointee
Cllr P Coupland		Lincolnshire County Council
Paul Garnett		MMO Appointee
Justin Rowley		MMO Representative
Cllr P Skinner		Lincolnshire County Council
Inge Smith		MMO Appointee
Mike Warner		MMO Appointee
Stephen Williamson		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Jon Butler	Head of Operations
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Sammy Hornbrey	Marine Science Officer

Minute Taker:

Jodi Hammond

Welcome

Cllr Skinner, as outgoing Chair, opened the meeting by acknowledging it had been a very different year despite which he was confident that by working as a team all issues could be solved.

New Members, Messrs Copeland, Howell, Ms Smith (MMO Appointees) and Councillors Adams (NCC) & Back (SCC) were welcomed to the meeting.

Members were also reminded the meeting was open to members of the public and was being live-streamed on YouTube.

EIFCA21/16 Item 1: Election of Chair of the Authority

The Clerk to the Authority requested nominations for the role of Chair.

One nomination was received.

Members Resolved to elect Councillor FitzPatrick to the role of Chair of the Authority.

Proposed: Cllr Chenery or Horsbrugh

Seconded: Cllr Skinner

All Agreed

Cllr FitzPatrick took the Chair, he thanked Cllr Skinner for work he did both visibly and behind the scenes on behalf of IFCA, and particularly for the way he handled matters during the Covid-19 pandemic.

EIFCA21/17 Item 2: Apologies for Absence

Apologies for Absence were received from, Ms Roberts (NE Representative), Dr I Hirst (EA Representative), Ms Davey and Messrs Davies, Shaul & Warner (MMO Appointees).

EIFCA21/18 Item 3: Election of Vice-Chair of the Authority

The Chair called for nominations for the role of Vice-chair. One nomination was received.

Members Resolved to elect Cllr Vigo Di Gallodoro to the role of Vice-Chair of the Authority.

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Back

All Agreed

EIFCA21/19 Item 4: Declarations of Members Interest

Messrs Garnett, Bagley and Williamson all declared an interest in items 11, 12 and 13 on the agenda.

EIFCA21/20 Item 5: Declared Pecuniary Interests

Senior IFCO (Regulation) provided members with a presentation on the outcome of further legal advice taken with regard to the management of members interests.

It was clarified that EIFCA take a 'species approach' which essentially meant if a member had an interest in a particular species, they would be given a dispensation to participate in discussion but not to vote.

The reason why such an approach was taken was actually to minimise the occasions when a member is not able to vote because there had previously been a tendency for all those with commercial fishing interests to refrain from voting on all fisheries management measures, even when they did not have a direct interest.

Legal advice had been taken, which confirmed that the approach taken was appropriate. It was also advised that advice may be updated at the next meeting.

Dr Bolt enquired whether this was the same approach across all IFCAs, the response was that each IFCA takes an individual approach. Dr Bolt suggested it might be worth checking what was best practice and contacting the Association to get that applied across all IFCAs. The CEO agreed to raise it at the Chief Officers Group meeting.

Members Agreed to note the content of the report and to continue to adopt a 'species approach' to considering whether members have a conflict in a matter for discussion.

EIFCA21/21 Item 6: Minutes of the 43rd EIFCA Meeting, held on 10th March 2021

Mr Williamson advised his name should have been included at minute EIFCA 21/03 as he declared an interest in items 8,10 & 11.

With this one amendment Members Agreed the minutes were a true record of the meeting.

EIFCA21/22 Item 7: Matters Arising

There were no matters arising which were not included as items on the current Agenda.
The CEO advised that the revised Standing Orders had been put on the Website.

EIFCA21/23 Item 8: Health & Safety Update

Members Agreed to note the content of the report.

EIFCA21/24 Item 9: Report of the Finance & HR Meeting held on 27th April 2021

Members were advised this paper was a matter for noting, it summarised the actions of the previous meeting.

Members Agreed to note the content of the report.

EIFCA21/25 Item 10: Wash & North Norfolk Coast Marine Partnership Memorandum of Agreement

Members had been circulated the paper in advance, no questions were raised.

Members Agreed that the Authority would continue as a member of the Wash and Norfolk marine Partnership and the MoA should be signed.

EIFCA21/26 Item 11: Wash Cockle Fishery 2021

Senior IFCO (Regulation) gave a summary of the steps taken to arrive at the proposed management measures for the 2021 fishery, including a brief overview of the Annual cockle surveys and the steps taken to arrive at the proposed TAC and closed areas.

Referring to the proposed management measures it was noted that although the opening date suggested was 14th June there had been some response to consultation that a later opening date of 21st June would be preferred. There was discussion as to what amount of stock could be lost to Atypical mortality if the opening date was delayed, and whether future fisheries would benefit from areas closed to fishing this year.

Consultation regarding closed areas had not reached a consensus so the decision was made to open one of the proposed areas but keep the other shut.

Proposed opening times had been compiled using well establish principles with the exception of adding in some Sunday openings which would allow fishing on the Holbeach Bombing Range. These days were for vessels targeting that bed only.

Opening of the Wash Restricted Area would not take place until the Byelaw to manage it had gone through, it was expected in the near future, at which time some of the management regulations would be altered.

Members were also asked to give delegated powers to the CEO to allow decisions to be made re management issues in an expedient manner. There were a number of factors to be taken into account during the season, including new regulations, birds, seal haul out sites, and die off of stock, any of which may need to be responded to quickly.

Referring to the closed areas, Mr Bagley acknowledged that zone A was now going to be opened but he requested that zone B be closely monitored as he had walked on the area the previous day and was concerned about die off. It was noted that whilst A had been opened it was not possible at this time to open B as it was also closed because as it was a seal haul out site, however the area would be monitored, although it as also noted the summer was very busy for the Research team working on the Cromer Shoal MCZ area.

It was questioned whether the Sunday openings could be extended to all open beds, however the CEO advised these dates were specifically reserved for the Bombing Range as the stock is not so easy to fish so fishers would target easier beds and the stock on Holbeach could be lost. In response to the question being raised about fishing Holbeach on other days Senior IFCO Regulation advised the beds could be accessed on later tides when the bombing range was not in use.

Mr Williamson felt with so much dead cockle about it would be difficult to land catches which did not contain a high percentage of shell, he questioned whether a degree of discretion could be applied by inspecting officers. Whilst the CEO could appreciate Mr Williamson's perspective, he had to reiterate the 2 tonne/day limit including the weight of bag, sand, shell etc. Good fishing practice could reduce the quantity of sand and shell and as managers of the fishery it was very challenging to meet the Habitats Regulations and protect MPAs as well as enabling a fishery.

Returning to the question of the opening date, Cllr Adams questioned what the majority decision amongst the industry was. Mr Garnett advised that the information in the Survey summary which stated 1% of the stock was being lost on a daily basis due to Atypical Mortality had caused concern which meant there was some support for an earlier opening. Mr Williamson felt that was probably 25% in favour of the fishery opening on the 14th.

It was requested that an amendment be made to the second recommendation in the paper and the opening date be delayed until 21st June.

Proposed: Cllr Skinner

Seconded; Dr Bolt

All who could vote Agreed

Members Resolved to:

- **Note the responses to the consultation with WFO licence holders, Nominated Representatives and endorse the consideration and proposed actions as the Authority's response to the consultation**
- **Agree to open the cockle fishery within the Wash Fishery Order 1992 on 21st June 2021 subject to receiving favourable conservation advice from Natural England.**
- **Agree to open the whole area of the WFO except for the areas proposed as closed as set out in Appendix 3.**
- **Agree to implement operating times for the fishery as at Appendix 3**
- **Agree to Licence conditions as at Appendix 4**
- **Agree to delegate authority to the CEO, in consultation with the chair or vice-chair, to introduce, vary or revoke management measures for the Wash Fishery order fishery**

including the open date, areas open or closed to the fishery, the operating times or Licence Conditions, including without 7 days' notice, where it is judged necessary to do so to meet the conservation objectives of the marine protected areas of The Wash or for the sustainability or the viability of the fishery.

- Agree subject to the confirmation of the Wash Restricted Area Byelaw 2019 by the Secretary of State, to open the associated fishery in accordance with the operating times set out in Appendix 3.
- Agree subject to the confirmation of the Wash Restricted Area Byelaw 2019 by the Secretary of State, to delegate Authority to the CEO in consultation with the Chair or the Vice-Chair, to introduce, vary or revoke flexible management measures under paragraphs 15, 19, 20, 22, 24, 25, 27 and 28 of the Wash Restricted Areas Byelaw 2019 in a manner consistent with the associated Formal Operating Procedure.
- Agree to delegate authority to the CEO, in consultation with the Chair or vice-chair, to introduce, vary or revoke licence conditions for the WFO fishery in the event that the revised Wash Fishery Order Regulations are consented by the minister during the 2021 cockle fishery.
- Agree to close the cockle fishery within the Wash Fishery order 1992 or the Wash Restricted Area, on the exhaustion of the Total Allowable Catch or to enable the start of the 2022 cockle surveys.
- Agree to delegate authority to the CEO, in consultation with the Chair or Vice-Chair, to close the cockle fishery in the Wash Fishery Order 1992 or the Wash Restricted Area, including without 7 days' notice where it is judged necessary to do so to meet the conservation objectives of the marine protected areas of The Wash or for the sustainability or the viability of the fishery.

Proposed: Cllr Skinner

Seconded: Dr Bolt

All who could vote Agreed

EIFCA21/27 Item 12: Wash Cockle & Mussel Byelaw 2021 update

Prior to discussion Mr Williamson advised members that because of movement within the industry, which he was part of, he would not be making any comment and if preferred he would leave the room. The Chair advised Mr Williamson could remain in the room.

Senior IFCO (Regulation) reminded members that it had previously been agreed to replace the Wash Fishery Order with a Byelaw, there had been a strong sense the industry would prefer a new Order.

At the last Authority meeting members had agreed to 'make' the Byelaw, following which formal consultation had taken place.

As a result of the consultation 117 responses had been received, many of which were copies of similar letters but signed by different individuals.

The main cause for concern amongst the responses related to access to the fishery rather than the byelaw itself. Particular concern was the long-term security, as the byelaw provides more flexibility and can relatively easily be amended there was concern about long-term business plans. All points of contention were provided in the papers for members to consider.

Members were advised that officers had considered the responses and had identified some areas where changes could be made to the byelaw wording which would be more conducive to the industry, but it was felt further dialogue was needed. It was therefore recommended that any decision be delayed until the next Authority meeting when a final version would be brought back.

The CEO added that he could understand the perspective that a byelaw is different to an order, but many issues had already been addressed. For example it was already agreed in principle that access to the fishery would be for a limited number of vessels, and that vessels with an entitlement to a permit would get one each year.

Members Resolved to:

- **Note the response to the formal consultation for the Wash cockle and Mussel byelaw 2021 as at Appendix 2**
- **Agree to endorse the proposed Eastern IFCA position in relation to the responses received as at Appendix 2**
- **Agree in principle to the amendments to the Wash cockle and Mussel byelaw 2021 as set out at Appendix 3**
- **Direct officers to:**
 - **Respond to objectors in accordance with the considerations at Appendix 2**
 - **Continue to liaise with respondents and other stakeholders in relation to the objections and measures to manage access to the fisheries; 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 Skinner

Seconded: Cllr Vigo Di Gallidoro

All those who could vote Agreed

EIFCA21/28 Item 13: Wash Cockle and Mussel Fisheries policy development

Members were advised that in a bid to alleviate the concerns of fishers with regard to the Wash Cockle and Mussel Byelaw 2021 a process had begun to develop measures to manage access to Wash cockle and mussel fisheries as part of the replacement of the Wash Fishery order 1992. The aim of the process was to achieve a level of access the fishery that was equitable, and which supported the viability of varying business models, the conservation objectives of The Wash and stock sustainability.

Members were provided with a brief summary of the papers which had been previously circulated explaining how a draft aim and set of objectives had gone out for consultation in Nov/Dec 2020 which had resulted in 58 responses which were analysed by officers and used to inform the final aim and set of objectives for managing access to the fisheries. During the process the draft objectives were amended or removed if they were no longer deemed appropriate.

Members Resolved to:

- **Note the content of the report**
- **Agree to the proposed final aim and set of objectives which would guide the development of management of access to the cockle and mussel fisheries in The Wash.**
- **Direct officers to develop the management of access to the fishery, via policies and eligibility criteria, including via consultation with industry as required to achieve the aim and objectives.**

Proposed: Cllr Chenery of Horsbrugh

Seconded; Dr Bolt

All those who could vote Agreed

EIFCA21/29 Item 14: Quarterly Review of Annual Priorities and Risk Register

The CEO advised that whilst New Burden funding had been received for the current year no guarantees had been made for the future. Whilst it was believed funding would be made available in some form it therefore remained on the Risk Register.

Members Resolved to note the report

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Skinner

EIFCA21/30 item 15: CEO Update

The CEO advised members that to celebrate World Ocean Day and the 10th Anniversary of IFCA's AIFCA had produced a series of

YouTube Videos which were very complimentary about the role of IFCAs.

Work on the Cromer Shoal MCZ was ongoing. A Project Management Group was established, and further work was continue to establish a wider stakeholder group. As part of this project EIFCA were hoping to Research the extent of rugged chalk as currently the full extent was not properly understood.

AIFCA had held a meeting the previous day, which provided an update on current issues, notes of which would be circulated to members. It was highlighted there was a period of change towards fisheries management.

Dr Bolt added that a report on a study into Highly Protected Marine Areas was available on the Defra website, it was anticipated it would go to consultation later this year with designation in 2022. At this time it was not known if any sites in EIFCA District would be affected.

At this point Cllr Coupland left the meeting.

Mr Bagley expressed concern about HPMAs may prevent the use of bottom towed gear and queried whether historical rights and evidence that it has taken place for many years could be used in mitigation.

The CEO assured members the areas in the EIFCA District would only be recommended for closure if the action was necessary to meeting the Authorities duties.

Association of IFCA Minutes were included for information.

Members Agreed to note the content of the report.

EIFCA21/31 Item 16 – Head of Operations Update

Members Agreed to note the report

EIFCA21/32 Item 15 – Any Other Business

As Cllr Goldson, who had served on EIFCA and its predecessor since July 2009, had not been re-elected Mr Williamson questioned whether it was appropriate to send a letter thanking him for his service.

The Chair advised the timeframe had been too short for this meeting, but it was intended to mark his service at the next Authority meeting.

There being no other business the meeting closed at 1125 hours.