

## **47th Eastern IFCA Meeting**

A meeting of the Eastern IFCA took place on Wednesday 9<sup>th</sup> March at 1010 hours in the Assembly Rooms, King's Lynn Town Hall.

### **Members Present:**

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Mr S Bagley		MMO Appointee
Dr S Bolt		MMO Appointee
Mr I Bowell		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
Mr K Copeland		MMO Appointee
Mr J Davies		MMO Appointee
Mrs G Roberts		Natural England Representative
Mr J Rowley		MMO Representative
Cllr P Skinner		Lincolnshire County Council
Stephen Williamson		MMO Appointee

### **Eastern IFCA (EIFCA) Officers Present:**

Jon Butler	Head of Operations
Imogen Cessford	Project Officer
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Kristina Gurova	Project Officer
Ron Jessop	Senior Marine Science Officer
Stephen Thompson	Marine Science Officer

### **Minute Taker:**

Jodi Hammond

The start of the meeting was slightly delayed due to the CEO being slightly delayed.

### **EIFCA22/01 Item 1: Welcome**

The Chair welcomed members to the meeting.

### **EIFCA22/02 Item 2: Apologies for Absence**

Apologies for Absence were received from Cllrs Adam (NCC), Back (SCC), Coupland (LCC) & Vigo Di Gallidoro (SCC), Dr I Hirst (EA Representative), Ms Davey, Mr Garnett, Mr Shaul and Ms Smith (MMO Appointees) and Mr Bakewell (Head of Finance & HR).

### **EIFCA22/03 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.

*At this point the Chair advised members that having been a member of the Authority for almost 12 years this would be Dr Bolt's last meeting. Dr Bolt was thanked for his contribution to the Authority and presented with an engraved compass.*

### **EIFCA22/04 Item 4: Minutes of the 46<sup>th</sup> EIFCA Meeting, held on 8<sup>th</sup> December 2021**

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

**Proposed: Cllr Skinner**

**Seconded: Cllr Chenery of Horsbrough**

**All Agreed**

### **EIFCA22/05 Item 5: Matters Arising**

There were no Matters Arising as all items requiring an update were included on the Agenda.

### **EIFCA22/06 Item 6: Health & Safety Risks and Mitigation**

The Head of Operations advised there had been three incidents reported during the quarter:

- Man Over Board in port which was reported to the MAIB but there had been no comeback, when an officer caught his foot in a fender rope.
- Trip & Fall – an officer fell over a mooring line
- An officer became stuck in the mud whilst collecting EHO samples. Mud training had been carried out and a review of EHO sample collection was being carried out.

Following Covid the office was open Monday – Friday, most staff were following hybrid working arrangements and the Enforcement Team were still largely working from home, a paper to review this would be discussed at the next Finance & HR Meeting.

Risk matrix had been refreshed, behaviour of stakeholders to officers continues to be looked at and a new risk relating to working at heights has been added following a new officer having pointed out that climbing down ladders onto vessels 6-7m down could be an issue. A piece of work into how to go down the ladders, and who is responsible for the condition of the ladders was being completed.

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

## **EIFCA22/07 Item 7: Meeting of the Finance & HR Sub-Committee held on 1<sup>st</sup> February 2022**

In the absence of the Head of Finance & HR the CEO presented members with the outcomes of the Finance & HR sub-committee. Whilst the paper was largely self-explanatory, members were advised the Head of Finance & HR had indicated his intention to retire in August 2022.

Members were also updated on the progress of the new vessel build. The financial elements had been finalised, there was a price increase as a result of engine changes, so now waiting for confirmation on the classification of the plans for the vessel, it was anticipated the build could begin in the next couple of months.

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

## **EIFCA22/08 Item 8: Strategic Assessment and Business Plan 2022-27**

Project Officer Gurova gave a brief overview focussing on the key highlights of these documents, both of which were available to view on the EIFCA website.

Members were advised the Strategic Assessment was an annual assessment of commercial fisheries in the District. It identified fisheries-related risks to stocks, the environment and industry viability and informed the organisational priorities as outlined in the Business Plan. The Business Plan was a rolling 5 year plan reviewed annually, providing the strategic framework within which EIFCA operated and described EIFCA's ability to deliver against their vision and priorities, whilst taking into account leadership arrangements, strength of the team, assets & equipment and financial management.

Following the presentation the CEO went through the priorities for 2022-2023. Like every other year there were too many priorities for the resources available but the more major priorities were identified as:

- Adaptive resource management for the Cromer Shoal MCZ
- Implementation of vessel management in the brown shrimp fishery
- Replacement of the WFO 1992 and the replacement of the Several Order

Georgie Roberts congratulated EIFCA on completion of the Red Risk areas which was a large piece of work to complete. The CEO advised that in the main the piece of work was almost complete but it should be remembered it was a joint effort and the working relationship with NE was excellent.

Mr Bowell advised he was pleased to note the inclusion of developing relationships with RSA in the list of future priorities.

**Members Agreed to Note the content of the Strategic Assessment including the priorities for 2022-23.**

**Members Resolved to:**

- **Approve the content of the Business Plan, including the priorities and plans for 2022-27**
- **Agree that the CEO would add the metrics to the Business Plan when agreed between Defra and the Association of IFCAs**

**Proposed: Cllr Skinner**

**Seconded: Mr Davies**

**All Agreed**

**EIFCA22/09 Item 9: Wash Mussel Fishery**

Senior MSO Jessop presented to members the outcome of the annual mussel surveys and the proposed management regulations based on the results.

Having worked through the survey results SMSO Jessop advised that stock levels were relatively high but there were high rates of mortality being reported both nationally and internationally thought to be due a range of environmental factors.

To open a mussel fishery there were a number of factors to take into account to meet the conservation objective targets. The Total stock needed to be above 12000 tonnes so the 13357 tonnes met that criteria. To have a harvestable fishery there needed to be a conservation target of 7,000 tonnes of adult stock, this has not been achieved since 2009, so a harvestable fishery would not be possible. For a seed fishery the management policy target of 5,000 tonnes would be met, allowing a fishery of 1357 tonnes however due to the condition of the fishery that level of stock being removed would not be sustainable, therefore the recommendation was that any seed fishery be limited to 980 tonnes, with the suggestion that 900 tonnes could be pursued by dredging vessels.

To prevent any fishery having an impact on individual beds it would be necessary to ensure beds maintained a density of 25 tonnes/hectare, this meant some beds would not be viable.

Taking all factors into account there were potentially six beds that could be opened to the seed fishery, each of which would have an individual maximum TAC to maintain the integrity of the beds.

Senior IFCO Godwin then advised members of the proposed management measures for a mussel seed fishery and the need for

regular reactive management. The key mitigation to approving the opening of a seed fishery was the CEO being delegated the ability in conjunction with the Chair and Vice-Chair to make a final decision on the opening of such a fishery if the outcome of the imminent cockle surveys suggest a mussel fishery would impact on the opening of a cockle fishery.

Welland Wall is a separate fishery which cannot be dredged, is very difficult to overfish and tends to self-manage itself. This bed is generally kept open most of the time, annual surveys tend to show consistent stock levels.

Mr Davies questioned the Die-Offs and whether it was certain size groups or everything that was affected. It was noted it was not all across the board, initially it was 2-3 year old mussels that appeared to be relatively healthy. Subsequently this pattern has followed, with the older mussels seeming to be surviving.

The question was raised whether it was worth keeping a bed of similar density and size closed to use as a comparison site to assess natural die off, and stock growth. It was not felt there was time to carry out a controlled experiment, but members were advised that comparisons were made each year.

Mr Bagley suggested it might be worth keeping it closed this year to try and increase the stocks rather than keep taking seed stocks each year, maybe just open Skate Run and keep everywhere else closed. MSO Jessop advised pre 2010 attempts were made to build the stocks up but the die offs in 2010 have meant only irregular fisheries and very erratic stock levels. The current danger was that mortality was having a bigger impact than fisheries.

In terms of longer term fisheries SMO Jessop tended to look at annual stocks and trends overtime, beds were only opened for fisheries when they believed the beds could sustain them. Currently trying to give a fishing opportunity before the mussels die, making the most of available resources and working around the die-off.

Mr Davies questioned whether keeping the mussels closed would protect the cockle fishery, he felt a bigger TAC for cockles would be better financially for fishers. The CEO felt that the proposed fishery was not likely to put the fishery at risk and the Authority was obligated to provide fishing opportunities, it would be an industry decision whether it was financially viable. Whilst he thought that the impact on the cockle fishery would be minimal, the proposed delegated authority would enable appropriate action to be taken if required.

Mr Williamson having heard all the information suggested only open for 80t handwork fishery and decide on the dredge fishery after the cockle surveys had been completed. The CEO did not believe evidence supported such a decision.

Having listened to discussion the Chair advised that to change the recommendations a proposal would be necessary.

**Proposal to amend the first bullet point recommendation to Open a Handwork fishery of 80t for 2022 season. Pend decision on opening the Dredge relaying fishery of 900t until 2022 cockle survey results are known. Then amend the final recommendation to delegate the opening of the dredge fishery to the CEO in consultation with the Chair and Vice-Chair.**

**Proposed: Mr Davies**

**Seconded; Cllr Skinner**

**5 votes in favour**

**1 against**

**1 abstention – motion carried**

The Chair felt this item had been well debated with the views of the industry being taken into account.

**Members Resolved to:**

**Note**

- **Note the findings of the 2021 Mussel surveys;**
- **Note the outputs of the consultation on proposed management measures with Wash Fishery Order License Holders;**
- **Agree in principle, pending formal advice from Natural England and consideration of responses to the consultation, to the following:**
  - **open a Handwork relaying fishery of 80t for 2022 season. Pend decision on opening the Dredge relaying fishery of 900t until 2022 cockle survey results are known;**
  - **to open the beds highlighted in the charts in appendix 1 to the 2022 relaying fishery, with the maximum exploitation rates for each bed as set out in table 2 in the report below;**
  - **that the dredge and hand-worked relaying fisheries will close on 31<sup>st</sup> August 2022 or when the respective quotas are exhausted, whichever is the sooner;**
  - **to maintain the Welland Wall mussel fishery as open;**
  - **the Licence conditions for the dredge and hand-work relaying fisheries and Welland Wall Mussel fishery at Appendices 2,3 and 4 respectively.**

**Proposed: Cllr Skinner**

**Seconded: Cllr Chenery of Horsbrugh**

**There were 2 abstentions all other able to vote were in favour – motion carried.**

- **Agree to delegate to the CEO in consultation with the Chair and Vice-Chair, taking into account the outputs of consultation with the industry and formal advice from Natural England, the following:**

- **open the handwork relaying fishery, and to consider the opening of the dredge fishery having taken account of the 2022 cockle surveys**
- **to close the relaying and / or Welland Wall fisheries, or parts thereof, for reasons relating to a sustainable fishery, prevention of impacts on site integrity of the Wash MPAs or viability of Wash fisheries;**
- **to introduce, vary or revoke licence conditions at appendices 2, 3 or 4 for reasons relating to a sustainable fishery, prevention of impacts on site integrity of the Wash MPAs or viability of Wash fisheries;**
- **to close individual beds to the fishery if associated total allowable catch has been or is likely to be exhausted in accordance with the associated licence conditions at appendix 2 and 3.**

**Proposed: Mr Davies**  
**Seconded; Cllr Skinner**  
**All Agreed**

#### **EIFCA22/10 Item 10: Wash Fisheries Economic Assessment presentation**

Members were provided with a brief outline of the Economic Assessment of the Wash fisheries which had been carried out by MarFishEco to inform replacement of the Wash Fishery Order 1992, and specifically to inform decisions on how to manage access to the Wash cockle and mussel fisheries.

The initial recommendations from the report were that

- the current number of vessels and past TACs appeared to provide a good balance of sustainability and economic return.
- Whelk and shrimp should not be relied upon to take pressure of the cockle at any time
- Shrimp needs better understanding and effort management
- Increased understand of the cockle would help ensure maximum utilisation, more data would be better for sustainability and economic prosperity
- Cockle fishery in its current form is economically viable
- Any new licence conditions must take account of waiting lists, active fishers versus non-active, number of licences head and fishery compliance
- All licences should be actively fished or put back into a common pool
- A dredge fishery should be avoided
- Fishers should have licence stability to some extent

Following the presentation Mr Bagley was pleased to note EIFCA have the level of fishing right. Mr Davies felt the shrimp fishery also needed to be taken into account and the effect a lack of cockle fishing would have on the shrimp fishery as vessel owners need to make a living, he also expressed concern about growing costs and the need for a fishery all year round.

Mr Williamson questioned when the information gathering had started, this was 2014 for the catch data. He also expressed concern that all the shrimp data required had not been available as it should be possible to get it from the MMO and it showed a very good baseline. The shrimp price and market is completely out of industry control, it is normally a stable market but there can be anomalies, e.g. Covid. Mr Williamson was also surprised there was thought to be a decline in whelk fisheries as there were fishers choosing to pursue whelk rather than other fisheries.

**Members Agreed to Note the emerging findings of the Wash Economic Assessment presented by MarFishEco.**

*At this point there was a 6 minute break*

**EIFCA22/11 Item 11: Wash Cockle and Mussel Permit Byelaw 2021 Access Policies**

Members were provided with a presentation of what was considered to be very close to the final draft of the Policies for access to the Wash fisheries prior to going out to consultation. There remained some concern around inclusivity in the fishery and whether the Authority would want to reconsider the re-distribution of licences. The CEO felt if the Authority were minded to consider that, it would be a discussion for another day.

The presentation by Project Officer Cessford gave an overall summary of the proposed policies, with key developments and considerations that had taken place since they were last before the Authority being highlighted.

The CEO made a point of explaining the issue of renting out would be addressed by ownership and the vessel owner proving they are the beneficial owner who gains profit and maintains the vessel. Members were also advised that the proposed Permit Penalties had been discussed with solicitors and industry consultants and were considered to be both a deterrent but also proportionate. It was questioned whether the suspension applied to the skipper or the owner of the vessel, Senior IFCO Godwin advised that the permit would not be able to be used, so it applied to both.

Mr Williamson noted there was a reference to 61 permits and no dormant permits, this led him to question whether this meant the permits would be taken away from Brancaster fishermen. The CEO

advised that this was not the case as they would still meet the criteria to hold a permit.

Mr Williamson then questioned whether the vessels 'Renting Out' would have permits refused. The CEO advised these vessels would not pass phase 1, they would then be eligible to apply to phase 2 when the points system would take effect, the likely outcome of this would be that the beneficial owner would get the permit.

Mr Davies queried the proposed training course for fishers who have fished all their lives, he questioned whether there was a cost and how often the course would run? It was advised the purpose of this was to ensure fishers are aware of the many MPAs within the Wash and they are aware of their responsibilities when fishing in the area, the intention is not to be onerous but to help mitigate when doing an HRA. It was not intended there would be a charge for what was likely to be a half day course for prequalified representatives. The CEO advised the course would be available when required, there was no intention to put up hurdles.

Mr Bagley questioned whether the 61 permits could increase or decrease based on the years fishing availability. The CEO advised the number of permits would not change on a yearly basis but any changes could be considered in exceptional circumstances.

Proof of beneficial ownership was questioned, this was still being considered but it was suggested this could be Bills of Sales, bank accounts, business records and transactions, all of which should be easy for a genuine beneficial owner. As well as MCA certificates and MMO licence.

The limit of 8 permits was discussed and how it would be possible to get 8 permits, the CEO advised that taking into account equitable access to the fishery 8 would be a maximum, above that they would be excluded.

It was questioned whether this process would end up going to an Emergency Byelaw, the CEO did not believe there was any reason why it should. There was nothing in terms of legal QA by the MMO which would suggest this was likely. It would shortly go back to the MMO then to Defra, at which point it was in their hands. For clarity the CEO advised the Authority had done everything possible to get the byelaw in place in time.

*At this point the CEO read the thoughts of Mr Garnett – who had sent his apologies*

**Members Resolved to**

- **Note** the key decisions and rationale on the key areas;
- **Approve** the policies to manage access to the fisheries under the Wash Cackle and Mussel Byelaw 2021;

- **Agree** to delegate authority to the CEO to make changes to the wording of the policies which did not alter their intended effect, prior to formal consultation;
- **Direct** Officers to undertake formal consultation with stakeholders on the policies and report the results and any recommended changes at a subsequent Authority meeting.

**Proposed:** Cllr Chenery of Horsbrugh

**Seconded:** Dr Bolt

**All Agreed**

### **EIFCA22/12 Item 12: Wash Fishery Order 1992 Interim Policies**

SIFCO Godwin advised there were already Policies in place that address the issuing of licences under the WFO including the ability to change licence holders and vessels on a licence. With the formal consultation of the new policies it was proposed there be a moratorium on transferring licence of changing vessels named on licences. Prior to this being brought to the meeting the CEO, Chair and Vice-Chair had put this decision in place on 22.02.22, prior to this an application for the transfer of a licence within an established family business had been approved.

**Members Resolved to:**

- **Note the rationale for revising the Wash Fishery Order 1992 Interim Policies**
- **Agree to implement the revised Wash Fishery Order 1992 Interim Policies at Appendix 1 with immediate effect**

**Proposed:** Dr Bolt

**Seconded:** Cllr Chenery of Horsbrugh

**All Agreed**

### **EIFCA22/13 Item 13: Wash Fisheries Transition Sub-Committee**

The CEO reminded members the idea had been raised at the last Authority meeting, the proposal was to have a sub-committee to deal with the issue of the allocation of WFO licences to the new permit system, with the sub-committee being the decision makers. The proposed membership did not include anyone with a DPI related to those fisheries.

**Members Resoled to:**

- **Agree to establish the Wash Fisheries Transition sub-Committee**
- **Appoint the members named in this paper to serve on the Wash Fisheries Transition sub-committee**

**Proposed:** Cllr Chenery of Horsbrugh

**Seconded:** Dr Bolt

**All Agreed**

## **EIFCA22/14 Item 14: Review of Constitution and Standing Orders**

Members were reminded that annually the Constitution and Standing Orders are reviewed and their legality considered by NPLaw in the event of changes to legislation.

Minor administrative changes were proposed, including adding the Wash Fisheries Transition sub-committee to the scheme of delegations and a reflection of practice that the approval of MoAs of partnership authorities would fall into the remit of the CEO rather than the Authority. However national workstreams would be in consultation with the Chair and Vice-Chair.

**Members Resolved to Agree to the proposed changes to the Constitution and Standing Orders.**

**Proposed: Dr Bolt**

**Seconded; Mr Davies**

**All Agreed**

## **EIFCA22/15 Item 15 – Quarterly review of annual priorities and Risk Register**

The CEO advised this paper was a standard update of progress against annual priorities.

There were two changes to the Risk Register.

The first being there was still no update to the replacement for New Burden Funding.

The second was the WFO Several Order Replacement is beginning to run out of time, in the event of it not being completed in time it is suggested for the first year or two of the new Several Order existing policies be maintained.

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

## **EIFCA22/16 CEO Update**

All the main issues had been incorporated in the meeting agenda.

The CEO advised the MMO had just completed a recruitment round for IFCA Authorities. EIFCA had three vacancies due to occur, Dr Bolt was moving on, but Mr Bagley had his membership extended for 18 months and Mr Garnett had his membership extended for 3 years. The other successful applicant, pending checks, is Mr Goldson.

## **EIFCA22/17 Item 17 – Operational Update**

This paper was included as a matter or report any questions could be addressed to the Head of Operations.

The CEO highlighted to development of the Boston Power Incinerator. MSO Thompson gave a brief overview of the process to date and the responses made by EIFCA.

Mr Bagley advised that they had put in an objection to the plant, their biggest concern being pollution going into the water from washing down the site, ash from the chimneys, and the amount of constant dredging in the river which would release a lot of sediment which would get into the water column.

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

*At this point Dr Bolt left the meeting*

### **EIFCA22/18 Item 18 – Recreational Sea Angling Strategy**

Mr Bowell noted there was no mention of a Recreational Sea Angling Strategy within EIFCA. He has questioned why this was when Recreational Sea Anglers should also be taken into consideration by IFCA's. Whilst he was pleased to hear it mentioned in the Strategic Assessment, he would like to raise the issue for consideration.

The CEO advised there had previously been a Recreational Sea Angling Strategy which had withered on the vine. He was however interested to see what it would add in terms of value. It has been reflected in terms of future priorities, and EIFCA have been engaged in the work of the Angling Trust.

Mr Bowell advised that it was touched on in the Strategic Assessment that information from RSA is wanted, to do that you need to talk to them. He knew of clubs with fish catches going back 20 years, but no one has asked for it. He also advised there were species that could provide diversity to commercial fishers when times are difficult.

He felt it was important to engage with the whole of the District, whilst he understood cockle and mussel were important, he had yet to hear or anything south of Cromer. The CEO responded by advised that EIFCA was well engaged with the Suffolk Coastal Forum but unfortunately the requirement to prioritise work meant that the Wash fisheries tended to take priority of late.

### **EIFCA21/19 Item 19 - Any Other Business**

There were no other matters for discussion

There being no other business the meeting closed at 1335 hours.