

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



42nd Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 9th December 2020 at 1030 hours via Zoom video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (Statutory Instrument 2020 no.392).

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 P Coupland		Lincolnshire County Council
Tania Davey		MMO Appointee
John Davies		MMO Appointee
Paul Garnett		MMO Appointee
Cllr T Goldson		Suffolk County Council
Georgina Roberts		NE Representative
Justin Rowley		MMO Representative
Keith Shaul		MMO Appointee
Rob Spray		MMO Appointee
Cllr M Vigo Di Gallodoro		Suffolk County Council
Mike Warner		MMO Appointee
Stephen Williamson		MMO Appointee
Stephen Worrall		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance and HR
Jon Butler	Head of Operations
Imogen Cessford	Project Officer
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Sammy Hormbrey	Marine Science Officer
Ron Jessop	Senior Marine Science Officer
Judith Stoutt	Senior Marine Science Officer
Stephen Thompson	Marine Science Officer

Minute Taker:

Jodi Hammond

EIFCA20/35 Item 1: Welcome

Cllr Skinner opened the meeting. Both Georgina Roberts (NE Representative) & Justin Rowley (MMO Representative) were welcomed as new members to the Authority.

EIFCA20/36 Item 2: Apologies for Absence

Apologies for Absence were received from Cllr Chenery of Horsbrugh (NCC), and Dr I Hirst (EA Representative (MMO Appointee)). Cllr Vigo Di Gallidoro would be joining the meeting slightly late.

EIFCA20/37 Item 3: Declarations of Members Interest

Members were advised that 5 members had been reappointed in October, consequently their DPI's had been reviewed, in addition a further member had a change in circumstances which also reflected a change in DPI.

As a result of the review three were found to have conflicts of Interest for which they would have a dispensation to contribute to discussion but not the vote.

Following the preparation of the meeting papers a further change had been notified, however, as this was just a change of vessel it would not change that members current DPI.

Members Agreed to Note the revised list of Disclosable Pecuniary Interests (DPIs) for MMO Appointees (Appendix 1) and the assessment of DPI conflicts with Authority Business (Appendix 2).

Members Resolved to grant dispensations from s.31(4) of the Localism Act 2011 (c.20) to MMO Appointees, as set out in Appendix 2, to allow participation in discussions of matters for which they had a DPI for the period of four years or until their term of service is expired (whichever is first).

Proposed: Cllr Goldson

Seconded: Mr Worrall

All Agreed

EIFCA20/38 Item 4: Minutes of the 41st EIFCA Meeting, held on 9th September 2020

It was noted that in Item 10 on the minutes Ms Davey's surname was incorrect.

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

Proposed: Mr Worrall

Seconded: Cllr Coupland

All Agreed

EIFCA20/39 Item 5: Matters Arising

EIFCA20/21 WFO 1992 REPLACEMENT: The CEO advised that the Fisheries & Conservation Management Working Group had

discussed the replacement of the WFO. It was anticipated the replacement Byelaw should be reasonably straight forward. The key issue would be access to the fishery, a new policy would have to be established to address this. An overall aim and series of objectives had been produced which had gone out to the industry for consultation. Due to restrictions as a result of Covid-19, online meetings were being held with fishing associations to gather the industry's views.

It was apparent there were very strong views among the industry that the Order should be replaced with another Order rather than a byelaw as there was a misconception, they would automatically retain current licence entitlement rights under a new Order. This was not the case, all current rights expire with the Order. Changes in legislation had come into force since the WFO was put in place including the MaCAA which gave IFCA's the power to use a Byelaw rather than a Regulating Order. Legal advice had been sought to ensure a byelaw was the best route to go down, the result of which was that there was no clear rationale that would stand scrutiny to having another Order. It was the CEO's intention to bring the proposed Byelaw to the next Authority meeting.

Mr Williamson expressed the concern of what he felt was 90% of the industry that they would prefer to retain a Regulating Order.

Mr Brewster advised that industry members had raised concerns and questions but had not received answers to these questions. He acknowledged the CEO expressed concerns about current licences being rented out, which Mr Brewster disputed was happening and was happy to discuss this separately with the CEO. He also expressed concern about the possibility of increasing the number of permits available to the fishery and the uncertainty of how access to the fishery would be governed. He was particularly concerned following the CEO's alleged comment that he would "pull names out of a hat", this was not acceptable as fishermen would not be able to draw up Business Plans on that basis. Mr Brewster expressed concern for the longevity of the Industry and how any mistakes made now could affect it.

Mr Worrall noted the concern among the industry and suggested it may be possible to allay some of their concerns if the table displaying the decision-making process was circulated.

The CEO did not agree with Mr Brewster and advised that officers had asked Boston fishermen what their concerns were about a Byelaw replacing the Order and they had been addressed and confirmed by legal advice. Unfortunately industry did not appear to accept this, and he suspected that the fears felt by the industry could not be allayed until the policy making process began but due process had to be followed.

Cllr FitzPatrick reminded members the decision to go down the route of a byelaw had been made by the Authority, he suggested looking at the comparisons again, and legal advice which had been given. He emphasised the need to work together for the good of the industry.

At this point Mr Brewster advised he was leaving the meeting, he felt he was not given the opportunity to respond to the CEO and despite having been a member for 22 years at this point he was not proud to be on the Committee.

EIFCA20/40 Item 6: Health & Safety risks and mitigation

During the previous quarter only one minor incident had been reported, which was a bump on the head. Following the Head of Operations attending a training course it seemed there may be a need to address shock mitigation.

Covid-19 continued to affect every day working lives. Officers were still working from home. Any who had to go to the office, Unit A or the Vessels were required to scan the QR code on entering.

Members Agreed to note the content of the report.

EIFCA20/41 Item 7: Report of the Finance & HR Meeting held on 3rd November 2020

The Head of Finance & HR advised the Internal Audit report had been received from Norfolk County Council, all controls were found to be acceptable. The full report would be provided at the next Finance & HR Meeting

Members Agreed to note the content of the report.

EIFCA20/41 Item 8: Budget and levies 2020-21 and Budget Forecast to 2025

Members were provided with the detailed figures for both the 2020-21 levies and the Forecast to 2025. There remained uncertainty around New Burden Funding, so figures had been prepared showing the effect with and without New Burden Funding. It was apparent that without the funding Reserves would run out fairly quickly.

Members Resolved to Approve:

- the Budget 2021/22
- the Levies for 2021/22
- the Forecast for the following 4 years to 2025/26

Proposed: Cllr Goldson

Seconded: Mr Worrall

All Agreed

EIFCA20/42 Item 9: Authority Meeting Dates 2021/22

Members were provided with a schedule of meeting dates which followed the standard procedure.

Unfortunately the Finance & HR Meeting on 4th May would clash with local elections, it was therefore agreed to move this meeting to 27th April 2021.

Mr Davies also advised he would not be able attend the FCMWG meeting in January. He also advised that 1030 was not a good time for these meetings, if they were held later in the day it would allow fishers to get a day's work in before the meeting. It was agreed to change them to afternoon meetings.

Members Resolved to Approve the list of Meeting dates, subject to the agreed amendments.

Proposed: Cllr Skinner

Seconded: Mr Davies

All Agreed

EIFCA20/43 Item 10: Whelk Permit Conditions Review

It was noted that for this item of business Messrs Garnett, Williamson, Shaul, Warner & Davies, and Ms Davey had a DPI, they would be able to contribute to discussion but not vote.

The Senior IFCO Regulation advised members that data analysis had found effort was too high in certain areas, however, there had also been some incorrect data recorded as a result of inaccurate catch returns so further analysis would be carried out.

In addition, some issues around non-compliance had arisen which needed to be addressed. It was proposed that four Whelk Permit Conditions should be introduced, subject to consultation and legal advice.

These conditions related to:

- Prohibition of fishing and ineligibility for a permit when convicted of an offence or if a Financial Administrative Penalty has been accepted for non-compliance.
- Requirement to separate catch caught inside the District from that caught outside the District.
- Requirement for catch returns to be completed within 24 hours of fishing.
- Prohibition on fishing when catch returns are more than a month in arrears.

There were other issues to be addressed such as use of edible crab for bait and use of cheap plastic whelk pots which could be contributing to marine plastics, but these needed further exploration.

In order to show due diligence, there was a legal process to follow before the permit conditions could be put in place, this included seeking legal advice, formal consultation, and an impact assessment before a final decision would be made by CEO.

Questions were raised re the riddling of whelk as often they may be too fat to pass through the riddle but too short to meet the MLS. Members were advised that the riddle remained the best method of measuring and Officers used discretion when inspecting catch. It was also explained that prior to determining catch was undersized a bucket sample would be taken to ascertain the percentage undersized, if it was found to be a high percentage a further sample would be taken and assessed.

Mr Garnett was concerned that as EIFCA were not able to prevent poaching in the Wash it would not be possible for Officers to ensure unmarked gear was not being worked. He also questioned how Officers were able to state that stocks were low when it could be that they were at a low point in a cycle which may be about to encounter a natural increase.

There was also discussion into the positioning of escape holes, the potential for even expensive plastic whelk pots to contribute to marine plastics, the difficulties with labelling gear from inside and outside the District separately, and recording of landings within 24 hours – this was thought to be acceptable as it was not expected that a return be sent in within 24 hours.

Members Agreed to note the content of the report.

Members Resolved to:

- **Agree in principle and subject to legal advice to introduce the Whelk Permit Conditions and eligibility criteria at Appendix 1 and 2 respectively.**
- **Direct officers to undertake consultation with whelk permit holders in accordance with Schedule 1 of the Whelk permit Byelaw 2016.**
- **Agree to delegate authority to the CEO, in consultation with the Chair and Vice-Chair to:**
 - **make amendments to the proposed permit conditions and eligibility criteria which do not substantially alter their intention;**
 - **consider finalised permit conditions, eligibility criteria, impact assessment and representations made during consultation; and**
 - **to make the final decision with regards to introducing the permit conditions.**

Proposed: Mr Worrall

Seconded: Mr Bolt

All Agreed

At this point Senior IFCO-Regulation advised that Mr Williamson had informed him that his DPI now applied to crab and lobster, fortunately the following two items did not decide management measures, therefore, there should be no conflict for the duration of this meeting so Mr Williamson would be able to contribute to discussion.

EIFCA20/44 Item 11: Crab & Lobster Fisheries Improvement Plan

MSO Hornbrey advised members that the Marine Conservation Society had downgraded the rating for the Southern North Sea crab and lobster fishery in their Good Fish Guide. It's current rating of four suggested that the 'stock should not be considered sustainable, and the fish is likely to have significant environment issues associated with its production'. As a consequence some buyers were no longer sourcing Southern North Sea stock, resulting in substantial economic concerns.

It was thought the best way forward for this fishery was a Fisheries Improvement Plan (FIP). This would require active participation across the supply chain. The process began in February, a scoping assessment had been completed and a proposal for the FIP had been developed which identified the key objectives to address sustainability issues.

It was noted the project was industry led, with EIFCA taking a supportive role.

Cllr Goldson felt the lack of supermarket buyers may not be down to the sustainability of the market, it could be down to price. He also enquired what evidence there was that stocks were declining as they are well known to move around the coast.

It was explained that the EIFCA District falls into the much larger region know as the Southern North Sea. Cefas had carried out surveys on the area as a whole and found declining stock levels.

In addition to this EIFCA's own assessments suggested levels were at or very close to the Maximum Sustainable Yield.

Mr Davies acknowledge he would like to see the rating change, but he was concerned that how ever much effort was made to improve the fishery, it wouldn't be enough unless the District was assessed as a different category. The CEO advised that for the MCS to look closely at the EIFCA District fishery could be a double-sided coin as they may dispute the different MLS within the district compared to the national MLS.

The CEO felt that because the rating related to the southern North Sea and because EIFCA had no influence on a regulatory basis outside district boundaries, the FIP may be the best way to bring in voluntary measures to support the industry and maintain sustainability.

Cllr Goldson queried whether other areas would be adhering to any voluntary measures to ensure a level playing field. It was advised that both KEIFCA and NEIFCA were being closely liaised with, and the MMO would hopefully agree to a joint approach for stock outside 6nm. It was hoped that once the industry realised non-compliance may affect their earnings they would agree to a voluntary scheme.

Members Agreed to note the content of the paper.

EIFCA20/45 Item 12: Cromer Shoal Chalk Beds MCZ Update

Members were advised that NE had provided advice that potting was having an impact on the subtidal chalk beds. It seemed that active potting, lost pots and storing of pots in the area were all impacting on the outcropped chalk.

It was suggested an Adaptive Risk Management approach would be the key to moving forward, with collaboration from fishermen, EIFCA, NE, University of Essex and Agents of Change, working towards a management plan with full consultation with the industry.

Cllr Goldson was concerned NE were making this suggestion with no evidence, he could not support a scheme with no evidence. The industry had been fishing this area for 100's of years and it had been sustainable, he wanted to see the practical, physical, visible evidence.

Members were advised NE had received photographic evidence and commissioned a study to look at the condition of the chalk in relation to shanks of pots on the seabed. NE had spent a year collecting evidence and had published a report (which was available on EIFCA website), taken legal advice and hoped to work in partnership with EIFCA and the Industry.

Mr Warner questioned what the photographic evidence was based on, was there some historical data or was this evidence just setting the baseline. Having recognised the importance of the fishery Mr Warner had contacted Seafish who were prepared to carry out a full economic assessment of the fishery. He had also contacted the SAGB, he would like to see both bodies included in discussions going forward. He felt conservation mattered across the whole sphere, not just the ecosystem but the heritage as well.

The CEO advised that EIFCA had got the information from NE and had done their own research. It had to be accepted that damage could be irreparable, but it needed to be ascertained if this was the case, was the damage damaging the functioning of the site. It needed to be ascertained what was an acceptable level of damage.

Mr Spray believed there had been sufficient access to the evidence this finding was based on. He added that divers and conservationists had been concerned for a long time, he had raised the issue at previous Authority meetings, but it had not been well received. He was pleased to see NE had stepped in.

Mr Shaul expressed concern about the data being used by NE when he enquired how they are arrived at 10,000 pots being worked in the area, the response was that they had counted the buoys, which he calculated equated to 650 shanks for which there was not sufficient space.

Mr Davies also felt there were holes in the report, no account had been taken on weather activity, nature had a large impact on the grounds.

Cllr Vigo Di Gallidoro joined the meeting

Ms Davey felt it might be beneficial to provide members with NE reports and the matter could be discussed at the next FMCWG, although she would not want the establishment of a Steering Group to be delayed.

Cllr FitzPatrick emphasised the importance of the Cromer Crab fishery and felt members need to do something more than 'note' the report.

The CEO advised members the intention of the paper was to advise members this was going on and that officers would report back to a future meeting with a clearer picture and any proposals. He advised that if Adaptive Risk Management could not be agreed on then NE advised that EIFCA would need to take a precautionary approach, which could have a greater impact on potting activity.

Mr Bolt reminded members that whilst EIFCA had Statutory Responsibilities so did NE, and if insufficient evidence is gathered the precautionary principle would have to be applied.

Members felt strongly that this matter needed to be discussed in more detail and requested the recommendation of the paper be amended.

Members Resolved to propose an alternative recommendation to that in the prepared paper, which was to direct Officers to engage in the proposed Adaptive Risk Management approach, to engage with the FCMWG and to bring the matter back to the Authority at an appropriate point.

Proposed: Cllr FitzPatrick

Seconded: Cllr Skinner

All Agreed

Members Resolved to direct Officers to engage in the proposed Adaptive Risk Management approach, to engage with the FCMWG and to bring the matter back to the Authority at an appropriate point.

**Proposed: Cllr FitzPatrick
Seconded: Cllr Skinner**

EIFCA20/46 Item 13: Mussel Survey 2020

SMSO Jessop gave members a brief synopsis of the mussel fishery trends over the previous 30 years. During the 1990s the stock had improved from an all time low to a level where it was possible to have an annual fishery. In 2010 there was a massive decline, subsequent to this decline there had been constant problems with mussel stocks, largely due to very high mortality of young mussels.

The gradual decline meant that in 2019 there were less than 8,000t which was well down from the 12,000t required to meeting the Conservation Objective.

This year it seemed growth of older mussels had increased the biomass by approximately 3,000t. It had not been possible to carry out surveys on 4 beds, three of which were small and it was estimated would have a total of 200t between them and the third was estimated to have 500t, even with these beds it would still be below the threshold to enable a fishery.

The Welland Bank was treated as a separate fishery due to its location and the fact it was very difficult to over fish.

The proposal was that there should be no intertidal fishery, but the Welland Bank fishery would remain open.

At this point Mr Warner left the meeting

Mr Garnett enquired whether the increase in mussel stocks would mean there would be no effect on the cockle TAC. SMSO Jessop advised that there may be slightly less reliance on the cockles, however, as the Bird Food Model was being revised this may change.

Mr Bagley, having noted NE were looking into funding for the Cromer Shoal Area, queried whether they could do the same for the mussel fishery. Ms Roberts agreed this was something that could be looked into.

SMSO Jessop advised that EIFCA had started a study with CEFAS, 5 departments were looking into the cause of mortality in mussels,

and cockles would be added to the study in March. He added that once the results were known additional funding may be required.

Mr Williamson advised that if there was any thought that adding seed mussel to the fishery could be beneficial, he could provide details of where to source them.

Members Resolved to:

- **Note the findings of the 2020 Mussel surveys.**
- **Note there was not an opportunity to open the inter-tidal mussel beds to the 202/2021 fishery without having an adverse impact on the site features.**
- **Agree to maintain the Welland Wall mussel fishery as open to relaying and harvestable fisheries.**
- **Agree to issue the licence conditions and adopt the enforcement policy as at Appendices 1 and 2 in relation to the Welland Wall mussel fishery.**
- **Agree to delegate authority to the CEO to vary and/or revoke management measures for the Welland Wall mussel fishery as may be required.**

Proposed: Cllr Fitzpatrick

Seconded: Mr Worrall

All Agreed

EIFCA20/47 Item 14: Quarterly review of annual priorities and Risk Register

This paper showed members progress against business priorities. The CEO felt the paper was self-explanatory. The highest risk was that the replacement for New Burden Funding for 2021-22 had yet to be confirmed by Defra. The CEO noted that whilst Defra had secured a modest overall increase to their own funding, EU exit may have an effect on their internal budgets.

Members Agreed to note the content of the report.

EIFCA20/48 Item 15: CEO Update

Members were advised that the Evaluation of IFCA's had been completed and was awaiting publication

Association of IFCA Minutes were included for information.

Three members had completed the maximum allowable membership of an IFCA in October 2020, due to current circumstances these had been extended for a further 6 month period whilst the MMO actively recruited new members.

Members Agreed to note the content of the report.

EIFCA20/49 Item 16 – Head of Operations Update

Having read through the papers in advance members were content with the information provided.

Members Agreed to note the report

EIFCA20/50 Item 17 – Any Other Business

Cllr Goldson acknowledged it was late notice but having seen Mr Brewster leave the meeting the way he had Cllr Goldson enquired whether it was possible to reach a compromise by showing the industry the current policies compared to future policies so they could see there was no difference.

The Chair thought it was possible to exhibit a draft policy, but it was not possible to guarantee this would be the final policy.

The CEO felt this was difficult to produce as there was a process to follow which would inform the development of the policy. He was continuing to get the views of individuals rather than the collective in an attempt to get a full understanding of industry perspective. It was however Agreed it was possible to summarise the decisions taken to far and re-circulate the comparison tables.

In terms of developing the policies it was agreed consultation would take place with the industry.

It was a delicate balance in making sure the Industry felt consulted whilst also meeting the Authority's obligations.

There being no other business the meeting closed at 1400 hours.