

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



Action Item 1

Eastern Inshore Fisheries and Conservation Authority Meeting

14 September 2022

Disclosable Pecuniary Interests (DPIs)

Report by: Luke Godwin (Senior IFCA – Regulation)

Purpose of Report

To report on the consideration of Disclosable Pecuniary Interests of newly elected members including consideration of dispensation from 31(4) of the Localism Act 2011 (c.20).

Recommendations

It is recommended that members:

- **Note** the revised list of pecuniary interests (Appendix 1)
- **Note** the consideration of Disclosable Pecuniary Interests under s.33 of the Localism Act 2011
- **Agree** to grant dispensation from s.31(4)(a) in accordance with Appendix 2

Background

Section 31(4) of the Localism Act 2011 (hereafter 'the Act') requires that any members who have a Disclosable Pecuniary Interest (DPI) in a matter at a meeting cannot participate in the associated discussion or vote on the matter. S.33 of the Act enables the Authority to grant dispensations from this requirement to enable participation in discussions and/or voting on a matter having had '*regard to all relevant circumstances.*'

Report

In September of 2022, Mr Lee Doughty was appointed to the Authority as a 'general member'. In accordance with the process established at the 34th Eastern IFCA meeting, Mr Doughty is identified as having DPIs which will be in conflict with likely agenda items.

Mr Doughty's DPIs are set out in Appendix 1 within a revised DPI register. Due to the timing of Mr Doughty's appointment, the register is 'provisional' pending formal endorsement of the information provided by Mr Doughty.

Consideration has been given to dispensation under the Act to participate in discussions and to vote on matters for which he has a DPI which is at Appendix 2.

In summary, the assessment identifies that granting dispensation to enable Mr Doughty to participate in discussions on matters for which he has a DPI (i.e. from s.31(4)(a) of the Act) would be in keeping with s.33 of the Act.

Consideration of s.33 does not support granting dispensation to enable voting on matters for which a DPI is held (i.e. in relation to s.31(4)(b) of the Act).

Financial Implications

None identified

Legal Implications

Authority decisions can be undermined by the perception of bias during discussions and voting on matters.

In addition, there is a legal risk to members, in the form of an offence under the Act, if DPIs are not declared or if they breach s.31(4) of the Act (under s.34 of the Act).

The provisions of the constitution and Standing Orders and consideration of dispensations under the Act mitigate the associated risk to Authority decisions and, to an extent, to members.

The assessment and its conclusions are considered to be in keeping with the requirements of the Act and mitigate against potential legal risks.

Appendices

Appendix 1 – Disclosable Pecuniary Interest Register

Appendix 2 – Consideration of new DPI conflicts against s.33 of the Localism Act 2011

Background Documents

Minutes and papers for Action Item 7, 34th Eastern IFCA Meeting, 07 November 2022

Appendix 1 - Disclosable Pecuniary Interest Register

Register of Interests

Non-elected members (MMO appointees)

Date updated: 12/09/2022



Monitoring Officer: Julian Gregory (CEO)

Signed:

Date: 12/09/2022

Register of Pecuniary interests. Under section 30 of the Localism Act (2011) the following Disclosable Pecuniary Interests have been declared by non-elected members including those relating to a husband / wife / spouse or civil partner or person with whom the member is living as if they were civil partners.

Name of non-elected member	1. Employment	2. Sponsorship	3. Contracts	4. Land or licences	5. Corporate tenancies	6. Securities
Mr Keith Shaul	Fisherman (specifically Crabs, Lobsters and Whelks) and Market trader / Sala Seafoods	None	None	None	None	Ownership of shares in the following fishing vessels: SARAH NAOMIE (PLN: YH333), SARAH S
Mr Shane Bagley	Fisherman (specifically cockles, mussels and brown shrimps)	None	None	Boston Quay	Wash Fishery Order Shellfish Lay	Ownership of shares in the fishing vessel LILI MAE (PLN: BN439) / Boston and Fosdyke Fishing Society Limited

Mr John Davies	Fisherman (specifically Crabs, Lobsters, whelk, bass, finfish) / Director and Secretary of JJ and CAS Davies Limited	None	None	None	None	JJ and CAS Davies Limited / ownership of shares in fishing vessel RICHARD WILLIAM (PLN: YH3)
Mr Paul Garnett	R. J Garnett and Sons Limited (Director) / Fisherman (specifically cockles, mussels, whelks, brown shrimps, crabs and lobsters)	None	None	None	None	R. J. Garnett and Sons Limited / King's Lynn Fishing Industry Co-Operative Limited / ownership of shares in two fishing vessels: HARVESTER (PLN: LN84) and ELIZABETH MARY (PLN: LN84)
Mr Steven Williamson	Director of J and J Shellfish Ltd / Director of Lynn Shellfish Ltd / Director of Shrimp Producers Organisation Ltd / Owner of Donaldsons (specifically cockles, mussels, whelks, brown	None	None	Lynn Shellfish Ltd (processing factory)	Wash Fishery Order Shellfish Lays	J and J Shellfish Ltd / Lynn Shellfish Ltd / Donaldsons / Shrimp Producers Organisation Ltd / ownership of shares in the following vessels: PORTUNUS (LN91), SEAGULL (LN22), SEASWALLOW (LN20), LYNN PRINCESS (LN175), BOY NEIL (LN126), ABBIE JAYNE (LN454), WASH PRINCESS (LN161), JOHN WILLY (LN465), MATTY JAY (LO541), GEORGIE

	shrimps, crabs and lobsters)					FISHER (LN474), JALETO (MT105), SUNNY MORN (LN475), DOG FISH (LO119), MOLLY P (BN444), FIVE J's (BN435)
Ms Inge Smith	Freelance Marine Environmental Scientist / Polyframe Ltd (manufacture of double-glazed doors and windows)	None	None	None	None	None
Mr Ian Bowell	None	None	None	None	None	None
Mr Kieran Coupland	Merlin Enterprise (SEA LIFE) Ltd / Gaywood Primary School	None	None	None	None	None
Mr Tony Goldson	None	None	None	None	None	None
Mr Leslie Mogford	None	None	None	None	None	None
Mr Lee Doughty	Fisherman (specifically: Cockles, shrimps, and mussels)	None	None	None	Wash Fishery Order 1992 Shellfish Lay	None

Appendix 2 - consideration of new DPI conflicts against s.33 of the Localism Act 2011

DPIs which relate to Authority Business		Matters for which a DPI is relevant
Mr Lee Doughty	<p><u>Employment</u> – Fishing (specifically cockles, mussels and shrimps)</p> <p><u>Corporate tenancies</u> – leasing of private fishery from Eastern IFCA</p>	Management measures for cockles, mussels and shrimps, leasing private rights to fisheries in The Wash, contracts to undertake work on behalf of the Authority

Consideration of the benefits of granting dispensations

The MMO appoints Members to IFCAs in accordance with Defra guidance¹ and in particular to ensure that *‘members appointed by the MMO are representative of and/or hold knowledge and experience relevant to the economic, social and environmental needs of that IFCA’s district and will be selected for the relevant expertise that they will bring to the Committee’*.

In doing so an Authority is able to meet the aim of the Marine and Coastal Access Act 2009 in modernising the management of the entire marine environment by achieving an appropriate balance between commercial exploitation and stock and habitat protection.

MMO appointees are required to impart their local knowledge and expertise to provide insight into the potential outcomes of Authority decisions. Such decisions (and in particular those relating to the implementation of fisheries management) are likely to have much wider ranging effects than only directly on fishers (for example fisheries related jobs such as factory workers, tourism and cultural impacts). Benefits in relation to each identified ‘type’ of matter are summarised below:

- Management measures – Fishers will have an insight into the potential impacts of recommended management measures and can use their experience and knowledge of the industry to ‘sense-check’ measures and associated Impact Assessments.
- Leasing private Rights to fisheries in the Wash – The Wash is a dynamic marine environment and fishers with on-the-ground experience provide an insight into the potential impacts of granting private fisheries.

¹ Guidance to the Marine Management Organisation (MMO) on the appointment of committee members to Inshore Fisheries and Conservation Authorities (IFCAs), April 2010 -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf

- Agreeing to contracts to undertake work on behalf of the Authority - Fishers will be able to provide insight into the practicality and logistical issues associated with new research projects where the industry may be asked to participate.

Recommended Dispensations

Dispensations under s.33(2) – participation in discussions for matters in which a member has a DPI

It is recommended that dispensations should be granted in relation to all the conflicts identified in Table 1 with regards to participating in discussions. It is considered in the interest of persons living within the district and to ensure that the Authority has fully considered the potential impacts of decisions. Such benefits fall within the scope of s.33(2) of the Localism Act and as such dispensations are considered appropriate. It is also recommended that the dispensations are granted for the maximum period allowed within the Localism Act (2011) of four years or until their term of service is expired (whichever is first) so as to align MMO appointee full term appraisals with the consideration of granting dispensations.

It is further recommended that, whilst the dispensation granted will cover all matters relating to 'management measures', the Chair will use discretion on any specific matter to advise against the member voting as appropriate.

Dispensations under s.33(2) – voting on matters in which a member has a DPI

It is recommended that, in relation to the DPI conflicts regarding fishers and specific fisheries, dispensations to vote do not fulfil the requirements of s.33(2) of the Localism Act. This is primarily because there is sufficient representation from various parts of the fishing industry to mitigate the loss of a vote on a specific matter.