

48th Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 8th June at 1000 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 E Back		Suffolk County Council
Mr S Bagley		MMO Appointee
Mr I Bowell		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
Mr J Davies		MMO Appointee
Mr P Garnett		MMO Appointee
Mr T Goldson		MMO Appointee
Ms J Love		Natural England Representative
Mr J Rowley		MMO Representative
Ms I Smith		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Matt Breathwick	IFCO
Jon Butler	Head of Operations
Jason Byrne	IFCO
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Elena Jaxtheimer	Marine Science Officer
Ron Jessop	Senior Marine Science Officer
Fletcher Noble	Marine Science Officer
Judith Stoutt	Senior Marine Science Officer

Minute Taker:

Jodi Hammond

EIFCA22/20 Item 1: Election of the chair

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 Vigo Di Gallidoro

All Agreed

Cllr FitzPatrick took the Chair

EIFCA22/21 Item 2: Welcome

The Chair welcomed both members and the large number of representatives from the fishing industry who were present in the public gallery.

EIFCA22/22 Item 3: Apologies for Absence

Apologies for Absence were received from Cllrs Adam (NCC), and Skinner (LCC), Dr I Hirst (EA Representative), Ms Davey, Messrs Mogford and Williamson (MMO Appointees).

EIFCA22/23 Item 4: Election of the Vice-Chair of the Authority

One nomination was received for the role of Vice-Chair of the Authority.

Members Resolved to elect Councillor Vigo Di Gallidoro to the position of Vice-Chair of the Authority

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr T Goldson

All Agreed

EIFCA22/24 Item 5: 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.

No additional Declarations of Interest were put forward.

In view of the large numbers present in the public gallery the Chair asked everyone seated around the main table to introduce themselves.

EIFCA22/25 Item 6: Minutes of the 47th EIFCA Meeting, held on 8th March 2022

Members Resolved these were a true record of the meeting.

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Vigo Di Gallidoro

All Agreed

EIFCA22/26 Item 7: Matters Arising (including actions from previous meeting)

The CEO updated members on the following:

EIFCA22/08 BUSINESS PLAN: Metrics being drawn up by Defra for the continuation of funding in conjunction with AIFCA were still not complete but would be added to the Business Plan once they were concluded.

EIFCA22/09 WASH MUSSEL FISHERY: The handwork mussel fishery had been opened and the TAC expended. Opening of the dredge

mussel fishery would be addressed under the Agenda item relating to the 2022 cockle fishery.

EIFCA22/10 WASH FISHERIES ECONOMIC ASSESSMENT:
Members were advised the Assessment report was available on the website.

EIFCA22/11 WASH COCKLE & MUSSEL PERMIT BYELAW 2021:
There were some minor amendments to be made, it was anticipated consultation would commence the following week.

EIFCA22/27 Item 8: Health & Safety Risks and Mitigation

The Head of Operations advised Covid measures had been scaled back, officers were no longer undertaking regular Lateral Flow Tests, although they continued to be a requirement for anyone working in confined spaces such as onboard vessels. Anyone testing positive would be expected to work from home.

During the last quarter there had been 5 incidents reported one had resulted in an officer being taken to A&E and two required minor first aid.

Effective risk assessments and associated mitigation measures were in place for most activities there was ongoing work to assess risks associated with working on ladders on quaysides.

Members Agreed to note the content of the report.

EIFCA22/28 Item 9: Meeting of the Finance & HR Sub-Committee held on 3rd May 2022

The Head of Finance & HR advised all the relevant information was included in the papers provided.

Members Agreed to note the report

A number of industry members had attended in the public gallery and had protested outside the meeting venue about the work of Eastern IFCA. The group asked if some of their number could address the Authority directly and the Chair allowed five to do so (NB the Chair initially allowed a smaller number but due to the insistence of industry members present ultimately allowed all five to speak):

Mr David Chambers objected to the introduction of iVMS and asked why whelks were managed and required a permit to fish. He also asked why Eastern IFCA weren't talking to industry about cockles and said that if they are left, they would die and concluded by calling for a vote of no confidence in Eastern IFCA.

Mr Wayne Brewster said that he didn't think that Eastern IFCA were getting the views of industry, that industry was being by-passed and that he wanted co-management. He said that he had asked for a meeting regarding the byelaw to replace the WFO but subsequently found the byelaw had been sent for Q&A to Defra with no consultation. He felt that vessel costs were high, that the current fisheries couldn't sustain fishermen and that once skilled fishermen left, they wouldn't return. He demanded that the Authority arrange a meeting with industry representatives and said they had failed to do so previously.

Mr Neil Lake introduced himself as the owner of a processing factory and 10 vessels. He described fishing as being the worst it's ever been due to such issues as the climate and cost of living and said that this had been exacerbated by Eastern IFCA. He said that the cockle survey was carried out too early, in March whereas the Le Strange fishery survey started in June. With regard to shrimp, he wanted the permit year to start in January, but it would run from August, which would mean that the fishery could be closed for six months. He said there was too much 'red tape' such as nil returns for no fishing. Overall, he thought there needed to be a reset.

Ms Ashley Mullenger read a pre-prepared letter from Wells and District Fisherman's Association. She said that not opening the Wash cockle fishery would be disastrous for those concerned and would also have a knock-on effect for the wider fishing community. She expressed concerns about the loss of skills in the catching sector in the context of it being difficult to attract new entrants to the industry. She was concerned about whelk fishing being restricted in the Wash resulting in more effort in areas fished by other industry members and asked what measures would be introduced in addition to iVMS to manage this. She said that consultation with industry was important and concluded by saying that consultation had been poor and that there was little consideration of the impact upon the fishing industry.

Mr Paul Lines introduced himself as being from the Lowestoft Fishmarket Alliance. He said that there was no industry in Lowestoft any more due to mismanagement and he could see other ports losing their industry. He saw Eastern IFCA as spending millions of pounds of taxpayer's money on mismanagement and abject failure. On cockles he questioned whether the science was right and said that if IFCA wants to close the fishery then men will be gone as they have got families to feed. A more practical approach was needed and Eastern IFCA need to remember they work for the industry, they are appointed and paid by the taxpayer.

The Chair thanked them for their contribution and making Members aware of their views. He advised that he and Cllr Skinner had met with local MPs regarding the issues with the cockle fishery and to investigate any available help for the fishing industry in this area. He emphasised that the Wash was a highly regulated area and decisions must be made in accordance with the regulations and statutory duties.

Following the points made by the industry members, which questioned the level of consultation made with the Industry, the CEO advised the consultation process for

the Wash cockle and mussel byelaw was extensive and duplicated. He recognised the importance of face to face meetings, however he believed small meetings were more productive, a series of in person meetings with small groups had been offered but the industry had chosen not to attend during the first such consultation. During the second consultation some chose to attend, which had been productive. Throughout much of the process there had been regular 'without prejudice' meetings with the professional representatives of the Wash fishing industry and their views had been taken into account.

Mr Davies felt it was apparent the industry wanted to meet face to face with Officers, it seemed the majority of them didn't look at the website to find information, there needed to be more interaction and the strength of feeling amongst the industry needed to be addressed.

The CEO acknowledged there were difficulties faced by the industry and was conscious of the difficulty that not opening the cockle fishery would create. He said that the supporting explanations would provide clarity on why there may not be a cockle fishery, the need for additional management measures in the whelk fishery as well as the necessity for iVMS to be brought in ahead of the national rollout.

EIFCA22/29 Item 10: Wash Cockle Fishery

Senior MSO Jessop presented members with the results of the 2022 cockle surveys which had been carried out between March 17th and April 30th, he acknowledged this was prior to any growth spurt but advised that as the annual surveys were always carried out at this time it gave a true comparison of figures on which to assess whether the stock levels would meet the Conservation Target Objective. The whole management structure was based on stock being assessed at the same time each year. It was also done relatively early to ensure if there was sufficient stock for a fishery it could open in June.

Members were advised 1043 sample stations had been surveyed, the sampling process and the results were explained. The result indicated that if the year 0 cockle were removed from the total stock it would leave the available stock below the threshold in the bird food model. As the Wash is a SSSI there is an obligation to meet Conservation Objective Targets which ensure there is sufficient food for over-wintering birds. Most recent data suggested there were 26,586 oystercatchers reliant on Wash mussel and cockle to make up about 80% of their diet. This number was higher than previous years which explained why additional stock was required to meet the requirements of the Bird Food Model, which equated to 40kg of ash free dry mass per bird to prevent mortality exceeding 2%. The calculations used to ascertain stock required to meet this level did not include small (year 0) cockles.

It was believed a HRA would prevent a fishery from opening as the indication would be significant risk to the oystercatcher population.

Members were advised that whilst the SSSI covers the whole of the Wash only the stock on the public beds was taken into account when looking to open a fishery as the stock in private fisheries could not be managed.

Members questioned why the 2022 situation was so different from previous years when there had been similar stock levels, apart from the additional bird food requirement, there was concern that the very low density of available stock would leave year 0 cockle vulnerable to being fished which would leave no stock for future years.

The possibility of a further cockle surveys was raised and whether it might highlight additional tonnage that could allow a small fishery. It was accepted there might be small dense patches that fell between the sample sites, the industry had already been asked to notify EIFCA if they came across any such sites in order for them to be assessed, but for it to be of any impact on the overall stock it would need to be cockle that EIFCA was not already aware of. This had proved useful in the past when notification of an area of cockle on Friskney in 2019 had resulted in an area of additional stock being opened for fishing later in the year.

Industry members expressed their concern that the welfare of the birds was being put before their own livelihoods and the impact that closure of a fishery could have on the fishing industry in the long term.

Members were advised that the Bird Food Model did take account of birds being able to feed on the land but due to the nature of the oystercatcher it was believed that 80% of their diet consisted of mussel and cockle. Ms Love advised that NE had a remit to protect the features of the site.

The CEO advised that whilst not meeting the biomass threshold in the Bird Food Model effectively precluded a fishery, it was important to recognise that the low levels and density of adult cockles was also a driver for not opening the fishery. Industry representatives did not feel EIFCA could decide what density of cockle would be viable, if the cockle price was particularly high there wouldn't be the need for so much stock. They were also frustrated that areas had been closed the previous year to enable a fishery this year, which had proved ineffective, and they believed the industry needed more input to the management of the stocks.

SMSO Jessop acknowledged that areas of cockles on slower growing beds were closed during the previous year in the hope it would provide a fishing opportunity in the current year. Unfortunately, mortality occurred in those areas resulting in the patches of cockle being thin, however they had boosted the overall TAC and had it been possible to meet the BFM threshold then a small fishery might have been possible. Members were also reminded that in 2020 beds on the Dills, Toft and

Inner Westmark Knock had been closed, the outcome of which was that they formed the bulk of the 2021 fishery.

At this point Ms Smith left the meeting.

Mr Davies questioned whether it was possible for members of the fishing industry sitting in the public gallery to make a contribution. It was pointed out that the meeting had to be held in accordance with the Constitution and Standing Orders and that the Chair has the ability to allow members of the public to make a contribution, which had already been done. The decision was taken to suspend the meeting for 10 minutes to allow Authority Members to speak to industry representatives in the Public Gallery.

The Meeting was suspended at 1132 hours and resumed at 1202 hours.

Mr Garnett advised that he had already expressed his concern about the Bird Food Model, in the past stocks had been sufficient for it not to impact on the cockle fishery, he believed it was time for the BFM to be re-looked at with consideration being given to taking account of Year 0 cockles which by the Autumn would be of a size suitable for bird food. He believed that if the spring cockle data was rolled forward using information of cockle growth there could potentially be a fishery this year. Mr Garnett also queried whether the data on bird numbers was accurate.

The CEO reminded members that even without the issue of bird food there remained the question of whether the stock was sufficient to support a fishery. He advised that there had already been some engagement with a small group of fishing industry members and with Natural England about the BFM and suggested that if EIFCA, the fishing industry and NE could get together there may be potential for a very small fishery with small patches of cockles available to pursue, which might prevent a loss of skill from the industry due to lack of fishery opportunity.

Ms Love advised that the BFM was written in such a way that growth during the season was taken in to account, but it may be possible to explore the inclusion of year 0 stock. Referring to the number of oystercatchers, Ms Love advised that numbers were high this year but there was no data since 2019. It was anticipated the 2021/2022 count data would be available by the end of July, if data indicated a decline in bird numbers it would mean less stock needed to be put aside for the birds.

Members debated the accuracy of the bird count, when it took place, the possibility of birds being counted twice and the potential make-up of their diet coming from elsewhere.

Mr Bowell remained uncertain that EIFCA had a full evidence base on which to make the decision not to open the fishery, Mr Goldson also remained concerned and ask how it could be possible to make some tonnage available for the industry to fish.

The CEO advised that if the industry can locate areas of ground which have not already been surveyed that contain cockle stock EIFCA will be happy to go and assess it. If additional stock was identified, it may be possible to recommend a small fishery.

Cllr Vigo Di Gallidoro acknowledged oystercatchers as relevant to the site but felt they had the opportunity to fly elsewhere in search of food, she felt options needed to be considered rather than leaving families without a living, she felt the fishing industry should be encouraged to continue producing food for the country. People needed to be put before birds.

Mr Goldson questioned whether legally the BFM guidance could be ignored. Ms Love advised legislation had to be adhered to, most recent evidence was applied but she was prepared to enquire whether year 0 cockles could be included in the stock. The CEO added that a HRA would have to be completed which would include the BFM, a fishery could not be opened if it didn't meet the Conservation Objectives.

Members discussed in detail ways to move forward, the necessity for a decision to be made within a three-week period to prevent loss of industry members and ways to get any additional survey work done in relatively short timescales. The CEO said that following the engagement with Natural England and some industry members he had drafted revised recommendations prior to the meeting to add the words 'unless further evidence becomes available' so as to leave open the possibility of a fishery. He also said that in discussion during the break Cllr Coupland had suggested that a meeting of a small group of members, officers and industry members to discuss the cockle fishery might be beneficial. It was agreed that such a meeting of 6 Authority Members, 6 Industry members as well as EIFCA Officers would be beneficial.

Mr Bowell requested an amendment to the proposed recommendations to add the words 'unless further evidence becomes available' which would allow for a fishing opportunity if additional stock was identified.

Proposed: Chair

Seconded: Cllr Chenery of Horsbrugh

With 1 abstention the motion to amend the recommendations was carried.

Members Resolved to:

- **Note the contents of the 2022 Wash intertidal cockle survey report, describing the current low levels of cockle stock in the regulated fishery**
- **Note that the combined stocks of cockles and mussels within the regulated fishery have failed to achieve the SSSI Conservation Objective target regarding food availability for over-wintering oystercatchers.**

- **Note** that having failed to achieve the SSSI Conservation Objective target, a Habitats Regulations Assessment for a proposed cockle fishery this year would have to conclude that the fishery was likely to cause a significant adverse effect to the site features and as such is unlikely to be approved.
- **Agree** that unless further evidence becomes available the stocks have failed to achieve the SSSI Conservation Objective target and are in too low densities to support a viable fishery without threatening the juvenile stocks, the Wash cockle fishery should not open in 2022.
- **Agree** that unless further evidence becomes available the 2022 mussel re-laying dredge fishery is not opened
- **Agree** the decision making of the 2022 cockle/mussel fishery should be delegated to the Chair, vice-Chair and CEO.
- **Proposed:** Cllr Chenery of Horsbrugh
- **Seconded:** Mr Goldson
- **All Agreed**

EIFCA22/30 Item 11: Whelk Management in the Wash

Senior IFCO Godwin provided a presentation on whelk fishing in the Wash, highlighting the potential effect additional effort, as a result of no cockle fishery, could have on the fishery. It was proposed risk management measures should be put in place. Initial thought was to limit access to the fishery by limiting vessel access or by limiting the amount each vessel could land. The proposal was to consult the industry on potential management measures with the responses from the consultation being taken into account before deciding whether or not to implement the proposed or alternative measures.

At this point Mr Garnett made the point that he had an interest in the fishery.

Mr Garnett urged caution, the whelk fishery had a degree of seasonality in the Wash with the season starting in August, so data needed to be considered in this context. Members were advised that restricting landings to a level below 4-4.5t/week would not be viable, and the fishery would close by default. He also felt as the data reported did not include the area fished and some of the taken stock may have been from the Lincolnshire and North Norfolk coast, not just the Wash. He believed the proposals being put forward needed substantial amendment before they went for consultation. The CEO emphasised the need to make the Authority aware of the potential situation and that various proposals had been worked up but all had negative connotations, however, the point of consultation was to explore alternative options. Mr Bagley felt the fishery should be self-managed without the need for further legislation particularly as there was already an obligation for riddling and a MLS in place. Mr Bagley also questioned how the

officers could say damage was being done, if no undersize whelk was taken there should be no problem, unless the Authority thought the MLS was not working.

IFCO Godwin advised that the Wash Working Group had discussed the effectiveness of MLS usually worked in conjunction with other regulation, Cefas had acknowledged that size limit alone was not enough to protect the whelk fishery.

Mr Davies felt the movement of whelk from area to area meant there would never be a sustainable whelk fishery, he believed the small number of areas fished seemed to repopulate a year after appearing to be fished out. Mr Davies was concerned the proposals could make EIFCA a laughing stock, particularly when the fishermen were scared for the future.

Mr Wayne Brewster was permitted to speak on behalf of the industry. He questioned the level of consultation that had taken place for the WFO replacement, and the introduction of whelk permits. Referring to the proposed whelk management measures Mr Brewster felt the proposed measures would put the industry out of business.

Mr Bowell believed the situation had become adversarial, but he felt if the wording of the proposals was more inclusive the situation could be changed. The CEO advised that the recommendations had to start somewhere. Mr Bowell felt only one recommendation was required.

Mr Bowell put forward an amendment to the proposed recommendations, for an evidence based consultation to be carried out with the outcome being put to the Authority at the next Authority meeting.

Proposed: Cllr Bowell

Seconded: Mr Goldson

Members voted for the amended recommendations.

Members Resolved that having noted the content of the paper the Authority would undertake an evidence based consultation, working with the industry to produce a sustainable way forward for the whelk fisheries.

Proposed: Mr Bowell

Seconded: Mr Goldson

There were two abstentions, all other votes in favour, the motion was carried.

The meeting was suspended at 1435 hours and reconvened at 1445 hours.

At the point of reconvening the CEO advised he had received enquires about a live stream of the meeting. This meeting was not being live-streamed as there were no longer restrictions on attendance.

EIFCA22/31 Item 12: Inshore Vessel Monitoring System Emergency Byelaw

Senior IFCO Godwin advised that consideration was being given to introducing an Emergency Byelaw for IVMS to be a requirement for vessels below 12m. There were plans for IVMS to be a requirement at a national level, but this was unlikely to come in to place until the end of the year or even the following year. In view of the possibility of there being no cockle fishery this year the impact on the whelk and shrimp fisheries could be significant, IVMS would enable effort to be monitored, to prevent overfishing. Officers did not believe there would be any significant impact on the industry as grant funding was available for IVMS units and it was understood that many vessel already had them fitted.

Members questioned whether vessels could transit through closed areas without there being an assumption they were fishing, and how officers would be able to tell whether a vessel was in fact fishing or just passing through the area. The CEO advised the introduction of IVMS was not intended to penalise fishers unnecessarily, but it could be a significant mitigating factor to ensure landings met the MLS, which was different inside and outside the district. He believed it should be possible to determine whether a vessel was fishing by the speed at which they were travelling through the area.

Mr Davies explained that he fished both inside and outside the district and could not see how IVMS having would benefit him, who would know where his catch had been caught. Senior IFCO Godwin advised that fishing inside the WNNCSAC there would be a requirement to have the unit turned on, knowing whether catch came from inside or outside was key to having confidence in the effectiveness of measures. Mr Davies believed this was a rushed job and more red tape being applied by EIFCA when it was coming in at a National level anyway. The CEO advised the suggested measures were a genuine desire to have a protective effect on the fisheries. Mr Davies felt there was a genuine need to protect the Sabellaria reef but he felt having to switch on a unit just to travel through was a hassle that would be of little benefit.

Members Agreed to Note the report including the rationale for introducing an emergency byelaw and the associated initial Regulatory Impact Assessment.

At this point Cllr Chenery of Horsbrugh left the meeting

EIFCA22/32 Item 13: Cromer Shoal Chalk Beds Marine Conservation Zone Update

There being no comments or questions on the paper Members Agreed to note the content of the report.

EIFCA22/33 Item 14: Quarterly review of annual priorities and Risk Register

Members had been provided with a report showing progress of annual priorities and the updated Risk Register.

Members Agreed to note the content of the report.

EIFCA22/34 Item 15: Wash Fishery Order licence transfers

Members Agreed to note the content of the report.

EIFCA22/35 Item 16: CEO Update

- Members were advised that Defra funding had been approved for the current financial year and the following 2 years. A bid had been made for additional funding for work on MPAs, there was also the possibility that funding may become available for vessel funding.
- Members were advised that every four years a report was compiled on the conduct of IFCA's, the latest report would be compiled this year.
- Marine Science and IFCO reports which were usually submitted as information items in the meeting papers would in future be sent either monthly or quarterly, separate from the meeting papers.
- Work on the vessel to replace Three Counties was about to begin, it was anticipated there would be delays due to supply chain issues.

EIFCA22/36 Item 17 Head of Operations Update

Mr Bowell advised that he had attempted to spend a day at sea with Officers but unfortunately it had fallen through, he would attempt to arrange another day.

Members Agreed to note the content of the report.

EIFCA22/37 Item 18 Any Other Business

There were no other matters for discussion

The Chair thanked everyone for attending. He hoped that the industry would be forthcoming in taking part in the upcoming consultations and reminded everyone that if the industry were not satisfied with responses they received, they could contact either the Chair, Vice Chair or the CEO.

Mr Garnett suggested small groups would be the best way to communicate with the industry.

The meeting closed at 1522 hours.

Note: Throughout the meeting there were various interventions from industry members present in the public gallery, which made it difficult to conduct some parts of the meeting in an orderly manner. Behaviours included shouting/jeering and individuals interrupting the meeting and insisting on saying what they wanted to say, some of which was derogatory to officers and questioned their integrity.