

### 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.



## 54<sup>th</sup> Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 13<sup>th</sup> December 2023 at 1045 hours in the Assembly Rooms, King's Lynn Town Hall.

### Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr E Back		Suffolk County Council
Mr S Bagley		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
Mr K Copeland		MMO Appointee
Cllr P Coupland		Lincolnshire County Council
Mr J Davies		MMO Appointee
Mr L Doughty		MMO Appointee
Mr P Garnett		MMO Appointee
Mr P Gilliland		MMO Appointee
Mr T Goldson		MMO Appointee
Ms J Love		Natural England Representative
Cllr P Skinner		Lincolnshire County Council
Mr S Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Jon Butler	Head of Operations
Ellie Collishaw	Project Officer
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	CEO (& Clerk)
Ron Jessop	Senior Marine Science Officer
Emily Parsons	Marine Science Officer
Judith Stoutt	Senior Marine Science Officer

### Also present:

Joanne Sams	Aston Shaw Accountants
Tim Smith	Association of IFCAs

### Minute Taker:

Emma Godwin

### **EIFCA23/53 Item 1: Welcome**

The Chair welcomed members to the meeting. The Chair thanked Senior Marine Science Officer Judith Stoutt for 27 years of service to Eastern IFCA, following the news she will be leaving the organisation at the end of January 2024.

### **EIFCA23/54 Item 2: Apologies for Absence**

Apologies for absence were received from Ms I Smith (MMO Appointee), J Rowley (MMO Appointee), I Bowell (MMO Appointee), L Mogford (MMO Appointee), Cllr T Adams (Norfolk County Council)

### **EIFCA23/55 Item 3: Declaration of Members Interests**

The Clerk advised the list of DPIs indicated there were members with an interest in items, 7, 10, 11 and 12 to which the guidance on voting and contributing to discussion would apply. All four items related to the management of the cockle and mussel fisheries in the Wash.

### **EIFCA23/56 Item 4: Minutes of the 53rd Eastern IFCA Meeting held on Wednesday 13<sup>th</sup> September 2023**

The Chair went through each page of the minutes to confirm agreement. It was noted that references to Mr Skinner should be to Cllr Skinner on pages 8, 9 and 11.

**Members Resolved the minutes were a true record of proceedings.**

**Proposed: Cllr P Skinner**

**Seconded: Mr T Goldson**

**All Agreed**

### **EIFCA23/57 Item 5: Matters arising.**

*EIFCA23/46 ANNUAL REPORT UPDATE: The CEO advised the Annual Report had been published and sent to DEFRA.*

*EIFCA23/13 CROMER SHOAL BYELAW: The Byelaw has been submitted to the MMO to start the formal QA process.*

*EIFCA23/51 CRAB AND LOBSTER BYELAW 2023: Further work undertaken that just needs to be quality assured before submission to the MMO. Likely to be December or early January.*

*Closed Area Byelaw 2021 also nearing submission to the MMO for quality assurance.*

*EIFCA23/05 WASH COCKLE AND MUSSEL BYELAW: The Byelaw is undergoing a final QA with the MMO, there has been one minor query regarding fees which will be resolved shortly.*

#### **EIFCA23/58 Item 6: Health & Safety Risks and Mitigation**

Members were advised there had been two incidents since the previous report. One of the incidents involved an Officer falling part way through a quayside staging and sustaining a leg injury which led to seven days of absence. The incident was reported under RIDDOR, and the Officer has made a full recovery. Risk assessments relating to quayside operations are being reviewed as a result. The second incident involved an Officer cutting their hand when opening the stiff door of a storage container, the Officer has received a tetanus injection, and no further treatment was required. Stakeholder behaviour towards Officers has been monitored, and along with engagement, has improved in recent months. The MMO have recently shared a Risk Assessment regarding working from height which will be looked at adopting.

#### **Members Agreed to:**

- **Note the contents of the report.**

#### **EIFCA23/59 Item 7: Wash Appeals Sub-Committee held on 16<sup>th</sup> October 2023**

The CEO advised that there were appeals relating to four of the permit eligibilities and following consideration three were granted by the Sub-Committee on the grounds of business continuity. The CEO and the Chair explained that due to the Local Government Act the minutes were redacted appropriately to protect individuals, and business interests. There will be no more appeals as there was a timescale attached to the process.

As the sub-committee was unlikely to meet again for some time the CEO advised that detailed minutes had been circulated to members for agreement outside the meeting. As the three members were present at this meeting the CEO asked if they were content with the redacted minutes. Cllr FitzPatrick, Cllr Back and Mr Goldson confirmed their agreement.

#### **Members agreed to:**

- **Note the contents of the report.**

#### **EIFCA23/60 Item 8: Finance and HR Sub-Committee held on 7<sup>th</sup> November 2023**

The CEO referred members to the draft minutes set out in the report. He advised that the Sub-Committee considered the provisional budget for 2024-25 and had agreed to recommend it for approval by the full Authority. A small restructure of the organisation was also discussed, which would involve retaining the third executive post (previously Head

of Finance & HR) but changing the responsibilities. The new post, Assistant Chief Officer, will be responsible for the Marine Science and Projects and Policy teams, as well as business planning and delivery. The Head of Operations post will be renamed Deputy Chief Officer and have responsibility for the Marine Protection team, seagoing, facilities and support. Jon Butler, the current Head of Operations will become the Deputy Chief Officer and work is in progress to appoint an Assistant Chief Officer.

The CEO confirmed that licence fees for the forthcoming cockle season had been accounted for in the budget as it is hoped the Wash Cockle and Mussel Byelaw is in place by then, but it is known what the shortfall will be if it is not. In answer to a question from Mr Doughty the CEO advised that consideration would be given to the applicability of fees next year dependent upon when the new management came into effect.

The CEO also advised that HR support will be outsourced to a private company.

**Members agreed to:**

- **Note the contents of the report.**

**EIFCA23/61 Item 9: Budget and levies 2024-25 and Budget Forecast to 2028**

The CEO summarised the contents of the report and advised members that this was the first year the budget had been prepared without the internal Head of Finance and HR. This had resulted in significant input from the CEO along with the work done by Joanne Sams of Aston Shaw Accountants. Ms Sams advised that there had been lessons learned during the process, and some changes to the accounting methodology had been made.

It was noted that there is a shortfall in the proposed budget for 2024/25 but due to the Authority maintaining reserves this does not currently cause concern. In answer to questions, the Chair confirmed that should any of the funding councils ever be declared bankrupt they must still conform with their statutory obligations and pay any levies placed on them. The CEO confirmed that the New Burdens Funding had been included for 2024/25, and in projections for subsequent years and the Association of IFCAs would coordinate a bid for consideration at the time of the next spending review. It was likely that this would include a replacement for the project specific funding and Eastern IFCA would actively seek this.

**Members agreed to:**

- **Note the contents of the report.**
- **Approve the proposed Budget for 2024/25.**
- **Approve the Levies for 2024/25.**

- **Approve the Forecast for the following 4 years to 2028/29.**
- Proposed: Cllr P Skinner**  
**Seconded: Mr P Gilliland**  
**All agreed.**

### **EIFCA23/62 Item 10: Wash Fishery Order 1992 Transition**

Senior IFCO (Regulation) presented the report to members and advised that the interim management measures currently in place had enabled the successful administration of the 2023 Wash fisheries. The current closure of the Wash fisheries expires on 4<sup>th</sup> January 2024 and the Authority are seeking to reissue this closure to maintain the status quo until the Wash Cockle and Mussel Byelaw is in place.

It was noted that the recommendation regarding revoking exemptions for the purpose of closing a fishery in accordance with management measures would be taken by the CEO in consultation with the Chair or Vice-Chair due to the current extenuating circumstances regarding the Vice-Chair.

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

**Members resolved to:**

- **Agree in principle and subject to consideration of the formal consultation on the matter to close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the Wash Fishery Order 1992 (WFO) and the Wash Restricted Area, using Byelaw 8 (Temporary Closure of Shellfish Fisheries) and to issue exemptions in relation to 'entitlement' holders and lay holders. The period of the closure being for 12 months or until the replacement management mechanisms come into effect, whichever occurs first.**
- **Agree to delegate authority to the CEO in consultation with the Chair or Vice-Chair, having considered the results of the consultation on the matter, to close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the (WFO) and the Wash Restricted Area, and to re-open the same when the new management systems are in place.**
- **Agree to delegate authority to the CEO to:**
  - **Grant exemptions to persons who held entitlements under the WFO or exemptions under the 2023 Interim Measures to fish wild cockle and mussel stocks within the Wash.**
  - **Grant exemptions to persons who held a lay under the Wash Fishery Order 1992 to fish within their lays.**
  - **To issue conditions under which the exemptions (above) are granted that reflect WFO licence conditions and regulations and lay-holder lease conditions.**

- **To revoke exemptions in consultation with the Chair or Vice-Chair for the purpose of closing a fishery in accordance with agreed management measures.**

**Proposed: Cllr P Skinner**

**Seconded: Cllr Chenery of Horsburgh**

**All those able to vote were in favour.**

### **EIFCA23/63 Item 11: Wash Mussel Fishery**

Senior MSO presented the report to the Authority and highlighted that this year's mussel surveys had shown that there had been very little mortality of mussels resulting in the highest recorded total stock biomass in the period from 2002 onwards. This has provided a good opportunity for a relaying fishery with a TAC of 3,031 tonnes, although the stock is still below the threshold for a harvestable fishery. It is anticipated that if mortality remains at a low level this threshold may be reached next year.

Having first declared that a family member had an interest in the mussel fishery Mr Garnett queried whether it would be possible to have both a harvestable, and relaying fishery this year. He suggested that the Lays and the North Norfolk Coast would not have capacity for the full 3,031 tonnes available and that a significant quantity of the TAC may be wasted. The point was made that mussels which were large juveniles at the time of the survey, with growth may become harvestable size adults at the time of the fishery opening. SMSO Jessop reported that there isn't a large peak of the stock which are just under the minimum landing size of 45mm, but rather a whole range of different sizes, any bed open would thus include a high proportion of juveniles.

It was suggested that the fisheries management policies, established in 2007, had not yet been tested against a fishery of this size. However, it was also noted that the fisheries management policies were in place to facilitate fisheries in a climate where it can be difficult for them to open, particularly with respect to passing an HRA. These policies reassure that any measures taken have no effect on the conservation objectives, and it was reiterated that it would be much harder to get through an HRA if these objectives aren't being met.

The CEO noted that reviewing the fisheries management plans would be a significant piece of work, particularly given the current staffing situation within the Marine Science team. He also noted his concern that there is no current explanation for the improvement in stocks this year, and harm may be caused if a harvestable fishery were to be opened.

The CEO will ensure the possibility of reviewing the fisheries management plan will be on the agenda at the next Fisheries Working Group meeting, and that industry views on a harvestable fishery would be included in the consultation regarding the opening of the mussel fishery.

**Members agreed to:**

- **Note the findings of the 2023 Autumn Mussel surveys and specifically that the Conservation Objective target for total mussel biomass has been achieved but the target for adult biomass (mussels  $\geq 45\text{mm}$  length) has not been achieved.**
- **Note the proposed management measures for the fishery including the associated rationale and the mechanism for implementing management under the interim measures.**

**Members resolved to:**

- **Agree subject to consultation, to open a re-laying mussel fishery with a maximum TAC of 3,031 tonnes on the beds highlighted in Appendix 1 and with maximum exploitation rates for each bed as set out in table 2 of the below report.**
- **Agree to delegate authority to the CEO in consultation with the Chair or Vice-Chair to set and/or vary the TAC and / or the beds open to the fishery for both the dredged and hand-worked mussel re-laying fishery based upon the outcome of consultation and if judged to be necessary, during the period that the fishery is open.**

**Proposed: Cllr P Skinner**

**Seconded: Mr T Goldson**

**There was 1 abstention, all others able to vote were in favour, motion carried.**

**Members resolved to:**

- **Agree to delegate authority to the CEO in consultation with the Chair or Vice-Chair to introduce, vary or revoke flexible management measures referred to in Schedule 4 of the Wash Cockle and Mussel Byelaw 2021 to manage a cockle fishery in the event that the byelaw comes into effect.**
- **Agree to delegate authority to the CEO in consultation with the Chair or Vice-Chair to introduce, vary or revoke flexible management measures with less than 12-hours' notice as may be required, in accordance with the provisions of the Wash Cockle and Mussel Byelaw 2021 should the byelaw come into effect.**

**Agree that the dredge and hand-worked relaying fisheries will close on 31<sup>st</sup> August 2024 or when the respective quotas are exhausted, whichever is the sooner.**

**Proposed: Mr J Davies**

**Seconded: Mr T Goldson**

**There was 1 abstention, all others able to vote were in favour, motion carried.**

## **EIFCA23/64 Item 12: Cockle Fisheries Management Plan**

Tim Smith from the Association of Inshore Fisheries and Conservation Authorities (AIFCA) gave a presentation to members outlining how the AIFCA is preparing the draft cockle FMP. They are currently consulting with industry and stakeholders on the draft objectives for the FMP, exploring monitoring and reporting mechanisms, as well as developing relationships with policy colleagues. Members noted that they had concerns that changes at a national

level may affect the local management of the cockle fishing industry. Tim Smith reassured members that collectively the IFCAs had identified this risk and recognise that cockle fisheries are best managed at a local level. The IFCA model is what the Fisheries Act 2020 is trying to achieve, and this can be highlighted in the case of cockles.

**Members Agreed to:**

- **Note the contents of the presentation.**

*1310 Cllr Chenery of Horsburgh left the meeting.*

*1320 Ms J Love left the meeting.*

*At this point the meeting was suspended to allow members a break (1325)*

*The meeting reconvened at 1340 hrs.*

*At this point Mr P Gilliland and Cllr P Skinner both left the meeting*

**EIFCA23/65 Item 13: Authority meeting dates 2024/25**

**Members Agreed to Approve the calendar of meetings at Appendix 1**

**Proposed: Cllr E Back**

**Seconded: Mr J Davies**

**All agreed.**

**EIFCA23/66 Item 14: Review of Annual Priorities and Risk Register**

The CEO updated members on the contents of the report and noted that staff turnover, particularly within the Marine Science team, was hampering the ability to make progress on some priorities. However, with a new cohort of officers starting in the new year this would improve. Completion of the amber/green gear/feature interactions is currently the highest priority workstream.

**Members Agreed to:**

- **Note the contents of the report.**

**EIFCA23/67 Item 15: New vessel update – verbal**

**Protector IV:** Members were advised the vessel is virtually complete, she was recently taken out in rough conditions, with a number of IFCA Officers on board, for successful sea trials. Formal delivery is due early in the new year. She will initially stay in Suffolk, with her tender arriving in the Spring.

**Potting vessel:** The order for the 9.6m catamaran potting vessel will be placed this month, it is anticipated she will be available in the spring.

**EIFCA23/68 Item 16: CEO update – verbal**



Defra would be publishing the response to the consultation on the forerunner FMPs the following day.

AIFCA Members Forum papers had been circulated to members and draft minutes would also be shared when available.

Members were reminded of the correspondence received some time ago from the North Sea Wildlife trusts regarding the ARM work in Cromer MCZ. The CEO advised that officers would be meeting with representatives from the Trusts on 20 December 2023.

### **EIFCA23/69 Item 17: Operational update**

**Marine Protection report:** The Head of Operations advised that this report encompassed three months of activity, however this would now be reverting to the usual monthly format. In the week prior to the meeting three cases had been taken to court, with one being adjourned, a full update will be provided at the next Authority Meeting.

**Marine Science Report:** A paper had been provided to update members on the workstreams being carried out across the Marine Science team.

### **EIFCA23/70 Item 18: Any other business**

**Water sampling/classification in the Wash:** Senior IFCO (Regulation) advised members that the Food Standards Agency (FSA) are responsible for monitoring levels of E.coli in the Wash, assistance is given by EIFCA to obtain water samples for this purpose. Recent poor results in the Wash have led to EIFCA further investigating the matter. Two sites within the Wash have been given seasonal classifications. The Ouse mouth will be downgraded to a category C from 1<sup>st</sup> March to 30<sup>th</sup> April, this time frame overlaps with the mussel relaying fishery, for which specific advice has been given. There will be no impact in this location on the cockle fishery. The Heacham and Hunstanton site which is usually class B limited, will have a prohibited period from 1<sup>st</sup> – 31<sup>st</sup> August, with two satisfactory samples required before regaining its B status. The public fishery has made limited use of this site in recent years, with approximately 3% of landings coming from this area. There will however be a significant effect on the Le Strange Estate cockle fishery. There was concern from members about a pattern of poor water quality in the summer, at a time when the cockle fishery is open. The CEO advised that EIFCA will continue dialogue with the FSA to ensure beds are opened at the earliest opportunity.

There being no other business the Chair thanked members for attending, the meeting closed at 1420 hours.