

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

AUTHORITY MEETING 01 DECEMBER 2022

Present:

Dr Stephen Axford
Councillor David Chance
Councillor Rhys Furley
Councillor Paul Stewart
Miss Rachel Hanbury
Councillor Stephen Harness
Miss Rebecca Lynam
Councillor Chris Matthews
Mr Michael Montgomerie
Mr Gary Redshaw
Councillor Tony Randerson
Councillor Mark Wilkes
Mrs Donna-Maria Mear
Mr Graham Collins
Mr Kevin Woodcock
Councillor Shane Moore

Representing:

MMO appointee
North Yorkshire County Council
Hull City Council
Sunderland City Council
MMO appointee
North East Lincolnshire Council
MMO appointee
East Riding of Yorkshire Council
MMO appointee
MMO appointee
North Yorkshire County Council
Durham County Council
MMO appointee
MMO appointee
MMO appointee
Hartlepool Borough Council

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief Officer, Mr Stephen Chandler, Treasurer, Dr Ralf Bublitz, Senior Environmental & Scientific Officer, Mr Paul Slater, Environment representative, Mr Christian Proud and Mr Patrick Gray, MMO representative also attended the meeting.

The Committee met at The County Hall, Beverley, members were also able to attend the meeting via Zoom. The meeting started at 09:30am

25. APOLOGIES FOR ABSENCE

Apologies of absence were received from MMO members Councillor Allcock, Councillor Copsey and Natural England Appointee Claire Argent. Councillor Rhys Furley from Hull City Council was introduced to members following appointment to the authority.

26. DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS

Resolved –The Clerk asked Members to declare any personal or prejudicial interests in items on the Agenda and the nature of such interests. No interests were declared.

27. MINUTES OF THE AUTHORITY MEETING HELD ON 08 JUNE 2022

Resolved – That the minutes of the Quarterly meeting held on 08 June 2022 be approved as a correct record and signed by the Chair.

28. MINUTES OF THE EXECUTIVE MEETING HELD ON 21 SEPTEMBER 2022

Resolved – That the minutes of the Executive meeting held on 21 September 2022 be approved as a correct record and signed by the Chair.

29.

BUDGET MONITORING

The Treasurer presented a report to advise Members of the budget position at the end of month 07 (October) in 2022/23. At the end of October 2022, the Authority had net expenditure of £661,028 against an expected £678,632 underspending by £17,604. A forecast outturn underspend of £24,754 was predicted due to additional one-off recharge income from NEIFCA employees working on the European Lobster Settlement Index project.

The forecast included estimated costs of the £1,925 Local Government Employers pay award due to be paid to staff in November 2022. Grants & contributions underspend of £26,082 due to £17,500 recharge income from staff time and vessel costs generated by the European Lobster Settlement Index project which was fully funded by DEFRA and £8,690 prosecution income.

Repairs on the main vessel NEG III were almost complete and electrical testing had commenced. The total cost of the work was yet to be finalised and officers were awaiting the insurance assessors report.

Work had commenced on the patrol vessel replacement project. It was proposed that a supplementary budget of £10,000 in 2022/23 and £20,000 in 2023-24 be approved, funded from the Renewals Fund reserve, to support associated additional staffing and travel costs.

The Department for Environment Food and Rural Affairs (DEFRA) had developed Fisheries Management Plans (FMPs) as a new policy tool to implement the objectives of the Fisheries Act 2020. IFCA had been asked to support the 3-year programme and with additional grant aid support from Defra. NEIFCA received £50,000 for 2022/23 with the funding for the second and third years yet to be announced. It was proposed that the funding would be used to create a fixed-term Environmental Officer post, initially for one year to support the programme and approval was sought to establish a supplementary budget of £7,000 in 2022/23 and £43,000 in 2023/24 fully funded via the Defra grant. It was proposed that the forecast balance of the grant as at 31 March 2022, of £43,000 be transferred to the External Projects reserve at the financial year end.

Resolved –

- a) That the budget monitoring position is noted.
- b) That a supplementary budget to fund the revenue costs of the patrol vessel replacement project of £10,000 in 2022/23 and £20,000 in 2023/24 is approved, funded by the Renewals Fund reserve.
- c) That a supplementary budget to fund the additional cost of supporting DEFRA's Fisheries Management Plan programme of £7,000 in 2022/23 and £43,000 in 2023/24 is approved, funded by grant income, and the forecast balance at outturn is transferred to the External Projects reserve.

30.

LEVY 2023/2024

The Treasurer presented a report to determine the levy on member local authorities for 2023/24 and to highlight issues relating to the setting of the levy for 2024/25 and 2025/26.

At its meeting on 2 December 2021, the Authority set a levy totalling £1,337,343 including £100,000 plus accrued interest transferred to the renewals fund and £10,000 transferred to the vehicle replacement fund. The levy had been fixed at £1,139,521 from 2011/12 to 2016/17, meaning the 2017/18 increase was the first for 6 years. For 2018/19 and 2019/20, increases were agreed covering the cost of pay awards, however in 2020/21 an increase of 5% was agreed to fund both the annual pay increase (2.75%) and to support the staffing and organisational review. The 2021/22 levy was increased by 1% to cover the cost of increases in pay. The 2022/23 levy was increased by 3% to cover the cost of increases in pay and inflation offset by savings within supplies and services budgets. Indicative increases of 2% for 2023/2024 and 2024/25 were proposed but not agreed.

The Bank of England's November monetary policy report described an extremely challenging outlook for the UK economy, which was expected to be in recession for a prolonged period, and CPI inflation remains high at over 11% in the near term. In the Autumn Statement on 17 November the Chancellor announced that local authorities would still receive an increase in funding in 2023-24 and 2024-25 and that the government was seeking recommendations from Pay Review Bodies where applicable for pay awards for 2023-24. It was not yet known how this would impact on the specific grant local authorities receive for Inshore Fisheries and Conservation and in relation to potential future pressure on resources from other agencies on NEIFCA to perform additional work previously undertaken by them.

The National Joint Council (NJC) Local Government Pay Award for 2022/23 was agreed at £1,925 increase on all at pay points which is a 10.5% increase for the lowest grades. The higher than anticipated pay award was offset by the reversal of the 1.25% increase in Employers' National Insurance from 6 November 2022. It was forecast that the pay award would be 2.5% in 2023/24 and 2% in 2024/25 and 2025/26.

Given the pay award and inflationary pressures, a levy increase of 3% was proposed.

In putting forward the proposal the Clerk, Treasurer and Chief Officer were mindful that the funding authorities were facing financial pressures of their own, in particular the pressure from the increasing cost of energy, goods and wages. Members unanimously agreed that the requested 3% was a fair and reasonable figure.

Resolved –

- a) That the levy increase for 2023/24 be agreed and the Clerk be authorised to issue demands on the relevant local authorities (a 3% increase), as presented at Appendix A.
- b) That the Authority acknowledges the issues affecting NEIFCA and their effect upon the levy for 2024/25 and 2025/26, which is anticipated to be a minimum of a 2% increase each year.
- c) That a detailed budget for 2023/24 be brought to the Authority for approval at the Executive meeting in March 2023.

31. MARINE & COASTAL ACCESS ACT 2009 (SECTION 155) – MAKING OF XXIX HUMBER ESTUARY FISHING BYELAW

The Chief Officer presented a report to inform Members of the intention to make a new byelaw regulation in accordance with the duty imposed by section 153 and the provisions contained within sections 155, 156, 158 and 160 of the Marine and Coastal Access Act 2009.

The Humber Estuary Fishing Byelaw XXIX was introduced in 2014 under the revised approach to protect a bed of dwarf eelgrass present along the intertidal grounds at Spurn Point from fishing activity and bait digging. These eelgrass beds provide key ecosystem services including nursery and refuge grounds for fish, foraging grounds for birds, sediment stabilisation, nutrient cycling and carbon sequestration. However, this species is highly sensitive to smothering from shifting sediment which can be caused by disturbance from fishing activity, bait digging and natural erosion.

Annual surveys of the eelgrass bed have been conducted in conjunction with Yorkshire Wildlife Trust since the introduction of the byelaw, with data compared across years to determine the stability (number of years present) of the eelgrass bed. The initial boundary of the protected areas was defined based on the presence of the eelgrass bed in 2014. There is now sufficient data to indicate stable presence of eelgrass outside the existing protected area. To ensure sufficient protection of the designated feature officers propose altering the offshore extent of the protected area.

The Conservation of Habitats and Species Regulations 2017 requires that the IFCA exercise its functions, which are relevant to marine conservation, so as to secure compliance with the requirements of the Habitats and Birds Directives. Altering the boundary of the protected area would ensure continued compliance with the Regulations. The revised boundary would also provide a buffer for new growth and further expansion of the eelgrass bed in the future and reduce the need to revise the boundary again should the distribution of the species continue to increase.

Resolved – a) That the Authority approves the making of the byelaw.

b) That the Authority instructs the Clerk to give requisite notice by advertisement of the intention to apply to the Secretary of State for confirmation of said byelaw.

32. MARINE & COASTAL ACCESS ACT 2009 (SECTION 155) – MAKING OF XXVIII SHELLFISH PERMIT BYELAW 2022

The Chief Officer presented a report to inform Members of the intention to make a new byelaw regulation in accordance with the duty imposed by section 153 and the provisions contained within sections 155, 156, 158 and 160 of the Marine and Coastal Access Act 2009.

Since the late 1990s levels of potting effort had increased steadily throughout the NEIFCA district placing increasing pressure on crab and lobster stocks. Steady progression in terms of modernisation across the inshore fishing fleet during the last decade had also contributed to increasing effort leading to persistent calls from the industry to limit the number of pots that vessels can work within the NEIFCA district. This picture was supported by the most recent stock assessments undertaken by both NEIFCA (2018) and CEFAS (2019) which concluded that the exploitation levels for lobsters and edible crabs were above the maximum sustainable yield and stock status for both species is considered low. Recent events off the Tees and North Yorkshire

coast also brought the potential vulnerability of stocks, in terms of impacts from external events outside of fishing pressure, into very sharp focus.

Strengthening the management of fishing pressures would improve stock resilience. The new draft byelaw regulation would also maintain existing technical conservation measures and cap the number of shellfish permits within the NEIFCA district. Members were advised of the outcome of the informal consultation, with 60-70% of feedback being that pots should be capped at a set number. Having listened to stakeholders, the proposed maximum number of pots would be changed from 800 to 1000.

The Chief Officer advised that 2 existing byelaws would be incorporated into this new flexible byelaw, and because of complexity of this, it might take more time than originally thought.

Hobby operators would be limited to a maximum of 5 pots – with a proposed fixed charge of £10. Cllr Moore, rep. Hartlepool Borough Council, raised concerns about the reduction of the number of pots allowed to be used by hobby fishermen in the Hartlepool district, especially after the recent mortality incident. The Chief Officer explained that it is was not proposed that NEIFCA limit the number of hobby permits offered but reduce the number of pots in the water to conserve stocks.

Resolved – a) That the Authority approves the making of the byelaw.

b) That the Authority instructs the Clerk to give requisite notice by advertisement of the intention to apply to the Secretary of State for confirmation of said byelaw.

33.

CHIEF OFFICERS OPERATIONAL REPORT

The Chief Officer presented a report to provide members with a comprehensive and detailed operational summary covering the period June 2022 to November 2022, which included an update on the major engine failure on North Eastern Guardian III, progress to date on the replacement of the Authority's main vessel and the Tees & North Yorkshire Shellfish Mortalities.

Members were informed by the Chief Officer that NEG III was now operational with further testing planned in mid-November.

The main vessel replacement project had now commenced and officers were in the process of visiting and assessing a number of potential shipyards across the UK, Europe and the Far East who had expressed an interest in potentially building a vessel. Officers were working to complete pre-market engagement as quickly as possible before the end of this calendar year and following that, an outline specification and supporting procurement documentation would be finalised in readiness to go out to tender following final review by the Executive Committee.

The Chief Officer also touched upon the shellfish management proposals and the Shellfish Mortality investigations and the national IFCA 4 yearly review which members were encouraged to engage in.

Resolved – That the report be noted.

34. TEES & NORTH YORKSHIRE SHELLFISH MORTALITY UPDATE

The Chief Officer presented a report to update members on the ongoing issues relating to shellfish mortality in waters surrounding the Tees and North Yorkshire. Since the last Authority meeting held on 8 June 2022. Members raised concerns over the level of officer time and resources invested in the associated work. The Chief Officer and the Environmental Manager confirmed that NEIFCA continued to closely monitor the situation. Members were also asked to consider and endorse the recommendations emanating from the Parliamentary EFRA Committee.

Resolved – a) That Members note the report.

b) That Members endorse the recommendations emanating from the Parliamentary EFRA Committee.

35. SCIENCE ADVISORY GROUP UPDATE

The Chair of the Science Advisory Group presented a report to update members on the most recent proceedings of the Science Advisory Group (SAG) following meetings held on 27 May and 23 September 2022.

Resolved – That the report be noted.

36. FISHERIES STATUTES & REGULATIONS - PROSECUTIONS

The Clerk submitted a report on the fisheries enforcement activities taken by the Authority for the period May 2022 to November 2022.

Resolved – That the notes be received.

37. REPORTS FROM PARTNER AGENCIES AND BODIES

The Environment Agency partner briefing papers had been circulated prior to the meeting, papers from the Marine Management Organisation and Natural England were unavailable at the time of printing. Paul Slater from the Environment Agency also provided a verbal update at the meeting.

38. ANY OTHER BUSINESS

Nothing to report.

The meeting closed at 11.35am.