

Clerk of the Authority
Caroline Lacey
County Hall, Beverley
East Riding of Yorkshire, HU17 9BA

Chief IFC Officer
David McCandless, BSc. MSc.
Town Hall, Quay Road, Bridlington
East Riding of Yorkshire, YO16 4LP



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Our ref: NEIFCA
Date: 25 November 2019

Dear Member

Meeting of North Eastern Inshore Fisheries & Conservation Authority – Thursday 05 December 2019

I hereby give you notice that the next Authority Meeting of North Eastern Inshore Fisheries and Conservation Authority will be held on **Thursday 05 December 2019**, at, **Monk Bar Double Tree by Hilton Hotel, York, YO31 7JA** starting at **10:00am**.

The nearest council car park is the Foss bank car park, York, YO31 7PL.

On arrival please ask for David McCandless. Could members please send in any apologies by Monday 2 December 2019, please telephone 01482 393515 or email ne-ifca@eastriding.gov.uk. Thank you to members who have already given their apologies.

Please contact me if you have any queries.

Yours Faithfully

David McCandless
Chief IFC Officer

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MONK BAR DOUBLE TREE HILTON HOTEL, YORK, YO31 7JA, 10:00

5 DECEMBER 2019

AGENDA

1. Apologies for absence
2. Declaration of Personal or Prejudicial Interests – Members to declare any interests in items on the Agenda and the nature of such interests
3. To take the Minutes of the Annual Meeting held on 14 June 2019 as a correct record, consider any matters arising and authorise the Chairman to sign (*pages 1-6*)

Items for decision

4. Levy 2020/21 (*pages 7-10*)
5. Marine and Coastal Access Act 2009 (Section 155) – Making of Byelaw XXXII Fish, Mollusc and Crustacea Minimum Size Byelaw 2019 (*pages 11-42*)

Items for discussion

6. Science Advisory Group (*pages 43-44*)
7. Chief Officer's Operational Report (*pages 45-70*)
8. Budget monitoring 2019/2020 – *report to follow*
9. Fisheries Statutes and Regulations – Prosecutions (*pages 71-72*)

Items for information

10. NEIFCA Annual Report 2018/2019 (*pages 73-112*)
11. NEIFCA Byelaws Update (*pages 113-144*)
12. Reports from partner Agencies and bodies (*pages 145-150*)
 - 12(a) Marine Management Organisation
 - 12(b) Environment Agency
 - 12(c) Natural England
13. Any other items, which the Chairman decides, are urgent by reason of special circumstances which must be specified

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**AUTHORITY MEETING****27 JUNE 2019****Present:**

Councillor Ron Allcock
 Dr Stephen Axford
 Councillor Edward Bell
 Miss Emma Brown
 Mrs Kirsten Carter
 Councillor David Chance
 Mr Andrew Faichney
 Councillor Stephen Harness
 Mr Bob Houghton
 Councillor Chris Matthews (Chair)
 Mr Michael Montgomerie
 Councillor Shane Moore
 Christian Proud
 Mr Nigel Proctor
 Councillor Tony Randerson
 Mr Gary Redshaw
 Mr Paul Slater
 Mr Andrew Wheeler
 Mr Jon Whitton

Representing:

North Lincolnshire Council
 MMO appointee
 Durham County Council
 Natural England appointee
 MMO appointee
 North Yorkshire County Council
 MMO appointee
 North East Lincolnshire Council
 MMO appointee
 East Riding of Yorkshire Council
 MMO appointee
 Hartlepool Borough Council
 MMO Representative
 MMO appointee
 North Yorkshire County Council
 MMO appointee
 Environment Agency Representative
 MMO appointee
 MMO appointee

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief Officer, Mr Stephen Chandler, Treasurer, Mr Tim Smith, Senior Environmental & Scientific Officer, Mr Steven Mallinson, Senior Inshore Fisheries & Conservation Officer, Daniel Bennet, Inshore Fisheries & Conservation Officer and Bex Lynam, YWT also attended the meeting.

The Committee met at the Double Tree by Hilton Monkbar Hotel, York. The meeting started at 10:00am.

1. APOLOGIES FOR ABSENSE

Apologies of absence were received from MMO member Elliot and Wood, Councillor Members Baldwin and Stewart.

2. 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.

3. MEMBERSHIP OF THE AUTHORITY

The Clerk reported that the following new Members had been appointed to the Authority:

Councillor Paul Stewart – Sunderland City Council
Councillor Neil Baldwin – Redcar & Cleveland Borough Council
Councillor Shane Moore – Hartlepool Borough Council
Councillor Paul Whitehead – East Riding of Yorkshire Council

The Clerk also reported that Mr Philip Macmullen, MMO Appointee had resigned from the Authority

4. TO ELECT A CHAIRMAN

The Clerk reported that the Authority had received one nomination in writing from Councillor Chris Matthews, East Riding of Yorkshire Council member and asked the Authority if there were any other nominations. There were no further nominations. Councillor Chris Matthews was proposed and seconded and was elected Chairman by a unanimous vote by the Authority.

Resolved - That Councillor Chris Matthews be elected as Chairman for the ensuing year.

TO ELECT A VICE CHAIRMAN

The Clerk reported that the authority had received one nomination in writing from Dr Stephen Axford, MMO Appointee, and asked the Authority if there were any other nominations. There were no further nominations. Dr Stephen Axford was elected Vice Chairman by a unanimous vote by the Authority.

Resolved - That Dr Steven Axford be elected Vice-Chairman for the ensuring year.

TO APPOINT AN EXECUTIVE COMMITTEE

- 5. Resolved –**
That the Chairman, Vice-Chairman
Councillors Bell, Randerson and Allcock
Mrs Kirsten Carter, Mr Nigel Proctor, Mr Gary Redshaw and Professor Mike Elliott
be appointed for the ensuing year.

6. TO CONFIRM MEMBERSHIP OF STANDARDS COMMITTEE

Resolved - That Councillors Bell, Randerson and Clerk be appointed for the ensuing year.

7. TO CONFIRM MEMBERSHIP OF THE SCIENCE ADVISORY GROUP

Resolved – That Chair, Vice-Chairman
Mrs Kirsten Carter, Mr John Whitton, Mr Robert Houghton, Professor Mike Elliott,
Mr Michael Montgomerie, Mr Nigel Proctor and representatives from the Marine
Management Organisation, Natural England and the Environment Agency be
appointed for the ensuing year.

**8. TO APPOINT REPRESENTATIVES TO SERVE AND REPORT
QUARTERLY**

Resolved - (a) That the following be appointed for the ensuing year to serve

and report quarterly on :-

Flamborough Harbour Commissioners (2 representatives):

Councillor Chris Matthews

Mr Bob Houghton

Staithes Harbour Board (4 representatives)

Councillor David Chance

Mr Steven Mallinson

Mr Jon Whitton

Mr Richard Pennall

The Chief Officer informed members that there had been some communications with the Staithes Harbour Board, and they had recognised the difficulty in appointing 4 representatives from the Authority, so they had suggested appointing an external representative, Mr Richard Pennall, members supported the recommendation.

(b) That the following be appointed for the ensuing year to attend meetings of:

The Association of Inshore Fisheries & Conservation Authorities Forum (3 representatives):

Chairman/(the Vice-Chairman to substitute when the Chairman is unable to attend)

Clerk or Deputy Clerk

Chief IFC Officer

(c) That it be noted that the Chief IFC Officer was a Director of The Association of Inshore Fisheries & Conservation Authorities .

9. MINUTES OF THE AUTHORITY MEETING HELD ON 06 DECEMBER 2019

Resolved – That the minutes of the Quarterly meeting held on 06 December 2019 be approved as a correct record and signed by the Chair.

10. MINUTES OF THE EXECUTIVE MEETING HELD ON 14 MARCH 2019

Resolved – That the minutes of the Executive meeting held on 14 March 2019 be approved as a correct record and signed by the Chair.

11. NEIFCA FINANCIAL OUTURN

The Treasurer of the Authority presented a report of the Annual Accounts for NEIFCA for the year ended 2018-19. The report provided the income and expenditure account, detailed balance sheet and position on reserve accounts.

Resolved -

a) That the Statement of Accounts were approved as presented

b) That Members Approved the Outturn position

12. MANAGEMENT OF SCALLOP DREDGING 2019/2020

The Chief Officer presented a report to support consideration of recommendations for the 2019/2020 fishery. A detailed background was included in the report for members information. Members also discussed the overall environmental impact on the ground now that activity was increasing amongst the 3 permitted vessels and agreed that a longer term strategy was essential.

Resolved – (a) That members note the report.

(b) Members support the recommendations of the Science Advisory Group that the 2019/2020 fishery be re-opened for a maximum of three vessels (on the same basis as the 2016/2017 fishery) to enable the capture of four years comparative data and the development of a long term strategy for the fishery.

(c) All members be invited to the September meeting of the Science Advisory Group to consider the supporting survey work.

13. MANAGEMENT OF PERMITTED INTERTIDAL SEA BASS FISHERY 2019/2020

The Chief Officer presented a report to update members on the current situation surrounding the issuing of intertidal fixed netting permits to target sea bass and ongoing legislative conflict with European Fisheries legislation. A detailed background was included in the report for member's information. Given the continuing conflict with the European legislation, prohibiting the commercial fishing for sea bass from the shore, the Chief Officer recommended to members that no intertidal sea bass permits are issued for the 2019/2020 season.

Resolved – (a) That Members note the report.

(b) That Members endorse the recommendation that, given the continuation of the European ban on commercial sea bass fishing from the shore, no intertidal permits are issued for the forthcoming 2019/2020 season.

(c) That the situation surrounding intertidal permits remains under review with a further report presented at the next meeting of the Authority in December 2019.

14. NEIFCA DRAFT ANNUAL REPORT 2018/2019

The Chief Officer apologised to members as the draft Annual Report covering the period 2018/2019 was not available, the Chief Officer assured members that a copy would be circulated for comment as soon as it had been received back from print and design.

Resolved – That the report be noted.

15. SCIENCE ADVISORY GROUP UPDATE

The Chief Officer presented a report to update members on considerations and recommendations emanating from the most recent meetings of the Science Advisory Group (SAG) held on 14 March 2019. At the meeting members considered the following items. The annual research report and a supplementary 'State of the Fisheries' report were attached for members information:

NEIFCA 5 year strategic research plan

NEIFCA annual research programme 2019/2020

NEIFCA annual research report

Members requested that an executive summary be provided on the research plan and programme, the Chair also recommended a presentation on the strategic research plan and annual research programme be provided to members.

Resolved – That the notes be received.

16. CHIEF OFFICER'S OPERATIONAL REPORT

The Chief Officer presented a report to provide members with a comprehensive and detailed operational summary covering the period December to May 2019 which included issues relating to the impacts of nomadic scallop dredging and compliance with the national prohibition on landing egg bearing lobsters. The report also highlighted ongoing issues with byelaw making which included four outstanding regulations which had been in process since 2016.

The Chair suggested that a letter, written on behalf of the Authority should be sent to the Minister expressing the Authority's concern and frustrations surrounding the 4 byelaws which have yet to be confirmed, and it was also suggested that the Minister be invited to attend the December Authority meeting in York.

The Chair also thanked all officers, on behalf of the full Authority for their continued hard work and dedication.

Resolved – That the notes be received.

17. FISHERIES STATUTES AND REGULATIONS – PROSECUTIONS

The Clerk submitted a report on the fisheries enforcement activities taken by the Authority since December 2018.

Resolved – That the notes be received.

18. REPORTS FROM PARTNER AGENCIES AND BODIES

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

19. ANY OTHER BUSINESS

The Chair reminded members that at the Full Authority meeting in December, the Levy for 2020/21 would be determined, so Local Authority members were encouraged to attend.

The meeting closed at 12:15

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
5 December 2019

LEVY 2020/21 TO 2022/23

Report by the Treasurer

A. **Purpose of Report**

To determine the levy on member local authorities for 2020/21

To highlight issues relating to the setting of the levy for 2021/22 and 2022/23

B. **Recommendations**

- (i) That the levy for 2020/21 be set at £1,285,536 (an increase of 5% (£61,216) above the 2019/20 rate) and the Clerk be authorised to issue demands on the relevant local authorities as presented at Appendix A.
- (ii) That the Authority acknowledges the issues affecting NEIFCA and their effect upon the levy for 2021/22 and 2022/23, which is anticipated to be a minimum of a 5% increase each year.
- (iii) That a detailed budget for 2020/21 be brought to the Authority for approval at the Executive meeting in March 2020.
- (iv) That members' delegate authority to the Executive Committee to determine and implement the outcome of the staffing and organisational review, within the levy envelope.

1. **Background**

- 1.1 NEIFCA is a statutory body, made by Order on the 1 October 2010 and vested with its full powers on 1 April 2011. Article 16 of the Order sets out that 'the expenses incurred by the Authority must be defrayed by the relevant councils', therefore NEIFCA has levying powers on the relevant councils. The relevant councils and the proportion of expenses that each must bear are set out in the Order and are shown at Appendix A.
- 1.2 In accordance with standing orders, all precepts or orders for the payment of money which the Authority from time to time may issue to respective councils shall require the consent of the majority of the council representatives attending such meeting.

- 1.3 Any motion to veto the total amount of expenses incurred by the Authority, must be sent in writing to the Clerk at least three clear working days before the meeting of the Authority. The Authority must give notice in writing of that motion to each Council member.
- 2. Levy Considerations and Proposals**
- 2.1 At its meeting on 6 December 2018, the Authority set a levy totalling £1,224,320 including £100,000 plus accrued interest transferred to the renewals 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. The levy proposed for 2020/21 is £1,285,536 and the apportionment of this levy between the relevant councils is shown at Appendix A.
- 2.2 The Bank of England's most recent monetary policy report shows that CPI has remained at 1.7% and predicts the level of CPI to remain slightly above the target of 2% towards the end of the forecast period. NEIFCA will experience this inflationary pressure as a significant amount of its budgeted costs such as fuel and other supplies are subject to the effect of a relatively weaker pound. The potential exit from the European Union is also anticipated to result in increased inflation. It is also recognised that the risk to NEIFCA's financial outlook has heightened including 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.
- 2.3 At its meeting on 6 December 2016, the Authority endorsed the commencement of a staffing and organisational review, and members delegated authority to the Executive Committee to provide oversight of the review process and to consider the recommendations emanating from it.
- 2.4 Additional budget provision is required to set a funding envelope to allow for the successful completion of the staffing and organisational review. A report presented to the Special Executive meeting held on 15 November 2019 shows that the Authority is experiencing severe recruitment and retention issues. Benchmarking shows that salary levels are well below those of other IFCAs and comparable organisations, and that an initial 5% increase to the Levy is required in 2020/21. This allows for a 2% pay increase and equates to a net increase in the levy of £61,216.
- 2.5 The next triennial valuation of the East Riding Pension Fund by the actuary is due by 2020/21, and may result in a budget pressure or saving, which is largely dependent on the age profile of the staff.
- 2.6 The replacement of the patrol vessel remains a key risk for the Authority, included within the levy proposals is a contribution to the renewals reserve of £102,900. This will bring the total of the Renewals reserve to £1,180,989. This together with the second hand sale value of the current patrol vessel may not be enough to replace it. Further clarity on the cost of a replacement vessel should be available in January. At this time it is not proposed to increase the contribution to the renewals reserve, any shortfall in cost will need to be considered further. With Authority members lobbying Government for grant funding or changes to legislation to enable NEIFCA to borrow, as funding multi-million pound investment in a vessel through the levy is not considered feasible.
- 2.7 In putting forward these proposals the Clerk, Treasurer and Chief Fisheries Officer are mindful that the funding authorities are facing financial pressures of their own. The current outlook is extremely uncertain, with the upcoming general election, potential European Union exit, the move to 75% business rate receipts, benefit reform, a new spending needs assessment and a one year only financial settlement for 2020/21. With this in mind the increase in the levy

has been limited to unavoidable additional expenditure, mainly in relation to direct employee costs.

3. General Reserve

- 3.1 The NEIFCA general reserve stands at £228,449 as at 1 April 2019. The latest budget monitoring report (Agenda item 8) shows that a balanced budget is expected therefore the expected balance of the reserve as at 31 March 2020 will remain at £228,449.

4. Determination of Levy for 2021/22 and 2022/23

- 4.1 There are a number of issues that need to be considered in terms of determining the levy beyond 2020/21. The staffing and organisational review is likely to require an overall increase of 15% over the next three years and therefore indicative increases in the levy of a minimum of 5% in 2021/22 and 2022/23 are proposed. An increase in excess of 5% could be required, however this would be limited by any increase in inflation above the Government CPI target of 2%.
- 4.2 The Authority should consider the effect of the issues highlighted in paras 2.1 to 2.7, and 3.1 on the levy for 2021/22 and 2022/23.

Contact Officer

Stephen Chandler (Tel 01482 394270)
Finance Manager, East Riding of Yorkshire Council

Stephen Chandler
Treasurer

Background Papers: NEIFCA\2020-21\Levy\Levy Requirements 2020-21

Appendix A

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY LEVY 2020/21

LOCAL AUTHORITY	Allocation	2019/20	2020/21	Increase
	%	£	£	£
Durham County Council	5.56	68,072	71,476	3,404
East Riding of Yorkshire Council	22.22	272,044	285,646	13,602
Hartlepool Borough Council	2.77	33,914	35,609	1,695
Hull City Council	11.11	136,022	142,823	6,801
North East Lincolnshire Council	11.11	136,022	142,823	6,801
North Lincolnshire Council	5.56	68,072	71,476	3,404
North Yorkshire County Council	22.22	272,044	285,646	13,602
Redcar and Cleveland Borough Council	2.77	33,914	35,609	1,695
South Tyneside Metropolitan Borough Council	5.56	68,072	71,476	3,404
Stockton on Tees Borough Council	5.56	68,072	71,476	3,404
Sunderland City Council	5.56	68,072	71,476	3,404
		<u>1,224,320</u>	<u>1,285,536</u>	<u>61,216</u>

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
5 December 2019

Marine and Coastal Access Act 2009 (Section 155) **XXXII Fish, Mollusc and Crustacea Minimum Size Byelaw 2019**

Report by the Clerk and Chief Officer of the Authority.

A. Purpose of Report

To inform Members of the intention to make the following 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:

XXXII Fish, Mollusc and Crustacea Minimum Size Byelaw 2019

B. Recommendation

1. That the Authority approves the making of the byelaw.
2. 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 the said byelaw.

1. Background

1.1 Byelaw XXXII Fish, Mollusc and Crustacea Minimum Size Byelaw 2019

- 1.1.1 This new byelaw replaces and replicates the provisions contained within the Authority's current emergency byelaw which was made on 13 August 2019. Please also note that within the pre- notification documentation sent out, the byelaw was incorrectly titled as 'XXXI Fish, Mollusc and Crustacea Minimum Size Byelaw 2019'.
- 1.1.2 Members will recall that longstanding European fisheries legislation (EC 850/98) which set the minimum landing sizes for a wide range of fish and shellfish species was revoked and replaced with new legislation (EC 1241/019) which took effect on 14 August 2019. This new legislation, however, which includes minimum landing size provisions, cannot be applied to unlicensed fishing. Given the scale of recreational fishing which occurs within the Authority's district, particularly for shellfish, this presented a significant risk to the sustainability of associated stocks and members supported the making of an emergency byelaw 'Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019'. At the time the introduction of the emergency byelaw was mirrored in the neighbouring IFCA districts including Northumberland, Eastern and Kent and Essex. This emergency byelaw regulation has enabled the Authority's officers to consistently enforce minimum landing sizes across both the licensed and unlicensed fishing sectors. IFCA emergency byelaws are, however, time limited to a maximum period of 18 months necessitating the making of a permanent byelaw regulation to ensure continuity of minimum landing size provisions going forward.

- 1.1.3 Copies of the draft byelaw regulation, supporting Regulatory Impact Assessment and current emergency regulation are attached for members information.

Contact Officer

David McCandless, Chief Officer

Ext. 3690

North Eastern Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

XXXII FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE BYELAW 2019

The Authority for the North Eastern Inshore Fisheries and Conservation District, in exercise of the power conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Interpretation

1. In this byelaw-

- a) "the Authority" means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- b) "District" means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- c) "Live bait" means fish that are:
 - (i) used only as a hook bait for the capture of other fish; and
 - (ii) retained on a vessel or within the District's waters; and
 - (iii) released alive into the fishery when no longer required; and
 - (iv) not landed or removed from the fishery

Catch Prohibitions and Restrictions

2. This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013, or any subsequent regulation that requires marine organisms to be landed, applies.
3. Subject to paragraphs 2, 4 and 8, no person shall remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale, any of the species named in paragraph 7 that measure less than the sizes specified but shall return them immediately to the sea.
4. Paragraph 3 shall not apply to: horse mackerel and mackerel, within a limit of 10 % by live weight of the total catches retained on board of each of these species. The percentage of undersized herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transhipment, landing, transportation, storage, display or sale.
5. The marine organisms described in paragraph 7 shall be measured in accordance with Schedule 1.
6. Named crustaceans and named molluscs for which a minimum conservation reference size is established in paragraph 7 may only be retained on board whole and may only be landed whole with the exception of the Norway lobster.
7. Species and specified minimum sizes

(a) Named Fish Species

Bass (<i>Dicentrarchus labrax</i>)	42 cm
Cod (<i>Gadus morhua</i>)	35 cm
Sole (<i>Solea</i> spp.)	24 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Herring (<i>Clupea harengus</i>)	20 cm
Horse mackerel (<i>Trachurus</i> spp.)	15 cm
Ling (<i>Molva molva</i>)	63 cm
Mackerel (<i>Scomber</i> spp.)	30 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm

(b) Named Mollusc Species

Octopus (<i>Octopus vulgaris</i>)	750 grams
Queen scallop (<i>Chlamys</i> spp.)	40 mm
Razor clam (<i>Ensis</i> spp.)	100 mm
Scallop (<i>Pecten maximus</i>)	100 mm
Short-necked clam (<i>Ruditapes philippinarum</i>)	35mm
Whelk (<i>Buccinum undatum</i>)	45 mm

(c) Named Crustacea Species

Crawfish (<i>Palinurus</i> spp.)	95mm
European lobster (<i>Homarus gammarus</i>)	87 mm
Norway lobster (<i>Nephrops norvegicus</i>)	
Total length	85 mm
Carapace length	25 mm
Tail	46 mm
Spinous spider crab (<i>Maia squinado</i>)	
Male	130 mm
Female	120 mm
Velvet swimming crab (<i>Necora puber</i>)	65 mm

8. The following named species below the minimum sizes specified in paragraph 7 may be used as 'live bait'

- (a) Horse Mackerel (*Trachurus trachurus*)
- (b) Mackerel (*Scomber scomber*)

Revocations

9. The emergency byelaw with the title 'Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019' made by North Eastern Inshore Fisheries and Conservation Authority on 13 August 2019 in exercise of its power under section 157 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

I hereby certify that the above Byelaw was made by the Authority at its meeting on 5 December 2019.

Caroline Lacey

Clerk

North Eastern Inshore Fisheries and Conservation Authority

Town Hall

Quay Road

Bridlington

East Yorkshire

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act 2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on 5 December 2019.

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date:

Explanatory Note
(This note is not part of the Byelaw)

This byelaw makes provision to prohibit the removal from the North Eastern IFC District of marine organisms below specified sizes.

The byelaw provisions shall not apply to any marine organisms caught that are subject to Article 15 of Regulation (EU) 1380/2013 or any subsequent regulation that requires fish to be retained and landed in order to prohibit discarding at sea.

The byelaw includes methods of measurement according to the anatomy of the named species.

The byelaw contains provisions for the retention of live named fish species below the minimum size that may be used as live bait when fishing for predatory fish species.

Schedule

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a European lobster shall be measured, as shown in Figure 2 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
3. The size of a Norway lobster (*Nephrops norvegicus*) shall be measured, as shown in Figure 3 for illustrative purposes, either:
 - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or
 - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.
 - c. In the case of detached Norway lobster tails; from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
4. The size of a crawfish (*Palinurus* spp.) shall be measured, as shown in Figure 4 for illustrative purposes, as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.
5. The size of a spinous spider crab (*Maja squinado*) shall be measured, as shown in Figure 5 for illustrative purposes, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
6. The size of a velvet swimming crab (*Necora puber*) shall be measured, as shown in Figure 6 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace, excluding the spines.
7. The size of any bivalve mollusc shall be measured, as shown in Figure 7 for illustrative purposes, across the longest part of the shell.
8. The size of a whelk shall be measured, as shown in Figure 8 for illustrative purposes, as the length of the shell.

Figure 1 Fish species

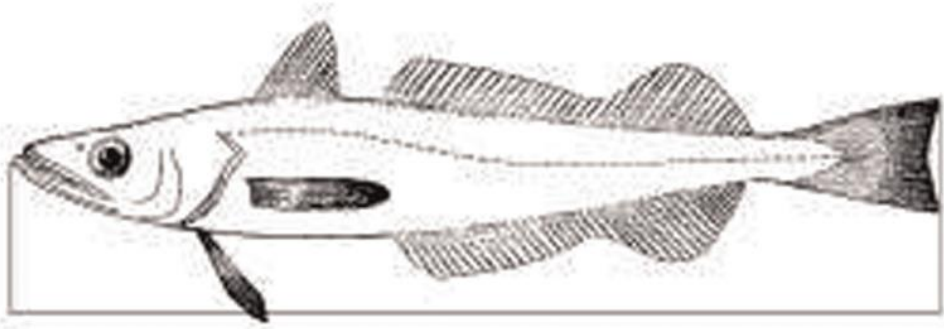


Figure 2 European lobster
(*Homarus gammarus*)

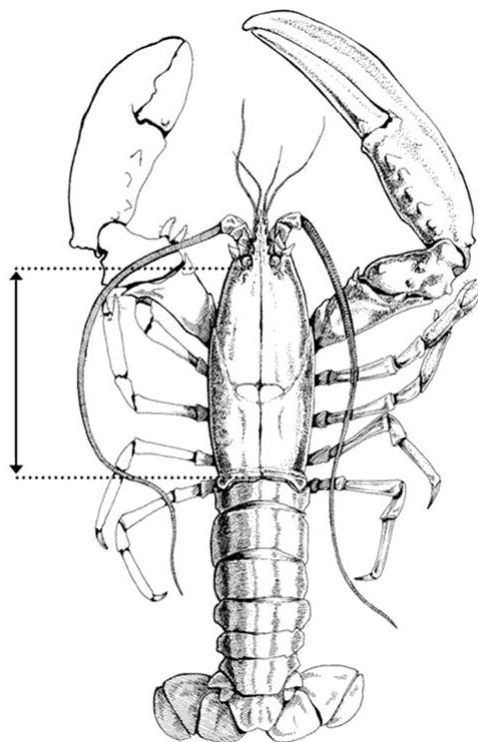


Figure 3 Norway lobster
(*Nephrops norvegicus*)

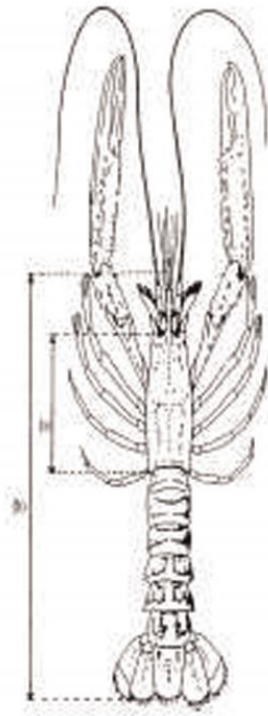


Figure 4 Crawfish
(*Palinurus* spp.)

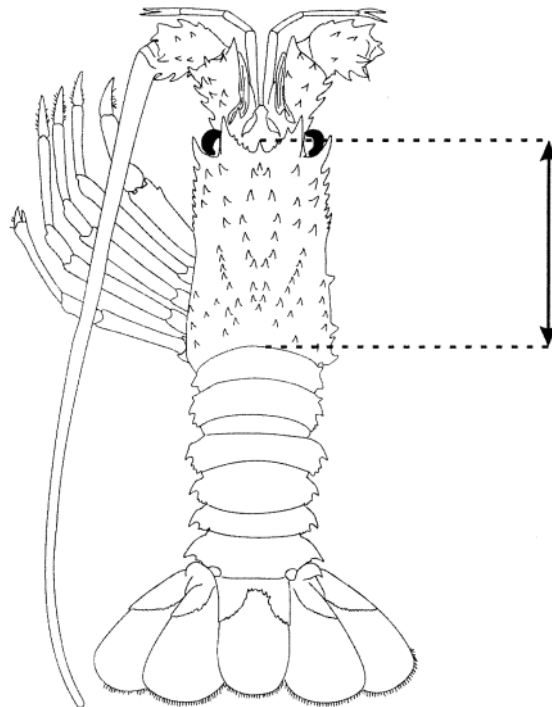


Figure 5 Spinous spider crab
(*Maja squinado*)

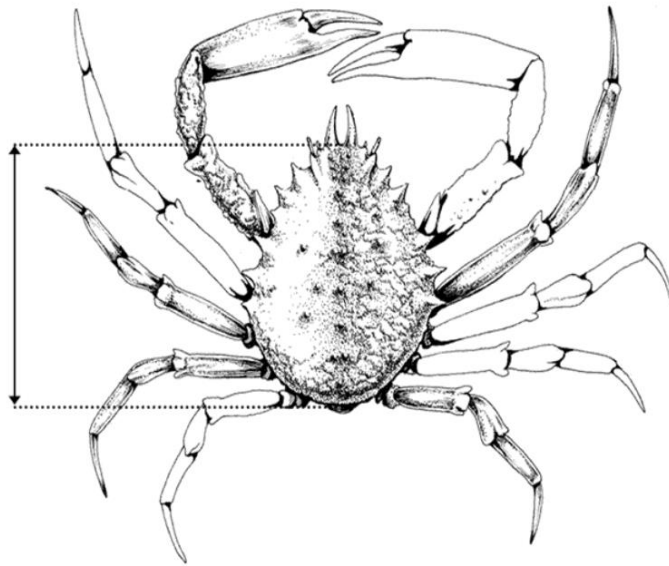


Figure 6 Velvet swimming crab
(*Necora puber*)

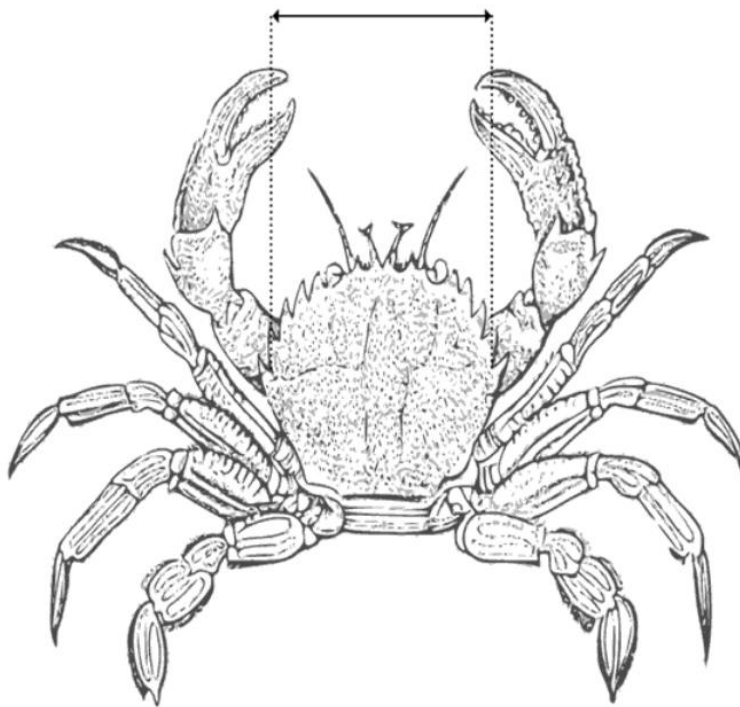
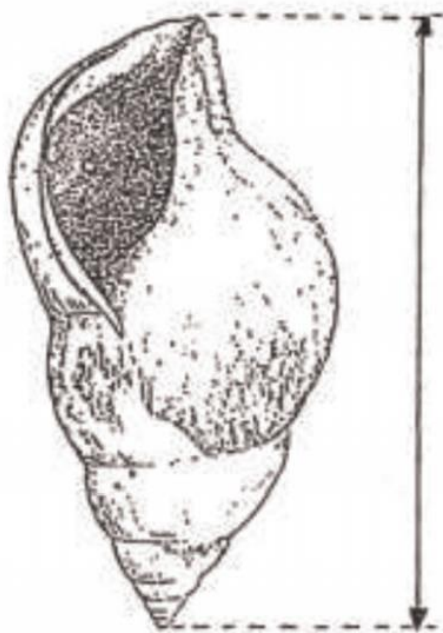


Figure 7 Bivalve molluscs



Figure 8 Whelk
(*Buccinum undatum*)



Title: XXXII 'Fish, Mollusc and Crustacea Minimum Size Byelaw 2019' IA No: NEIFCA_19_2 Lead department or agency: NEIFCA Other departments or agencies: MMO,NE	Impact Assessment (IA)
	Date: 18/11/2019
	Stage: Final
	Source of intervention: Domestic
	Type of measure: Secondary legislation
	Contact for enquiries: 01482 393515
Summary: Intervention and Options	RPC Opinion: N/A

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as
NA	NA	NA	No	NA

What is the problem under consideration?

Inshore Fisheries and Conservation Authorities's (IFCAs) were previously empowered to enforce minimum sizes in relation to commercial and recreational fisheries imposed by Council Regulation (EC) No 850/98. This legislation was replaced by (EC) No 1241/019 on 14 August 2019 but restricted the application of certain provisions, particularly those relating to minimum conservation reference sizes (MCRS), to commercial operators only, meaning that unlicensed operators could legally land fish and shellfish species below the specified MCRS. In recognition of this issue North Eastern IFCA, Northumberland, Eastern and Kent and Essex IFCAs introduced emergency byelaw regulations to re-establish the MCRS contained within Council Regulation (EC) No 850/98 across their individual districts to ensure continuity of application across the commercial and recreational sectors. Given that annually, North Eastern IFCA permits over 2000 unlicensed operators to take shellfish the emergency byelaw has ensured uniform application of MCRS across all fishing sectors operating within the North Eastern IFC district.

Why is government intervention necessary?

Management of fisheries by prohibiting the removal of undersize individuals is an important tool in ensuring long-term, sustainable fisheries. North Eastern IFCA's ability to enforce such across both the commercial and recreational sectors is crucial to meeting duties under MaCAA and the Marine Strategy framework directive. The emergency byelaw regulation is limited to a maximum period of 18 months and following expiry, NEIFCA will be unable to apply MCRS provisions on recreational operators, placing the potential sustainability of associated stocks at significant risk.

What are the policy objectives and the intended effects?

It is proposed that the NEIFCA 'Fish, Mollusc and Crustacea Minimum Siz' Emergency Byelaw 2019' is replaced with a new byelaw regulation containing identical MCRS provisions. These provisions are long established mirroring those contained within both EC No. 850/98 and EC No.1241/2019, covering species of fish and shellfish which are known to have been caught from within the North Eastern IFCA district since 2012. They include some species which are not likely to be of particular importance to recreational fishing but reflect the paucity of information on a species by species basis for recreational fishing (i.e. an unknown level of risk to each fishery) and the purpose of the byelaw, to replicate the protective effect (whether limited or not) of the original regulations which would otherwise be lost. The wording of the byelaw also takes into account the landing obligation in relation to certain commercial catches so as to ensure no conflict between the byelaw and current EU regulations.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

- 0. Do nothing/rely on MMO cross warranting
- 1. New byelaw regulation
- 2. Voluntary measures

'Do nothing' is not considered an option because of the perceived level of risk to the exploited fisheries outlined within this assessment and any agreed voluntary measures would not be respected or enforceable. Option 1 therefore, is considered the most effective option to ensure long-term, sustainable fisheries and effective enforcement of MCRS.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 12 months

If confirmed the proposed new byelaw regulation will be monitored continuously by officers and formally reviewed before end 2025.

Does implementation go beyond minimum EU requirements?			Yes		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A	Non-traded: N/A	

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Chief Officer:



Date: 18/11/2019

Summary: Analysis & Evidence Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV) (£m¹))		
			Low: Optional	High: Optional	Best Estimate:
COSTS (£m)	Total Transition² (Constant Price) Years		Average Annual³ (excluding transition) (Constant Price)	Total Cost⁴ (Present Value)	
Low	NA		Optional	Optional	
High	NA		Optional	Optional	
Best Estimate	NA		Optional		
Description and scale of key monetised costs by ‘main affected groups’					
The new byelaw regulation will merely replicate the current provisions contained within the NEIFCA ‘Fish, Mollusc and Crustacea Minimum Siz’ Emergency Byelaw 2019’, ensuring continuity of protective measures. Therefore, no financial implications are anticipated.					
Other key non-monetised costs by ‘main affected groups’					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low	Optional		Optional	Optional	
High	Optional		Optional	Optional	
Best Estimate					
Description and scale of key monetised benefits by ‘main affected groups’					
Other key non-monetised benefits by ‘main affected groups’					
Key assumptions/sensitivities/risks			Discount rate (%)	3.5%	

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: N/A	Benefits: N/A	Net: N/A ⁵	No	N/A

¹ Net Benefit - value of the total monetised benefits minus the total monetised costs. All monetised costs and benefits should be expressed in £m. In order to compare options you need to adjust the estimates by discounting the impacts to the same point in time, to estimate the Present Value (PV) of the impacts (see main evidence section for explanation).

² Transient, or one-off costs or benefits that occur, which normally relate to the implementation of the measure. Non-quantified transient or one-off costs should be documented in the non-monetised section

³ Average Annual, These are the costs and benefits that will reoccur in every year while the policy measure remains in force (although the scale of the impact may change over time) and so should not include transition costs. These are expressed as an annual average (over the life of the policy). i.e. undiscounted.

⁴ i.e. discounted as with NPV

Evidence base

1. Introduction

IFCA's were previously empowered to enforce minimum sizes in relation to commercial and recreational fisheries imposed by Council Regulation (EC) No 850/98 which was replaced on 14 August 2019 by (EC) No 1241/019. This new legislation, however, represented deregulation and diminished the effectiveness of minimum sizes as a measure, particularly in relation to recreational fishing. In order to address this issue North Eastern IFCA, Northumberland IFCA, Eastern IFCA and Kent and Essex IFCA made emergency byelaw regulations to re-establish the MCRS contained within Council Regulation (EC) No 850/98, across their individual districts to ensure continuity of application across the commercial and recreational sectors. These byelaw regulations, however, are time limited to a maximum period of 18 months and must be replaced with permanent regulations to ensure the long term continuation of MCRS provision.

2. Rationale for intervention

Management of fisheries by prohibiting the removal of undersize individuals is an important tool in ensuring long-term, sustainable fisheries. North Eastern IFCA's ability to enforce such is crucial to meeting duties under MaCAA and the Marine Strategy framework directive. The potential loss of the emergency byelaw regulation through expiry would represent a risk to such.

Therefore, it is proposed that a replacement byelaw is implemented which has the effect of replicating the provisions of the emergency regulation.

3. Policy objectives and intended effects

The new byelaw will replicate the minimum conservation reference sizes contained with the emergency byelaw covering species which are known to have been caught from within the North Eastern IFCA district since 2012. This includes some species which are not likely to be of particular importance to recreational fishing but reflects the paucity of information on a species by species basis for recreational fishing (i.e. an unknown level of risk to each fishery) and that the purpose of the byelaw is to replicate the protective effect (whether limited or not) of the original regulation which would otherwise be lost. The wording of the byelaw also takes into account the landing obligation in relation to certain commercial catches so as to ensure no conflict between the byelaw and current EU regulations.

4. Background

As part of the IFCA's remit to manage fisheries within the IFC District, IFCA's can enforce some European and National fisheries legislation in addition to their own byelaws. This included measures implemented through Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁶ (850/98 hereafter). IFCA's were empowered to enforce measures from 850/98 under the Sea Fishing (Enforcement) Regulations 2018⁷. 850/98 also included the establishment of Minimum Conservation Reference Sizes (MCRS) - minimum sizes that fish and shellfish can be removed from the fishery - in addition to requirements relating to gear construction such as mesh sizes etc.

Matter under consideration

Regulation (EU) 2019/1241⁸ was published by the European Union on 25 July 2019 and came into force on 14 August 2019. It deals broadly with managing fishers, applying an eco-system approach as well as providing for 'regional' management of fisheries across Europe. The intentions of this legislation came from a reformed Common Fisheries Policy. Importantly it revoked and replaced the measures implemented through 850/98. The following key differences in this new legislation have been identified:

- Establishes that the MCRS apply only in relation to commercial fishing;
- Removes the prohibition on the transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms;
- Removes the requirement that crab species are to be landed whole with the exception of edible crab claws of no more than 5% by weight of total catch of crab or parts thereof;
- Allows any undersize marine organism not subject to landing obligations to be used as live bait (whereas previously it was limited to sardines, anchovy, horse mackerel and mackerel).

As a result of these legislative changes it was identified that there would be no effective IFCA enforcement regime in respect of undersized fish for recreational anglers and no enforcement in respect of trans-shipment, landing, transporting, storing, displaying and offering for sale. It was anticipated that this would cause enforcement issues in circumstances where there was insufficient evidence to demonstrate retention on board a vessel and it would be almost impossible to enforce against end users such as restaurants and wet fish shops, transport companies, and processors found with fish which were outside the landing obligation below the MCRS.

In response, on 14 August 2019, North Eastern IFCA, alongside Northumberland, Eastern and Kent and Essex IFCA's introduced an emergency byelaw regulation to replicate the MCRS provisions contained within (EC) No. 850/98. This regulation, however, is limited to a maximum period of 18 months and once it expires the associated provisions will be lost.

Proposed solution

To implement a new byelaw regulation replacing NEIFCA Emergency Byelaw 'Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019' to maintain the protective effect and enforceability of minimum sizes as a fisheries management tool within the NEIFC district.

The importance of minimum sizes

The removal of fish only once they have reached a minimum size (usually related to a breeding size) is a common fisheries management measure used around the world^{9,10}. As a management measure it is relatively cheap, simple, effective to apply and easy for fishers to understand why this is used as a management measure.

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31998R0850>

⁷ <http://www.legislation.gov.uk/ukSI/2018/849/made>

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1241>

⁹ ¹New South Wales Recreational Saltwater Fishing Guide. (2018) NSW Department of Primary Industries. ISBN web 978-1-76058-242-5

¹⁰ 2FLORIDA SALTWATER RECREATIONAL 2019. FISHING REGULATIONS. Florida Fish and Wildlife Conservation Commission. Issued: Jan. 1, 2019

There has been a move away from managing fisheries using a minimum size regime which requires commercial fishers to discard dead, undersize fish. This is set out in the reformed common fisheries policy and implemented through 1380/2013 as the 'landing obligation'. The landing obligation removes the incentive to catch undersize fish through requiring that they are landed and counted against quota but crucially that they are not sold for human consumption. The landing obligation applies to finfish rather than shellfish (crustacea, molluscs) as a reflection of their high incidental mortality – i.e. large percentages of finfish perish after being caught regardless of their being returned to the sea. Enforcement activity of minimum sizes in relation to crustacea and molluscs are important aspects of North Eastern IFCA's compliance regime and in particular in relation to the crab and lobster fisheries throughout the district. In addition, the landing obligation does not apply to recreational fishing activity. As such, maintaining the disincentive to take and retain undersize relies solely on the enforcement of a minimum size by prohibiting their removal. It is also worth noting that rod and line fishers (the primary recreational fishery) generally have higher survivability than other commercial fishing gears (e.g. trawls, static nets etc.) increasing the effectiveness of a minimum size as a management tool.

N.B. It should be noted that the proposed new byelaw regulation does not intend to conflict with the landing obligation – paragraph 2 of the proposed byelaw applies the prohibition in paragraph 3 (of removing undersize fish etc.) only to catches where the landing obligation doesn't apply.

Importance of MCRS in relation to recreational fisheries

Unfortunately, accurate national or regional information about angling activity around the coast and at sea is relatively sparse. Sea Angling 2012¹¹ was established to find out how many people go sea angling in England, how much they catch, how much is released, and the economic and social value of sea angling. The surveys also met UK obligations under European law to estimate recreational catches of several species including bass and cod. Data were collected from over 11,000 sea anglers in England through an Office of National Statistics (ONS) household survey, face-to-face interviews with anglers by Inshore Fisheries and Conservation Authorities (IFCA), catch diaries and online surveys. The findings give a good national overview of the English angling sector and give a good indication of the amount of annual fishing effort. More up-to-date feedback from the recreational fishing sector suggests that there has been a steady decline in angling numbers since 2012. A summary of the results is set out below:

The surveys estimated there are 884,000 sea anglers in England, with 2% of all adults going sea angling. These anglers make a significant contribution to the economy - in 2012, sea anglers resident in England spent £1.23billion on the sport, equivalent to £831million direct spend once imports and taxes had been excluded.

This supported 10,400 full-time equivalent jobs and almost £360 million of gross value added (GVA). Taking indirect and induced effects into account, sea angling supported £2.1billion of total spending, a total of over 23,600 jobs, and almost £980 million of GVA. Angling 2012

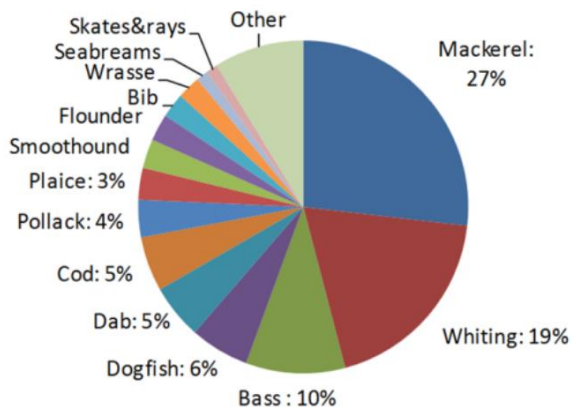
Almost 4 million days of sea angling were recorded over the year.

Shore fishing was the most common type of sea angling – almost 3 million angler-days compared with 1 million for private or rented boats and 0.1 million on charter boats.

Anglers had most success on charter boats, catching 10 fish per day on average compared with around 5 from private boats and only 2 from the shore.

The most common species caught, by number, were mackerel and whiting, (below).

¹¹ Armstrong M., Brown A., Hargreaves J., Hyder K., Pilgrim-Morrison S., Munday M., Proctor S., Roberts A. & Williamson K. (2012) Sea Angling 2012 – a survey of recreational sea angling activity and economic value in England. Defra - contract MF1221.



Shore anglers released around 75% of the fish caught, many of which were undersized, and boat anglers released around 50% of their fish.

The recreational shellfish fishery within the NEIFCA district is one of the largest in the UK and is managed through a dedicated permit scheme with 2,496 permits issued in 2019. Permit holders can set a maximum of 10 pots, with further restrictions placed on catch limits and the capture of shellfish using nets. Minimum size regulations help manage this activity.

The importance of minimum sizes is also recognised by the recreational angling community.

*Angling Trust website*¹² (19/7/19)

“Minimum landing sizes are used all over the World and are just one of a number of tools used to manage fish stocks. However, as a common-sense approach to conservation and an easy concept to understand (protecting immature fish) they have become particularly favoured by recreational anglers with an interest in conservation and sustainable management of fish stocks.”

“The angling Trust encourages all anglers to Give Fish A chance and apply voluntary minimum retention sizes which exceed the EU's and allow all fish retained the chance to have bred at least once.”

The minimum size legislation also applies to a long list of molluscs and crustacea including, whelks, edible crabs, lobsters and a number of clam species.

Effective enforcement of MCRS

The new EC regulations require only that catch of marine organisms below the MCRS ‘*shall not be retained on board, but shall be returned immediately to the sea*’¹³. Notwithstanding that this effectively rules out its application to fishing from shore (including what may be commercial fishing), it also removes the prohibition on the transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms. This would cause enforcement issues in circumstances where there is insufficient evidence to demonstrate retention on board a vessel and would make it almost impossible to enforce against end-users such as restaurants and wet fish shops, transport companies, and processors found with fish which are outside the landing obligation below the MCRS.

Catch inspections typically take place on quaysides as vessels are landing. However, market inspections, inspection on stalls or fish shops and inspections of catch loaded into vehicles or in the process of being loaded are also an important part of the compliance regime and has encouraged best practice. The protective effect and effectiveness of enforcement of minimum sizes are therefore greatly diminished by the new regulations and urgent action would be required to remedy this to avoid impacts on the sustainability of stocks.

Application to all species for which MCRS applies and which are landed within the North Eastern IFC District

The proposed byelaw seeks to replicate the protective effect in place under the emergency regulation. To this end, the byelaw applies to species which have an MCRS and are evidenced to have been landed within the North Eastern IFC District. This was determined using the Marine Management Organisation landing dataset 2012 to 2017 (inclusive).

¹² <https://www.anglingtrust.net/page.asp?section=163>

¹³ Article 15(12) 1380/2013 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1380>

Whilst the level of risk is likely to vary between species, the previous regime had a level of protective effect on all species. The impacts of recreational fishing in particular are relatively unknown on a species by species basis. It is considered reasonable to maintain the current protective effect for species which are fished within the district as a reflection of this uncertainty and the precautionary approach advocated through the Common Fisheries Policy.

Impacts on stakeholders

The proposed byelaw is considered to have no impacts on stakeholders. This reflects that the effects of the byelaw reflect those presently in place and are no stricter than had been the case.

The options

Option 0: Do nothing

If new legislation was not in place and supported by education and enforcement there would be a significant likelihood of increased landings of fish and shellfish that are immature and have not bred yet. This could reduce the spawning stock biomass of a range of stocks and could affect the long-term health of a number of important stocks. Without a new byelaw replacing the current emergency regulation there would be no legal way of continuing to enforce these minimum sizes.

In officers' experience, the taking of small and undersized fish is an action that we get a significant number of phone calls and emails about. To the general public minimum sizes are an important and easy to understand management measure. The loss of such a measure would likely be seen as perverse for regulators charged with protecting fish stocks.

Minimum size legislation also helps create a greater consistency between the commercial and non-commercial sectors targeting the same species, and it helps avoid any tension between commercial fishers' landing to a MCRS and recreational fishers landing exactly the same fish but at a much smaller size.

Option 1: New bylaw replacing the existing emergency bylaw regulation

Ensure long-term, sustainable fisheries and effective enforcement of MCRS throughout the NEIFC district.

Option 2: Voluntary measures

A number of national and local angling associations, clubs and charter boats have their own set of minimum sizes which they fish to. These voluntary measures are useful and within clubs can be strictly adhered to. However, the number of people in fishing clubs continues to drop and enforcement has shown that there is a minority of people that will fish to their legal limit. Without specific legislation it is officers' opinion that there would be significant amounts of immature fish being caught and landed.

Conclusion

Recommended option:

That a new byelaw regulation be introduced to replace the provisions contained within the Authority's emergency byelaw, 'Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019' to maintain the protective effect and enforceability of minimum sizes as a fisheries management tool within the NEIFC district. In addition to all the considerations detailed within this IA, Annex A summarises further considerations made in relation to policy and national marine planning.

Annex A: Policy and Planning One in Three Out (OI3O)

OI3O is not applicable for IFCA byelaws implemented for marine protected area (MPA) management.

Small firms impact test and competition assessment

No firms are exempt from this byelaw. It applies to all firms who use the area. This measure does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.

Which marine plan area is the MPA and management measure in?

The proposed byelaw will include management areas in the East inshore plan area and the North East inshore plan area.

Have you assessed whether the decision on this MPA management measure is in accordance with the Marine Policy Statement and any relevant marine plan?

- Yes

If so, please give details of the assessments completed:

- In the East inshore plan area the byelaw is in accordance with the following objectives and policies from the East Marine Plans:
 - Objective 6: To have a healthy, resilient and adaptable marine ecosystem in the East marine plan areas.
 - Objective 7: To protect, conserve and, where appropriate, recover biodiversity that is in or dependent upon the East marine plan areas.
 - Objective 8: To support the objectives of marine protected areas (and other designated sites around the coast that overlap, or are adjacent to the East marine plan areas), individually and as part of an ecologically coherent network.
 - Policy BIO1: Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).
 - Policy MPA1: Any impacts on the overall marine protected area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network.
- In the North East inshore area no marine plan is currently in place. Therefore for management areas in this plan area consideration has been given to the Marine Policy Statement. The decision on this MPA management measure is in accordance with the Marine Policy Statement, in particular:
 - 3.1.8 Marine plan authorities and decision-makers should take account of the regime for MPAs and comply with obligations imposed in respect of them. This includes the obligation to ensure that the exercise of certain functions contribute to, or at least do not hinder, the achievement of the objectives of a Marine Conservation Zone (MCZ) or MPA (in Scotland). This would also

include the obligations in relevant legislation relating to SSSIs and sites designated under the Wild Birds and Habitats Directives.

- 3.8.3 Decision makers must therefore have regard to the provisions of the Common Fisheries Policy (CFP) in developing any plans or proposals affecting fisheries. The CFP is currently being reviewed. The view of the UK Administrations is that the overall aim of the reformed CFP should be to attain ecological sustainability whilst optimising the wealth generation of marine fish resources and their long term prospects.



Inshore Fisheries and
Conservation Authority

North Eastern Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

**FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW
2019**

The Authority for the North Eastern Inshore Fisheries and Conservation District, in exercise of the power conferred by section 157 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Interpretation

1. In this byelaw-

- a) "the Authority" means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- b) "District" means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- c) "Live bait" means fish that are:
 - (i) used only as a hook bait for the capture of other fish; and
 - (ii) retained on a vessel or within the District's waters; and
 - (iii) released alive into the fishery when no longer required; and
 - (iv) not landed or removed from the fishery

Catch Prohibitions and Restrictions

2. This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013, or any subsequent regulation that requires marine organisms to be landed, applies.
3. Subject to paragraphs 2, 4 and 8, no person shall remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale, any of the species named in paragraph 7 that measure less than the sizes specified but shall return them immediately to the sea.
4. Paragraph 3 shall not apply to: horse mackerel and mackerel, within a limit of 10 % by live weight of the total catches retained on board of each of these species. The percentage of undersized herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transhipment, landing, transportation, storage, display or sale.
5. The marine organisms described in paragraph 7 shall be measured in accordance with Schedule 1.
6. Named crustaceans and named molluscs for which a minimum conservation reference size is established in paragraph 7 may only be retained on board whole and may only be landed whole with the exception of the Norway lobster.
7. Species and specified minimum sizes

(a) Named Fish Species

Bass (<i>Dicentrarchus labrax</i>)	42 cm
Cod (<i>Gadus morhua</i>)	35 cm
Sole (<i>Solea</i> spp.)	24 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Herring (<i>Clupea harengus</i>)	20 cm
Horse mackerel (<i>Trachurus</i> spp.)	15 cm
Ling (<i>Molva molva</i>)	63 cm
Mackerel (<i>Scomber</i> spp.)	30 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm

(b) Named Mollusc Species

Octopus (<i>Octopus vulgaris</i>)	750 grams
Queen scallop (<i>Chlamys</i> spp.)	40 mm
Razor clam (<i>Ensis</i> spp.)	100 mm
Scallop (<i>Pecten maximus</i>)	100 mm
Short-necked clam (<i>Ruditapes philippinarum</i>)	35mm
Whelk (<i>Buccinum undatum</i>)	45 mm

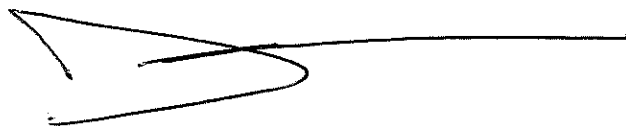
(c) Named Crustacea Species

Crawfish (<i>Palinurus</i> spp.)	95mm
European lobster (<i>Homarus gammarus</i>)	87 mm
Norway lobster (<i>Nephrops norvegicus</i>)	
Total length	85 mm
Carapace length	25 mm
Tail	46 mm
Spinous spider crab (<i>Maia squinado</i>)	
Male	130 mm
Female	120 mm
Velvet swimming crab (<i>Necora puber</i>)	65 mm

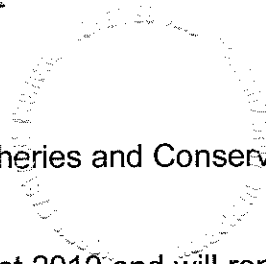
8. The following named species below the minimum sizes specified in paragraph 7 may be used as 'live bait'

- (a) Horse Mackerel (*Trachurus trachurus*)
- (b) Mackerel (*Scomber scomber*)

I hereby certify that the above byelaw was made and agreed by North Eastern Inshore Fisheries and Conservation Authority on Tuesday 13 August 2019.



David Thomas McCandless
Chief Officer to North Eastern Inshore Fisheries and Conservation Authority



This byelaw comes into force on 14 August 2019 and will remain in force for a period not exceeding 12 months unless extended or revoked by the Secretary of State.

Explanatory Note

(This note is not part of the Byelaw)

This byelaw makes provision to prohibit the removal from the North Eastern IFC District of marine organisms below specified sizes.

The byelaw provisions shall not apply to any marine organisms caught that are subject to Article 15 of Regulation (EU) 1380/2013 or any subsequent regulation that requires fish to be retained and landed in order to prohibit discarding at sea.

The byelaw includes methods of measurement according to the anatomy of the named species.

The byelaw contains provisions for the retention of live named fish species below the minimum size that may be used as live bait when fishing for predatory fish species.

Schedule

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a European lobster shall be measured, as shown in Figure 2 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
3. The size of a Norway lobster (*Nephrops norvegicus*) shall be measured, as shown in Figure 3 for illustrative purposes, either:
 - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or
 - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.
 - c. In the case of detached Norway lobster tails; from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
4. The size of a crawfish (*Palinurus* spp.) shall be measured, as shown in Figure 4 for illustrative purposes, as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.
5. The size of a spinous spider crab (*Maja squinado*) shall be measured, as shown in Figure 5 for illustrative purposes, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
6. The size of a velvet swimming crab (*Necora puber*) shall be measured, as shown in Figure 6 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace, excluding the spines.
7. The size of any bivalve mollusc shall be measured, as shown in Figure 7 for illustrative purposes, across the longest part of the shell.
8. The size of a whelk shall be measured, as shown in Figure 8 for illustrative purposes, as the length of the shell.

Figure 1 Fish species

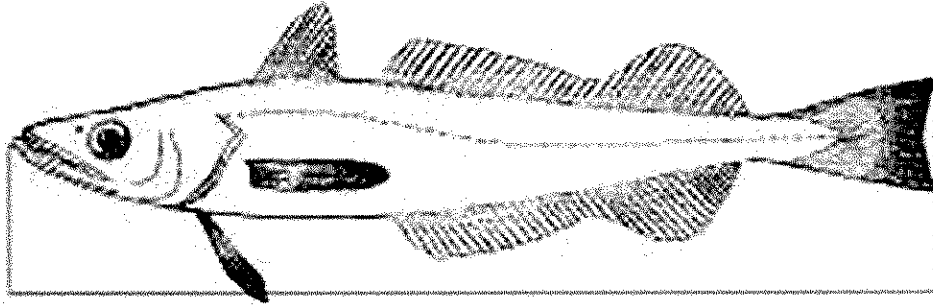


Figure 2 European lobster
(*Homarus gammarus*)

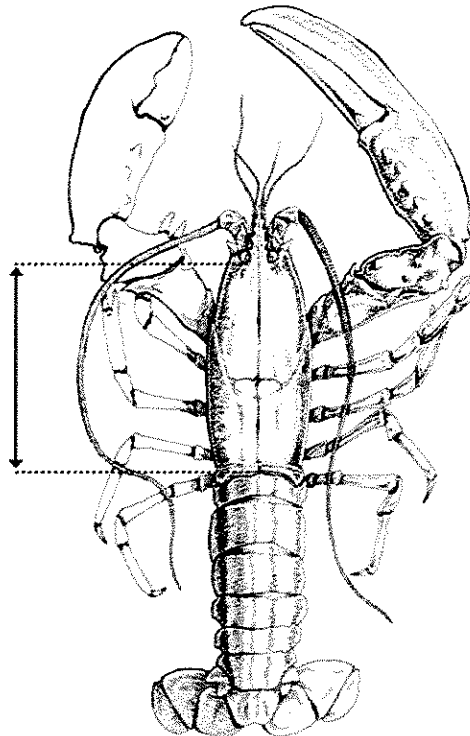


Figure 3 Norway lobster
(*Nephrops norvegicus*)

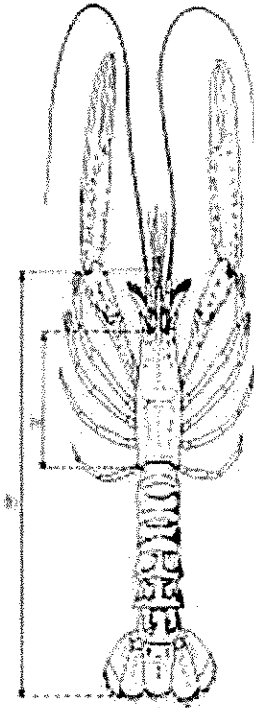


Figure 4 Crawfish
(*Palinurus* spp.)

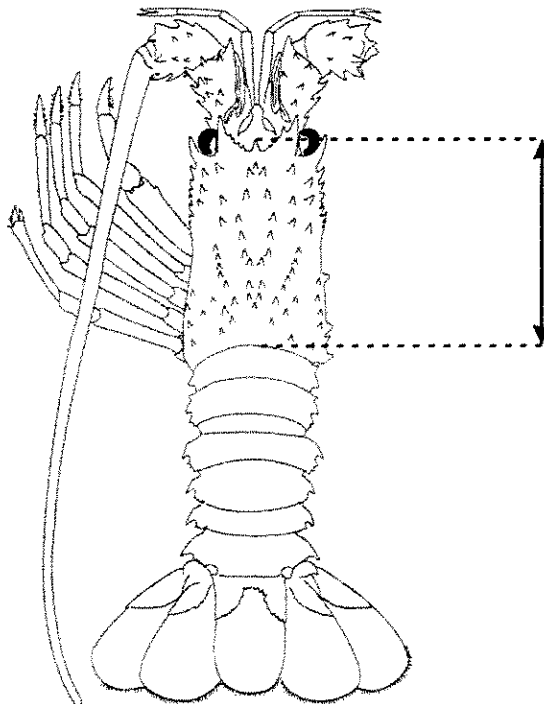


Figure 5 Spinous spider crab
(*Maja squinado*)

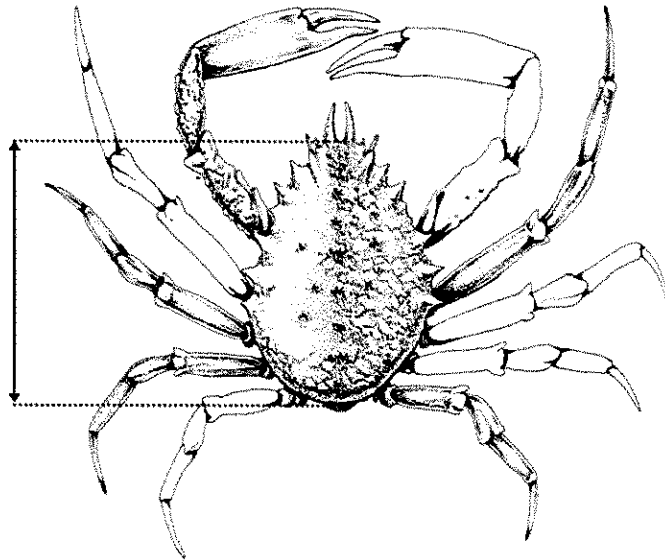


Figure 6 Velvet swimming crab
(*Necora puber*)

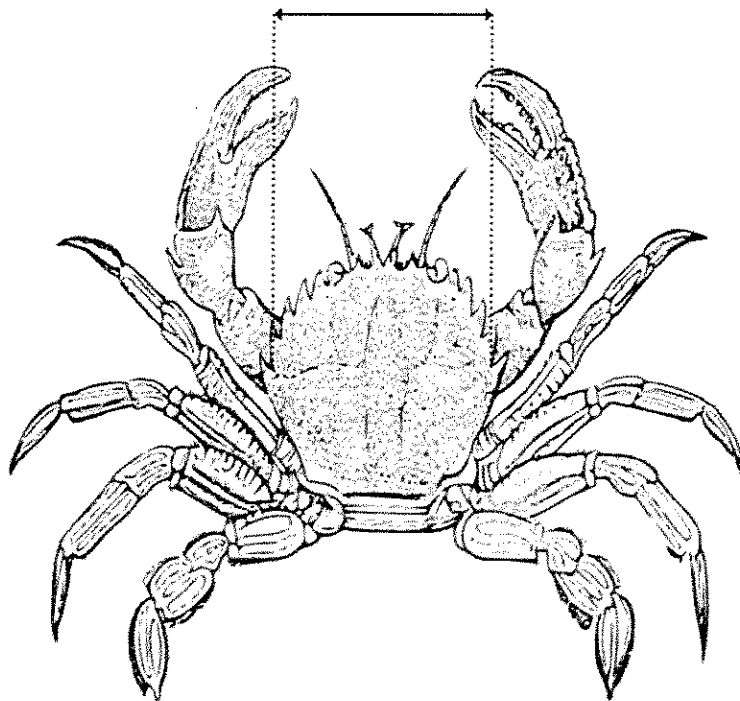


Figure 7 Bivalve molluscs

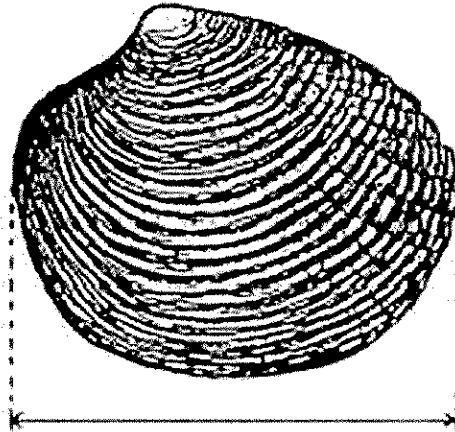
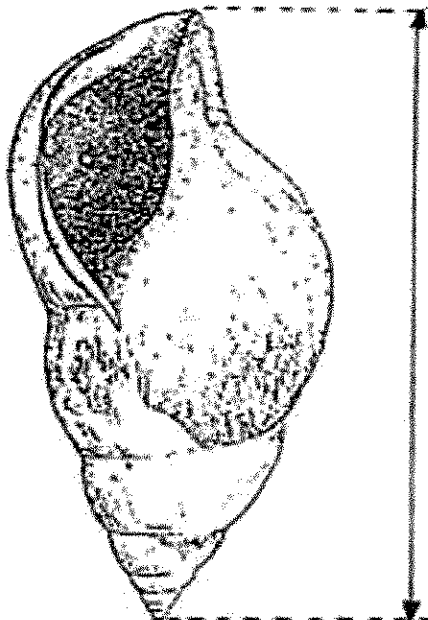


Figure 8 Whelk
(*Buccinum undatum*)



NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
5 December 2019

Science Advisory Group Update

Report by the Chair of SAG & the Chief Officer

1. **Purpose of Report**

To update members on considerations and recommendations emanating from the most recent meeting of the Science Advisory Group (SAG) held on 6 September 2019.

B. **Recommendation**

That members note the report and consider the Group's recommendations.

1. **Background**

1.1 Since the last Authority meeting held on 27 June 2019, one meeting of the SAG was held on 6 September 2019 and is summarised below.

1.2 6 September 2019

At the meeting members considered the following items:

- NEIFCA annual research plan 2020/2021
- Lobster and Edible crab stock status
- State of the fisheries report
- Scallop dredge fishery video assessment
- Humber eelgrass survey and management

1.3 The group considered the draft annual research plan for the 2020/2021 period. Core shellfish monitoring and current surveys to inform the development of the scallop dredge fishery will be maintained. Biennial sampling of the cockle beds will be undertaken in early 2020 to assess fishable stock. Annual monitoring of the Humber Estuary eelgrass bed will continue in partnership with the Yorkshire Wildlife Trust. If the presence of eelgrass outside the byelaw area persists in 2020, then a revision to the boundary may be required.

1.4 Following the apparent loss of the blue mussel (*Mytilus edulis*) bed in the Flamborough Head No Take Zone (NTZ) observed during the 2019 survey, it was proposed that the survey be removed from the annual plan. Discussions have also been held with the Flamborough Head EMS Project Officer (PO) regarding the continuation of potting surveys in the NTZ which have been supported by NEIFCA in the past. It was proposed that NEIFCA and the Flamborough PO will discuss wider partner and academic institution involvement in developing projects to better monitor the Flamborough Head NTZ and

wider EMS outside of statutory responsibilities. The steering group to be established will include the chair of the Science Advisory Group.

- 1.5 The group considered the preliminary results of the 2018 lobster and edible crab monitoring programme. The status of lobster stocks in the NEIFCA district is considered to be low, with both male and female fishing mortality rates above the maximum reference point. A significant increase in spawning stock biomass and/or reduction in fishing mortality would be required to achieve MSY. The status of the crab stock within the NEIFCA district is considered fairly low. Mortality rates are above the level needed to achieve MSY but are below the maximum reference point. Members recommended that the report should focus on trends that are statistically significant, and the language used within the report should be less complex. Members also supported the suggestion to reinstate a regional management group.
- 1.6 At the SAG meeting on 14 March 2019, Officers were asked to evidence the status of fish stocks found within the District, their sustainability and socio-economic importance in order to justify current strategic research priorities and to present the results to the full Authority during the June 2019 meeting. As it was not possible to present the report at the full Authority meeting due to time constraints, the report was presented to the SAG meeting on 6 September 2019 instead.
- 1.7 The group was presented with example seabed habitat video and some initial analysis results associated with the scallop dredge fishery. All members of the full Authority were invited to the SAG meeting on 6 September 2019 as requested during the Authority meeting on 27 June 2019 (Minute 12 refers). Video footage has been broken into 4 minute segments and the abundance of species or species groups present has been recorded. Data was standardised to relative abundance per 100m of video tow and is being assessed for three treatment areas, 1) within the northern permitted area, 2) outside the 6NM limit, and 3) within the 6NM limit but outside the permitted dredge areas. The group provided constructive feedback and advice on the analysis methodology and potential metrics to be used. It was suggested that additional footage should be obtained from grounds within the 3NM limit, similar to that of the permitted dredge fishery grounds, for further comparison. A special meeting will be arranged for May 2020 following the end of the 2019/2020 season to discuss the findings and enable a recommendation from the group to be taken to the full Authority meeting in June 2020.
- 1.8 In addition, the Senior Environmental and Scientific Officer updated members on the progression of the Crustacea Conservation, Humber Estuary (Trawling) and emergency minimum size byelaws and licensing and consents matters.

Contact Officer

David McCandless,
Chief Officer,
Ext. 3690

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
5 December 2019

Chief Officer's Operational Report

Report of the Chief Officer

A. **Purpose of Report**

To provide members with a comprehensive and detailed operational report covering the period June to November 2019.

B. **Recommendation**

That Members note the report.

1. **Overview**

1.1 **NEIFCA**

Fishing Activity

Inshore fishing activity during the summer months followed typical seasonal patterns. Vessels working pots landed between 20 and 40 kg of lobster per day with peaks of up to 100 kg. First sale lobster and crab prices dropped during the period, although not as low as previous years, to £14 per kg for lobster and £2.00 per kg for edible crab.

Reports from the recreational rod fishing sector suggest that the summer fishing season was a mixed one with charter vessels reporting smaller numbers of mackerel and cod on local grounds compared with 2018 although there were some reasonable catches reported from the shore in certain areas.

The application process for scallop dredging permits covering the 2019/2020 season closed on 26 July 2019. Officers received 5 applications against the three permits offered. All the applicants were informed of the outcome on 30 July 2019 and advised of the right of appeal. No appeals were received and the three permits were issued to the successful applicants on 10 October 2019. The fishery opened on 1 November 2019 and a comprehensive monitoring programme has been implemented.

'Berried' Lobster Prohibition

Widespread breaches of legislation protecting egg bearing lobsters continue to present officers with significant issues. Since April 2019 18 offences have been reported throughout the district and 2 verbal warnings, 16 warning letters, 5 formal cautions and 3 fixed penalty notices have been issued for breaches of the legislation. In addition to these

administrative sanctions six cases have been successfully prosecuted in Court although the fines imposed have been relatively low. In total since the legislation took effect in October 2017, 24 verbal warnings, 29 warning letters, 12 formal cautions, 21 fixed penalty notices and 11 prosecutions have been taken for landing egg bearing lobsters. NEIFCA officers are continuing work on strengthening evidence gathering capabilities in relation to the manual stripping of eggs from lobsters.

Nomadic scallop dredging

Outside the lobster fishery, officers continued to focus on the monitoring of nomadic scallop dredging activity. During April and May a number of infringements were detected in relation to illegal fishing within the Authority's district and the landing of undersize king scallops. These cases were scheduled to be heard in Scarborough Magistrates Court on 26 November 2019.

Seabass Netting

Members will be aware that, given the ongoing prohibition on commercial fishing for sea bass from the shore across Europe, no intertidal sea bass permits were issued for the 2018/2019 season. This was a difficult decision to make but in effect the Authority could not permit an otherwise prohibited activity. During the months of May and June, under the current permitting scheme, fishermen are allowed to target dover sole. Given that sole stocks are considered healthy and carry no restrictions a decision was taken to issue permits specifically to enable the affected fishermen to catch dover sole from 1 May 2019 to 30 June 2019. Unfortunately during this period some fishermen were detected taking sea bass ashore from their sole nets and as a result a warning letter was issued and two further cases are being considered for prosecution.

Due to this ongoing situation no permits were issued for the 2019/2020 season which was scheduled to commence on 15 October 2019 and all the affected fishermen have been advised accordingly.

The issues surrounding this fishery will only be resolved if concessions are permitted by the European Union for sea bass to be caught from the shore on a commercial basis. Officers are continuing to lobby Defra for such.

NEIFCA Organisational Review

Following endorsement from members at the 2018 December Authority meeting for the commencement of an organisational review all baseline information requested from colleague IFCA's, partner organisations and businesses has been collated, analysed and incorporated into a report which was presented to a special meeting of the Executive Committee held on 15 November 2019.

Replacement Patrol Vessel Project

Since December 2018 work has continued on supporting the replacement of the Authority's main patrol vessel with the primary objective of establishing an accurate project budget. Several parallel work streams have now been completed including visiting UK based RIB manufacturers and engaging with electronic suppliers. The second phase which included officer visits to the main shipyards both in the UK and Europe who carry a track record of building and commissioning equivalent vessels was completed at the end of November 2019 and a report is now being compiled for consideration by the Executive

Committee at the beginning of January 2020. Alongside the shipyard assessment work I have been contacting and presenting the project to a wide number of private sector companies and organisations in the hope that some additional external funding support might be secured. Further government lobbying for funding support has also continued both directly and through local MPs.

1.2 National

National work continues to be dominated by preparations for the future exit of the European Union with primary involvement through the IFCA Chief Officers Group and the national Association of IFCAs. Exit planning continues to focus on a ‘no deal’ scenario and from a fisheries control and enforcement perspective, ensuring that all available vessel assets across UK organisations and agencies are fully coordinated for any eventuality.

A significant amount of national work has also been completed to support new fisheries export processes, post exit, including requirements to submit catch certificates, provide health certificates and route exports through recognised Border Inspection Points. Some of this work, particularly in relation to health certification, has also involved local authority environmental health teams. To further assist the industry and stakeholders, NEIFCA has been sharing electronic bulletins with points of contact, where available and signposting access to all the relevant information via a link on its website.

On 8 and 9 October 2019 I attended a conference in London, hosted by Seafish, which took a detailed look at future options for managing the UK’s inshore fisheries. Representatives attended from all over the UK including a large contingent of fishermen and the conference was supported by a wide range of speakers from the UK, America, Canada, New Zealand and Europe. Co-management between the fishing industry and regulators emerged as a key theme.

1.3 Summary of meetings and events attended

National Association of IFCAs, London	4 th June 2019
Hornsea 4 OWF consultation event, Skipsea	12 th June 2019
Hunmanby Probus Club presentation, Hunmanby	13 th June 2019
National work boat exhibition and conference, Southampton	10 th to 13 th June 2019
Bridlington shellfish festival	15 th & 16 th June 2019
Joint Coastal Enforcement Group, Blyth	18 th June 2019
Holderness Coast Fisheries Local Action Group, Bridlington	26 th June 2019
IFCA Technical Advisory Group, London	10 th July 2019
Flamborough NTZ monitoring meeting, Bridlington	12 th July 2019
IFCA Chief Officers Group, London	16 th July 2019

Lobster marketing study meeting, Bridlington	17 th July 2019
Fisheries Working Group teleconference	24 th July 2019
Flamborough Head MSc meeting, Bridlington	24 th July 2019
EA mussel mariculture project meeting, Bridlington	24 th July 2019
Flamborough NTZ monitoring meeting, Bridlington	6 th August 2019
Cefas escape gap project meeting, Bridlington	7 th August 2019
MMO NMA TCG dial in	7 th August 2019
Natural England meeting, York	28 th August 2019
Seascapes partnership teleconference	2 nd September 2019
Hosting D&SIFCA Chief Officer – Berried lobsters	3 rd & 4 th September 2019
Humber RAG, Barton	4 th September 2019
MMO NMA TCG dial in	4 th September 2019
Whelk Working Group teleconference	5 th September 2019
Bridlington Business Forum	12 th September 2019
MMO EMA TCG dial in	18 th September 2019
Defra Brexit Fisheries webinar	18 th September 2019
National Association of IFCA's, London	24 th September 2019
Durham Heritage Coast Partnership, Peterlee	26 th September 2019
Humber Nature Forum, Barton	26 th September 2019
Seafish Future of Inshore Fisheries Management, London	8 th & 9 th October 2019
IFCA Chief Officers Group, Chichester	15 th & 16 th October 2019
Yorkshire Wildlife Trust meeting, Skirlaugh	15 th October 2019
Yorkshire Marine & Coastal Biodiversity Group, York	16 th October 2019
Hull & East Riding Local Nature Partnership, Hull	18 th October 2019
Flamborough NTZ monitoring meeting, Skirlaugh	21 st October 2019
National edible crab meeting, London	23 rd October 2019

IFCA Technical Advisory Group, London	24 th October 2019
IFCA TAG meeting, London	24 th October 2019
Holderness FLAG, Bridlington	31 st October 2019
MMO EMA TCG dial in	5 th November 2019
MMO NMA TCG dial in	6 th November 2019
Whitby Commercial Fishing Industry Group	7 th November 2019
Holderness Coast Fishing Industry Group, Bridlington	18 th November 2019
Humberside Police meeting, Whitby	21 st November 2019
Lobster holding steering group meeting, Bridlington	25 th November 2019
Humber Estuary Conference, Hull	26 th November 2019
Inshore fisheries working group, dial in	27 th November 2019

1.4 **Priority Work streams for the next six months**

- Implementation of new byelaw regulations.
- Continue ongoing marine protected area work streams, monitoring and enforcement of regulations.
- Continue specification and procurement work on new fisheries vessel with presentation of first report to Executive Committee – January 2020.
- Implementation of 2019 NEIFCA staffing and organisational review.
- Commence work on a new NEIFCA website.

2.0 NEIFCA Operational Reports

2.1 Land-based Work streams

2.1.1 Enforcement

As weather conditions began to improve across the summer months, becoming more favourable for vessels to proceed to sea, activity across the NEIFCA district increased. The shore enforcement team maintained an intensive schedule of patrols and inspections on land and at sea utilising the authority's two RIB's to undertake boarding's at sea across the NEIFCA district. In addition to enforcement matters officers have been actively engaging with fishermen ensuring that the industry across the NEIFCA district are fully aware of new and current legislation. Officers have been actively publishing laminated posters in and around the ports and harbours of the NEIFCA district reminding the industry of its legislation

Potting vessels took advantage of the fine summer conditions with good numbers of lobster and edible crab landed in all the NEIFCA ports with a sale value of £9 kilo during summer increasing to £19.50 at the beginning of November.

A limited number of vessels throughout the authority's district have targeted fish species due to the increasing problem with seal predation and damaged cause to equipment by seals

A small number of nomadic scallop vessels remained fishing outside the NEIFCA district during the months of September and October landing at the district's harbours and ports. Officers engaged with these vessels and stressed the importance that vessels which are fishing in the area are made aware of the legislation that affects them when transiting through the NEIFCA district. Officers have been routinely boarding all scallop dredgers in Hartlepool, Whitby, Scarborough and inspecting large catches of king scallops

Officers have conducted regular patrols along the Holderness coast using the authority's John Deere 4x4 Gator which enables officers to reach more remote areas of the coast where T&J netting is permitted by the Environment Agency. While out on patrol officers engaged with recreational anglers and handed out useful educational leaflets notifying them of bag limits entitling them to 1 sized sea bass through the summer months

Bridlington and the Holderness coast have a large fishing fleet and lost fishing equipment is often found washed up along this stretch of remote coast line. While out on patrol on the Holderness coast. officers frequently come across plastic litter or lost fishing equipment such as nets, lobster pots, plastic drums and ropes. Officers put significant effort into recovering and disposing of this litter to keep the coast line as clean as possible.

Shore Officers have continued full engagement with the Intelligence reporting procedure, reporting in any information and prioritising work around key targets. Intelligence gathering and reporting has led to a number of successful operations targeting illegal fishing activity.

During the reporting period, 213 inspections were undertaken by the shore team covering the following fishing activities:

- Potting
- Angling
- Scallop Dredging
- Netting
- Limited Shellfish Permits
- Unattended inspections
- Prawn Trawlers
- Premises Inspections

Of the 213 inspections completed offences were reported as follows:

- 26 Offences relating to landing of egg bearing lobsters
- 11 Offences relating to landing of undersized shellfish
- 13 Offences relating to landing V-Notched/Mutilated lobster
- 1 Scalloping offence relating to undersize king scallops
- 1 Scalloping offence breaching NEIFCA AIS Byelaw
- 1 Instrument offence relating to escape gap
- 13 Verbal warnings given relating to minor offences

2.1.2 Training

During the reporting period officers have undertaken courses to enable them to perform in their role to their full potential. Over the reporting period, officers have been involved in the following courses

- RYA Commercial Endorsement Training

2.1.3 Outreach & Joint Working

Enforcement officers work alongside a number of organisations and agencies on a regular basis and it is important that links with these groups are maintained.

NEIFCA Officers conducted joint patrols with the Environment Agency during June carrying out routine enforcement inspecting fishing equipment and made contact with the following groups:

- Northumberland IFCA
- Eastern IFCA
- Seaham Port Authority
- Marine Management Organisation (North Shields Office)
- Whitby and Scarborough harbour staff
- Seaham angling club

- Scarborough Angling club
- HM Coastguard
- Scarborough Sealife Centre
- Grimsby Fish Market

2.1.4 **Recreational Angling Report** **IFCO Daniel Bennett**

With the fine weather throughout June and July, mackerel have been increasing in numbers all around the piers and breakwaters throughout the district.

Anglers have been steadily catching bass around the Flamborough and Bridlington area with bags of up to 15 fish per session. There has been an increasing number of anglers targeting bass this summer in the northern part of the district around Hartlepool and Seaham.

The charter boats have struggled with catches around the extremities of the district on the 6nm ground, skippers seem to be of agreement that habitat damage due to scallop dredging is the main cause

Thornback rays seem to be increasing in numbers year on year all down the Holderness coast.

The big packs of smooth-hounds arrived on the Holderness coast early July and stayed until the first storms of early October.

Scarborough and Filey angling clubs have held their annual fishing festivals with competitions for both shore and boat anglers through September and October.

Catches of bags of codlings from the shore have been excellent right across the district this autumn from the shore with individual fish up to 5kg caught.

Bait collection all through the summer has mainly been focusing on green shore crabs with areas around the river tees been most popular with crab tiling, as we move into autumn and winter bait diggers will concentrate on digging ragworm and lugworms from areas such as Bran Sands.

2.2 **Offshore Work streams**

2.2.1 **General Review of Offshore Fishing Activity**

Trawling

Trawling inshore has been very limited within the Authority's district. During the reporting period only a couple of vessels from Scarborough have been observed actively been fishing around Scarborough and Filey bay.

The Nephrop fishery off the Hartlepool and Durham Coast line started well, showing earlier than expected. Local prawn vessels were landing on average 4-6 boxes and a selection of mixed species of fish per day.

Potting

Potting activity during this quarter appeared to follow recent previous seasons with no abnormalities observed.

Netting

Netting activity within the district was mainly conducted by E.A. licence holders. Much of this annual salmonid netting season has recently been shortened considerably as part of the wild Salmon recovery effort, although Bridlington and Scarborough districts reported a successful Seatrout season.

Scalloping

Three permitted scallop dredges based in Scarborough commenced scallop dredging activity, under the Authority's permitting scheme. Throughout the duration of the season activities were closely monitored by the North Eastern Guardian III and the scientific and environmental team.

2.2.2 Research & Survey Work

The annual potting survey and stock assessment was concluded for the year in this period, both inside and outside of the seasonal scallop boxes.

NEG III continued with the monitoring of sea temperature, salinity and turbidity throughout the Authority's district and has started its annual potting survey.

2.2.3 Joint Operations

Joint operations included working with the Police underwater search team, which consisted of six boardings of fishing vessels, involving pairing of NE-IFCA officers with Police officers so as to appreciate the role of a fishery officer.

2.2.4 Offshore Enforcement Summary

Between June and November 2019 NEG III completed 62 sea patrols, 641 vessel inspections covering over 4,109 nautical miles. 7 offences were reported and 9 verbal warning was issued.

2.2.5 Staffing and Training

North Eastern Guardian III crew have also assisted the land based enforcement team with patrols on the ground. This has given offshore crew a better understanding of what enforcement duties are undertaken and also a better knowledge of geographical locations throughout the district. The NEG III offshore crew also delivered some in house training on boat handling techniques, launching and recovery and basic engine maintenance to enhance the experience and capabilities of the land based team when conducting sea patrols.

2.2.6 Maintenance Summary

During this period the North Eastern Guardian III underwent her annual dry dock, paint and inspection procedures. All surveys and certifications were passed successfully.

2.3 Environmental/Science Work streams

2.3.1 Consents and Licensing

The NEIFCA district is of great interest to many commercial parties and operators. The list of activities includes, but is not limited to, offshore renewables (wind and tidal), gas cavern development, harbour works, maintenance and capital dredge activities, pipeline and cable corridors/landfall and mine discharge. As a relevant authority, NEIFCA is consulted on all developments within and abounding the district, including the issuing of marine consents or licenses relating to any form of discharge or abstraction.

Applications relating to marine developments can be numerous and each one is considered both independently and cumulatively with any other neighbouring activities. Authority Officers also often play an active role in working groups established for the monitoring and surveillance of developments. The following applications were reviewed between June and November 2019:

Reference	Date responded
South Bank Wharf Development, River Tees	04/07/2019
North Sunderland Harbour Steps Construction B	11/07/2017
Humber Gateway Offshore Wind Farm Marine License	11/07/2019
Lower Steenbergs Yard Development, River Tyne	11/07/2019
Westermest Rough Offshore Windfarm, post construction fisheries report	13/08/2019
South Bank Wharf Development, River Tees site investigation	22/08/2019
River Hull flood defence works	06/09/2019
Royal Dock tidal basin pilot launch moorings	06/09/2019
Slipway wall, McNulty Yard, South Shields	06/09/2019
Swan Quay, river wall repair, Clive Street, North Shields	18/10/2019
Pilot station dredge programme	18/10/2019
Coastal monitoring wave buoy network	18/10/2019
Havhingsten cable, Whitley Bay	04/11/2019
Gabion basket installation, Washington Wildfowl Centre	04/11/2019

Early phase consultation has also begun for the Hornsea 4 Offshore Wind Farm. The windfarm itself is situated outside of the NEIFCA district, however the planned export cable route will make landfall on the East Yorkshire coast requiring works within the district. Concerns have been raised regarding the potential impacts of the project on edible crab spawning ground and the lack of any shellfish or planktonic larvae monitoring.

Officers have also been consulted on the fisheries liaison and co-existence plan for the Sofia (Dogger Bank/Teesside A) Offshore Wind Farm. All appropriate measures have been agreed including the appointment of a Fisheries Liaison Officer.

2.3.2 Marine Protected Areas

In June 2019, the Secretary of State announced a review to examine whether and how the strongest protections for areas of sea, known as Highly Protected Marine Areas (HPMAs), could be introduced. An advisory panel has been confirmed to evaluate whether to establish a process for selecting HPMAs. The review is due to be completed by the end of 2019. Members will be updated when any information becomes available.

2.3.3 Survey Programme Update 2018

Monthly quayside sampling of lobster and edible crab landings has been maintained. The annual survey of the eelgrass bed in the Humber Estuary was also carried out in partnership with the Yorkshire Wildlife Trust in July. The continued presence of eelgrass outside the byelaw area means that the byelaw area may need to be revised, however current risk to the feature from activities is considered to be very low. In agreement with Natural England, a review of eelgrass extent and potential boundary changes will be reviewed following the 2020 survey.

2.3.4 Berried lobster testing

Significant concerns exist regarding the landing of ‘scrubbed’ female lobsters at multiple local ports. In order to address this, NEIFCA has developed its own knowledge and capability in the detection of scrubbed lobsters utilising microscopic analysis of lobster pleopods. The analytical and enforcement aspect of the work undertaken by the Environmental and Scientific team includes both targeted and random sampling of all female lobsters from a catch when possible

3.0 National Update

3.1 National Association of IFCAs Meeting – 24 September 2019

The national Association of IFCA’s was formally established on 17 March 2011 following resolution and adoption of draft Articles by majority vote. The Authority was represented at this meeting by the Chairman, Deputy Clerk and Chief Officer.

The national Association is structured as a Company by Limited Guarantee with listed Directors and members and its Articles reflect that structure and governance. This enables the Association to employ its own staff (currently Chief Executive and one part-time administrative support position) and conduct its business within a properly structured legal framework. One Director is appointed by each of the member IFCA’s currently the Chief Officer and the wider membership of the Association or forum comprises of three representatives from each member IFCA, currently the Chairman, Clerk and Chief Officer. The board of Directors meet after the forum to consider business and actions resulting from it. The Chief Executive is a Director of the Association as are the elected Chairman and Vice Chairman of the wider members Forum.

A copy of the minutes of the forum meeting held on 24 September 2019 are attached to Appendix A of this report.

3.2 National IFCA Chief Officers Meetings – 16 July 2019 and 15 & 16 October 2019

The Chief Officers group meets on a Quarterly basis and is made up of the most senior IFC Officers in the U.K. Group membership also includes Officers from Fisheries Departments located in the Isle of Man, Jersey and Guernsey.

The group provides an extremely valuable mechanism for the discussion and exchange of information relating to operational and legislative matters affecting 'day to day' activities within IFCA's.

A copy of the notes of the meeting held on 16 July 2019 are attached to Appendix B of this report.

Contact Officer: David McCandless
Chief Officer
Ext 3690



**The Association of IFCAs
Members Forum Meeting
24 September 2019 – 10:30
Followed by Directors Meeting**

The Passage, Cathedral View, St Vincent's Centre, Carlisle Place, London SW1P 1NL

Attendance for the Meeting:

Chair: Tony Tomlinson (Les Weller - Acting Chair until Tony arrived at 10:50 due to travel delays).

CEO: Stephen Bolt

Attendance: Andy Guy, Tim Dapling, Mike Hardy, Paul Williams, Robert Clark, Samantha Davis, David McCandless, Paul Skinner, Les Weller, Stephen Atkins, Stephen Axford, Chris Matthews, John Lamb

Minutes: Samantha Davis

Apologies for absence: Stuart Harper, Tom Hooper, John Humphreys, Sally Standring.

No declarations of interest.

1. Minutes of the last meeting (4 June 2019) –agreed.

a. Matters arising from actions

Action 1: Done, new system has been adopted.

Action 2: AIFCA paper has been sent to A. Wareing at MMO, response promised within a week currently two weeks late. Concerns raised that this issue is still not resolved and acknowledgment of impacts on most IFCAs, e.g. loss of 65% members of DSIFCA, CIFCA. Examples provided by members about the delays in the issuing of reappointment letters and inconsistencies in terms of appointment.

Action 3: Done.

Action 4: On agenda. WW confirmed that pension and NI costs have been included in budget for training officer but post doesn't follow Kent CC paygrades.

Action 5: English Fisheries Group (EA stakeholders group) – RC – matters overtaken by recent EA/IFCA meeting, should be useful mechanism for future engagement.

Action 6: Done.

Action 7: Clarification provided that new IFCO powers SI was not affected by prorogation.

Thanks recorded to Dominic Bailey at KEIFCA for his work on SI text.

RC reported that Defra impossible to engage with regarding impact of new tech. con. legislation on management of recreational fisheries but he will follow up again with Defra.

Discussion followed over range of approaches taken in different IFCAs, based upon local prioritisation/risk. TD reported that at meeting with Angling Trust, it had been useful to communicate reasons leading to a variation in approach around the coast. JL felt that AIFCA should still write to Defra to voice concern over the need for a national steer.

Action 1 : AIFCA to write again to Defra regarding impact of new EU technical conservation regulation on the management of recreational fishing.

Further discussion followed on the wider issue of the management of recreational sea angling (RSA) within the wider context of the forthcoming Fisheries Bill and inshore fisheries conference. TD and SB had been involved in a Defra/AIFCA meeting about angling policy and delivery and Defra were holding a RSA Stakeholder Group meeting on 7 October, to look at policy drivers, to which LW had been invited. LW made point that Defra was using the term recreational sea fishing (RSF) and it would appear that there are two separate groups - one group containing all métiers (spear fishing, hand gathering etc.) and another looking specifically at hook and line., a distinction that needs clarification. The former group may be more relevant to certain IFCAs for e.g. in NEIFCA which issues 2500 recreational shellfish permits.

2. Defra update (Natalie Bown (NB), Anne Harkness-Moore (AH), Jen Ashworth (JA), Rachel Muckle (RM), Martina de Fonzo (MF)

MF moving to new role and due to Defra re-structuring, NB and AH will attend and be key contact into Defra, RM liaises with Neil Hornby and across Defra marine systems.

Marine and Fisheries update (RM)

Spending Review (SR) 19 process beginning in September and is one year spending round (not 'review'). All departments know overall allocation but internal bidding underway, Treasury have set out rollover budget as per 2019/20, giving time to consider before next 3 yr spending review. There is a slight uplift but big pressures and some Treasury ring fences. Assumption is currently that Treasury will call 3 year SR in Jan 2020 but could be 5yr SR. Defra will need to think through delivery, arm's length bodies etc.

Questions raised included the timetable for confirmation of New Burdens rollover – RM stated that this was very soon and would confirm with us ASAP. Also question regarding the allocation of Brexit no-deal contingency funding – RM confirmed that there were two funding streams - business as usual and EU Exit but there was blurring between them and that operational projects for EU exit being delivered by MMO.

WW emphasised that IFCAs were doing more through JMOC, alongside other partners including Border Force and RM questioned if this may be a proxy for new ways of working and future roles in post Brexit world.

RC mentioned that a range of tasks were being asked of IFCAs in parallel to our day jobs and that it would be helpful to present this to Defra via RM in a coordinated fashion to provide clarity for Defra. NB agreed to help with this co-ordination. WW raised issue about the importance of prioritisation of tasks in the short/medium/long term and how priorities may change for Defra as this has an impact on our delivery as a lot of resources have been front loaded into short term which is now creating issues with staffing time left available to IFCAs.

Action 2 : RC to write to Natalie Bown with list of tasks.

Highly Protected Marine Areas (HPMA) Project (JA)

JA gave brief background to project and confirmed that stakeholder visits had been held in Lyme Bay, Isle of Arran and two more planned for Poole Harbour/Plymouth and Holderness.

A call for evidence would be launched from 3-31 October to look for stakeholder input. More stakeholder engagement planned. Area in scope is inshore/offshore English waters and offshore N. Ireland.

Questions/points raised included concerns over the types of evidence which may be provided, the role of the existing MPA network both inshore/offshore and their management, the initial aspiration for pilot sites, the need for the inclusion of socio-economic/cultural data.

Policy update (MF)

(i) IFCA evaluation review report still with Defra and external expert, will be published 'later this year', no date given.

(ii) Sea Fishing Enforcement Regulation SI laid on 30 September, comes into force 28 days later.

SIFCA Order signed 4 Sept, in force 27 Sept, NWIFCA Order signed 4 Sept, in force 28 Sept.

(iii) Fisheries Bill - will be reintroduced ASAP.

Questions/issues raised inc. RC raising point about external IFCA review and whether the report assessed resourcing issues and requested that IFCAs could see the draft before publication. RM clarified that there may be a need for an impact assessment as that this was an independent review of IFCAs after 10 years, not a Defra report, but said that she would take request back to review team. WW linked this to wider issue around deliver of Landing Obligation and new tech con regulation 20141 and the inherent deregulation of fishing and lack of enforcement options available as a result and asked about national strategy, rationale and policy objectives for fisheries management moving forwards? RM stated that there have been some D1R /Brexit events on the coast and that there would be a series of webinars planned to inform the fishing industry but would take away wider question.

Action 3: RC to re-send this question to Defra via RM

EU- Exit

Fast-moving landscape, expecting Fisheries Bill in Queens Speech if this happens, meanwhile UK working with all member states and third parties in advance of 31 October.

Business readiness workshops held around country, leaflets being produced for industry, detailed guidance on use of/need for Environmental Health Certificates (EHC) on .GOV website.

Reference made to new Certification Support officers to assist with EHCs –SD asked how this workforce was being populated, RM offered to report back. Concerns raised by JL about need for strong Defra steer regarding enforcement priorities in event of no-deal to provide clarity to IFCAs. RM undertook to take this away and would talk to MMO ref MMO/IFCA interface and ask MMO to talk to us directly.

TT recorded the thanks of forum members to Martina de Fonzo for all her work with us.

3. Finance & Resources

- a. Profit and Loss – first quarter
- b. Budget variation
- c. End of year accounts
- d. Future funding considerations

SB is running two accounting systems whilst migrating to new system which will aid reporting.

PW raised point that stating revenue of £120K for Q1 may not be correct as subscriptions were for entire year, so £30K attributed to Q1, need to reflect annual income vs quarterly expenditure. RC asked what the total losses would be for entire year and what impact this will have on reserves. SB – not as much as last year. PW offered to assist SB with accounts, which was accepted.

Action 4: PW to assist SB with presentation of accounts.

PW – raised awareness of the 2018/10 overspend including insurance for the capital equipment, T&S, increased venue costs and one off payments. PW agreed to assist CEO with setting out budget options for 2020/21.

PW's analysis that there was a loss of £37K in 2018/19, reducing reserves from £110K in March 2018 to £72K in March 2019, so two years of running a deficit would wipe out remaining reserves. Shortfall partly from reduction in income from £120K to £109K, also this number is not clear in the accounts as the final accounts include grant payments for the MPA project and other sums that are cost neutral to the Association.

Conclusion that accounts must be signed off at Directors' meeting to follow forum and PW was thanked by TT for his assistance.

[Discussion on item 3 paused and Item 4b on national training provision moved up as Ian Jones (IJ) present]

4. Matters for decision

4b National training provision (WW and IJ)

WW provided introduction to agenda item with paper 1 setting out this year's work and recommendations, followed by paper 2 setting up medium term strategy and novel three tiered paying structure to meet different needs of IFCAs and highlighted need for decision today as national training officer (NTO) post runs Jan – Jan. **[Please see papers from agenda item for detail].**

Points raised in discussion – clarification of amendments made to paper 2:

S 5.5: £5622 income from external sources

s 5.6 Shortfall from AIFCA reserves - it was agreed that this was no longer possible.

s. 5.7 If shortfall happens, officer time could be reduced to 4 days/wk to mitigate this.

IJ gave detailed presentation about progress and achievements over last 8 months, including the approach taken, types of training provided, and 124 officers trained so far, with more to be covered with forthcoming advanced officer course, with target of 90 trainees for 2020.

Issues that arose in discussion included very positive feedback from NWIFCA officers via SA, who raised a question about future demand for courses – IJ reported that there were many short courses in development and WW clarified that there is 12-18% national annual turnover in IFCOs. In response to question from JL, IJ confirmed the process for external validation via OFQAL and the importance of the individual training records and importance of training for recruitment/retention of properly qualified, professional officers.

JG made points that the scope for new courses, the need to maintain momentum and investment including overpaying for services by EIFCA and the need for succession planning to support IJ's great work.

A detailed discussion regarding budgetary issues followed, including the potential next year to pay additional IFCOs to contribute to training delivery, the need to phase in admin costs which are currently being underwritten by KEIFCA, the importance of obtaining further external income but also members recognised the need to have a mechanism to balance any shortfall in overall budget which would fall to KEIFCA as host but could be mitigated by being shared by all 10 IFCAs.

Many members spoke in support of the principle of continuation of the NTO post, with an amendment to the report by RC to remove s5.5 and return this report with an alternative solution to cover this eventuality. SA also expressed a desire to renegotiate funding package.

All three recommendations from agenda item were taken together.

These were proposed by RC, seconded by LW, all voted in favour. Thanks were given to Ian Jones and Will Wright for all their work.

[Discussion then returned to item 3, ref. P.14]

Finances must be submitted to Directors' meeting for sign-off.

SB reported that he would be unable to set a balanced budget for 2010/21 due to upward pressures identified on p.14, in addition to shortfall arising from DSIFCA. Reserves have been depleted and alternative sources of income to cover revenue costs rather than capital projects have not been found and decisions have not yet been made about SR19 in which the AIFCA plans to ask Defra for a doubling of funding. Both MH and WW made suggestion that there would be to be a funding options paper put to the December forum meeting which should include the possibility of DSIFCA rejoining, as well as the impact of setting a budget without its contribution.

In response to questions about management of long term staff absence, SB reported that been additional assistance had been brought in from accountants and website designer but he had not practically managed to recruit temporary cover for admin work, which would be expensive. MH/LW suggested that Emma at NIFCA could assist with advert for temporary staff.

Action 4: SB to speak to Emma at NIFCA.

4. Matters for decision (cont.)

a. Report on the review of the Association – TT

TT gave a verbal update (to be circulated with minutes after request from members) on the progress of the review to date against the list of recommendations in the 3KQ report including update of CEO role which is being evaluated, a similar process is still required with admin role. Work is underway on metrics, on updating the website, production of minutes, annual planning and member liaison.

Concern from DMC about communication about review work not being as full as possible, SD took responsibility for not being able to circulate info earlier, had hoped to be further ahead at this stage.

Action 5: JG to recirculate update paper on review.

b. Discussion on No Deal planning – RC (including paper circulated to members)

RC explained purpose of paper was to set out need for IFCA's to nationally coordinate our responses to Defra's requests for help as it was necessary to understand Defra's priorities/risks, otherwise IFCA's risk not being able to support Defra. Paper has two recommendations: (i) that AIFCA seeks to coordinate responses and (ii) AIFCA writes to Defra to communicate this and to understand risks/priorities. RC thanked WW for his work in coordinating D1R workstream. WW gave an update on JMOC's coordinating role and where he has provided operational oversight from IFCA perspective and the need for clearer IFCA representation at JMOC to feed in more detailed, quality information. He highlighted the operational challenges of planning where it is difficult to predict how issues could evolve and spread but need to de-escalate wherever possible, LW raised issue around cross border communication with Marine Scotland. RC - highlighted importance of being able to prioritise the competing requests made of us within the context of a national emergency so that our delivery matches expectations, and raised concern that IFCA capabilities and readiness were not being correctly represented to Defra. All mindful of impacts on staff of these competing requests and the need for CO's to have political cover in light of any decisions taken.

Action 6: SB/RC to write to Defra on basis of RC's paper

5. Matters for noting

a. MPA project update (report) – Page 31

b. MPA project Steering Group minutes – Page 33

Report/minutes noted.

c. National recreational strategy verbal update – LW/TD

LW reported that he would be attending Defra angling workshop on 7 Oct and TD referred to his attendance at Angling Trust meeting to help to discuss where IFCA could help with the delivery of marine elements of their strategy.

d. iVMS verbal update – Julian Gregory

Project still under review, in relation to query over use of mobile vs fixed devices. There is re-invigorated national debate about ping rates. Issues over Succorfish and data transmission and the role of the Devon & Severn pathfinder project have been raised by JG and need a project solution ASAP.

e. CEO Meeting Log – Page 37

Noted.

f. Directors minutes - Page 40

Noted and agreed.

g. Devon and Severn update – TT

TT and SD gave positive feedback about recent meeting between CIFCA and DSIFCA CO and Chair.

6. AOB

TT thanked NIFCA for invitation to launch event for new vessel, Robert Arkless MBE. Forthcoming Inshore Fisheries Management conference is over-subscribed, RC giving presentation on SIFCA work.

TD gave update on his involvement with MCA static gear marking group which includes RYA, NFFO, MCA, Cruising Association (CA), IFCA's and the need to reposition issue as one which needs MCA guidance, not IFCA management.

Close of meeting 16:00

Date of next meeting – Tuesday 3 December 2019 – Watermen's Hall, 16-18 St Mary at Hill, London EC3R 8EF.

Actions from this meeting

Action Number	Action	By Whom
Action 1	AIFCA to write again to Defra regarding impact of new EU technical conservation regulation on the management of recreational fishing.	RC/SB
Action 2	RC to write to Natalie Bown with list of tasks/requests from Defra.	RC

Action 3	RC to re-send this question about wider fisheries management priorities to Defra via Rachel Muckle	RC
Action 4	SB to speak to Emma at NIFCA about potential advert text for temporary recruitment of admin staff	SB
Action 5	JG to recirculate update paper on AIFCA review.	JG
Action 6	SB/RC to write to Defra on basis of RC's paper	SB



IFCA COG Meeting
Tuesday 16th July 2019 @ 10:30 hours
Government of Jersey, 4th Floor, 2 Queen Anne's Gate Buildings, London, SW1H 9BP

Minutes

Start: 10:30

Attending: Will Wright (WW), Tim Dapling (TD) Alastair Browne (AB), Julian Gregory (JG), Samantha Davis (SD), Rob Clark (RC), David McCandless (DM), Julian Gregory (JG), Tom Hooper (TH), Dr Stephen Atkins (SA), Dr Stephen Bolt (SB), Jamie Small (JS).

- 1. Apologies:** Sally Standring, Mike Hardy (MH), Mat Mander (MM), Mark Stafford (Welsh government), Island representatives, Kevin Austin (Environment Agency), Michael Coyle (MMO).

Rob Clark (RC) took the chair and welcomed all those in attendance. RC expressed his thanks to Will Wright, the departing Chair, for all his work over the last couple of years supporting COG and all those attending also expressed their collective thanks to Will. The group also expressed their collective best wishes to Sally who was unable to attend the meeting due to ill health. RC reviewed the planned agenda, considered the notified items under 'any other business' and given the apologies from the external attendees, moved to agenda item 5, the minutes of the previous meeting.

- 2. Minutes of Previous Meeting**

The group reviewed and agreed the draft minutes of the meeting held on 10 April 2019.

- 3. Matters Arising and Actions from Minutes**

SB updated the group on a joint meeting held between Kevin Austin (EA) and Tony Tomlinson. Kevin was now recognised as the main EA point of contact for IFCAs going forward and regular meetings would be established with him. One of the first areas of joint work identified was a refresh of the EA/IFCA MoU and he suggested the drafting of a template form that IFCA's could populate individually to update on joint work streams. Whilst management of fixed netting had not been a primary focus of the joint meeting the position that salmon fell within the scope of IFCA duties to manage impacts on the wider marine environment was accepted. Some of the IFCAs provided a brief summary of their fixed netting byelaw regulations and how the associated provisions reduced impacts on salmon. TD advocated the need for caution since several IFCAs were at various stages of reviewing and amending their fixed netting

provisions. SD agreed to assist in the drafting of a joint IFCA/EA position statement on the management of fixed nets. **Action SD/SB**

RPA & ABP Mer Evaluation of IFCAs

JG and SD updated the group on Eastern and Cornwall IFCAs experience as IFCA case study areas and the processes that they had been involved in in their respective areas. Some concerns had been raised with RPA over the method of selection of stakeholder participants who didn't necessarily reflect the majority view. The group agreed to await the publication of the report which was expected at the end of the month.

MMO/IFCA Data Sharing agreement

DM advised that he had sent Michael Coyle a copy of the current draft of the data sharing agreement designed to support the intelligence gathering project. The wish was that a single agreement could be developed which would cover all types of data sharing. The group noted that Mat Mander had offered to take ownership of this joint work stream with the MMO. **Action MM** to further the joint data sharing agreement.

Replacement UK EMFF Programme

TD advised the group that he had shared his draft paper with Tom Pryke, one of the Defra leads developing the new UK fisheries funding programme but was keen to provide further supplementary papers covering Science and Research (TAG) and IFCA training provision (Ian Jones). WW advised that Ian Jones had already contacted Graham Hye EMFF training lead regarding support for the IFCA training programme. SD agreed to take an action to discuss TAG involvement with Colin Trundle, the current TAG Chair. **Action SD**. SB to make further contact with Tom Pryke to seek guidance on how IFCAs further engage with Defra and shape the process of the developing programme. This opened up a wider discussion on the group's interaction with TAG and NIMEG and how to improve both communication and leadership. JG emphasised the importance of active communication between COG and its sub-groups. WW highlighted previous agreed actions designed to improve communication which included AIFCA playing a central role in supporting the secretariat and publishing supporting papers on its website. TD noted that previously the Chairs from each of the sub-groups used to attend COG to provide updates. SD offered to act as the COG liaison officer to TAG. RC took an action to further review the working arrangements between COG and its sub-groups and bring back to the next COG meeting for consideration. **Action RC**.

UK Inshore Fisheries Steering Group

SB updated the group and provided intelligence on Defra work streams and leads. Currently multiple reviews were underway most recently an evaluation of customer service provision within 'arms length' bodies. Considered of most importance to IFCAs were the ongoing reviews of marine fisheries led by Anne Freeman. The ongoing political flux further complicated the processes and was only likely to resolve following the selection of a new PM. In terms of SR19 the most likely scenario was a shorter 'roll over' budget covering a year followed by a more comprehensive five year spending plan in due course once government was settled and EU exit decisions clearer. JG updated the group on a regional initiative called REAF, Renaissance of East Anglian Fisheries which appeared to have little understanding of the work or role of IFCAs and was focused on a central management organisation. Outside considerations relating to inshore fisheries management other ongoing Defra work streams included HPMa and whole site management work which carried implications for IFCAs.

4. New EU Tech Con Regs & MCRS

RC updated the group on the current situation. SI 2018 849 'The Sea Fishing (Enforcement) Regulations 2018' provided IFCA's with the powers to enforce a number of provisions contained within EU fisheries technical regulations, specifically, EC 850/98 which includes some key fisheries provisions. Given that EC 850/98 will shortly be revoked and replaced by a new technical regulation IFCA's will not carry the powers to enforce this new technical regulation. Defra are fully aware of this position and the need to amend SI 2018 849 to include the new technical regulation which is expected around 1 October 2019. In the interim additional powers will be provided through the MMO under a cross warranting arrangement. TD in consultation with Joe Moulton (NIMEG) and Dominic Bailey (NIMEG) took an action to review a draft of the revised SI. **Action TD/JM/DB.** Previously some IFCA Chiefs had not used the cross warranting arrangements due to legal concerns, DM queried if that remained the case this time around. SD advised that it did not because this time the clear intention of Parliament was that IFCA's should have the powers to enforce the EU legislation evidenced within SI 2018 849. TD raised concerns that in accepting the cross warranting arrangement IFCA's would have to strictly abide by any associated MMO compliance direction which could in create difficulties. JG considered that compliance directions were always jointly drafted with IFCA's and regardless of that they could make their own independent judgements anyway.

RC further advised the group that whilst some of the provisions contained within the new technical regulations could be applied to unlicensed vessels, specifically, Minimum Conservation Reference Sizes (MCRS) could not, although the UK government have stated that they pressed the EU for the contrary. Although Regional Advisory Councils (of which there are two covering UK waters, North Sea and Atlantic) could adopt the sizes for recreational fisheries within their jurisdictions that was unlikely to happen or would take considerable time. Previously IFCA's had successfully used provisions contained within EC 850/98 to enforce the application of MCRSs on recreational fishermen but that would now be lost. RC informed the group that he had written to Defra to highlight this further issue and emphasised the level of risk of harm to stocks that recreational non-compliance with MCRS could have.

The group considered the best coherent strategy for dealing with the issues surrounding the application of MCRSs. TD suggested, given experiences he had had in Sussex when considering the use of emergency provisions, IFCA's should seek a stated position from Defra. RC advised that the emergency is the risk to associated fisheries and the fact that the activities of unlicensed operators cannot be regulated going forward. Several IFCA's highlighted specific risks within their areas with a significant degree of regional variation. The group supported lobbying Defra for a new Statutory Instrument which would 'roll' MCRS provision across all vessels operating in England and Wales to cover the gap in unlicensed fishing. The group also supported the development of emergency IFCA byelaws, tailored regionally, to ensure the application of MCRSs across all vessels as an interim measure. WW recommended 'splitting' fish and shellfish with IFCA byelaws protecting shellfish exploitation primarily. WW strongly advocated the need for a collective and collegiate risk based approach.

The group agreed the following actions:

- RC to draft a formal letter to Defra explaining the risk of harm to inshore stocks regarding application of MCRSs to the recreational/unlicensed sector and to seek the development of a national measure to replace MCRSs and establish the need to bring in emergency interim measures, through the IFCA byelaw process, tailored to regional risk.

- WW to develop a simple risk assessment tool to describe the level of risk to stock by IFCA area.
- TD to circulate draft emergency IFCA byelaw template developed in Sussex.
- IFCA Chiefs to consider and if appropriate their respective districts, development of supporting emergency IFCA byelaws based on the associated risk of harm to stock.
- COG to convene a teleconference within the next ten days to update position.
- TD to communicate with Les Weller to discuss potential engagement with the Angling Trust over MCRSs.
- Any final decisions would rest with the individual IFCAs.

5. AIFCA MPA project – Management/assessment/database/methods

JS provided an update on the AIFCA MPA project and the second phase of work which included the development of a dedicated database. Currently all the IFCA MPA data was being held within excel sheets and the intention was to transfer that information into a database that would be publicly accessible. Alongside the transfer of information a questionnaire would be developed to support the future input and update of information. JS advised that an additional £5K would be required to support the completion of phase 2. The group fully supported the phase 2 proposals and JS agreed to circulate a draft data sharing agreement to facilitate the exchange of information required between the IFCA's and the AIFCA project team. **Action JS.**

6. IFCA Byelaw Making Process

WW provided an update on the IFCA byelaw making process to date. At the COG meeting in January the MMO presented the main findings from the independent review into the IFCA byelaw making process. The group reviewed the findings and the MMO described what the revised process might look like. The MMO processes are different, IFCA's formal make byelaws then consult, the MMO consults then makes. To date IFCAs have never had full sight of the report, key personnel in the MMO have changed and the process, going forward, has largely been 'hijacked' by day 1 readiness. At the end of the January COG meeting some loose suggestions were left for IFCAs to consider. DM highlighted the very frustrating journey that NEIFCA continued to experience with five byelaws currently in process, four of which had been in process since April 2016 despite repeated representations to the MMO, Defra, the Minister and others. The whole process remained completely unsatisfactory and unclear. The group agreed that the process would benefit from a collective workshop probably, ideally, post EU exit deadline towards the end of the year or beginning of 2020. DM took an action to arrange the workshop, DM offered NEIFCA to host. **Action DM**

7. National fishing gear marking group

TD provided an update on proceedings of the national fishing gear marking group thus far. TD advised of the need to separate navigation and safety from fisheries management requirements. The group had received updated information covering existing provisions for gear marking across the IFCAs. The challenges of seizing non-compliant were highlighted. TD advised that the terms of reference were currently being finalised for the group and active IFCA involvement would continue going forward. Northumberland IFCA were highlighted as an example of good practice in terms of byelaw guidance covering the marking of fishing gear. The MCA appeared unlikely to introduce any formal legislative measures covering gear marking and the NFFO were keen to minimise any unnecessary regulation on their members. TD circulated a draft IFCA

position statement on gear marking which was agreed and endorsed. The group thanked TD for all his efforts.

8. T3 MCZ Programme

SB advised the group that he was unhappy with the communications surrounding the T3 announcement. SD sought clarity on the timescales and expectations surrounding the implementation of supporting management measures which she understood to be two years. SB advised the group that concerns had been raised that a number of IFCAs had yet to compete HRAs for T2 sites. WW advised that Kent and Essex had ‘struggled’ to achieve ‘sign off’ from NE for some of their HRAs. JS agreed to send a summary IFCA MPA document through to DM for wider circulation. **Action JS** SD advised the group that any final decision over risk rested with the individual IFCAs although formats and approach to assessments needed to remain consistent. TH also highlighted the shift towards whole site approach. SB provided an update on the developing HPMA work which remained highly sensitive nationally. A supporting panel to the work was being established but sat currently with the Prime Minister.

9. AOB

Inshore Vessel Monitoring System (IVMS)

JG provided an update on the development of the supporting SI. IFCAs had always supported regulation through a national SI with the ability to enforce the associated provisions. Recently Defra had advised that the legislative route for making the regulation could not support associated powers for IFCAs. To do so would also give IFCA certain powers of enforcement in devolved administrative areas such as Wales and Scotland which wouldn’t be politically acceptable, this assertion was questioned by members given the limitations within the provisions of IFCO powers and warrants that apply within their own and neighbouring districts only. The proposed solution was for IFCAs collectively to agree a standard supporting byelaw regulation which could be implemented across the IFCA areas enabling enforcement of the national IVMS provisions. JG clarified that the intention would be to make ten byelaws with identical provisions covered by one advert although Defra felt, that given the fact that such a byelaw was not formally implementing the IVMS provisions and only supporting the enforcement, formal consultation may not be required. The group noted that Matt Mander had offered to assist in the drafting of the byelaw. WW raised some concern over the potential use of IFCA byelaws, a system established to provide for local, regional management, to introduce national management measures. WW sought clarification on whether IFCAs could utilise the byelaw to set ping rates to certain areas. This was not considered feasible and would potentially undermine the approach. SA also raised concerns over the approach and did not feel that it was necessary for his area. DM advised the group that he had significant reservations regarding the proposed approach which he felt could impact on the formal development of NEIFCA’s long-standing AIS provisions under a separate byelaw work stream. He also queried the legislative duplication aspect of the approach. At this point in time DM advised the group that he couldn’t formally support the approach without further internal discussion within his IFCA. TD and RC also raised some concern over the proposed approach querying legislative implications and the ability or otherwise to support some regional variation within the byelaw.

Although there was not complete agreement from every IFCA representative there was broad support, amongst the group, for the adoption of a ‘boilerplate’ byelaw solution if it was not possible for Defra to include IFCO powers in the SI. In the event that it was not possible a briefing note to provide an explanation to Authority’s was requested as was clarification that this would not affect access to IVMS data by IFCAs and that making such a byelaw would be lawful. **Action JG**

JMOCC

JG recommended that individual IFCA's engage with JMOCC who were currently operating a daily 'dial in' supporting national coordination of vessel assets to continue investment in operational partnership. These 'dial in's' were in addition to daily MMO conferencing and some of the group expressed concern of the level of repeat operational conferencing and the demand on resourcing to facilitate it.

SEAFISH Management Project

SB raised concern over the development of a Kingfisher App to support the provision of information to fishermen on marine protected areas and associated management measures. He had advised that Seafish had criticised AIFCA for not supplying information on IFCA MPA management measures. SB felt that fishermen might take the information provided by the App as definitive and would stop communicating with the IFCA's. Also keeping the App full updated would present problems.

Shellfish Health Certification

RC and SB updated the group on issues surrounding the health certification of mussel bound for export to the EU. Pending UK exit arrangements the export would be covered by a licence. This would form part of the movement documentation. The group felt that responsibility to support the new arrangements should rest with the appropriate Local Authority.

Joint Enforcement Work

TD suggested that there should be a review of joint working streams and outputs with the MMO with a short summary provided by each IFCA which would also include any significant issues.

10. Date of next meeting

Date currently scheduled for 15 October 2019. The group agreed that a two day session would be valuable hosted at the Coast. Offers were received from Southern and Sussex IFCA's. TBC

Actions

1. Joint EA/IFCA position statement – fixed netting - SD/SB
2. Further MMO/IFCA Data Sharing Agreement - MM
3. Seek TAG input into the UK EMFF replacement funding programme with respect to IFCA research - SD
4. Consider IFCA COG interaction with NIMEG and TAG sub-groups - RC
5. Review draft of new IFCA Powers SI supporting new EU Tech regs – TD/JM/DB
6. MCRS Actions:-
 - RC to draft letter to Defra outlining IFCA plans
 - WW to develop risk assessment tool
 - TD to circulate draft emergency byelaw
 - COG to convene telecom
 - TD to liaise with Les Weller to communicate with Angling Trust
 - IFCA to decide individually next steps.
7. Circulate draft information sharing agreement in support of AIFCA/MPA project - JS

8. IFCA byelaw making workshop – hosting and arrangements - DM
9. Circulate summary IFCA MPA document – JS
10. Seek further information/clarification on IFCA IVMS 'Boiler Plate' byelaw process - JG

Close of meeting – 16:00

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
5 December 2019

Fisheries Statutes and Regulations Prosecutions

Report of the Clerk of the Authority.

A. Purpose of Report

To provide information on prosecutions taken by the Authority during the period June to November 2019

B. Recommendation

That Members note the report.

1. Background

- 1.1 Information on prosecutions taken on behalf of the Authority, or pending cases are submitted to each meeting of the Authority.
- 1.2 Attached is a schedule of prosecutions and sanctions covering the period since June 2019.
- 1.3 As an alternative to a prosecution, the Authority can also offer a Financial Administrative Penalty or FAP. The 2011 'Sea Fishing (Penalty Notices) England Order provides the mechanism for the Authority to issue fixed penalties for a range of infringements including breaches of byelaw regulations and national legislation relating to minimum landing sizes. Each offence is categorised to a fixed penalty which can be issued to the skipper and or owner of the respective vessel. The level of penalty issued must exceed the value of the respective catch.

Contact Officer

David McCandless
Chief Officer
Ext. 3690

Name(s)	Offence	Court	Date	Fined	Costs Awarded	Costs Requested
Mr J Collinson	Landing 1 egg bearing lobster	N/A	26 June 2019	FAP	£1000	N/A
Mr D Traves	Landing 4 egg bearing lobsters	Beverley	14 August 2019	£600	£1455	£1455
Mr B Woolford	Landing 4 egg bearing lobsters	Beverley	14 August 2019	£240	£980	£980
Mr J Finch	Obstruction	Beverley	14 August 2019	£200	£300	£600
Mr J White	Landing 4 egg bearing & 1 mutilated lobster	Hull	6 September 2019	12 month OCD	£425	£700
Mr A Plant	Landing 1 egg bearing & 3 undersize lobsters	N/A	25 September 2019	HOC	N/A	N/A
Mr R Lindsey	Landing 1 egg bearing lobster	N/A	30 September 2019	HOC	N/A	N/A
Mr M Wilkins	Landing 6 egg bearing lobsters	Scarborough	1 October 2019	£908	£1120	£1120
Mr G Buchan	Landing 48 undersize king scallops	N/A	4 October 2019	FAP	£500	N/A
Mr M Waller	Retaining 2 egg bearing lobsters and 3 undersize crabs	N/A	8 October 2019	HOC	N/A	N/A
Mr D Clews	Landing 1 egg bearing & 1 V notched lobster	N/A	10 October 2019	HOC	N/A	N/A
Mr K Trotter	Landing 1 egg bearing lobster	N/A	16 October 2019	FAP	£1000	N/A
Mr J Bycroft	Landing 5 egg bearing & 1 mutilated lobster	Beverley	16 October 2019	£600	£960	£960

HOC – Home Office Caution

OCD – Conditional Discharge

FAP – Financial Administrative Penalty

Costs Requested – This is the amount that the solicitor requests the defendant to pay. This is equal to reasonable costs and does not usually include administrative time etc - so does not represent the full cost to NEIFCA. The solicitor asks for a reasonable amount to stand any chance of getting costs back.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
5 December 2019

Draft NEIFCA Annual Report 2018/2019

Report by the Chief Officer.

A. Purpose of Report

To provide members with a copy of the Annual Report covering the period, 2018/2019, summarising the Authority's outputs and activities during the year.

B. Recommendation

1. That members note the report

1. Background

- 1.1 Section 178 of the 2009 Marine and Coastal Access Act places a statutory duty on Inshore Fisheries and Conservation Authorities (IFCA's) to prepare and publish an annual report on their activities during the proceeding year.
- 1.2 A copy of the annual report covering the period 2018/2019 and summarising the Authority's work, main outputs and achievements during its eighth operational year is attached for members information.

Contact Officer

David McCandless
Chief Officer
Ext. 3690

Background Papers

Draft NEIFCA Annual Report 2018/2019

North Eastern
Inshore Fisheries
and Conservation
Authority

ANNUAL REPORT

2018/2019



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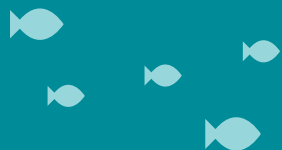
FOREWORD

This is the eighth annual report produced by North Eastern Inshore Fisheries and Conservation Authority. It covers the financial year ending 31 March 2019 and provides a summary account and review of the Authority's main outputs and achievements during its eighth operational year.

The report highlights positive progression and development within a number of key areas including organisational, legislative and collaborative working management.

On 23 June 2016 the UK voted to leave the European Union. As the government works towards that future exit in 2019, many challenges and opportunities lay ahead for the Authority but it remains well placed to meet those and play a key role in future decision making.

Clerk of the Authority





NATIONAL VISION

“ To 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. ”

EXECUTIVE SUMMARY

North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) was formally established on 1 April 2011 under provision contained within the 2009 Marine and Coastal Access Act. The Authority replaced North Eastern Sea Fisheries Committee (NESFC), assuming new duties and responsibilities for managing the sustainable exploitation of sea fisheries resources within its district.

This eighth Annual Report produced by North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) covers the period 1 April 2018 to 31 March 2019. It provides a comprehensive review of the Authority's eighth year of operations and charts its main outputs and achievements across key work areas including: Organisational, Legislative Enforcement; Environmental and Scientific Research; Staff training and development; Communications; Partnership working and the delivery of national work streams. The report also provides a summary of the Authority's performance and progress against both its national and local working objectives.

EXECUTIVE SUMMARY ACHIEVEMENTS

Main achievements and outputs during 2018/2019 included the following:

- Agreement achieved on an uplifted sound and stable operational budget of £1,200,310.
- During 2018/2019 officers delivered a comprehensive fisheries to patrol service throughout the region which included over 656 inspections and 1200 vessel observations resulting in the Authority issuing 46 informal warnings, 9 formal warnings, 33 formal warnings, 14 Financial Administrative Penalties and 9 cases successfully prosecuted in the Magistrates Court.
- On the 31 August 2018 the Authority's first female apprentice successfully completed her one year attachment. Georgina Innes Myers achieved a NVQ Workboat Apprenticeship in partnership with the Whitby and District Fishing Industry Training School. Georgina was the first female workboat apprentice in the UK to achieve this qualification having successfully completed her work based training on board North Eastern Guardian III.
- Successful continuation of the Authority's public engagement programme with officers attending two events throughout the Authority's jurisdiction and registering interest from over 10,000 people.
- Expansion and development in the areas of marine environmental monitoring and biological surveying continued throughout 2018/2019. Revised stock monitoring and assessment programmes were implemented including scallops, monthly potting surveys supported by local fishermen and the annual assessment of sea grass habitat in the Humber Estuary. Further work also continued on the deployment of underwater cameras and acoustical equipment and the operational use of drone technology.
- Throughout 2018 Authority officers supported a number of innovative projects funded through the Holderness Coast Fisheries Local Action. These projects included a lobster marketing study examining the implications of the UK exit from the EU and exploring potential new marketing opportunities. Between the 12 and 14 September 2018 all NEIFCA staff engaged in a two day residential team building event in the Lake District. The event involved a wide range of facilitated outdoor activities designed to develop and strengthen communication skills, leadership and active team working. Positive feedback was received from all participating staff.
- During October 2018 NEIFCA engaged stakeholders in its second customer satisfaction survey. The survey ran between 22 October and 3 December 2018. In total 515 respondents completed the survey. 94% found NEIFCA staff friendly and approachable, 98% of queries were answered quickly and 94% of respondents rated the quality of service either good or very good.

EXECUTIVE SUMMARY

ACHIEVEMENTS CONTINUED

- During March 2019 NEIFCA hosted an exchange visit with officers from the Department Agriculture Environment and Rural Affairs (DAERA) Northern Ireland. The officers took part in an offshore patrol, gaining practical experience in the day to day work of IFCAs. A return visit to Northern Ireland is planned for May 2019.



EDIBLE CRAB

Cancer pagurus



EXECUTIVE SUMMARY

ACHIEVEMENTS CONTINUED

Partnership Working

The Authority retains a strong commitment to positive partnership working and throughout the year several joint meetings were held with partners and a number of joint working days were also achieved on the ground. Officers also actively engaged in monthly Tasking and Coordination Group meetings with the Marine Management Organisation (MMO) sharing intelligence, operational information and joint habitat survey work was also undertaken in partnership with the Yorkshire Wildlife Trust and Natural England at a number of sites.

National IFCA Association

Since its inception NEIFCA has played an active role in supporting the national Association which continued throughout 2017 represented through the Chief Officer and Chair. During 2018/2019 the Vice Chairman and the Chief Officer played an active role in supporting an independent review of the national Association of IFCA's. It is anticipated that the outcome of this review will be implemented during June 2019.



INTRODUCTION

Introduction

This eighth Annual Report was developed in consultation with Authority members. It provides a summary of the main outputs and achievements across the Authority including: Central policy, encompassing strategic development and legislative review; Legislative Enforcement; Environmental and Scientific Research, encompassing fisheries stock assessment, marine survey and monitoring, data management, review of marine consents and licensing applications and marine habitat protection; Staff training and development; Communications and partnership working. The report complements the Authority's 2018/2019 Annual Plan and also provides a summary of progress against the national IFCA success criteria and high level objectives.

Background

North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) was established in October 2010 under provisions contained within the Marine and Coastal Access Act 2009. On 1 April 2011 the Authority assumed full statutory responsibility for managing the exploitation of sea fisheries resources within its jurisdiction. The Authority continues to draw professional service provision including legal, financial and human resource support from its lead Local Authority member, East Riding of Yorkshire Council. NEIFCA membership comprises of 13 elected Councillors representing eleven coastal Local Authorities together with 14 members appointed by the Marine Management Organisation and singular members representing Natural England, the Environment Agency and the Marine Management Organisation. The total membership of the Authority is 30 which is the maximum level permitted under statute.

Financial Overview

The Authority's total annual budget for the reporting period 2018/2019 was agreed by members during March at £1,200,310. The budget is allocated across four main areas:

Corporate

Expenditure relating to corporate governance.

Headquarter

The cost of management and administrative support.

Operations

Direct expenditure incurred in the performance of the Authority's objectives comprising of offshore, land-based and environmental activities.

Grant aided projects

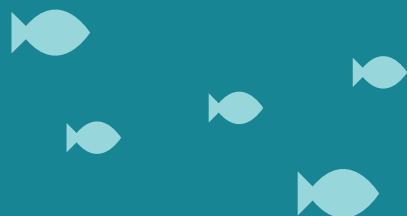
Projects which are specific or time bound and wholly funded by external sources.

See table on Page 11

COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT

2017/2018		2018/2019				
Net Expenditure		Expenditure	Income	Net Expenditure	Original Budget	Variance
£343,136	Central / Headquarters	£441,372	£6,210	£435,162	£385,080	£50,082
£113,418	Land Based Operations	£120,528	£0	£120,528	£137,010	-£16,482
£435,947	Offshore Operations	£430,709	£10,287	£420,422	£453,740	-£33,318
£101,443	Environment	£109,676	£0	£109,676	£111,580	-£1,904
£0	Grand Aided Projects	£146,739	£146,468	£271	£0	£271
£993,944		£1,249,024	£162,965	£1,086,059	£1,087,410	£1,351

Income	Sources of Finance	Expenditure	Income	Net Expenditure	Original Budget	Variance
£1,162,310	Annual levy on Local Authorities	£0	£1,200,310	£1,200,310	£1,200,310	£0
£0	Contribution from Reserves	£0	£18,518	£18,518	£0	£18,518
-£10,950	Contribution to Capital - Vehicles	£46,518	£28,000	-£18,518	£0	-£18,518
-£157,416	Contribution to Earmarked Reserves	£114,251	£0	-£114,251	-£112,900	£1,351
£993,944		£160,769	£1,246,828	£1,086,059	£1,087,410	£1,351



NATIONAL IFCA SUCCESS CRITERIA

IFCAs are recognised and heard, whilst working in partnership and engaging with stakeholders;

IFCAs implement a fair, effective and proportionate enforcement regime;

IFCAs use evidence based and appropriate measures to manage the sustainable exploitation of sea fisheries resources and deliver marine environmental protection within their districts;

IFCAs have appropriate governance in place and staff are trained and professional;

IFCAs make the best use of evidence to deliver their objectives;

NEIFCA work streams and organisational priorities are geared towards the positive achievement of the national vision: outlined on page 4.

To support the positive delivery of the above national vision, IFCAs have agreed a set of national success criteria matched with corresponding working-level objectives. The vision, success criteria and national working objectives are designed to assist in the creation of a shared understanding of the aims and objectives of IFCAs nationally, and focus positive service delivery towards achievement of the national vision. These national IFCA performance criteria also link directly to the UK Marine Policy Statement.

Focus and Priorities for the Year - Annual Plan 2018/2019

Each year Authority members agree and set their objectives and priorities for the year ahead which are outlined within the summary work programme contained within the Authority's 2018/2019 Annual Plan. The 2018/2019 plan was adopted by members on 8 March 2018.

NATIONAL IFCA WORKING LEVEL OBJECTIVES

The following tables provide a summary of the Authority’s progress towards achieving the Success Criteria and supporting Working Level Objectives (WLO) during the 2017/2018 reporting period.

March 31st 2019



Completed



Ongoing



Not started

WORKING LEVEL OBJECTIVE

The IFCA will maintain and implement an effective communication strategy.

OUTCOME(S)

The IFCA will maintain a database of stakeholder contacts that will have been reviewed and updated by 31 March each year.

The IFCA will have completed a review of its communication strategy and implementation plan by 31 March each year.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

Through its fishing permitting schemes NEIFCA maintains an annual database of some 4,000 individual contacts covering both commercial and recreational fishing.

The Authority maintains a formal communication strategy which is reviewed annually.

Copies of annual plans are sent to the Department for Environment, Food and Rural Affairs (Defra) Secretary of State by 30 April each year.

The IFCA will maintain its website ensuring public access to current fisheries and conservation information for the district, including management requirements and byelaws. non-reserved IFCA Committee papers will be published.

The IFCA will have reviewed its website by the last working day of each month.

The Authority's website is reviewed as a minimum on a monthly basis and is regularly updated weekly when required.

Copies of annual reports are sent to Defra's Secretary of State by 30 November in the year in which they are published.

WORKING LEVEL OBJECTIVE

The IFCA will contribute to co-ordinated activity at a national level.

OUTCOME(S)

By 31 March each year the IFCA will have participated appropriately, proportionately and at the right level of delegation, in regional and national fisheries and conservation activity identified within the annual plan.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

Throughout the reporting year Authority Officers have engaged extensively in a wide range of nationally coordinated work streams including joint training and joint intelligence gathering through the National Association of IFCAs, the National IFCA Chief Officers Group, the National IFCA Technical Advisory Group and the National Inshore Marine Enforcement Group.

The IFCA and its principle partners will have a clear understanding of the roles and responsibilities. Memoranda of Understanding (MoU) with MMO, Natural England, Environment Agency and Centre for Environment, Fisheries and Aquaculture Services (CEFAS) will be maintained.

The IFCA will have reviewed all of its MoUs by 31 March each year. There will be a clear plan in place to update MoUs where necessary, to an agreed standard.

The National Association of IFCAs supports the regular review of MoUs with partner organisations.

WORKING LEVEL OBJECTIVE

The IFCA will publish its enforcement risk register and strategy, clearly setting out its approach to achieving regulatory compliance and potential sanctions that may be applied for infringements and/or offences.

OUTCOME(S)

The IFCA will ensure its enforcement risk register and strategy are published and available on its website from 1 April each year.

The IFCA will compile records of enforcement activity in a standard format; provide them to NIMEG and publish them on its website.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

The Authority publishes a comprehensive annual risk register which covers all aspects of risk including enforcement.

The Authority publishes details of its enforcement activity within its Annual Report and provides statistics to the National Association of IFCAs in a standard format.

The IFCA will manage operational activity and capture, record, evaluate and disseminate intelligence that is compatible with partner organisations. It is engaged in joint working with partner organisations.

Working to the National Intelligence Model (NIM) and participating actively through Tasking and Coordination Groups (TCGs).

Throughout 2018/2019 Officers have been actively engaged in the joint fisheries intelligence gathering project, collating, assessing and exchanging intelligence in accordance with NIM principles. This involved active participation in the TCG process including joint TCGs with MMO officers.

WORKING LEVEL OBJECTIVE

Warranted Inshore Fisheries and Conservation Officers (IFCOs) will be trained and accredited to nationally agreed standards. They will maintain professionalism and make appropriate interventions to deliver efficient, effective enforcement activity.

OUTCOME(S)

The IFCA will adopt the national code of conduct for IFCOs which will be reviewed annually and published on its website.

Warranted Officers attain accreditation. ALL undertaking continuing professional development.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

Authority Officers undergo a wide range of training supported by a 9 month probationary process. That training incorporates an induction, an IFCA residential course and 'on the job' training and evaluation.

A national code of conduct for IFCA enforcement officers was agreed in 2010 and was adopted by the Authority. It is reviewed annually.



WORKING LEVEL OBJECTIVE

The IFCA will identify issues likely to affect sustainable management of the marine environment in the IFC District; undertake risk assessment and gap analysis; review appropriateness of existing measures; evaluate management options and develop and implement proportionate marine management solutions.

OUTCOME(S)

The IFCA will record site-specific management considerations for Marine Protected Areas and report progress to the Authority.

The IFCA will publish data analysis and evidence supporting new management measures, on its website Management information (e.g. sampling and/or survey results) will be collected periodically after new management measures have been implemented, to demonstrate the extent of effectiveness of the intervention.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

Authority officers have completed extensive site feature/fishing gear interaction risk matrices for all Marine protected Areas (MPA's) and Marine Conservation Zones (MCZ's) occurring within the NEIFCA district. A significant supporting management programme commenced during 2013 prioritised to 'high' risk activities. Two formal regulations were confirmed protecting sites at Flamborough Head and the Humber Estuary. During 2016/2017 this work was advanced to cover lower risk interactions and 5 new byelaw regulations were made are currently awaiting ministerial confirmation.

The IFCA will support implementation of a well managed network of marine protected areas by: developing a range of criteria based management options; implementing management measures to ensure that inshore fisheries activities comply with the Marine and Coastal Access Act 2009 and the revised approach to managing commercial fisheries in European Marine Sites; and that local management contributes to delivery of targets for the Marine Strategy Framework Directive, Water Framework Directive and Marine Plans.

WORKING LEVEL OBJECTIVE

The IFCA will develop Fisheries Management Plans for priority species where appropriate. Shared objectives will be developed with identified partners; actions identified and best practice reflected so that management makes a contribution to sustainable development.

Proportionate regulation (for example introducing a legal mechanism such as a byelaw) is used as a last resort; The effectiveness of interventions to improve the delivery of beneficial outcomes is continuously monitored; and

There is a clear IFCA Committee process for dealing with agreed interventions quickly, efficiently and effectively, particularly for emergency byelaws.

OUTCOME(S)

The IFCA will include shared agreed objectives and actions from Fisheries Management Plans in its own Annual Plan, which will be published by 31 March each year.

Progress made in relevant Fisheries Management Plan areas, including Maximum Sustainable Yield commitments, will be noted in the IFCA's Annual Report.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

Since 2010 Authority officers have made significant progress in the development of management plans for key shellfish species such as lobster and edible crab with integrated management plans. The plans are supported by a developing management framework which was strengthened during 2016/2017 through the implementation of a new minimum landing size for edible crab of 140 mm, mandatory escape gaps in lobster pots and a new restricted permitting scheme covering scallop dredging. Plans for other species are being developed and this work will be supported by 5 new byelaw regulations which are currently awaiting ministerial confirmation and which will enable more comprehensive monitoring of fishing activities and exploitation rates throughout the Authority's district.

WORKING LEVEL OBJECTIVE

The IFCA will demonstrate its long-term strategic approach to sustainable marine management by having appropriate plan-making, review, update and amendment procedures in place. The IFCA will record its performance against corporate outcomes and indicators as soon as practically possible following the end of the financial year.

OUTCOME(S)

The IFCA will publish a Plan on its website by 31 March, setting out the main objectives and priorities for the next financial year. A copy will be sent to the Secretary of State.

After the end of each financial year, the IFCA will publish a Report on its website describing its activities, performance and a summary of audited financial information in that year, by 30 November. A copy will be sent to the Secretary of State.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

The Authority has produced an Annual Plan and Annual Report since 2010. The 2018/2019 Plan was considered and endorsed by the Committee on 8 March 2018 and submitted to the Secretary of State. The Annual Report covering the 2017/2018 period was submitted to the Secretary of State by 30 November 2018.

Staff performance management systems will be in place that link to the IFCA success criteria. There will be an induction procedure for new joiners. Staff training and development needs will be identified. Performance will be managed and, where necessary, improvement procedures will be followed.

IFCA staff will have annual performance management plans in place. Annual appraisals for all staff will have been completed by 31 May each year.

An annual appraisal system is in place and all the Authority's staff have a minimum 'one to one' appraisal each year with their line manager including the Chief Officer. This is supported by regular informal meetings throughout the year. Individual training needs are reviewed and set each year at the appraisals.

WORKING LEVEL OBJECTIVE

The IFCA Committee will be supported by an organised, efficient and effective secretariat. New members will receive an induction pack and briefing from the Authority. There will be a rolling twelve month schedule of quarterly Authority meetings. Notices of meetings and documentation will be made available in line with Standing Orders.

IFCA Committee meetings will be held in public unless material is either confidential, or exempt within the meaning of the Local Government Act 1972.

OUTCOME(S)

An efficient secretariat of IFCA staff support IFCA Authority meetings which are held quarterly and are quorate. Meeting documentation will meet Standing Orders.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

During 2018/2019 all the meetings of the full Committee and supporting subgroups were quorate and comprehensively supported by the Authority's administrative and operational support team. Agendas, supporting papers and minutes were published in accordance with the Authority's standing orders and posted on the Authority's website.

A strategic research plan that contributes to greater understanding of the marine environment and delivery of cost-effective management of sea fisheries resources.

The IFCA will demonstrate progress that has made towards identifying its evidence needs by publishing a research plan each year

The Authority incorporates its research planning and delivery into both its overarching Annual Plan and Annual Report. These are produced in consultation with members and in accordance with statutory procedures. These annual planning and reporting processes are underpinned by an annual research work programme and a 5 year strategic plan.

WORKING LEVEL OBJECTIVE

Standard Operating Procedures describe how data is captured and shared with principal partners.

OUTCOME(S)

The IFCA's contribution to Technical Advisory Group (TAG) and progress that has made towards a national evidence needs programme will be recorded in the IFCA's Annual Report.

PERFORMANCE INDICATOR(S) UPDATE 2018/2019

The Authority's environmental and scientific leads are fully engaged with other IFCA colleagues through the national IFCA Technical Advisory Group. Through this group the Authority's officers have developed and implemented standard operating practices across most of its work streams.

Non-confidential meta-data collected through the IFCA research programme should be recorded in a database available to the marine research community.

Non confidential data is shared reducing the need for duplication of survey effort.

Authority officers share non-confidential meta data through MEDIN and 'drop box' and improving internal data sharing within the Authority's membership remains an ongoing work stream.

NORTH EASTERN GUARDIAN III

Fisheries Patrol



ORGANISATIONAL REVIEW 2018/2019

Main Achievements

There were a number of notable achievements during 2018/2019 across a wide range of work streams from supporting national policy work through to stock conservation and management and staff development.

- During March 2018 the Authority endorsed and fixed an operational budget of £1,200,310 providing a stable and uplifted funding base.
- On the 31 August 2018 the Authority's first female apprentice successfully completed her one year attachment. Georgina Innes Myers achieved a NVQ Workboat Apprenticeship in partnership with the Whitby and District Fishing Industry Training School. Georgina was the first female workboat apprentice in the UK to achieve this qualification having successfully completed her work based training on board North Eastern Guardian III. Georgina has since taken up a place at Leeds University.
- Between the 12 and 14 September 2018 all NEIFCA staff engaged in a two day residential team building event in the Lake District. The event involved a wide range of facilitated outdoor activities designed to develop and strengthen communication skills, leadership and active team working. Positive feedback was received from all participating staff. This planned event built on the successes of previous team building work undertaken during 2017.
- Successful continuation of the Authority's public engagement programme with officers attending two events throughout the Authority's jurisdiction and registering interest from over 10,000 people.
- During October 2018 NEIFCA engaged stakeholders in its second customer satisfaction survey. The survey ran between 22 October and 3 December 2018. In total 515 respondents completed the survey. 94% found NEIFCA staff friendly and approachable, 98% of queries were answered quickly and 94% of respondents rated the quality of service either good or very good.

ORGANISATIONAL REVIEW 2018/2019 CONTINUED

- During March 2019 NEIFCA hosted an exchange visit with officers from the Department Agriculture Environment and Rural Affairs (DAERA) Northern Ireland. The officers took part in an offshore patrol, gaining practical experience in the day to day work of IFCAs which included a practical session utilising drone technology. A return visit to Northern Ireland is planned for May 2019.

CENTRAL POLICY 2018/2019

Central Policy & Strategic Development

Central policy and strategic development is supported by two key internal sub-groups, the Executive Committee and the Science Advisory Group. Science Advisory Group comprises of MMO appointees and representatives from Natural England, the Environment Agency and the MMO and is responsible for overseeing regulatory review, development and implementation, scientific and survey work, projects and licensing applications and consents.

The Executive Committee comprises of elected and appointed MMO members and provides a smaller more focused decision making group to undertake any work delegated by the full Authority, including ratifying emergency byelaw provisions and considering appeals against process. These groups work in tandem with recommendations passing through the Executive Committee for final endorsement by the full Authority.

Risk Management

The effective management of risk remains a key priority for officers and members of the Authority. A formal strategy supporting the identification and management of risk was first agreed and adopted by members of the shadow Authority on 25 January 2011. The strategy and its provisions are reviewed

on an annual basis to ensure that it remains 'fit for purpose'. Alongside the strategy the identification and management of risk is supported through a number of risk registers covering both strategic and operational risk, including a risk based enforcement matrix. All risk registers are subject to six-monthly review with updates reported to Authority members and posted on the Authority's website. During the reporting year these reviews and updates were completed during September 2018 and March 2019.

Emergency IFCA Byelaws

Section 157 of the Marine and Coastal Access Act 2009 provides a mechanism for IFCA's to introduce emergency byelaw regulations to deal with unforeseen issues requiring urgent action. Emergency byelaws are time limited to a maximum period of eighteen months.

Since its inception in 2011 the Authority has effectively utilised its emergency byelaw making powers on four separate occasions most recently on 17 October 2017 to provide additional protection for egg bearing lobsters.

EUROPEAN MARINE SITE REVIEW

European Marine Site Review

During 2012 Defra commenced a process of revising the national approach to managing fishing activities within European Marine Sites. The process categorised fishing activities as red (high risk), through amber, green and blue (no risk), depending on the level of risk they presented to certain types of habitat or species. For fishing activities designated as red, occurring within sensitive sites, Defra set an expectation that IFCAs' would develop and implement formal management by December 2013, which has now been completed.

In terms of supporting the delivery of the revised national approach the Authority has now implemented two priority byelaw regulations to strengthen the management of fishing activities within both the Flamborough Head and Humber Estuary European Marine Sites and work is continuing on the assessment of other gear feature interactions.

On 27 April 2016 five new byelaw regulations were formally made by the Authority's Executive Committee. The new proposed measures included mandatory catch and effort reporting across all sectors, remote vessel activity monitoring through the use of vessel Automatic Identification Systems (AIS), standardised marking of fishing gear, improved management of fixed netting and the establishment of a new permitting scheme for trawling in the Humber Estuary. These measures will address amber and lower risk activities occurring within all the MPAs located within the Authority's District and are currently awaiting ministerial confirmation.



LEGISLATIVE ENFORCEMENT

Legislative enforcement forms a key element of the Authority's drive to achieve the sustainable management of sea fisheries resources within its district. Enforcement is undertaken by fourteen warranted Inshore Fisheries and Conservation Officers (IFCOs) who are responsible for monitoring and inspecting fisheries activities both offshore and along the coast. Enforcement work is supported by a dedicated 26m patrol vessel, North Eastern Guardian III, which carries a 6.4m rigid inflatable boat (RIB) that is utilised to board and inspect fishing vessels at sea. A smaller 4.7m RIB is also retained onshore and can be launched throughout the Authority's district when required.

Since its inception NEIFCA has been developing a more targeted approach to its enforcement activities led increasingly by intelligence. Enforcement outputs are collated on a monthly basis.

ENFORCEMENT OUTPUTS 2018/2019

Enforcement Output	Frequency
Vessel Inspections	528
Vessel observations	1200
Inspection Reports completed	656
Verbal Warnings	46
Written Warnings	21
Offences Reported	68
Formal Cautions	18
Financial Administrative Penalties	14
Formal prosecutions	9

ENVIRONMENTAL AND SCIENTIFIC RESEARCH

Marine environmental and scientific research functions continue to develop and expand in line with the developing role and remit of the Authority. The environmental and science team undertake fisheries stock assessment work, collate and analyse seabed habitat and water column data generated by NEG III, review marine licensing applications and consents, support marine habitat conservation and management through engagement with European Marine Site (EMS) management schemes and Marine Conservation Zone (MCZ) programmes and oversee the internal management of data. This work is guided by an annual research and evidence plan and a 5 year strategic plan. Separate to this annual report, findings from the environmental and scientific research work are published within an annual research report.

Fisheries Stock Assessment work

The majority of species exploited within the NEIFCA district are a component of wider stock units which extend beyond the 6 mile limit.

During 2011/2012 officers proposed and presented multiple indicator frameworks, a combination of specific reference points and proxies for measuring progress towards achieving sustainable fisheries. Alongside and at the request of Authority members, officers have incorporated a broader overview, detailing information on gear types, additional species, economic and socio-economic factors. This analytical work is supported, in the main, by a comprehensive stock assessment programme which includes quayside sampling at four main ports including Hartlepool, Whitby, Scarborough and Bridlington and an offshore monitoring programme covering each of the five main ICES areas located within and surrounding the Authority's district. Long-standing monitoring programmes including the annual assessment of cockle stocks within the Tees and Humber Estuaries, the Authority's 'No Take Zone' at Flamborough Head and the seasonal permitted sea bass fisheries were maintained throughout the reporting period.

Seabed Habitat Assessment & Mapping Work

The development of the Authority's capabilities to assess and map seabed habitats has been one of the main areas of focus for both the offshore and environmental teams. Ongoing work in this area has included the full commissioning of an onboard WASSP multi-beam system and the development of underwater camera technologies. These systems were used extensively during the reporting period at priority sites and locations throughout the Authority's district.

Marine Licensing and Consents

During the reporting period Authority officers were involved in licensing and consents work relating to six 'major infrastructure' projects. A further thirty-four licensing and consent applications were reviewed and considered by officers covering a wide range of small scale projects from maintenance dredging, through to discharge consents and minor harbour infrastructure projects.

EUROPEAN LOBSTER

Homarus gammarus



MARINE PROTECTED AREAS

European Marine Sites (EMS)

The NEIFCA district contains three European Marine Sites (EMSs); Humber, Teesmouth and Cleveland, and Flamborough Head. Each EMS is supported by a Management Group comprising statutory authorities and other relevant bodies. NEIFCA plays an active role within all of the management groups. NEIFCA workstreams within the EMSs focus on four main areas; active participation in the EMS Management Schemes and associated projects; the provision of guidance to developers and input into the licensing conditions of development consent orders within and adjacent to EMSs; stock assessments of commercially important finfish and crustacea; and the appropriate assessment and management of fisheries within EMS boundaries through both voluntary and regulatory measures. The last work stream in particular has developed and expanded through the reporting period and remains a significant organisational priority.

During 2012 Defra announced a revised national approach to the management

of commercial fishing activities within European Marine Sites (EMSs) in England. In order to implement this new approach, current fishing activities within EMSs require appropriate assessment, for potential impacts on the conservation features of the EMS, in order that management can be implemented to ensure site integrity is maintained.

The assessments will consider whether the fishing activity in question may adversely affect the integrity of the site or inhibit the achievement of the conservation objectives. Every fishing activity that takes place, or could take place, within EMSs must be assessed against each designated conservation feature and sub-feature. This will continue to form an extremely large area of work for the Authority. As part of this work stream two new byelaws were confirmed by Defra in December 2015 and a further five byelaws were made by the Authority in April 2016, strengthening the management of fishing activities and improving protection for the sensitive features occurring within both the Flamborough Head and Humber Estuary

European Marine Sites and are currently awaiting ministerial confirmation.

Marine Conservation

The NEIFCA district contains two MCZ sites; Runswick Bay and Holderness Inshore. Full assessments have been completed on both sites and appropriate management measures supporting their protection are already in place.

Data Management

All raw data gathered from the Authority's district is stored electronically in spreadsheet and database format enabling ease of manipulation, import into other programmes and statistical analysis. Spatial data is stored in shape file format for presentation and analysis in the GIS platform MapInfo. This is a developing work stream that aims to generate key data layers that present information related to the Authority's district, such as management regimes, fishing effort, habitat types and commercial species ranges.

EXTERNALLY FUNDED PROJECTS & INITIATIVES

Defra Funded Bait Collection Project

During September 2017 Officers commenced a 1 year MRes project, in partnership with Hull University, funded by Defra. The project involved a detailed survey and appraisal of the impacts of bait collection at three key sites within the Authority's district. The project was completed at the end of March 2019.

Holderness Coast Lobster Marketing Study

This is a partnership project with the University of Hull funded through the Holderness Coast Fisheries Local Action Group (FLAG). The project commenced during October 2017 and will assess the impact of the UK exit from the EU on the local lobster fishery. The project will also examine the potential of opening up new markets outside the EU and options for adding value to the fishery. The project is scheduled to complete at the end of May 2019.

Marine Research Facility

During December 2017 the Authority agreed 'in principle' to support this project, co-funded through the Holderness FLAG and the Holderness Coast Fishing Industry Group. The project involves the building and commissioning of a small marine research facility at Bridlington harbour, East Yorkshire.

STAFF TRAINING & DEVELOPMENT

Throughout 2018 long-standing and established staff training and development systems were maintained across the Authority. These systems included annual appraisals for all staff which link personal objectives and training and development needs to organisational objectives and long-term strategic goals. All staff training is recorded and monitored centrally in a database and is subject to staff feedback and evaluation.

All NEIFCA staff are actively encouraged to contribute to 6 weekly team meetings and participate in internal workshops and focus groups covering topics such as regulatory byelaw development and fishing gear marking.

Between the 12 and 14 September 2018 all NEIFCA staff engaged in a two day residential team building event in the Lake District. The event involved a wide range of facilitated outdoor activities designed to develop and strengthen communication skills, leadership and active team working. Positive feedback was received from all participating staff. This planned event built on the successes of previous team building work undertaken during 2017.

During December 2018 all the Authority's staff participated in an annual two day internal training and reflection event which aims to encourage greater empowerment of staff, providing an opportunity to influence and take some ownership of service delivery. This represented the seventh year that such an event was held.



COMMUNICATIONS, PUBLIC ENGAGEMENT & PARTNERSHIP WORKING

During 2017 the Authority utilised a range of media to communicate with stakeholders and the wider public through its dedicated website, annual newsletters, open meetings, focused 'drop in' sessions, attendance at local events, press releases and more traditional media such as public notices, advertisements and notice boards.

NEIFCA Website

The Authority's website remains at the forefront of its drive to improve overall communications, accessibility to information and associated services. The website includes an 'ask the chief' function where questions, queries and comments can be emailed directly to the Chief Officer. Stakeholders can also apply for a wide range of fishing permits online which are then emailed directly to them. The website also provides direct links to tidal and weather information and other partner organisations. During the last four years the Authority has noted a significant increase in the numbers of fishermen and stakeholders accessing information electronically. A major 'over haul' of the Authority's website provision is planned for 2019.



During 2018/2019 officers attended two public events held throughout the Authority's jurisdiction to provide information on the Authority's work, role and remit. During the course of these events officers actively engaged with over 10,000 people.

Feedback System

Throughout 2018 the Authority continued to utilise a formal electronic feedback system supported by East Riding of Yorkshire Council. All feedback is captured and recorded on a database via a dedicated feedback officer. Any complaints are subject to a fixed response time with systems to deal with any vexatious issues. All recorded feedback is then reported back to Authority members on an annual basis.

Partnership Working

During April 2011 the Authority signed a number of 'High Level' MOUs with key partner organisations. These endorsed the principles of communication and positive partnership engagement and continued to support positive working relationships throughout 2017.

During 2018 NEIFCA actively engaged in the national intelligence gathering project in joint collaboration with other IFCA's and the MMO. This also involved active engagement in a monthly joint tasking and coordination meetings with North Western IFCA, Northumberland IFCA and the MMO's Northern and Central marine area teams. Since this project was first established NEIFCA has captured and shared over 214 fisheries intelligence reports. Active operational partnership working took place throughout 2018/2019 including joint enforcement work with both the MMO and EA.

National IFCA Association

A national Association was established on 24 March 2011 to represent and support the work of IFCA's. NEIFCA continues to play an active role in this Association through the Chairman, Clerk and Chief Officer which included supporting important revisions to its internal organisation and governance. During 2018 a comprehensive independent review of the Association was launched and is due to complete at the end of June 2019.



North Eastern



North Eastern Inshore Fisheries
and Conservation Authority

2018/2019
Annual Report

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
5 December 2019

NEIFCA Byelaws Update

Report by the Chief Officer

A. Purpose of Report

To update members on all current fisheries byelaw work streams.

B. Recommendation

1. That members note the report.

1. **Background**

- 1.1 **Byelaw XXVIII Crustacea Conservation Byelaw 2018**

- 1.1.1 This new byelaw regulation was made by the Authority at its meeting on 14 June 2018 (minute record 52 refers). It retains, updates and rationalises existing management regulations covering the exploitation of lobster, edible crab, velvet crab and nephrops within the Authority's district and includes the following key revisions:

- Incorporates existing protections for 'V' notched lobsters which are currently provided for in a separate byelaw regulation.
- Incorporates existing protections for egg bearing lobsters which are currently provided for in an emergency byelaw regulation which will expire on 17 October 2018. This includes new protection for lobsters displaying mutilated pleopods.
- Specifies a new vessel length size for shell fishing of 10 m overall length within 3 nautical miles with additional protections for all existing vessel operators who currently operate within the 3 mile limit under a 'sunset' provision.
- Specifies a new protection for 'soft' lobsters
- Specifies a new maximum pot frame size of 50 cm H x 60 cm W x 110 cm L.

- 1.1.2 This byelaw was confirmed by Defra on 8 August 2019 and implementation is underway.

- 1.2 **Byelaw XXIX Humber Estuary Fishing Byelaw 2016**

- 1.2.1 The byelaw, which was formally made by the Authority on 27 April 2016 as a result of the revised approach to commercial fisheries in European Marine Sites, establishes trawling

management within the Humber Estuary EMS under a ‘sunset’ scheme covering all operators who can demonstrate a valid track record.

- 1.2.2 The byelaw was confirmed by Defra on 15 August 2019 and implementation is underway.

1.3 **Byelaw XVIII Method and Area of Fishing (Fixed Netting) Byelaw 2016**

- 1.3.1 This byelaw which was formally made by the Authority on 27 April 2016 sets a range of revised management provisions covering the use of fixed nets throughout the Authority’s district. Those provisions include a seasonal prohibition in the use of fixed nets throughout the Flamborough Head and Filey special protection area for seabirds.

- 1.3.2 The byelaw was confirmed by Defra on 29 October 2019 and implementation is underway.

1.4 **Byelaw XXX Automatic Identification System Byelaw 2016**

- 1.4.1 This byelaw which was formally made by the Authority on 27 April 2016 would have required all commercial fishing vessels to maintain a fully functioning AIS at all time whilst operating within the Authority’s district. On 29 October 2019 the Minister wrote to advise that, following consideration, he had taken the decision to reject the byelaw on the grounds of duplication with the national inshore vessel monitoring system. This news came as a disappointment and to my knowledge it represents the first time that an IFCA byelaw has been rejected and although the decision is unlikely to be reversed the ministerial letter contained a number of inaccuracies which need to be clarified within a response which will be sent before the end of this calendar year.

1.5 **Byelaw XXXI Catch Returns Byelaw 2016**

- 1.5.1 This byelaw which was formally made by the Authority on 27 April 2016 will require all commercial fishing operators to submit monthly catch and effort returns relating specifically to the fishing methods they are using and the fisheries they are exploiting. Recently Defra requested the submission of a revised Regulatory Impact Assessment to account for duplication with national catch reporting provisions. This was completed and re-submitted on 16 October 2019 and is supported by the Marine Management Organisation (MMO) for final consideration.

- 1.6 Copies of the recently confirmed byelaw regulations are attached to this update report for members information.

Contact Officer

David McCandless, Chief Fishery Officer

Ext. 3690

North Eastern Inshore Fisheries and Conservation Authority

Marine and Coastal Access Act 2009 (c. 23)

XXVIII CRUSTACEA CONSERVATION BYELAW 2018

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

1. Interpretation

In this byelaw:

- (a) 'Area A', 'Area B' and 'Area C' are defined in the schedule;
- (b) 'the Authority' means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- (c) 'the baselines' mean the 1983 baselines as defined in S.I 2010;
- (d) 'berried lobster' means a lobster with eggs attached to the tail or other exterior part of the lobster, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;
- (e) 'carapace width' means the width of the carapace measured across the widest point;
- (f) 'clawless lobster' means any lobster which is displaying the total absence of any fully formed and functioning claws or chelae. Functioning is defined as the ability of the animal to open and close the claw;
- (g) 'cooked crab offal' means edible crab which has been cooked;
- (h) all coordinates are derived from World Geodetic System 1984 datum;
- (i) 'crab' means either edible crab or velvet crab;
- (j) 'crustacea' means any species of lobster, edible crab, velvet crab or Norway lobster;
- (k) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of S.I 2010;
- (l) 'edible crab' means a crab of the species *Cancer pagurus*;
- (m) 'fishing' means searching for sea fisheries resources, shooting, setting, towing, hauling of fishing gear and taking sea fisheries resources on board;
- (n) 'fishing trip' means the entire period between leaving and returning to port;

- (o) 'flap' means any part of the five flaps of the tail fan of a lobster;
- (p) 'lobster' means lobster of the species *Homarus gammarus*;
- (q) 'mutilated lobster' means any lobster with any damage likely to obscure a 'v' notch mark or absence of either one or both inner flaps of the tail fan either side of the main tail flap. Any other damage or mutilation to, or absence of, any other tail flap, excluding the two inner flaps, is not classed as mutilation for the purpose of this byelaw regulation;
- (r) 'mutilated pleopod' means any visible damage, abrasion, mutilation or absence of any pleopods;
- (s) 'Norway lobster' means a lobster of the species *Nephrops norvegicus*;
- (t) 'overall length' means the overall length of the vessel as detailed on its official certificate of registry;
- (u) 'pleopod' means the small abdominal leg of a lobster attached to the abdomen used for swimming and brooding eggs;
- (v) 'pot' means a pot, creel or trap used for catching sea fish or crustacea;
- (w) 'pot size' means the dimensions of the pot at its maximum size;
- (x) 'soft shelled lobster' means a lobster which has recently cast its shell and is malleable under manual pressure;
- (y) 'sunset list' means a list of vessels who possess a track record of fishing for crustacea using pots in 'Area A' or 'Area B' since January 2016 and have registered catches of lobster and crab with the Authority and have been placed on the list within 6 months of the date of this byelaw;
- (z) 'v' notched lobster' means a lobster with a notch in the shape of the letter 'v' with a depth of at least 5 mm in at least one of the inner flaps of the tail fan either side of the main tail flap. The depth of the 'v' notch is measured vertically from the distal edge of the flap (not including the setae) to the apex of the 'v';
- (aa) 'Velvet crab' means a crab of the species *Necora puber*.

2. Prohibitions

(a) Vessel length restrictions

A person must not use a pot from a vessel exceeding 10 meters overall length in Area A or Area B unless the following criteria have been met:

- (i) the vessel is on a 'sunset list' maintained by the Authority;

- (ii) the vessel does not exceed 14 metres overall length;
- (iii) there is no change of ownership since being placed on the sunset list affecting the major share holding in the vessel concerned.

(b) Escape gaps

A person must not use a pot within Areas A and C for the purpose of fishing for crustacea unless the following criteria have been met:

- (i) the pot has at least one unobstructed escape gap located in its exterior wall or, in the case of a multiple chambered pot, each individual chamber has an unobstructed escape gap located in its exterior wall;
- (ii) each escape gap is of sufficient size that there may be easily passed through the gap a rigid box shaped gauge 80 mm wide, 46 mm high and 100 mm long; and
- (iii) the escape gap is located within the pot in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the parlour as is practically possible and within 50 mm of the base.

(c) Minimum size for edible crab

A person must not remove, take or land any edible crab which has not attained a carapace width of 140 mm but shall return the same to the sea immediately in a position as near as possible to that part of the sea from which it was taken.

(d) Parts of edible crab

A person must not remove, take or land any edible crab or part thereof which is detached from the body of the crab, and/or which does not comply with the minimum size but shall return the same to the sea immediately unless the following criteria have been met:

- (i) the total of such parts is not more than 10% of the total weight of all species subject to a statutory minimum landing size other than crustacea, landed by the same person on one occasion; and
- (ii) the edible crab was caught in a trammel, gill, tangle or other enmeshing net and the part

became detached from the crab in the course of clearing the net.

(e) **Use of edible and velvet crab for bait**

A person must not use any edible crab or velvet crab for bait with the exception of the following:

- (i) the use of any cooked crab offal as bait;
- (ii) the use of edible crab, above the statutory minimum landing size as bait for recreational rod fishing; and
- (iii) the use of velvet crab, above the statutory minimum landing size as bait.

(f) **Parts of lobster (*Homarus gammarus*)**

A person must not remove, take or land, the tail, claw or any other detached part of a lobster.

(g) **Clawless lobsters (*Homarus gammarus*)**

A person must not remove, take or land any clawless lobster. Any clawless lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(h) **Soft shelled lobsters (*Homarus gammarus*)**

A person must not remove, take or land any soft shelled lobster. Any soft shelled lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(i) **'V' notched or mutilated lobsters (*Homarus gammarus*)**

A person who is not fishing by boat must not remove, take or land any 'v' notched lobster or mutilated lobster. Any 'v' notched lobster or mutilated lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(j) **Berried lobsters (*Homarus gammarus*)**

A person who is not fishing by boat must not remove, take or land any berried lobster. Any berried lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(k) **Mutilated pleopods (*Homarus gammarus*)**

A person must not remove, take or land any lobsters displaying mutilated pleopods. Any lobster displaying mutilated pleopods shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(l) **Maximum pot size**

A person must not use any pot with a size exceeding 50 cm high x 60 cm wide x 110 cm long.

3. Deeming

(a) During each singular fishing trip, vessels fishing exclusively outside the District and transiting through the District will not be subject to the provisions of this byelaw.

(b) It is to be presumed that a vessel has taken or removed any sea fisheries resources to which this byelaw relates from within the District if, at any time, during any singular fishing trip –

(i) it is proved that –

(a) the vessel was found within the District, and

(b) when so found, the vessel was in possession of any of the things mentioned in paragraph (c); and

(ii) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that the vessel was, or had been, taking or removing sea fisheries resources in contravention of this byelaw.

(c) The things are –

(i) such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of taking or removing sea fisheries resources in contravention of this byelaw; and

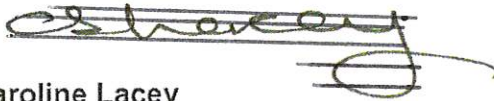
(ii) sea fisheries resources, the taking and removing of which is prohibited by this byelaw.

(d) The presumption in paragraph (b) does not apply where sufficient evidence is adduced to raise an issue as to whether the fisheries resources on board the vessel were taken and or removed from within the District. Such acceptable evidence may include electronic charting information or vessel positional data.

4. Revocations

- (a) The byelaw with the title 'XXI Protection of 'V' Notched Lobsters' made by North Eastern Inshore Fisheries and Conservation Authority on 8 December 2011 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 and confirmed by the Secretary of State on 12 October 2012, in force immediately before the making of this byelaw is revoked.
- (b) The byelaw with the title 'XXVIII Crustacea Conservation Byelaw' made by North Eastern Inshore Fisheries and Conservation Authority on 6 December 2013 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 and confirmed by the Secretary of State on 17 November 2015, in force immediately before the making of this byelaw is revoked.

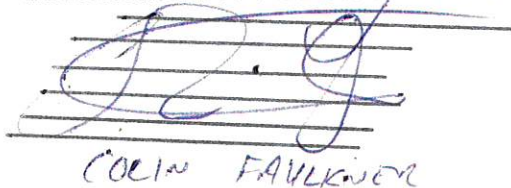
I hereby certify that the above Byelaw was made by the Authority at its meeting on 14 June 2018.



Caroline Lacey
Clerk

North Eastern Inshore Fisheries and Conservation Authority
Town Hall
Quay Road
Bridlington
East Yorkshire

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act 2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on 14 June 2018.


COLIN FALKNER

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date: 8/6/19.

Schedule
Definition of areas

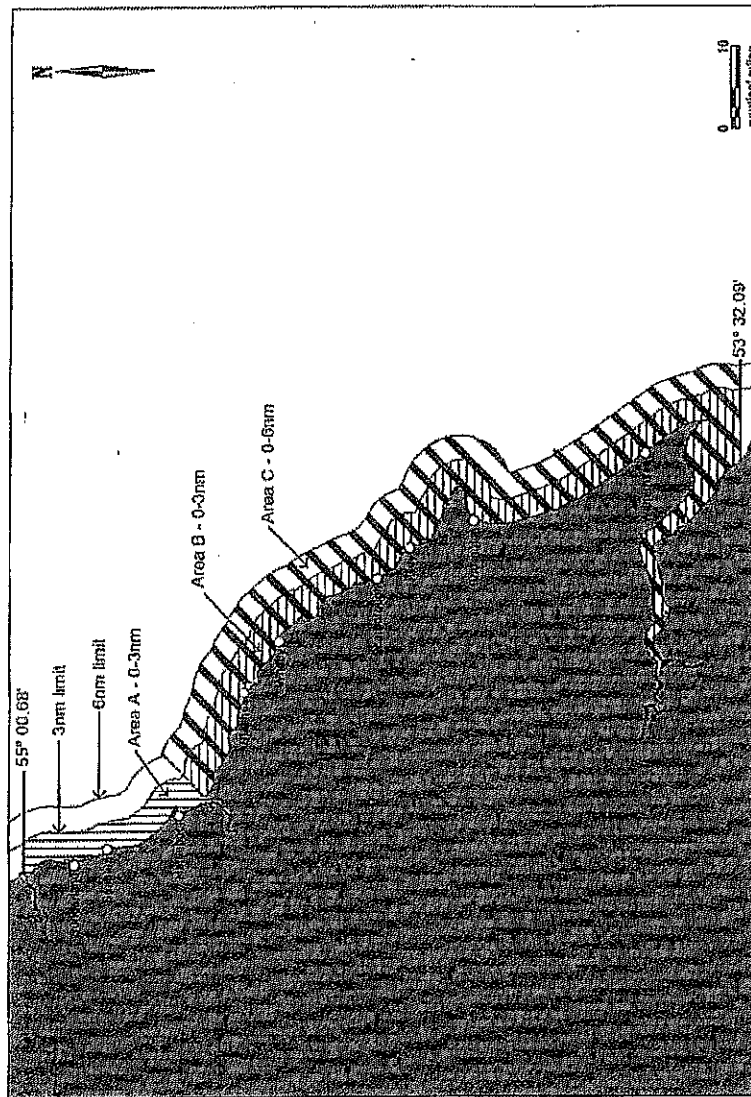
1. Area A means those tidal waters and parts of the sea bounded by the following:
 - (a) to the North by the boundary of the District, to the South by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the three nautical mile limit and to the East by the three nautical mile limit;
2. Area B means those tidal waters and parts of the sea bounded by the following:
 - (a) to the South by the boundary of the District, to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the three nautical mile limit and to the East by the three nautical mile limit;
3. Area C means those tidal waters and parts of the sea bounded by the following:
 - (a) to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the boundary of the District, to the East by the six nautical mile boundary of the District and to the South by the boundary of the District;

Explanatory note

(This note is not part of the byelaw)

The intention of this byelaw is to provide a comprehensive suite of management provisions to conserve crustacea stocks within the District. These provisions include restrictions on the size of vessel which can work pots inside the 3 nautical mile limit, a mandatory requirement for all pots to carry escape gaps, a minimum landing size of 140 mm for edible crab and further restrictions on the removal of parts of crab and lobster, 'berried', 'soft shelled', 'V' notched, clawless lobster, lobsters displaying mutilated pleopods and the use of edible and velvet crab as bait.

'Area A', 'Area B' and 'Area C'.



NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (C.23)

XXIX HUMBER ESTUARY FISHING BYELAW 2016

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

1. Interpretation

In this byelaw:

- (a) all coordinates are derived from the World Geodetic System 1984 datum;
- (b) 'the Authority' means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- (c) 'the baselines' means the 1983 baselines as defined in the North Eastern Inshore Fisheries and Conservation Order 2010;
- (d) 'dig' includes the use of any rake, spade, fork, pump or similar device, hand gathering or collecting;
- (e) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;
- (f) 'existing shareholders' means the shareholders as detailed on a vessel's Certificate of Registry on the date of confirmation of this byelaw;
- (g) 'general trawl permit' means a permit issued by the Authority in accordance with the provisions contained within the byelaw with the title 'III Trawling: Prohibition: Exceptions' made by North Eastern Sea Fisheries Committee on 30 July 2002 in exercise of its powers under Section 5 of the Sea Fisheries Regulation Act 1966 (c.38);
- (h) 'Humber Estuary' means the area as defined in the Schedule;
- (i) 'Humber Estuary Trawling Permit' means a permit issued by the Authority in accordance with paragraphs 3 and 4;
- (i) 'registered fishing vessel' means a fishing vessel registered in accordance with the Merchant Shipping Act 1995 (c.21) or registered in

the Channel Islands or the Isle of Man, and which holds a current fishing licence issued by the appropriate UK fisheries department;

- (j) 'separator trawl or sorting grid' means an attachment to the trawl which complies with the provisions contained within Section 3(1) of the Shrimp Fishing Nets Order 2002 (S.I. 2002, No 2870);
- (k) 'Spurn Point Seagrass Area' means the area as defined in the Schedule;
- (l) 'three nautical mile limit line' means a line drawn three nautical miles seaward of and running parallel to the baselines;
- (m) 'track record' means documentary evidence of commercial catch and landings.

2. Prohibitions

- (a) A person must not trawl within the Humber Estuary unless that person holds a valid Humber Estuary Trawling Permit.
- (b) A person must not trawl, dig, or use a pot, trap, net, longline, dredge or similar device within the Spurn Point Seagrass Area.
- (c) A person must not remove sea fisheries resources from the Spurn Point Seagrass Area.
- (d) Paragraph (c) does not apply to a person fishing for or removing sea fisheries resources by means of a rod and line.

3. Humber Estuary Trawling Permits - Applications

- (a) Vessels may apply for a Humber Estuary Trawling Permit up to six months from the date of this byelaw coming into force.
- (b) Applicants must apply using a form obtained from the Authority website.
- (c) Applications will only be accepted from the owner of a vessel meeting the following criteria:
 - (i) the vessel is a registered fishing vessel;
 - (ii) the overall length of the vessel does not exceed 18.3 metres;
 - (iii) the engine power of the vessel does not exceed 400 kilowatts;

- (iv) the vessel holds a valid general trawl permit; and
- (v) the vessel possesses a track record of catching and landing a minimum of 500 kilograms of finfish or shrimp (*Crangon crangon*) from within the Humber Estuary in any three month period between 1 January 2013 and 31 December 2015 (inclusive). It is the responsibility of the applicant to demonstrate the accuracy and validity of such a track record.

4. Humber Estuary Trawling Permits - Conditions

- (a) Humber Estuary Trawling Permits expire on the 31 December each year.
- (b) Humber Estuary Trawling Permit holders may renew their permit for the following year from 1 December each year.
- (c) Humber Estuary Trawling Permit holders must renew their permit within one year of its expiry otherwise the entitlement to renew will be lost.
- (d) A fee of £500 will be charged by the Authority for each Humber Estuary Trawling Permit upon each successful application or renewal.
- (e) Humber Estuary Trawling Permits will no longer be valid if a formal change of ownership affects the major shareholding of the vessel in respect of which they were issued.
- (f) Paragraph (e) does not apply where a change of major shareholding relating to the vessel named on the permit, occurs between parent and child, spouse or civil partner or existing shareholders.
- (g) Humber Estuary Trawling Permits must be immediately surrendered to the Authority if no longer required by the permit holder.

5. Permit Suspensions

- (a) A permit may be suspended by the Authority for the purposes of environmental protection, fisheries conservation or non-compliance with the provisions of the byelaw;
- (b) In deciding whether to suspend a permit the Authority will consider:
 - (i) all available and current scientific and survey data;
 - (ii) internal scientific advice from within its membership;
 - (iii) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;

- (iv) advice provided by the Department for the Environment, Food and Rural Affairs, the Marine Management Organisation, Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit;
 - (v) information from any other relevant source.
- (c) Prior notice of a decision to suspend a Humber Estuary Trawling Permit will be provided in writing to the Humber Estuary Trawling Permit holder and through publication on the Authority's website, at least ten working days prior to any decision being made.
 - (d) Any representations must be lodged, in writing, to the Authority within five working days of the date of the notice referred to in paragraph (c).
 - (e) Such representations will be considered by the Authority members and a final decision will be made.
 - (f) Notification of the final decision, including suspension of permit, will be made in writing to the Humber Estuary Trawling Permit holder and through publication on the Authority's website within five working days of the decision being taken.
 - (g) The suspension of Humber Estuary Trawling Permit may apply to all or part of the Humber Estuary.

6. Trawl Conditions

- (a) Any person using a trawl within a mesh size range of 16 millimetres to 31 millimetres must lift inboard the cod end of the net, inspect it and empty it at least once within every hour of the trawl being in the water.
- (b) All trawl nets used within a mesh size range of 16 millimetres to 31 millimetres must have a separator trawl or sorting grid installed.

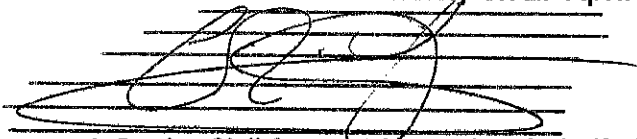
7. Revocations

The byelaw with the title 'XXIX Humber Estuary Fishing Byelaw' made by North Eastern Inshore Fisheries and Conservation Authority on 12 September 2013 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

I hereby certify that the above Byelaw was made by the Authority at its meeting on 27 April 2016.

Caroline Lacey
Clerk
North Eastern Inshore Fisheries and Conservation Authority
Town Hall
Quay Road
Bridlington
East Yorkshire

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act 2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on 27 April 2016.



A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date: 15/8/19

COLIN FAULKNER

**Schedule
Definition of areas**

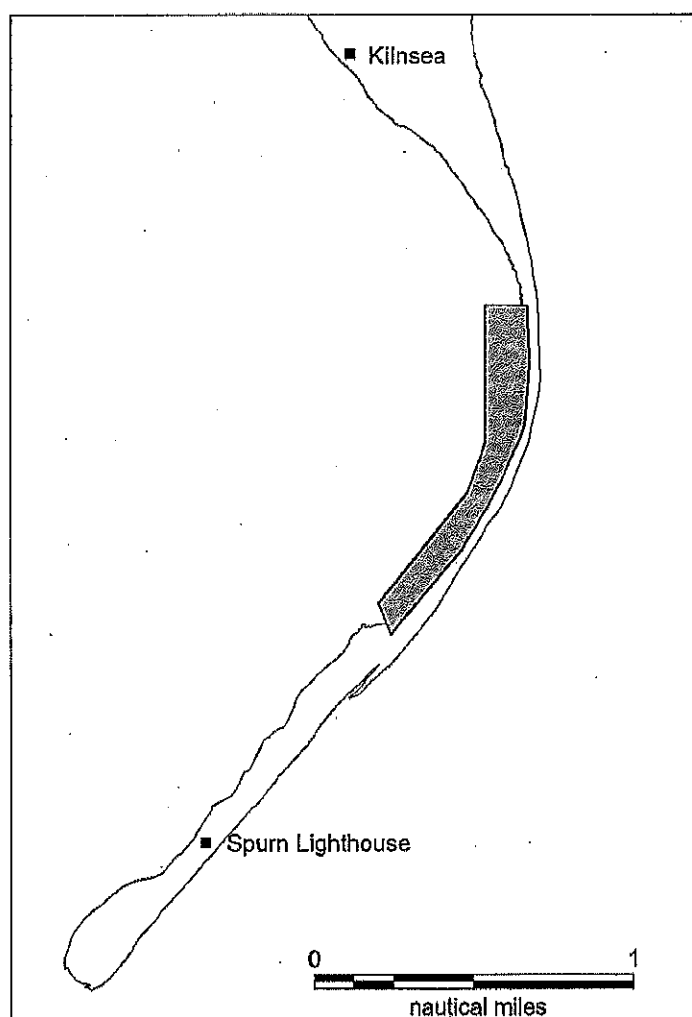
1. The 'Spurn Point Seagrass Area' means the area within the Humber Estuary enclosed by a line drawn from:
 - (a) Point A (position 53° 35.381' North, 000° 08.073' East);
 - (b) Point B (position 53° 35.477' North, 000° 08.007' East);
 - (c) Point C (position 53° 35.819' North, 000° 08.473' East);
 - (d) Point D (position 53° 35.978' North, 000° 08.570' East);
 - (e) Point E (position 53° 36.400' North, 000° 08.570' East);
 - (f) Point F (position 53° 36.400' North, 000° 08.792' East);
 - (g) Point F along the coast at a level of mean high water spring tide to Point A.
2. The 'Humber Estuary' means those tidal waters and parts of the sea bounded by the following lines:
 - (a) to the north by a line drawn true east from Spurn Head Lighthouse (position 53° 34.490' North, 000° 06.650' East) to the three nautical mile limit line;
 - (b) to the east by the three nautical mile limit line;
 - (c) to the south by the boundary of the District.

Explanatory note
(This note is not part of the byelaw)

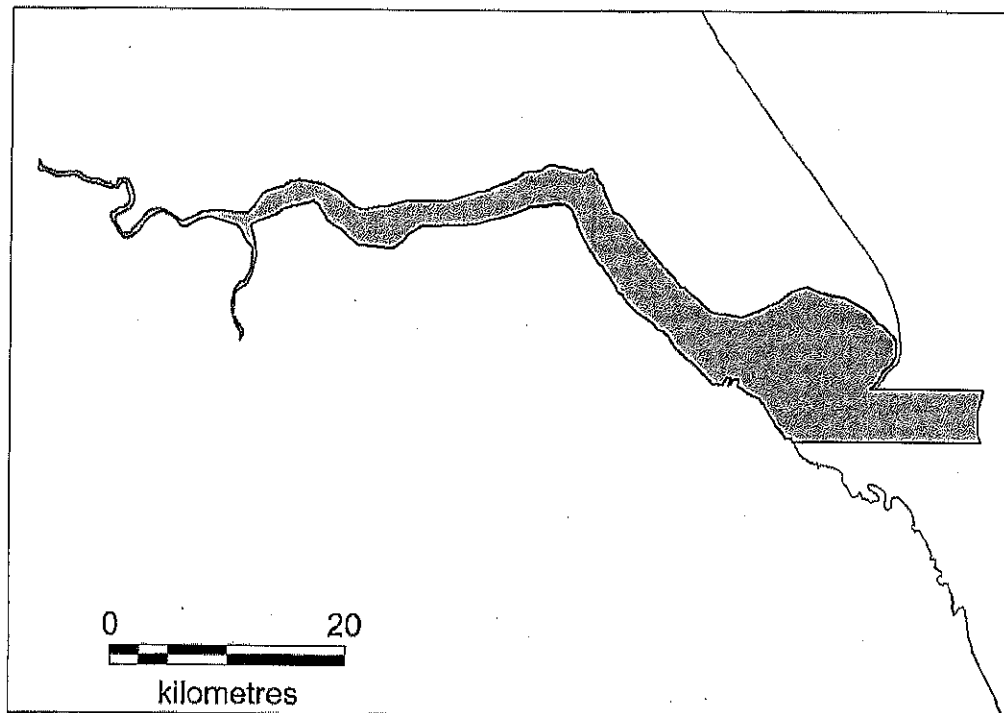
The byelaw prohibits digging, using pots, traps, nets, trawls, dredges or similar devices, or removing sea fisheries resources from within the Spurn Point Seagrass Area defined in the byelaw, and establishes a permit scheme for demersal trawling within the Humber Estuary. The byelaw allows recreational rod fishing throughout the Humber Estuary. The intention of the XXIX Humber Estuary Fishing Byelaw 2016 is to protect important seagrass and sandbanks, protected features and sub-features of the Humber Estuary European Marine Site.

Appended chartlets are for illustrative purposes only and are not to be used for navigation.

Spurn Point Seagrass Area



Humber Estuary area as defined in this byelaw



NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

XVIII METHOD AND AREA OF FISHING (FIXED NETTING) BYELAW 2016

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District:

1. Interpretation

In this byelaw:

- (a) all dates shown are inclusive;
- (b) 'Area A', 'Area B', 'Area C' and 'Area D' are defined in the schedule;;
- (c) 'the Authority' means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010;
- (d) 'the baselines' means the 1983 baselines as defined in the North Eastern Inshore Fisheries and Conservation Order 2010;
- (e) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;
- (f) 'fixed net' means any type of gill or trammel net which is fixed or anchored in location to catch sea fish;
- (g) 'intertidal' means landward of mean low water spring mark and seaward of the mean high water spring mark;
- (h) 'intertidal permit' means a permit issued by the Authority in accordance with paragraph 3(a);
- (i) 'permit' means an intertidal permit or a subtidal permit;
- (j) 'registered fishing vessel' means a fishing vessel registered in accordance with the Merchant Shipping Act 1995 (c.21) or registered in the Channel Islands or the Isle of Man, and which holds a current fishing licence issued by the appropriate UK fisheries department;
- (k) 'salmonid' means a fish of the species *Salmo salar* or *Salmo trutta*;
- (l) 'subtidal' means seaward of the mean low water spring mark;
- (m) 'subtidal permit' means a permit issued by the Authority in accordance with paragraph 3(b);
- (n) 'surface marker' means a pole fitted with a flotation device and held upright in the water by a weight, with a minimum height of 1.5 metres from the

water surface carrying at least one flag with the dimensions of 30 centimetres by 30 centimetres;

- (o) 'three nautical mile limit line' means a line drawn three nautical miles seaward of and running parallel to the baselines.

2. Prohibitions

- (a) A person must not fish or place fixed nets within Area A or Area B.
- (b) A person must not fish or place fixed nets within Area C, unless that person holds a permit and is complying with the conditions set out in paragraphs 5 and 6.
- (c) A person must not fish or place fixed nets within Area D between 1 March and 30 September.
- (d) A person must not fish or place fixed nets within the District outside of Area A, Area B, Area C and Area D unless that person complies with the conditions detailed in paragraph 4.

3. Permits

- (a) The Authority may issue an intertidal permit to a person to authorise fishing or placing of fixed nets in the intertidal part of Area C.
- (b) The Authority may issue a subtidal permit to a person to authorise fishing or placing of fixed nets in the subtidal part of Area C.

4. Conditions – General

- (a) A fixed net must be checked and cleared at least once every 24 hours.
- (b) A fixed net must be clearly marked at each end by a surface marker, displaying the port letters and numbers of the vessel from which it was deployed.
- (c) A fixed net must not be placed unless there is a minimum head rope clearance of 4 metres or deeper at any state of tide.
- (d) A fixed net must not be placed in any waters less than 5 metres deep at any state of the tide between 1 November and 25 March
- (e) A fixed net must not be placed in any waters less than 10 metres deep at any state of the tide between 26 March and 31 October
- (f) Paragraph (e) does not apply between 1 April and 31 August providing:
 - (i) the net is placed by a registered fishing vessel;

- (ii) the net is constructed of a single sheet of unarmoured netting;
- (iii) the net has mesh size equal to or greater than 100 millimetres;
- (iv) the net is no taller than 1 metre in height;
- (v) the net is fixed to the sea bed and set in such a way that the foot rope is in permanent contact with the sea bed along its entire length;
- (vi) the net is placed at least 50 metres from any other net or trap;
- (vii) the combined length of nets is a maximum of 500 metres; and,
- (viii) each end of the net is identified with surface markers.

(g) A person using a vessel other than a registered fishing vessel shall not use more than 100 metres of net.

5. Area C - Conditions

- (a) A fixed net placed in Area C must display a tag issued by the Authority.
- (b) Permit holders must report all salmonid, cetacean or bird mortalities, caused by their fixed nets, to the Authority, within 24 hours.
- (c) A fixed net placed within Area C between 1 October and 30 April must comply with the following conditions:
 - (i) the net is constructed of a single sheet of unarmoured netting;
 - (ii) the net has a mesh size equal to or greater than 100 millimetres;
 - (iii) for intertidal permit holders a maximum of 3 nets may be fished, up to a combined length of 250 metres;
 - (iv) for sub-tidal permit holders a maximum of 4 nets may be fished, up to a combined length of 400 metres.
- (d) A fixed net placed within Area C between 1 May and 30 June must comply with the following conditions:
 - (i) only a single net may be fished
 - (ii) the net is constructed of a single sheet of unarmoured netting;
 - (iii) the net is no longer than 100 metres length;
 - (iv) the net has mesh size equal to or greater than 100 millimetres;
 - (v) the net is no taller than 1 metre in height;
 - (vi) the net is fixed to the sea bed and set in such a way that the foot rope is in permanent contact with the sea bed along its entire length;
 - (vii) the net is placed at least 50 metres from any other net or trap.
- (e) A person must not fish or place any fixed net within Area C between 1 July and 30 September.
- (f) A person must not fish under the authorisation of a subtidal permit from a registered vessel of 10 metres overall length or more.
- (g) Permits are not transferable between individuals.

6. Area C - Permit Applications

- (a) An applicant may only apply for one type of permit
- (b) Applicants must apply using a form obtained from the Authority website.
- (c) A maximum of five intertidal permits and five sub-tidal permits will be issued per calendar year.
- (d) If the number of applicants for a permit type does not exceed the maximum number of available permits of that permit type then each eligible applicant will be issued with the permit they applied for;
- (e) If the number of applicants for a permit type exceed the number of available permits of that permit type then applications will be assessed against the following criteria in order of priority:
 - (i) the applicant has previously held a valid fishing permit to fish in Area C;
 - (ii) the applicant can demonstrate a historical track record and knowledge of fishing within Area C;
 - (iii) the applicant can demonstrate a historical track record of catching fish using fixed nets.
- (f) The outcome of each application will be confirmed in writing to the respective applicant and unsuccessful applicants will be given the opportunity to appeal the decision.
- (g) All appeals must be received by the Authority, in writing, with supporting evidence, within 21 days of the date of the letter confirming the original decision.
- (h) Appeals will be considered by the Authority's Executive Committee who will notify the applicant of the outcome within 7 days of the respective hearing.
- (i) The appeal process will only consider the content of the written evidence provided by the applicant and whether the correct procedure has been applied.
- (j) The decision of the Authority's Executive Committee is final.
- (k) Permits are valid from 1 October to 30 June.
- (l) A fee of £500 will be charged by the Authority for each permit.
- (m) The Authority retains the right to refuse to issue a permit until such time as any applicant makes available any outstanding application information required for the issue of that permit, or outstanding catch information from a previous year or receipt of the permit fee required by paragraph 6(l).

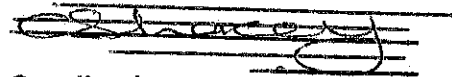
7. Area C - Permit Suspension

- (a) A permit may be suspended by the Authority for the purposes of environmental protection, fisheries conservation and non-compliance with the provisions of the byelaw;
- (b) In deciding whether to suspend a permit the Authority may consider:
 - (i) all available and current scientific and survey data;
 - (ii) internal scientific advice from within its membership;
 - (iii) representation from the Environment Agency on salmonid by-catch;
 - (iv) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;
 - (v) advice provided by the Department for the Environment, Food and Rural Affairs, the Marine Management Organisation or other external authorities, organisations, persons or bodies as the Authority thinks fit;
 - (vi) information from any other relevant source;
 - (vii) representations from fishing permit holders.
- (c) Prior notice of permit suspension will be provided in writing to the permit holder and through publication on the Authority's website at least ten working days prior to any suspension taking effect.
- (d) Any representations must be lodged in writing to the Authority within five working days of the date of the original notice provided to the permit holder.
- (e) Notification of the final decision will be made in writing to the permit holder and on the Authority's website within five working days of the final decision.

8. Area C - Emergency Permit Suspension

- (a) Where the Authority considers that there is an urgent need for an immediate permit suspension for the purposes of environmental protection, fisheries conservation or for a breach of this byelaw the Authority may suspend permits without completing the steps set out in paragraph 7.
- (b) Where an immediate permit suspension is invoked a written notice will be sent to the permit holder 24 hours prior to it taking effect. The notice will explain the reason for and duration of the suspension.

I hereby certify that the above Byelaw was made by the Authority at its meeting on 27 April 2016.



Caroline Lacey

Clerk

North Eastern Inshore Fisheries and Conservation Authority

Town Hall

Quay Road

Bridlington

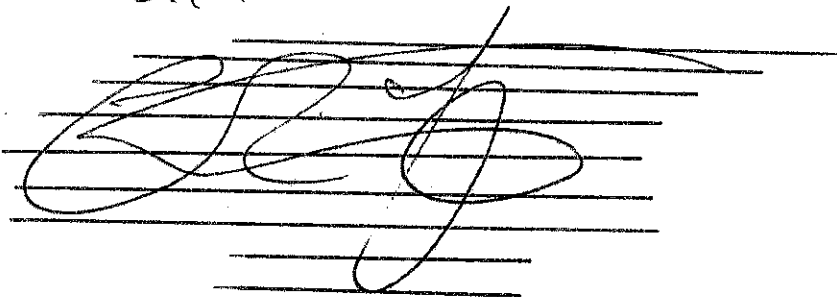
East Yorkshire

YO16 4LP

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act 2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on 27 April 2016.

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date: 29/10/19



COLIN FAULKNER

DEPUTY DIRECTOR

MARINE + FISHERIES, DEFRA

Schedule
Definition of areas

1. Area A means those tidal waters and parts of the sea bounded by the following:
 - (a) on the east by a straight line drawn 327° True direction from Old Nab (position 54° 33.480' North, 000° 46.300' West); and
on the west by a straight line drawn 036° True direction from Cowbar Nab, near Staithes (position 54° 33.650' North, 000° 47.370' West);
 - (b) on the east by a straight line drawn from Whitby Highlight (position 54° 28.68' North, 000° 34.000' West) to Whitby Bell Buoy (position 54° 30.320' North, 000° 36.500' West); and
on the west by a straight line drawn 240° True direction from Whitby Bell Buoy to the land (position 54° 29.700' North, 000° 38.300' West);
2. Area B means those tidal waters and parts of the sea bounded by the following:
 - (a) to the north by a line drawn True East from Spurn Head Light House (position 53° 34.490' North, 000° 06.650' East) to the three nautical mile limit line;
 - (b) to the East by the three nautical mile limit line; and
 - (c) to the South by the boundary of the District.
3. Area C means those tidal waters and parts of the sea which lie inside the 5 metre depth contour line and between:
 - (a) a line drawn True East from Flamborough Head Lighthouse (position 54° 07.090' North, 000° 05.100' West); and
 - (b) a line drawn True East from Withernsea Light (position 53° 43.880' North, 000° 01.700' East).
4. Area D means the areas bounded by a line drawn between the following points:
 - A 54° 14.460' North, 000° 20.890' West;
 - B 54° 15.730' North, 000° 19.670' West;
 - C 54° 13.640' North, 000° 13.560' West;
 - D 54° 12.220' North, 000° 13.440' West;
 - E 54° 11.160' North, 000° 13.940' West;
 - F 54° 09.030' North, 000° 04.950' West;
 - G 54° 07.380' North, 000° 02.460' West.
 - H 54° 05.870' North, 000° 02.890' West;
 - I 54° 04.960' North, 000° 05.690' West;
 - J 54° 05.030' North, 000° 08.360' West;

K 54° 06.110' North, 000° 09.080' West;

and bounded along the shore between points A and K at the level of mean high water spring (MHWS) tide

5. All coordinates used in this byelaw are derived from World Geodetic System 1984 datum.

Explanatory Note

(This note does not form part of the byelaw)

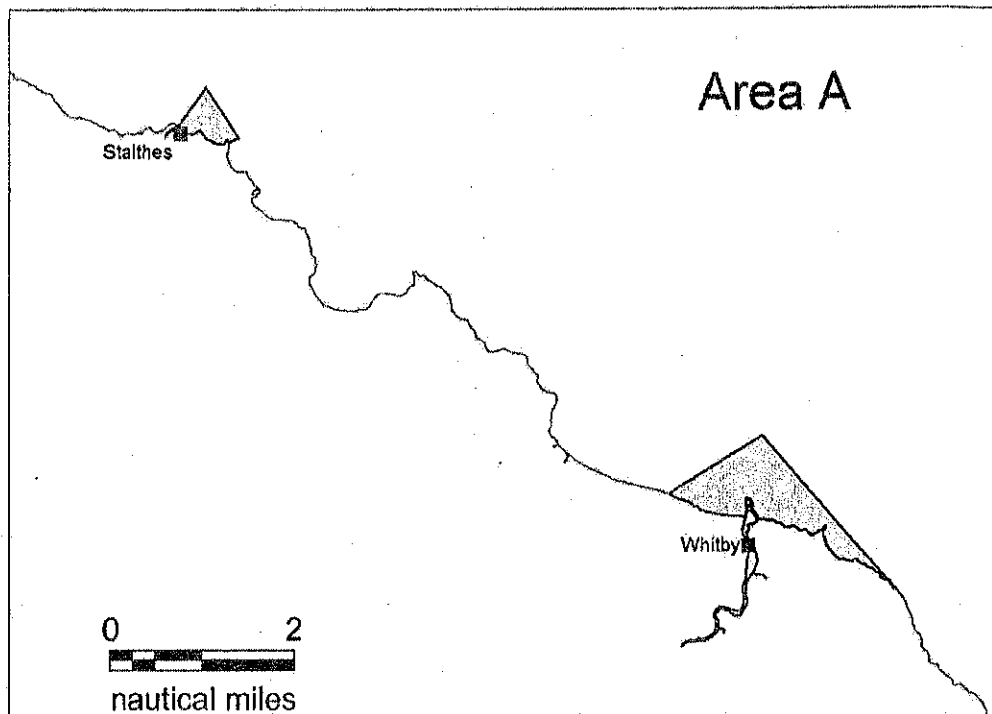
The purpose of this byelaw is to protect both developing sea fish stocks such as sea bass and vulnerable migratory species from overexploitation, through the appropriate management of intertidal and inshore fixed netting activity. The provisions contained within the byelaw will also reduce the risks of salmonids, cetaceans and birds being caught in fixed nets set for sea fish.

This byelaw provides for the designation of management areas, restrictions in the type and period of the year when fixed nets are set and the establishment of a permitting scheme for fixed netting along the Holderness coast of East Yorkshire.

Appended chartlets are for illustrative purposes only and are not to be used for navigation.

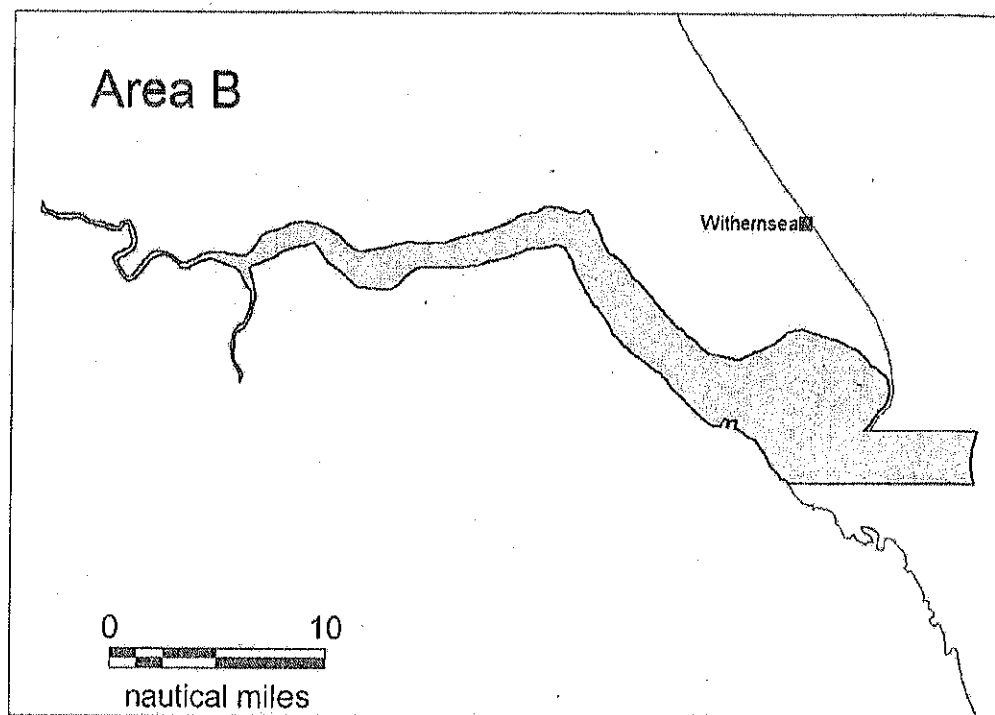
Area A – Staithes & Whitby

All fixed netting is prohibited.



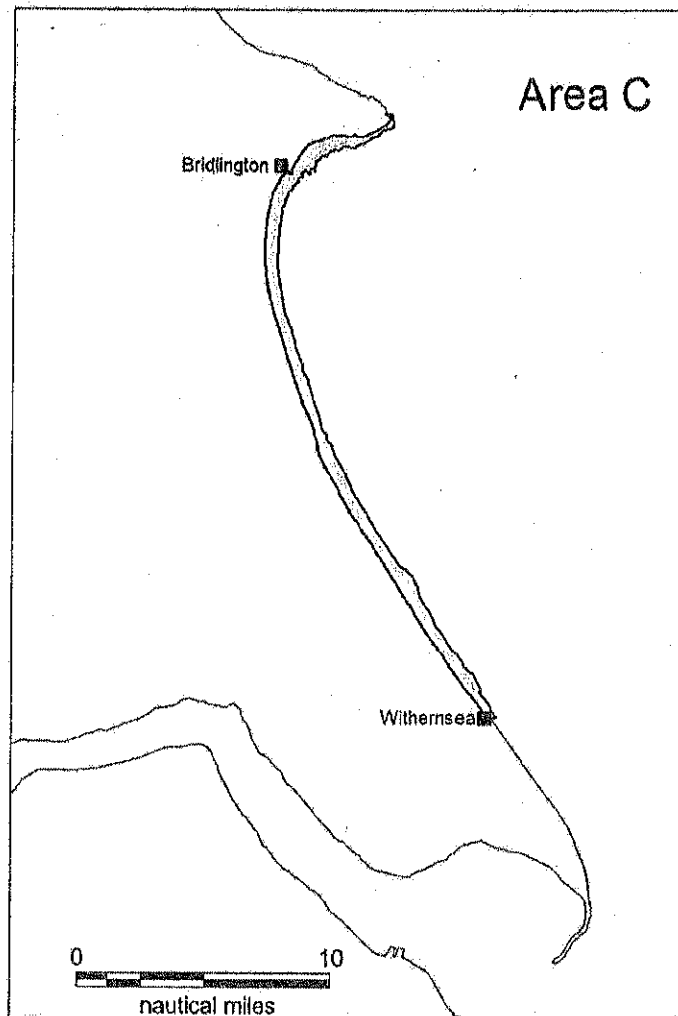
Area B – Humber

All fixed netting is prohibited.



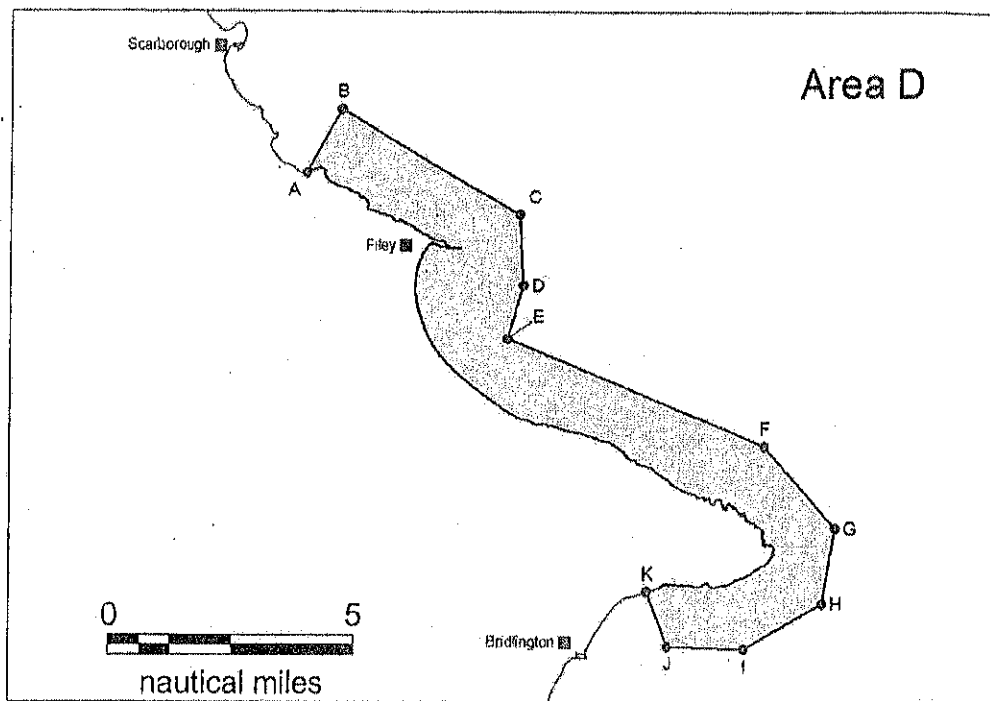
Area C – Holderness

Fixed netting is only permitted under a permit issued by the Authority and in accordance with conditions set out in paragraphs 5 and 6 of the byelaw.



Area D – Flamborough and Filey Coast pSPA

All fixed netting is prohibited from 1 March to 30 September



NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
05 December 2019

Partner Reports

Report of the Chief IFC Officer.

A. **Purpose of Report**

To provide members information on partner organisations activities.

B. **Recommendation**

That Members note the report.

C. **Background**

The Deputy Clerk at the quarterly meeting held in June 2011, suggested that reports are submitted quarterly from partner organisations from the Marine Management Organisation, Natural England and the Environment Agency for consideration at quarterly meetings.

Please note the Environment Agency report was not available at the time of printing

Contact Officer

David McCandless
Chief Inshore Fisheries and Conservation Officer
Ext. 3690



Marine Management Organisation

MMO Scarborough



MMO Scarborough

For a national overview of activities please refer to the MMO website

<https://www.gov.uk/government/organisations/marine-management-organisation>

Enforcement:

Brexit preparations have seen an increase in the number of at sea inspections and prosecutions carried out by MMO officers. Two vessels, the Ocean Dee and the Ocean Osprey, have been contracted to conduct patrols carrying MMO officers and facilitate at sea inspections. An increase in the number of shore based staff has also seen an increased number of premises, landing and transport inspections.

The new “Maritime and Fisheries Fund (MFF)”

The three-year fund builds on the government’s commitment to secure a fairer share of fishing opportunities for UK fishermen as it takes back control of fishing waters and establishes the UK as an independent coastal state. The fund in England is open to applications that:

- deliver productive investment in the processing of fisheries and aquaculture products
- support innovation - in technologies to enhance economic growth, increase energy efficiency, reduce environmental impact and improve fishing safety
- improve port infrastructure - so more fish can be landed in UK ports, and help the sector take advantage of new export opportunities after Brexit
- boost coastal communities - by providing benefits to areas that depend on a vibrant and profitable industry
- help the sector adjust - to new arrangements on access and fishing opportunities by improving capacity and capability to exploit new export opportunities and markets, and
- improve safety on fishing vessels or on shore - funding safety measures that prevent accidents such as new handrails and ladders This fund is in addition to the existing European Maritime and Fisheries Fund (EMFF) which is currently administered by the MMO Grants team. The government has already guaranteed that all EMFF projects approved before 31 December 2020 will continue to be fully funded.

<https://www.gov.uk/guidance/european-maritime-and-fisheries-fund-emff-apply-for-funding>

Catch recording:

This period has seen the introduction of the new electronic catch recording process and officers are busy helping the industry adapt to this new way of working. This is an important part of our strategy to support the viability and growth of our fishing industry, as it will provide a better understanding of catch by the under 10 metre fishing fleet registered in England and Wales. Better data gathering will also provide better scientific evidence and lead to better decision making.

Prosecutions:

Fishing vessel owner and skipper ordered to pay £55,842.47 for fisheries offences

Ocean Venture II (S121) is an Irish registered and licensed stern trawler owned and operated by Cornelius and Ross Minihane, the directors of the Irish company Ocean Venture II Fishing Limited.

The court heard how the vessel departed Castletownbere on 17 May 2019 and Michael Harrington was master for the trip. The vessel was using two trawls, each with double codends, and during the trip fished in areas forming the Hake Recovery Zone, the Biologically Sensitive Area and the Celtic Sea Square Mesh Panel Area. On 22 May 2019 the vessel was boarded by MMO marine enforcement officers from Ocean Osprey. The subsequent inspection found seven offences relating to inaccurate catch recording and the codends used. The master also failed to produce a stowage plan.

Mr Harrington and the owner (represented by Ross Minihane) pleaded guilty to all charges. Ocean Venture II Fishing Ltd. was fined a total of £51,204.99, ordered to pay £1,884.15 in costs and a £170 victim surcharge. Mr Harrington was fined £1,813.33, ordered to pay £600 in costs and a £170 victim surcharge.

