

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: 29 November 2023

Dear Member

Meeting of North Eastern Inshore Fisheries & Conservation Authority – Friday 8<sup>th</sup> December 2023

I hereby give you notice that the next Authority Meeting of North Eastern Inshore Fisheries and Conservation Authority will be held on **Friday 8<sup>th</sup> December 2023 at 09:30am.**

The location of the meeting is Room 8, County Hall, Cross Street, Beverley, HU17 9BA. Car parking is available at School Ln, Beverley HU17 0AJ.

On arrival please report to the main reception and ask for David McCandless. Could members please send in any apologies by Monday 4th December 2023, please telephone 01482 393515 or email [ne-ifca@eastriding.gov.uk](mailto: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**

**Hybrid Meeting Virtual/Meeting Room 8, County Hall, Cross Street, Beverley, HU17 9BA**

**8 DECEMBER 2023 - 09:30 Start**

## **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

### **Items for decision**

3. To take the Minutes of the Meeting held on 8 June 2023 as a correct record, consider any matters arising and authorise the Chairman to sign (*pages 1-8*)
4. To take the Minutes of the Special Meeting held on 30 June 2023 as a correct record, consider any matters arising and authorise the Chairman to sign (*pages 9-12*)
5. To take the Minutes of the Executive Committee meetings held on 1 November 2023 (*pages 13-16*)
6. Budget monitoring 2023/2024 (*pages 17-20*)
7. Levy 2024/2025 (*pages 21-26*)

### **Items for discussion**

8. NEIFCA Byelaws Update – (*pages 27-60*)
9. Chief Officer's Operational Report (*pages 61-96*)
10. Science Advisory Group update (*pages 97-100*)
11. Fisheries Statutes and Regulations – Prosecutions (*pages 101-104*)

### **Items for information**

12. Reports from partner Agencies and bodies (*pages 105-106*)
  - 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****08 JUNE 2023****Present:**

Dr Stephen Axford  
 Councillor David Chance  
 Councillor Rhys Furley  
 Prof Mike Elliott  
 Miss Rebecca Lynam  
 Councillor Marie Ibbotson  
 Mr Michael Montgomerie  
 Mr Andrew Wheeler  
 Councillor Tony Randerson  
 Councillor Rachael Creevy  
 Mr Graham Collins  
 Mr Andrew Wheeler  
 Mr Andrew Faichney  
 Mr Kevin Woodcock

**Representing:**

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

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief Officer, Mr Ian Davies, Deputy Chief Officer, Mr Stephen Chandler, Treasurer, Dr Ralf Bublitz, Senior Environmental & Scientific Officer, Emma Jones, NEIFCA Support Services Officer and Patrick Gray and Mr Andrew Earle, MMO representatives also attended the meeting.

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

<b>39.</b>	<b>APOLOGIES FOR ABSENSE</b>
	Apologies of absence were received from MMO members Hanbury and Redshaw, Councillor Members Gamble, Stewart and Harness, Natural England Appointee Argent and Environment Agency Appointee Slater.
<b>40.</b>	<b>DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS</b>
	<b>Resolved</b> –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.
<b>41.</b>	<b>GREETINGS AND INTRODUCTIONS TO NEW MEMBERS AND APPOINTEES</b>
	The Clerk reported that the following new Members had been appointed to the Authority:  Cllr Rachel Creevy – Hartlepool Borough Council

	Cllr Ernest Gibson – South Tyneside Borough Council Cllr Ceri Cawley – Redcar & Cleveland Council Cllr Maria Ibbotson – East Riding of Yorkshire Council Cllr Sean McMaster – East Riding of Yorkshire Council Mr Andrew Faichney – MMO appointee
<b>42.</b>	<b>TO ELECT A CHAIRMAN</b>
	The Authority had received one nomination in writing Prof Mike Elliott. The Clerk asked the Authority if there were any other nominations. There were no further nominations. Prof Mike Elliott was duly elected Chairman by a majority vote.
	<b>Resolved</b> - That Prof Mike Elliott, MMO appointee be elected as Chairman for the ensuing year.
<b>43.</b>	<b>TO ELECT A VICE CHAIRMAN</b>
	The Clerk reported that the authority had received one nominations in writing from Councillor David Chance, North Yorkshire County Council. There were no further nominations. Councillor David Chance was duly elected as Vice Chairman.
	<b>Resolved</b> - That Councillor David Chance be elected Vice-Chairman for the ensuing year.
<b>44.</b>	<b>TO APPOINT AN EXECUTIVE COMMITTEE</b>
	<b>Resolved</b> – That the Chairman, Vice-Chairman Councillors Randerson, Creevy and Harness Mr Graham Collins, Mr Andrew Wheeler, Mr Gary Redshaw be appointed for the ensuing year.
<b>45.</b>	<b>TO CONFIRM MEMBERSHIP OF STANDARDS COMMITTEE</b>
	<b>Resolved</b> - That Councillors Ibbotson, Randerson and Clerk be appointed for the ensuing year.
<b>46.</b>	<b>TO CONFIRM MEMBSHIP OF THE SCIENCE ADVISORY GROUP</b>
	Resolved – That Chair, Vice-Chairman Miss Rebecca Lynam, Mr Graham Collins, Dr Clare Fitzsimmons, Prof Mike Elliott, Mr Michael Montgomerie, Mr Andrew Faichney, Mr Andrew Wheeler and representatives from the Marine Management Organisation, Natural England and the Environment Agency be appointed for the ensuing year.
<b>47.</b>	<b>TO APPOINT REPRESENTATIVES TO SERVE AND REPORT QUARTERLY</b>
	<b>Resolved</b> - (a) That the following be appointed for the ensuing year to serve and report quarterly on :-

	<p><b>Flamborough Harbour Commissioners (2 representatives):</b></p> <p>Councillor Maria Ibbotson One Position remained vacant</p> <p><b>Staithes Harbour Board (4 representatives)</b> Councillor David Chance Mr Steven Mallinson Mr Richard Pennall</p> <p>Councillor Rachel Creevy nominated Councillor Ceri Cawley (Redcar &amp; Cleveland Council), Cllr Creevy was not present at the meeting, it was agreed the Chief Officer would speak with Cllr Creevy at a later date to confirm the nomination.</p> <p>(b) That the following be appointed for the ensuing year to attend meetings of:</p> <p><b>The Association of Inshore Fisheries &amp; Conservation Authorities Forum (3 representatives):</b></p> <p>Chairman/(the Vice-Chairman to substitute when the Chairman is unable to attend) Clerk or Deputy Clerk Chief IFC Officer</p> <p>(c) That it be noted that the Chief IFC Officer was a Director of The Association of Inshore Fisheries &amp; Conservation Authorities .</p>
48.	<b>MINUTES OF THE AUTHORITY MEETING HELD ON 01 DECEMBER 2022</b>
	<b>Resolved</b> – That the minutes of the Quarterly meeting held on 01 December 2022 be approved as a correct record and signed by the Chair.
49.	<b>MINUTES OF THE EXECUTIVE MEETING HELD ON 30 MARCH 2023</b>
	<b>Resolved</b> – That the minutes of the Executive meeting held on 30 March 2023 be approved as a correct record and signed by the Chair.
50.	<b>NEIFCA FINANCIAL OUTURN 2022/2023</b>
	<p>The Treasurer of the Authority presented a report of the Annual Accounts for NEIFCA for the year ended 2022/23. For the benefit of new members, the Treasurer provided an overview of which reports are taken to each meeting throughout the year. The report provided the income and expenditure account, detailed balance sheet and position on reserve accounts. The outturn included a £165,801 overspend due to the cost of the patrol vessel engine repairs and overhaul of the second engine following mechanical failure in August 2022. The repairs were complete by December 2022 at a total cost of £327,903. The insurance claim was successful and a settlement of £162,102 had been agreed. There were also underspends on staffing of £38,191 due to vacancies and savings on overtime and £26,400 additional income for work recharged to the Lobster Settlement Index project. It was proposed that the remaining overspend due to the patrol vessel repairs of £78,864 is funded from the Patrol Vessel</p>

	Maintenance Reserve. Members discussed the funds allocated to the Patrol Vessel Maintenance and Renewals and suggested that these be reviewed following the special meetings of the Executive and full Authority in June.
	<b>Resolved</b> - a) That the Statement of Accounts were approved as presented b) That Members Approved the Outturn position c) Fund allocations to the Patrol Vessel Maintenance Fund and Renewals Funds be reviewed.
<b>51.</b>	<b>NEIFCA DRAFT ANNUAL REPORT 2022/2023</b>
	The Chief Officer provided members with a draft Annual Report covering the period, 2022/2023, summarising the Authority's outputs and activities during the year. Members were asked to provide any comments or feedback to the Chief Officer by the 28 July 2023. The Chief Officer informed members that Defra are currently reviewing the National Objectives included as part of the report, Defra are conscious of maintaining consistency of approach whilst taking into account the regional variations amongst the 10 IFCA's.
	<b>Resolved</b> – a) That members note and endorse the report
<b>52.</b>	<b>REIMBURSEMENT OF EXPENSES AND ALLOWANCES FOR GENERAL MEMBERS</b>
	The Clerk presented a report to consider options supporting the reimbursement of expenses and allowances for general members attending Authority meetings. Members discussed the report and suggested that representation be made to the MMO, Defra, and the AIFCA expressing their concerns that the reimbursement of subsistence alone was unsatisfactory and should be reviewed.
	<b>Resolved</b> – a) Members approve the continuing reimbursement of subsistence and travel expenses, paid in accordance with the current Defra approved rates. b) Representation be made to the MMO, Defra and the AIFCA that there should be consideration given to reimburse members for attendance at Authority meetings.
<b>53.</b>	<b>SCIENCE ADVISORY GROUP UPDATE – 9 MARCH &amp; 31 APRIL 2023</b>
	The Chair of SAG & the Environmental & Scientific Manager presented a report to update members on the most recent proceedings of the Science Advisory Group (SAG) following meetings held on 9 March and 31 April 2023.
	<b>Resolved</b> – That the report be noted.
<b>54.</b>	<b>TEES &amp; NORTH YORKSHIRE SHELLFISH MORTALITY UPDATE</b>
	The Chief Officer presented a report to update members on the ongoing issues surrounding shellfish mortality in waters surrounding the Tees and North Yorkshire. Within the last update on the Tees and North Yorkshire shellfish mortality event, provided to the Authority on the 1 December 2023, members were advised that Defra had commissioned the establishment of an independent panel of experts to review and



	<p>assess all research and investigatory work conducted to date. The findings of that panel were published on 17 January 2023 and circulated to members on 23 January 2023. The report concluded that a novel pathogen was the most likely cause of the event with other factors such as sediment dredging/pyridine contamination and an algal bloom, deemed very unlikely to have caused the observed mortalities in crabs and lobsters. Since March 2023 some minor wash ups and reports of such, had continued, particularly surrounding Redcar and Saltburn comprising of mussel, razor clam, starfish, lobster and crab. In general, these had been relatively limited and attributed primarily to the persistent run of onshore winds with the exception of a more substantive event which occurred around 28 April 2023 necessitating a multi-agency response which included CEFAS, the EA and MMO, coordinated by the NEIFCA environmental team. NEIFCA officers are continuing to closely record and monitor all such events and reported that a well defined and rehearsed response plan was now in place. It was proposed that further updates relating to this matter would be provided to Authority members via the Chief Officer's operational report and the Science Advisory Group update report.</p>
	<b>Resolved</b> - That the report be noted.
<b>55.</b>	<b>MANAGEMENT OF SCALLOP DREDGING 2023/2024</b>
	<p>The Chief Officer presented a report to support consideration of recommendations for the 2023/2024 fishery. The 2021/2022 fishery commenced on 1 November 2022 and closed on 30 April 2023, in line with previous seasons three vessels were permitted and no major compliance issues were recorded. Analysis of the monthly catch and effort returns submitted by the operators and data collected by IFCOs during observer trips show no major concerns in terms of the ongoing health and composition of the available stock. However, due to the impacts of the Covid-19 pandemic on operational activity and shortages in resources, no additional habitat and stock data had been collected since 2019 for a more in-depth stock assessment. The intention was therefore to re-open the fishery on the 1 November 2023 and a maximum of three permits be offered in accordance with the draft procedure included in the report as a sensible precautionary measure.</p>
	<b>Resolved</b> – That the report be noted.
<b>56.</b>	<b>MANAGEMENT OF PERMITTED INTERTIDAL AND SUB-TIDAL NET FISHERIES 2023/2024</b>
	<p>The Chief Officer presented a report to update members on the planned process and timelines for opening the Holderness Coast permitted intertidal and sub-tidal fixed net fisheries on 1 October 2023. It was proposed that applications for both intertidal and sub-tidal permits are opened on 12 June 2023 with a provisional closing date of 28 July 2023.</p>
	<b>Resolved</b> – That the report be noted.
<b>57.</b>	<b>CHIEF OFFICERS OPERATIONAL REPORT</b>

	<p>The Chief Officer presented a report to provide members with a comprehensive and detailed operational summary covering the period December 2022 to April 2023, which included an update on the main vessel replacement project, priority workstreams for the next six months and operational reports from the NEIFCA offshore, land based and environmental teams. The Chief Officer also reported to members that following the major engine failure which occurred at the end of July 2022 onboard the Authority's patrol vessel NEG III, the main engine re-installation had been completed. On the 25 April 2023 formal notification had been received from the Authority's insurers that a settlement figure of £162K had been offered against a final claim of £171K which represented an extremely positive outcome for NEIFCA. The Chief Officer wanted to personally thank the Deputy Chief Officer, Ian Davies for his time, effort and commitment in resolving the matter along with all of the other officers involved.</p>
	<b>Resolved</b> – That the notes be received.
<b>58.</b>	<b>FISHERIES STATUTES AND REGULATIONS - PROSECUTIONS</b>
	<p>The Clerk submitted a report on the fisheries enforcement activities taken by the Authority for the period December 2022 to April 2023. Members raised concerns that the level of fines are not relative to the prosecutions, the Chief Officer reiterated to members that internally Officers have provided training to the magistrates to demonstrate the environmental impact and severity of the crimes committed. Members suggested the AIFCA make representation through Defra to the Ministry of Justice.</p>
	<b>Resolved</b> - That the notes be received.
<b>59.</b>	<b>NEIFCA BYELAW UPDATE</b>
	<p>The Chief Officer presented a report to inform Members on progress with the following byelaws which were made at a meeting of the Authority held on 1 December 2022 - XXVIII Shellfish Permit Byelaw 2022 and XXIX Humber Estuary Fishing Byelaw 2022. It was anticipated that final draft documents for both byelaws would be submitted to the MMO for quality assurance by July 2023 and the statutory consultation process would conclude in August/September 2023, with final confirmation expected in November 2023 for implementation at the start of 2024.</p>
	<b>Resolved</b> - That the notes be received.
<b>60.</b>	<b>REPORTS FROM PARTNER AGENCIES AND BODIES</b>
	<p>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.</p>

<b>23.</b>	<b>ANY OTHER BUSINESS</b>
	Nothing to report.
	The meeting closed at 12.20pm.



# **NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

## **SPECIAL AUTHORITY MEETING**

**30 JUNE 2023**

### **Present:**

Councillor David Chance  
Councillor Stephen Harness  
Councillor Neil Poole  
Councillor Sean McMaster  
Councillor Paul Stewart  
Councillor Mark Wilkes  
Councillor Ernest Gibson  
Councillor Marie Ibbotson  
Councillor Tony Randerson  
Councillor Rachael Creevy  
Prof Mike Elliott  
Miss Rebecca Lynam  
Mr Michael Montgomerie  
Mr Graham Collins  
Mr Andrew Wheeler  
Mr Gary Redshaw  
Ms Rachel Hanbury  
Mrs Donna-Maria Mear  
Mrs Clare Fitzsimmons

### **Representing:**

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

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief Officer, Mr Ian Davies, Deputy Chief Officer, Mr Stephen Chandler, Treasurer, Mr Julian Neilson, East Riding of Yorkshire Council also attended the meeting.

The Committee met at The County Hall, Beverley, members were also able to attend the meeting via Zoom. The meeting started at 10:00am

<b>62.</b>	<b>APOLOGIES FOR ABSENSE</b>
	Apologies of absence were received from MMO member Woodcock, Councillor Members Gamble and Furley, Natural England Appointee Argent and MMO representative Gray.
<b>63.</b>	<b>DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS</b>
	<b>Resolved</b> –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.
<b>64.</b>	<b>TO CONSIDER THE MINUTES OF THE SPECIAL EXECUTIVE COMMITTEE MEETING HELD ON 20 JUNE 2023</b>

	Resolved – That the minutes of the Special Executive Committee meeting held on 20 June 2023 be approved as a correct record and signed by the Chair.
<b>65.</b>	<b>EXCLUSION OF THE PUBLIC</b>
	That the public be excluded from the meeting for consideration of the following item (Minutes 66) on the grounds that it involves the likely disclosure of exempt information defined in Paragraphs 8 and 9 of part 1 of Schedule 12A of the Local Government Act 1972.
	<b>Resolved</b> – that the public be excluded from the meeting for consideration of the following item (minutes 66).
<b>66.</b>	<b>NEIFCA VESSEL REPLACEMENT PROGRAMME UPDATE – PROCUREMENT OF A NEW 24.5M FISHERIES PATROL VESSEL</b>
	The Chief Officer provided a report to update members on the replacement of the Authority's patrol vessel North Eastern Guardian III.
<b>67.</b>	<b>ANY OTHER BUSINESS</b>
	<p>The Chair had received one item of urgent business from the Chief Officer relating to a rapidly developing fisheries management issue in the Authority's district. The Chief Officer informed members that towards the end of 2022, a pioneering method of using a beam trawl to fish for king scallops had emerged in the North of the district. Initially, just one fishing vessel based in Whitby was fishing using this method, but the situation was rapidly expanding with interest from other vessels becoming increasingly apparent. The Chief Officer informed members that the Authority has no management measures in place to control the activity, and the innovative method was impacting on the tightly regulated permitted scallop fishery which had been developed over a number of years, with a fixed number of permitted vessels able to operate in designated areas of the district.</p> <p>The Chief Officer informed members that the only option at this stage was to implement an emergency byelaw to stop the activity initially, and then utilise a scientific dispensation to work collaboratively with the industry to gather an understanding on how invasive the fishing method was, analyse ground interaction, landings data and bycatch. The Authority's Officers were currently preparing the evidence base and supporting Regulatory Impact Assessment (RIA) to support the implementation of the emergency byelaw.</p> <p>The Chief Officer gave notice to members that it was his intention to implement the emergency byelaw in the coming days to gain control of the fishery, members would continue to be updated accordingly.</p> <p>Members discussed the potential impact of the pioneering fishing method and were conscious that the Authority and its members should not stifle innovation, as these alternative methods could prove to be less invasive than more traditional fishing methods. The Chief Officer reassured members that utilising the scientific dispensation was the most effective way to gather a better understanding of the fishing activity. Members discussed what the longer term approach should be when</p>

	<p>approaching such innovations, such as widening the scope of the provisions included in the byelaw with flexible components to allow for such innovations.</p> <p>The Chair thanked all members for their attendance and informed them that there were currently 2 vacancies for MMO appointees on the Authority. The Chair urged members to notify any individuals that may be interested, particularly individuals from the commercial and leisure fishing industry.</p>
	<b>Resolved</b> – That Members support the decision to implement the emergency byelaw.
	The meeting closed at 11.30am.

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# NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

## MEETING OF THE EXECUTIVE COMMITTEE

01 NOVEMBER 2023

### Present

Prof Mike Elliott  
Mr Graham Collins  
Mr Andrew Wheeler  
Mr Gary Redshaw  
Councillor David Chance  
Councillor Stephen Harness

### Representing

Chairman  
MMO appointee  
MMO appointee  
MMO appointee  
North Yorkshire Council  
North East Lincolnshire Council

Darren Stevens, East Riding of Yorkshire Council, Stephen Chandler East Riding of Yorkshire Council, David McCandless, Chief Officer, also attended the meeting.

The meeting took place in County Hall, Beverley, the meeting commenced at 11am.

65.	<b>APOLOGIES</b>
	No apologies for absence were received
66.	<b>DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS</b>
	<b>Resolved</b> – The Chair asked Members to declare any personal or prejudicial interests with respect to items on the Agenda and the nature of such interests. No such interests were declared.
67.	<b>TO TAKE NOTES OF THE MEETING HELD ON 30 MARCH 2023 AS A CORRECT RECORD</b>
	<b>Resolved</b> – That the minutes of the meeting held on 30 March 2023 be approved as a correct record and signed by the Chairman.
68.	<b>BUDGET MONITORING 2023/2024</b>
	The Treasurer presented a report to advise Members of the budget position at the end of month 03 (June) 2023/2024. At the end of June 2023, the Authority has net expenditure of £337,736 against an expected £349,524 underspending by £11,788. The forecast outturn underspend is £53,751, mainly due underspends on employees relating to vacancies. Members were informed that recruitment to two full time offshore vacancies had been placed on hold until the position on the patrol vessel replacement and sale of existing vessel is clearer. The Chief Officer also advised members that some issues relating to the re-installed engines onboard NEG III were presently under investigation. The forecast also included provision for payment of the 2023-24 Local Government Employers original pay offer of a flat rate of £1,925.



	<b>Resolved – a)</b> That the budget monitoring position is noted.
<b>69.</b>	<b>STRATEGIC AND OPERATIONAL RISK REGISTER REVIEW</b>
	The Chief Officer presented a report to inform members that in accordance with the Authority's Risk Management Strategy, a six monthly review of the Strategic and Operational Risk Registers had been undertaken and reported for information.
	<b>Resolved –</b> That the revised Strategic and Operational Risk Register be reviewed in six months' time.
<b>70.</b>	<b>NEIFCA ANNUAL AUDIT 2022/2023</b>
	The Chief Officer presented a report to inform members of the findings of the annual audit report. The Audit Plan is designed to provide the Authority with assurance on key financial controls for the operation of NEIFCA. The overall assurance opinion was substantial. A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited. One of the findings recommended the completion of an annual review of Standing Orders and Financial Regulations as a standing item to the March Executive Committee meeting each year.
	<b>Resolved – (a)</b> Members noted the report. (b) An annual review of Standing Orders and Financial Regulations be added as a standing item to the March Executive Committee.
<b>71.</b>	<b>CHIEF OFFICERS OPERATIONAL UPDATE</b>
	The Chief Officer presented a report to provide an operational update covering the period March 2023 to August 2023 which included an update on the Tees & North Yorkshire shellfish mortalities. On 17 July 2023 NEIFCA published its second appraisal of shellfish landing trends at key ports surrounding the Tees and North Yorkshire. This second report covered a much larger dataset, collated over a longer time frame than the first report published during September 2022. The report also included an update on the replacement patrol vessel following approval from the full Authority at a meeting held on the 30 June 2023 to enter a lease agreement to facilitate the purchase of the vessel with East Riding of Yorkshire Council. The report included priority workstreams for the next six months which included finalising the design of the new vessel build, making provisional plans for the sale of North Eastern Guardian III and collation and analysis of the submissions received during the formal byelaw consultation, Byelaw XXVIII Shellfish Permit Byelaw 2022.
	<b>Resolved -</b> Members noted the report
<b>72.</b>	<b>NEIFCA HEALTH AND SAFETY POLICY &amp; SAFE WORKING PRACTICES 2023/2024</b>
	The Chief Officer presented a report to inform members of the completion of the Annual review of the Authority's Health & Safety provisions. The Chief Officer was pleased to advise that there had been no incidents or accidents to report. The Chief also reassured members that all staff are correctly trained in all aspects of their role and will continue to monitor this on a regular basis.
	<b>Resolved –</b> Members noted the report.

<b>73.</b>	<b>NEIFCA BYELAWS UPDATE</b>
	<p>The Chief Officer presented a report to inform members on progress with the following byelaws which were made at a meeting of the Authority held on the 1 December 2022 and to inform members on the making of the following emergency byelaw which was supported at a special meeting of the Authority held on 30 June 2023:</p> <p>XXVIII Shellfish Permit Byelaw 2022  XXIX Humber Estuary Fishing Byelaw 2022  Emergency Beam Trawling Byelaw 2023</p> <p><b>XXVIII Shellfish Permit Byelaw 2022 &amp; XXIX Humber Estuary Fishing Byelaw 2022</b></p> <p>Officers commenced formal consultation on both the Shellfish permit byelaw and the Humber Estuary Fishing Byelaw on the 15 August 2023 via publication on the NEIFCA website, emailed alerts to both commercial and recreational permit holders, engagement with the Angling Trust, circulation of notices at ports and landing points and publication in the Fishing News. Officers also facilitated a number of 'dop in' sessions at key ports including Hornsea, Bridlington, Scarborough, Whitby, Redcar and Hartlepool to facilitate further 'face to face' engagement with those affected by the byelaw proposal. Formal consultation was extended until Friday 27th October 2023 and officers are now in the process of collating all the feedback received during the consultation process.</p> <p><b>Emergency Beam Trawling Byelaw</b></p> <p>At the special Authority meeting held on 30 June 2023 members received a detailed verbal report from the Chief Officer relating to an emergent beam trawl fishery targeting king scallops. At the time, only the act of dredging for King scallop could be effectively managed under existing byelaw provisions via a restricted permitting scheme. Although a permit is required to trawl, providing operators met basic vessel size criteria, no restrictions could be implemented in terms of the number of permits issued. Since January 2023 the number of vessels fishing for king scallop by beam trawl had risen to five, with other vessels indicating interest in joining and over 57 tonnes of king scallop recorded taken by the fishery during what would normally be a closed spawning season. Given the unforeseen emergence of the fishery, alongside the potential for impacting stocks, members supported a recommendation that an emergency byelaw regulation should be immediately implemented, incorporating a dispensatory process to support further investigation into the fishery in collaboration with the affected industry. The proposed byelaw would remain in force for an initial period of twelve months pending the development of a new management framework. The byelaw and supporting documentation were published on the NEIFCA website on 18 July 2023 and the affected fishing industry was informed. Since the emergency byelaw was implemented six scientific dispensations had been issued to eligible vessel operators to support further investigation into the fishery.</p>
	<b>Resolved</b> - Members noted the report.
<b>74.</b>	<b>ANY OTHER BUSINESS</b>
	No items raised.
<b>75.</b>	<b>EXCLUSION OF THE PUBLIC</b>
	That the public be excluded from the meeting for consideration of the following item (Minutes 76) on the grounds that it involves the likely disclosure of exempt information defined in Paragraphs 8 and 9 of part 1 of Schedule 12A of the Local Government Act 1972.

	<b>Resolved</b> – that the public be excluded from the meeting for consideration of the following item (minutes 76).
76.	<b>NEIFCA BYELAW XXVIII – REQUEST TO BE ADMITTED ONTO THE OVER 10M VESSEL ‘SUNSET LIST’</b>
	The meeting closed at 13:25

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## NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

**Report to:** Authority Meeting  
8 December 2023

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### BUDGET MONITORING 2023/24

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Report by the Treasurer

#### A. Purpose of Report

To advise Members of the budget position at the end of month 06 (September) in 2023/24.

#### B. Recommendations

- i. That the budget monitoring position is noted.
- ii. That the forecast underspend at outturn is transferred to Renewals Fund.

#### 1. Introduction

- 1.1 A detailed budget monitoring exercise is undertaken monthly by the Treasurer in consultation with the Chief Officer. This analyses individual budget lines in terms of the current expenditure and allows for projections to the end of the financial year.
- 1.2 This report provides the overall position and any areas whereby an explanation is required of any notable variance on the Authority's spending to the end of September 2023.
- 1.3 At its meeting on 1 December 2022, the Authority set a levy totalling £1,377,464 for the current financial year, including £102,900 plus accrued interest transferred to the Renewals Fund and £10,000 transferred to the Vehicle Replacement Reserve.

#### 2. Revenue Expenditure to 30 September 2023

- 2.1 Appendix A summarises the expenditure and income for the Authority for the six months to September of the financial year and compares it with the budget. The appendix shows both subjective and objective net expenditure for the period.
- 2.2 At the end of September 2023, the Authority has net expenditure of £547,140 against an expected £621,256 underspending by £74,117. The forecast outturn underspend is £87,398, mainly due to underspends on employees relating to vacancies.

The main variances are:

- Employee underspends of £70,660 – mainly due to underspends from delaying recruiting to vacancies in the offshore team until the position on the patrol vessel

replacement and sale of existing vessel is clearer. The forecast includes provision for payment of the 2023-24 Local Government Employers agreed pay award of a flat rate of £1,925 which was paid in November.

- Travel and subsistence underspends of £10,069 – mainly due to lower than anticipated expenditure on the travel expenses relating to the patrol vessel replacement project.
- Grants & contributions - underspend of £10,464 mainly due to additional income from income from vessel hire by the European Lobster Settlement Index project which is fully funded by DEFRA.

**Contact Officer**

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Principal Accountant, East Riding of Yorkshire Council

**Stephen Chandler**  
**Treasurer**

# NEIFCA Budget Monitoring Report as at September 2023

	<i>Approved Budget</i>	<i>Profiled Budget to Month 6</i>	<i>Actual to Month 6</i>	<i>Variance to Profile</i>	<i>Forecast Outturn</i>	<i>Variance to Forecast</i>
	£	£	£	£	£	£
<b>EXPENDITURE</b>						
Employee Expenses						
Pay,NI and Superannuation	853,830	426,915	376,523	-50,392	783,170	-70,660
Other Employee Costs	18,000	4,199	4,199	0	20,856	2,856
Premises	17,530	5,750	6,297	547	17,530	0
Transport						
Patrol Vessel Running Costs	197,820	110,118	108,928	-1,190	197,718	-102
Vehicle Running Costs	37,060	17,821	15,515	-2,306	34,107	-2,953
Travel and Subsistence	29,770	14,885	7,478	-7,407	19,701	-10,069
Supplies and Services	157,500	65,079	61,114	-3,966	156,478	-1,022
Support Services	169,780	10,275	11,072	797	174,017	4,237
	<b>1,481,290</b>	<b>655,042</b>	<b>591,126</b>	<b>-63,917</b>	<b>1,403,576</b>	<b>-77,714</b>
<b>INCOME</b>						
Grants and Contributions	-23,000	-4,232	-14,432	-10,200	-33,464	-10,464
Other Income	-123,730	-29,554	-29,554	0	-122,950	780
	<b>-146,730</b>	<b>-33,786</b>	<b>-43,986</b>	<b>-10,200</b>	<b>-156,414</b>	<b>-9,684</b>
<b>NET EXPENDITURE</b>	<b>1,334,560</b>	<b>621,256</b>	<b>547,140</b>	<b>-74,117</b>	<b>1,247,162</b>	<b>-87,398</b>

	<i>Approved Budget</i>	<i>Profiled Budget to Month 6</i>	<i>Actual to Month 6</i>	<i>Variance</i>	<i>Forecast Outturn</i>	<i>Variance to Forecast</i>
	£	£	£		£	
<b>NET EXPENDITURE</b>						
Central / Headquarters	429,330	149,532	152,086	2,554	467,447	38,117
Land Based Operations	135,590	67,795	64,636	-3,159	130,747	-4,843
Offshore Operations	559,510	299,460	244,078	-55,382	453,954	-105,556
Environment	140,130	68,741	64,093	-4,648	125,014	-15,116
Grant Aided Projects	50,000	25,728	13,658	-12,070	50,000	0
Patrol Vessel Replacement	20,000	10,000	8,588	-1,412	20,000	0
	<b>1,334,560</b>	<b>621,256</b>	<b>547,140</b>	<b>-74,117</b>	<b>1,247,162</b>	<b>-87,398</b>

	<i>Approved Budget</i>	<i>Profiled Budget to Month 6</i>	<i>Actual to Month 6</i>	<i>Variance</i>	<i>Forecast Outturn</i>	<i>Variance to Forecast</i>
	£	£	£		£	
<b>REPRESENTED BY</b>						
Annual levy on Local Authorities	-1,377,460	-1,377,460	-1,071,392	306,068	-1,377,460	0
Contribution from Reserves	-70,000	0	0	0	-70,000	0
Contribution to Vehicle Replacement	10,000	0	0	0	10,000	0
Contribution to Renewals Fund	102,900	0	0	0	102,900	0
	<b>-1,334,560</b>	<b>-1,377,460</b>	<b>-1,071,392</b>	<b>306,068</b>	<b>-1,334,560</b>	<b>0</b>



## **NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
8 December 2023

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### **LEVY 2024/25 TO 2026/27**

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Report by the Treasurer

**A. Purpose of Report**

To determine the levy on member local authorities for 2024/25.

To highlight issues relating to the setting of the levy for 2025/26 and 2026/27.

**B. Recommendations**

- (i) That the options for the levy increase for 2024/25 be considered by the Authority and the Clerk be authorised to issue demands on the relevant local authorities (at the level approved) as presented at Appendix A.
- (ii) That the Authority acknowledges the issues affecting NEIFCA and their effect upon the levy for 2025/26 and 2026/27.
- (iii) That a detailed budget for 2024/25 be brought to the Authority for approval at the Executive meeting in March 2024.

**1. Background**

- 1.1 NEIFCA is a statutory body, made by Order on 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 1 December 2022, the Authority set a levy totalling £1,377,464 including £100,000 plus accrued interest transferred to the Renewals Fund and £10,000 transferred to the Vehicle Replacement Fund. The levy had been fixed at £1,139,521 from 2011/12 to 2016/17, meaning the 2017/18 increase was the first for 6 years. For 2018/19 and 2019/20, increases were agreed covering the cost of pay increases, however in 2020/21 an increase of 5% was agreed to fund both the annual pay increase (2.75%) and to support the staffing and organisational review. The 2021/22 levy was increased by 1% to cover the cost of increases in pay. The 2022/23 levy was increased by 3% to cover the cost of increases in pay and inflation offset by savings within supplies and services budgets. The 2023/24 levy was also increased by 3% to cover the cost of increases in pay and inflationary pressures. Indicative increases of 2% for 2024/25 and 2025/26 were proposed but not agreed.
- 2.2 The Bank of England's November monetary policy report describes an uncertain outlook for the UK economy, due to weak economic growth and high inflation. Inflation has fallen from a peak of 11% in 2022 down to 6.7% in September 2023 due to energy prices stabilising but is expected to be more persistent than previously thought. Inflation is forecast to continue to fall sharply due to lower energy, core goods and food prices inflation to 4.75% at the end of this year and 3.75% in 2024 but not returning to its 2% target until the first half of 2025. The Bank of England has raised interest rates to help inflation return to the 2% target. Interest rates have increased to 5.25% in November and are expected to remain at this level until the end of 2024, declining gradually to 4.25% by the end of 2026. NEIFCA is continuing to experience inflation as a pressure on wages, energy, fuel and other supplies. In the Autumn Statement on 22 November 2023 the Chancellor announced that departmental resource and capital budgets beyond 2024/25 will be set at the next Spending Review. It is not yet known how this will impact on the specific grant local authorities receive for Inshore Fisheries and Conservation and in relation to potential future pressure on resources from other agencies on NEIFCA to perform additional work previously undertaken by them.
- 2.3 The National Joint Council (NJC) Local Government Pay Award for 2023/24 was agreed at £1,925 increase on all at pay points which is a 9.4% increase for the lowest grades. The pay award is higher than was anticipated when the 2023/24 levy was set and the levy calculations for 2024/25 have been adjusted to reflect this. It is forecast that the pay award will be 4% in 2024/25 and 2% in 2025/26 and 2026/27.
- 2.4 The pay award and inflationary pressures require a levy increase of 5% in 2024/25.
- 2.5 The Special Authority Meeting on 30 June 2023 approved the decision for East Riding of Yorkshire Council Cabinet to award the contract for the build and commission of a new 24.5m Fisheries Patrol/Research vessel along with a proposed finance lease agreement with ERYC. Under the terms of the finance lease agreement NEIFCA will make a substantive payment towards the costs in year one utilising funds set aside in the Renewals Fund, capital receipts from the sale of the North-East Guardian III and any further additional funding that is subject to a bid to DEFRA. It was agreed that the remaining cost will be funded by ERYC borrowing from the Public Works Loans Board and the costs will be met by the finance leasing arrangement between ERYC and NEIFCA, funded by an increase to the levy. The vessel build is now underway and it is anticipated that the new vessel will be commissioned in 2025.

- 2.6 The indicative Worst-Case scenario for the build would require an annual finance lease repayment of £240,590 from 2025/26. The estimated increase on the levy is based on current assumptions and options for the timing of the increase are shown in Appendix A. The original proposal was for the full impact of the levy increase to take effect from 2025/26 increasing the levy by 18%. An alternative proposal phasing in the increase over 2024/25 and 2025/26 financial years is presented to Members. This would result in an 11.5% increase in 2024/25 and 11.5% increase in 2025/26. If the option to phase in the increase was taken the intention would be for the additional funds to be transferred to the Renewals Fund to increase the year one initial payment, potentially reducing the overall borrowing costs of the scheme and future levy increases.
- 2.7 In putting forward these proposals the Clerk, Treasurer and Chief Officer are mindful that authorities are facing financial pressures of their own, in particular the pressure from the increasing cost of energy, goods and wages and increasing demand for public services. The current outlook remains uncertain due to reduced income from fees and charges due to the increase in cost of living, inflationary pressures and delays in the reform of local government funding. With this in mind Members are asked to consider the options for the levy increase for 2024/25 and 2025/26 as shown in Appendix A.

### **3. Reserves**

- 3.1 The NEIFCA General Reserve is forecast to be £228,450 as at 1 April 2024 (Appendix B).
- 3.2 The forecast balance in the Patrol Vessel Maintenance reserve, which was established to fund cyclical maintenance and emergency repairs, is £1,136 as at 1 April 2024. The balance on the reserve has been depleted due to the cost of funding the repair of the patrol vessel's main engine and associated refurbishment of the second engine in 2022/23 financial year.
- 3.3 As outlined in paragraph 2.5 the replacement patrol vessel is due to be commissioned in 2025 and included within the Levy proposals is a contribution to the Renewals Fund of £102,900. The reserve will be used to fund a substantial year one payment of the finance lease for the new vessel in 2025/26. Assuming the transfer of the forecast outturn underspend at September of £87,398 is approved, the balance on the reserve is forecast to be £1,614,383 as at 1 April 2024.

#### **Contact Officer**

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**Stephen Chandler**  
**Treasurer**

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY LEVY 2024/25**

**Appendix A**

**Option 1 - Patrol Vessel Finance Lease Increase from 2025/26**

LOCAL AUTHORITY	Allocation	2023/24 Levy	2024/25 Levy	Increase in 2024/25 Levy	Increase in 2024/25 Levy	2025/26 Levy	Increase in 2025/26 Levy	Increase in 2025/26 Levy	2026/27 Levy	Increase in 2026/27 Levy	Increase in 2026/27 Levy
	%	£	£	£	%	£	£	%	£	£	%
Durham County Council	5.56	76,587	80,416	3,829	5.0	94,891	14,475	18.0	96,789	1,898	2.00
East Riding of Yorkshire Council	22.22	306,073	321,377	15,304	5.0	379,225	57,848	18.0	386,809	7,585	2.00
Hartlepool Borough Council	2.77	38,156	40,064	1,908	5.0	47,275	7,212	18.0	48,221	946	2.00
Hull City Council	11.11	153,036	160,688	7,652	5.0	189,612	28,924	18.0	193,404	3,792	2.00
North East Lincolnshire Council	11.11	153,036	160,688	7,652	5.0	189,612	28,924	18.0	193,404	3,792	2.00
North Lincolnshire Council	5.56	76,587	80,416	3,829	5.0	94,891	14,475	18.0	96,789	1,898	2.00
North Yorkshire County Council	22.22	306,073	321,377	15,304	5.0	379,225	57,848	18.0	386,809	7,585	2.00
Redcar and Cleveland Borough Council	2.77	38,156	40,064	1,908	5.0	47,275	7,212	18.0	48,221	946	2.00
South Tyneside Metropolitan Borough Council	5.56	76,587	80,416	3,829	5.0	94,891	14,475	18.0	96,789	1,898	2.00
Stockton on Tees Borough Council	5.56	76,587	80,416	3,829	5.0	94,891	14,475	18.0	96,789	1,898	2.00
Sunderland City Council	5.56	76,587	80,416	3,829	5.0	94,891	14,475	18.0	96,789	1,898	2.00
		<b>1,377,465</b>	<b>1,446,339</b>	<b>68,874</b>	<b>5.0</b>	<b>1,706,680</b>	<b>260,341</b>	<b>18.0</b>	<b>1,740,813</b>	<b>34,133</b>	<b>2.00</b>

**Option 2 - Patrol Vessel Finance Lease Increase Phased in over 2024/25 and 2025/26**

LOCAL AUTHORITY	Allocation	2023/24 Levy	2024/25 Levy	Increase in 2024/25 Levy	Increase in 2024/25 Levy	2025/26 Levy	Increase in 2025/26 Levy	Increase in 2025/26 Levy	2026/27 Levy	Increase in 2026/27 Levy	Increase in 2026/27 Levy
	%	£	£	£	%	£	£	%	£	£	%
Durham County Council	5.56	76,587	85,395	8,808	11.5	95,215	9,820	11.5	97,119	1,904	2.0
East Riding of Yorkshire Council	22.22	306,073	341,271	35,198	11.5	380,518	39,246	11.5	388,128	7,610	2.0
Hartlepool Borough Council	2.77	38,156	42,544	4,388	11.5	47,436	4,893	11.5	48,385	949	2.0
Hull City Council	11.11	153,036	170,635	17,599	11.5	190,258	19,623	11.5	194,063	3,805	2.0
North East Lincolnshire Council	11.11	153,036	170,635	17,599	11.5	190,258	19,623	11.5	194,063	3,805	2.0
North Lincolnshire Council	5.56	76,587	85,395	8,808	11.5	95,215	9,820	11.5	97,119	1,904	2.0
North Yorkshire County Council	22.22	306,073	341,271	35,198	11.5	380,518	39,246	11.5	388,128	7,610	2.0
Redcar and Cleveland Borough Council	2.77	38,156	42,544	4,388	11.5	47,436	4,893	11.5	48,385	949	2.0
South Tyneside Metropolitan Borough Council	5.56	76,587	85,395	8,808	11.5	95,215	9,820	11.5	97,119	1,904	2.0
Stockton on Tees Borough Council	5.56	76,587	85,395	8,808	11.5	95,215	9,820	11.5	97,119	1,904	2.0
Sunderland City Council	5.56	76,587	85,395	8,808	11.5	95,215	9,820	11.5	97,119	1,904	2.0
		<b>1,377,465</b>	<b>1,535,873</b>	<b>158,408</b>	<b>11.5</b>	<b>1,712,499</b>	<b>176,625</b>	<b>11.5</b>	<b>1,746,749</b>	<b>34,250</b>	<b>2.0</b>

# NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

## RESERVES

General Reserve	2023/24	2024/25
	£	£
Balance brought forward	228,450	228,450
Transfer from Revenue	0	0
Transfer to Revenue	0	0
Balance carried forward	<u>228,450</u>	<u>228,450</u>
Patrol Vessel Maintenance	2023/24	2024/25
	£	£
Balance brought forward	1,136	1,136
Transfer from Revenue	0	0
Transfer to Revenue	0	0
Balance carried forward	<u>1,136</u>	<u>1,136</u>
External Projects	2023/24	2024/25
	£	£
Balance brought forward	50,000	0
Transfer from Revenue	0	0
Transfer to Revenue	-50,000	0
Balance carried forward	<u>0</u>	<u>0</u>
Vehicle Replacement Reserve	2023/24	2024/25
	£	£
Balance brought forward	22,782	32,782
Transfer from Revenue	10,000	10,000
Transfer to Revenue	0	-20,000
Balance carried forward	<u>32,782</u>	<u>22,782</u>
Renewals Fund	2023/24	2024/25
	£	£
Balance brought forward	1,444,085	1,614,383
Transfer from Revenue	190,298	102,900
Transfer to Revenue	-20,000	0
Balance carried forward	<u>1,614,383</u>	<u>1,717,283</u>
<b>TOTAL USEABLE RESERVES</b>	<u><u>1,876,751</u></u>	<u><u>1,969,651</u></u>



## NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

**Report to:** Authority Meeting  
8 December 2023

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### NEIFCA Byelaw Update

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Report by the Chief Officer

#### A. Purpose of Report

1. To inform Members on progress with the following byelaws which were made at a meeting of the Authority held on 1 December 2022:

**XXVIII Shellfish Permit Byelaw 2022**

**XXIX Humber Estuary Fishing Byelaw 2022**

2. To inform Members on the making of the following emergency byelaw which was supported at a special meeting of the Authority held on 30 June 2023:

**Emergency Beam Trawling Byelaw 2023**

#### B. Recommendation

1. That members receive the update and note the report.

#### 1. Background

##### 1.1 *XXVIII Shellfish Permit Byelaw 2022*

- 1.1.1 At the Authority meeting held on 1 December 2022 members supported the making of a new byelaw XXVIII Shellfish Permit Byelaw 2022 (Minute Item 32 refers).

The key aims of the new byelaw are to establish a new flexible management framework which will more effectively cover the exploitation of listed shellfish species throughout the NEIFCA district, both offshore and onshore. The new proposed byelaw will also consolidate existing byelaw regulations and introduce an effort management system for commercial potting within the district. The provisions contained within the byelaw will be applied via conditions attached to the permit which can be varied following an appropriate review process, without the need to formally remake the whole byelaw. Two permitting schemes will be established, Category 1 for licensed commercial vessels and Category 2 for recreational operators. It is proposed that during year one a maximum of 234 Category 1 permits will be offered and permit holders restricted to working a maximum of 1000 pots. A permit charge would also be levied for Category 1 permits linked to the number of pots worked. The number of Category 2 permits offered will remain unrestricted but a new £10 charge would be levied, and the number of pots permitted reduced from 10 to 5 per permit holder with daily bag limits remaining unchanged.

- 1.1.2 Since the making of the byelaw on 1 December 2022 it has been subject to further internal quality assurance checks and informal consultation with fishing groups prior to the commencement of the formal statutory consultation process. Internal comments were received back from NEIFCA legal advisors on 24 April 2023.
- 1.1.3 During this process the following adjustments have been made to the draft byelaw regulation:
- The scope of the byelaw has been widened to include, European green crab, mussel, common periwinkle, surf clam, Norway Lobster, razor clam and scallop. Particularly in relation to European green crab, mussel, common periwinkle and pullet carpet shell. This was felt prudent and necessary to improve the active management of intertidal shore gathering by large ethnic groups which has become an increasing issue.
  - An additional provision that would allow for varying of fees and charges subject to formal consultation.
  - An additional provision to enable management by pot type, advised to members in June 2023.
  - An additional provision clarifying that, in terms of Category 1 applications, first priority will be given to those vessels who held a permit on 1 December 2022 when the byelaw was made, advised to members in January 2023.
  - The supporting Regulatory Impact Assessment has also been updated to include some additional information from the 2023 shellfish landings report and intertidal shore gathering.
- 1.1.4 A copy of the current draft byelaw is attached as Appendix 1 for information.

## 1.2 ***XXIX Humber Estuary Fishing Byelaw 2022***

- 1.2.1 At the Authority meeting held on 1 December 2022 members supported the making of a new byelaw XXIX Humber Estuary Fishing Byelaw 2022 (Minute Item 31 refers).
- 1.2.2 Whilst retaining all existing management measures in relation to fishing activities within the boundaries of the Humber Estuary the new byelaw includes a revision to the boundaries of an existing protected area to support the expansion of eel grass habitat. Although this draft byelaw has also been subject to both internal quality assurance and informal consultation, no changes or alterations have been made.

## 1.3 **Next Steps**

Officers opened formal consultation on both byelaws on 15 August 2023 via publication on the NEIFCA website, emailed alerts to both commercial and recreational permit holders, engagement with the Angling Trust, circulation of notices at ports and landing points and publication in the Fishing News. Officers also facilitated a number of ‘drop in’ sessions at key ports including Hornsea, Bridlington, Scarborough, Whitby, Redcar and Hartlepool to facilitate further ‘face to face’ engagement with those affected by the byelaw proposal. The ‘drop in’ sessions were well attended and included stakeholders from both the commercial and recreational sectors. Formal consultation was extended until Friday 27<sup>th</sup> October 2023 to give more time for stakeholders to consider the draft proposals and submit responses.

### 1.3.1 **XXVIII Shellfish Permit Byelaw 2022**

Following the completion of formal consultation on 27<sup>th</sup> October 2023 officers commenced the process of collating all the responses received which included 53 written submissions and one 74 signature response from Hartlepool stakeholders objecting to the proposed reduction in the number of permitted hobby pots from 10 to 5. A detailed analysis of the consultation responses is attached to this report at 8a for members information.

Predictably stakeholders are very split on where the maximum pot allowance should be set and a notable minority are concerned that the businesses that they have worked extremely hard to build up will fail as a direct result of this proposal, even given the increase from 800 to 1000 pots but a balance must be struck between securing stock sustainability and keeping associated economic risk to businesses low. Some stakeholders also felt that the proposed upper pot limit of 1000 is set too high. For most businesses, working exclusively within the NEIFCA district, there will be little or no economic risk but for others there could be and although they can set more pots outside 6 nautical mile limit of the NEIFCA district they are regularly constrained by other risks from scallop dredgers and accessing clear fishing ground. Rather than increasing the maximum pot allowance further again, it is the intention, therefore, to establish a supplementary, transitional potting, allowance scheme across the implementation phases of the new byelaw regulation. This will assist the small numbers of businesses that feel they are at the greatest risk of economic failure and enable them to fully adapt to the new management measures in the medium term. It is also worth highlighting that once the byelaw is confirmed by Defra the maximum pot allocation can be varied, in the future, if required, subject to conforming with due process provided within the byelaw.

The proposed charging regime presented another key area of concern both for commercial and hobby stakeholders. The proposed maximum commercial charge of £350 per annum was noted by one stakeholder as less than £1 per day whilst other stakeholders were much less supportive and there was general opposition to the proposed annual hobby permit charge of £10 per annum from the hobby fishing sector, which equates to less than £0.90 per month. Officers still consider that the proposed charges are nominal, lower than some of the existing schemes, fair and make a modest contribution towards supporting the management and conservation of the associated fisheries.

The other main item arising from the formal consultation process was the opposition from the hobby sector to the proposed reduction in the maximum number of permitted pots from 10 to 5. As anticipated, this was most evident at Hartlepool where a similar level of opposition was recorded back in 2015. Some hobby fishermen advocated maintaining the maximum number of permitted pots at 10 until the level of latent effort could be fully assessed following the introduction of the annual charge, then, if there remained a need to reduce the number of pots that could be implemented at a later date. It is important, however, that the overarching principles of the hobby scheme are not overlooked. It provides access for members of the public, on a 'not for profit' basis, to set a small number of pots, as a leisure activity, to catch a small amount of shellfish each day for personal consumption. Given the scale of uptake of hobby permits the cumulative number of pots worked is not insignificant, up to 20% of the total number of pots set within the NEIFCA district, alongside the fact that there will be no cap on the number of hobby permits made available within the NEIFCA district. This combined with extent of shared stock with Northumberland IFCA, who currently have a 5-pot limit in place to manage hobby fishing, it remains a sensible precautionary decision to retain the proposal to reduce the number of hobby pots from 10 to 5. As with other proposed measures this is something that can be reviewed again, post implementation of the byelaw.

## **2.0 Emergency Beam Trawling Byelaw**

At the special Authority meeting held on 30 June 2023 members received a detailed verbal report from me relating to an emergent beam trawl fishery targeting king scallops. Presently, only the act of dredging for King scallop can be effectively managed under existing byelaw provisions via a restricted permitting scheme. Although a permit is required to trawl, providing operators meet basic vessel size criteria, no restrictions can be implemented in terms of the number of permits issued. Since January 2023 the number of vessels fishing for king scallop by beam trawl had risen to five, with other vessels indicating interest in joining and over 57 tonnes of king scallop recorded taken by the fishery during what would normally be a closed spawning season. Given the unforeseen emergence of the fishery, alongside the potential for impacting stocks, members supported my recommendation that an emergency byelaw regulation should be immediately implemented, incorporating a dispensatory process



to support further investigation into the fishery in collaboration with the affected industry. The proposed byelaw to remain in force for an initial period of twelve months pending the development of a new management framework (minute 67 refers).

- 2.1 Following further consultation with the Chair on the structure and content of a draft byelaw and supporting RIA an Emergency Byelaw was signed off on behalf of the Authority and statutory notifications submitted to the Secretary of State in Defra. The byelaw and supporting documentation were published on the NEIFCA website on 18 July 2023 and the affected fishing industry was informed.

## 2.2 **Next Steps**

Since the emergency byelaw was implemented six scientific dispensations have been issued to eligible vessel operators to support further investigation into the fishery. Those dispensations expired on 31 October 2023 and five have since been re-issued until the end of January 2024 when a further review will be undertaken by officers. To date, three vessels have engaged in the programme which will help to inform the development of a replacement byelaw regulation. This work is being led by the acting Environmental and Scientific Manager with oversight provided by the Authority's Science Advisory Group.

Initially officers had considered a significant restructuring of the Authority's current trawling byelaw regulation to incorporate additional management provisions surrounding the use of beam trawls throughout the NEIFCA district, but the time limitations associated with the emergency byelaw process are unlikely to support the development of such. Officers are now working on an interim bespoke byelaw regulation which will replace the emergency byelaw provisions and secure the effective management of the emergent fishery in the medium term, following which, a more expansive piece of work can be undertaken on rationalising the structure of the Authority's existing mobile gear byelaw regulations.

### Contact Officer

David McCandless, Chief Officer  
Ext. 3690

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY  
MARINE AND COASTAL ACCESS ACT 2009 (c.23)  
XXVIII SHELLFISH PERMIT BYELAW 2022**

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 Shellfish Permits.

**Interpretation**

**1. In this byelaw:**

- (a) 'the Authority' means 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) '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;
- (c) 'dredging' means fishing by means of any appliance with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for scallops;
- (d) 'fishing' for the purposes of this byelaw includes searching for and taking specified shellfish species, shooting, setting, towing, hauling of a fishing gear, and taking specified shellfish species aboard;
- (e) 'fixed net' means any net being fixed to the bottom of the sea in a permanent position by any method such as weights, anchors or stakes and it must be set so as not to be able to drift or move with any current;
- (f) 'permit' means:
  - a. a Category One Permit issued under paragraph 8 of this byelaw; or
  - b. a Category Two Permit issued under paragraph 9 of this byelaw.
- (g) 'pot' means a pot, creel or trap set or used to catch specified shellfish species;
- (h) 'pot type' means a pot or trap specifically designed, rigged and set for the purpose of catching a particular species or group of species including, European lobster (*Homarus gammarus*), edible crab (*Cancer pagurus*), velvet crab (*Necora puber*), Norway lobster (*Nephrops norvegicus*), scallop (*Pecten maximus* & *Aquiptecten opercularis*) and Whelk (*Buccinum undatum*);
- (i) 'recreational catch and release fisheries' means collection by hand or the use of a small hand net, baited line or drop net to catch listed species which are then returned back to the sea at the point of capture.

- (j) 'relevant fishing vessel' means any vessel registered in accordance with Part II of the Merchant Shipping Act 1995 (c.21) or in the Channel Islands or the Isle of Man that holds a current fishing licence with the relevant national entitlement issued by the appropriate United Kingdom fisheries department;
- (k) 'trawling' means fishing by means of a trawl or similar device that is designed to be towed or pushed to take sea fisheries resources;
- (l) 'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;
- (m) 'specified shellfish species' means the following species or genus: European lobster (*Homarus gammarus*), edible crab (*Cancer pagurus*), European green crab (*Carcinus maenas*), velvet crab (*Necora puber*), mussel (*Mytilus edulis*), Norway lobster (*Nephrops norvegicus*), common periwinkle (*Littorina littorea*), razor clam (*Ensis* ), scallop (*Pecten maximus* & *Aequipecten opercularis*), pullet carpet shell (*Venerupis corrugate*) and whelk (*Buccinum undatum*).

## Prohibitions

- 2. A person must not fish for, take or retain any of the specified shellfish species from a fishery within the district otherwise in accordance with a permit.
- 3. Paragraph 2 does not apply to specified shellfish species captured by relevant fishing vessels when fishing by way of trawling, dredging or in relation to persons solely engaged in 'recreational catch and release' fisheries.

## Deeming

- 4. 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.
- 5. It is to be presumed that a vessel has taken or removed any of the specified shellfish species to which this byelaw relates from within the District if, at any time, during any singular fishing trip –
  - (a) it is proved that –
    - i. the vessel was found within the District, and
    - ii. when so found, the vessel was in possession of any of the things mentioned in paragraph 6; and
  - (b) 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 specified shellfish species in contravention of this byelaw
- 6. The things are –

- (a) such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of taking or removing specified shellfish species in contravention of this byelaw; and
  - (b) specified shellfish species, the taking and removing of which is prohibited by this byelaw.
- 7. The presumption in paragraph 5 does not apply where sufficient evidence is adduced to raise an issue as to whether the specified shellfish species 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.

## **Permits**

- 8. The Authority may authorise fishing for specified shellfish species using fixed nets or pots within the District from a named relevant fishing vessel by issuing a Category One Permit to the owner of that vessel.
- 9. The Authority may authorise fishing for specified shellfish species within the District by issuing a Category Two Permit to a named person.
- 10. The Authority may limit the number of permits issued in any one calendar year.
- 11. An application for a permit must be made using the printed forms available from the Authority's office and website, or through the online application process on the Authority's website.
- 12. Category One Permit applications will be processed in priority order with first priority given to those vessels which previously held a valid shellfish permit, issued by the Authority on the date of the making of this byelaw on 1 December 2022.
- 13. Only one Category Two Permit may be issued to a named person.
- 14. Permits will be issued in accordance with the following process:
  - (a) if the number of applicants does not exceed the maximum number of available permits, at any one time, then each eligible applicant will be issued with a permit, subject to the provisions of this byelaw;
  - (b) once the maximum number of available permits has been met then unsuccessful applicants will be placed on a waiting list for the next available permit;
  - (c) the Authority retains the right to refuse to issue a permit until such time as the applicant makes available any outstanding information required for the issue of that permit or outstanding information from a previous year including any mandatory information required by an Authority byelaw regulation.
- 15. The Authority may limit the number of pots able to be used in association with a permit.

- 16.** The Authority may limit the number of pots by pot type used in association with a permit.
- 17.** Category One Permit pot allocations will be issued in accordance with the following process:
- (a) Following the date of confirmation of this byelaw, all existing Category One Permit holders will be invited to make an application for their maximum pot allocation(s) which will be assessed and notified in writing;
  - (b) For new Category One Permits, pot allocations will be notified in writing when the permit is issued, in line with the vessel type/category;
  - (c) At any time, Category One Permit holders may apply to increase their pot allocation up to the maximum permitted;
  - (d) Applications must be submitted to the Authority in writing with supporting evidence;
  - (e) Applications will be considered by the Authority who will notify the applicant of the outcome within 7 working days;
  - (f) All applicants have the right to appeal any decision to the Authority. Any appeals must be submitted in writing with supporting evidence.
  - (g) The appeal process will only consider the content of the written evidence provided by the appellant and that the correct procedure has been applied;
  - (h) Appeals will be considered by the Authority who will notify the applicant of the outcome within 7 working days of the respective hearing.
  - (i) The Authority's decision is final.
- 18.** A permit and permit card:
- (a) are issued to the owner of a relevant fishing vessel or a named person;
  - (b) in the case of shared ownership of a relevant fishing vessel shall be jointly issued to all owners of that vessel;
  - (c) are valid for the dates specified in the permit;
  - (d) must be surrendered to the Authority if no longer required;
  - (e) are not transferable between the permit holder and another person, other than in accordance with paragraph 19.
- 19.** The transfer of a Category One Permit will only be permitted in the following circumstances:
- (a) the donor vessel is lost or replaced
  - (b) the ownership of the donor vessel has passed on within the same family or existing shareholder;
  - (c) there is no change in the major shareholding of the donor vessel
- 20.** When a Category One Permit is transferred, the associated pot allocation shall also be transferred.
- 21.** An application to transfer a Category One Permit from a donor vessel to a recipient vessel must be made within one month of the sale of the donor vessel.

22. In respect of paragraph 19, it is the selling owners responsibility to inform the buyer of their intention to transfer the Category One Permit.
23. A Category One Permit shall be valid till the 31 December in the year of issue unless notified in writing by the Authority.
24. A Category Two Permit shall be valid till the 30 April for the preceding year unless notified in writing by the Authority.
25. A fee will be charged for each permit which will be payable on application or renewal only. The fee for a Category One permit is linked to the respective pot allocation as follows:-  
  
£50 (0 - 250 pots)  
£150 (251 – 500 pots)  
£250 (501 – 750)  
£350 (751 – 1000).  
  
The fee for a Category Two permit is £10.
26. A fee may be charged for the issue of tags to a permit holder as required by paragraph 33.
27. A fee may be charged for the issue of replacement tags to a permit holder as required by paragraph 33.
28. Fees may be varied or increased in accordance with the review procedure set out in paragraphs 45 to 47.

### **Permit Conditions**

29. A named vessel in a Category One Permit must be a relevant fishing vessel for the permit to remain valid.
30. A Category One Permit card must be displayed in a clear and prominent position on the vessel, available for inspection at all times.
31. Permit holders shall provide any relevant fisheries information required by the Authority for the discharge of its function.
32. All vessels issued with a Category One Permit may be required to have fitted at the owners expense a remotely accessed electronic reporting device and transmit the required information at the specified reporting intervals as set out in the flexible permit conditions.
33. The Authority may require tags issued by the Authority to be fitted to fishing gear as set out in the flexible permit conditions.
34. Failure to comply with any permit conditions constitutes a contravention of this byelaw.

## **Flexible Permit Conditions**

- 35.** The Authority may introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 36.
- 36.** The categories referred to in paragraph 35 are:
- (a) Catch restrictions;
  - (b) Gear restrictions;
  - (c) Vessel restrictions;
  - (d) Spatial restrictions;
  - (e) Temporal restrictions;
  - (f) Fishery information.
- 37.** The Authority may introduce, remove or vary any flexible permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 45 to 47.
- 38.** The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 45 to 47 are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.
- 39.** Failure to comply with a flexible permit condition constitutes a contravention of this byelaw.

## **Permit suspensions**

- 40.** A permit may be suspended or permanently withdrawn by the Authority for the purposes of environmental protection, fisheries conservation or non-compliance with the provisions of the byelaw or byelaw conditions subject to the considerations in paragraph 41.
- 41.** In deciding whether to suspend or withdraw a permit the Authority may consider:
- (a) all available scientific and survey data;
  - (b) internal scientific advice from within its membership;
  - (c) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;
  - (d) advice provided by the Department for the Environment, Food and Rural Affairs;
  - (e) advice provided by the Marine Management Organisation;
  - (f) advice provided by Natural England;
  - (g) advice provided by the Environment Agency;
  - (h) advice provided by other external authorities, organisations, persons or bodies as the Authority thinks fit;

- (i) representations from fishing permit holders;
  - (j) information from any other relevant source.
- 42.** Prior notice of permit suspension will be provided in writing to the permit holder at least ten working days prior to any suspension or withdrawal taking effect.
- 43.** 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.
- 44.** Notification of the final decision will be made in writing to the permit holder within five working days of the final decision.

### **Review Procedure**

- 45.** The Authority shall review the flexible permit conditions not less than once every five years.
- 46.** A review of the flexible permit conditions shall be undertaken as follows:
- (a) The Authority shall consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
  - (b) The Authority will make a decision whether to introduce, remove or vary any flexible permit conditions based upon the consultation set out in paragraph 46 (a) and the information gathered from permit holders and the processes listed in paragraph 47.
  - (c) Following any such decision by the Authority to change the flexible permit conditions, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.
- 47.** The information referred to in paragraph 46 (b) includes any one or more of the following:
- (a) Data collected from permit holders;
  - (b) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations or persons as the Authority shall think fit;
  - (c) Scientific advice provided by CEFAS or such other bodies, organisations or persons as the Authority shall think fit;
  - (d) Advice given by Natural England or such other bodies, organisations or persons as the Authority shall think fit;
  - (e) An Impact Assessment of any proposed changes;
  - (f) Information from any other relevant source.



## **Revocations**

- 48.** The byelaw with the title 'XXII – Permit to fish for lobster, crab, velvet crab and whelk' made by the Committee for the North Eastern Sea Fisheries District on 31 October 2006 in exercise of its power under section 5 of the Sea Fisheries Regulations Act 1966 (c.38) and confirmed by the Secretary of State on 17 May 2006, in force immediately before the making of this byelaw is revoked.
- 49.** The byelaw with the title 'XXVIII Crustacea Conservation Byelaw 2018' made by the North Eastern Inshore Fisheries and Conservation Authority on 14 June 2018 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 8 August 2018, 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.....2022.**

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.....2022.**

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 establishes two types of fishing permit scheme and sets a charging regime covering the commercial and leisure exploitation of key shellfish stocks within the District both from the shore and at sea. Any person fishing for, taking or retaining any of the shellfish species listed within the byelaw must do so in accordance with the permit issued and the conditions attached to it. The byelaw introduces the ability to restrict the number of permits issued, the number of pots that can be used and a daily catch limit. The flexible permit conditions contain all the Authority's management restrictions which apply to the fishing for, taking or retention of shellfish. The flexible permit conditions will be reviewed when necessary on the basis of best available evidence and within a time period not exceeding five years.

## **Byelaw XXVIII SHELLFISH PERMIT BYELAW 2022**

### **The Permit Conditions:**

#### **Interpretations**

In the following Flexible Permit Conditions:

‘berried lobster’ means a lobster with eggs or spawn 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;

‘cooked edible crab offal’ means edible crab which has been previously cooked and processed

‘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;

‘fishing trip’ means the entire period between leaving and returning to port;

‘flap’ in relation to the tail of a lobster means any part of the central three flaps of the tail fan of the lobster including the telson with anus and left and right uropod immediately adjacent to the telson;

‘fleet’ means a contiguous collection of individual pots connected by rope, rigging or any other method;

‘mutilated pleopod’ means any visible damage, abrasion, mutilation or absence of any pleopods on a female lobster;

‘mutilated tail’ 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 these permit conditions;

‘overall length’ means the overall length of the vessel as detailed on its official certificate of registry;

‘pleopod’ means the small abdominal leg of a female lobster attached to the abdomen used for swimming and brooding eggs;

‘pot size’ means the dimensions of the pot at its maximum size;

‘soft shelled lobster’ means a lobster which has recently cast its shell and is malleable under manual pressure;

‘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 were placed on the list before February 2019;

‘three nautical mile limit’ means the three nautical mile line as measured from the baselines as they existed at 25<sup>th</sup> January 1983 in accordance with the Territorial Waters Order in Council 1964;

'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;

'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'.

## **Species**

'common periwinkle' means an animal of the species *Littorina littorea*;

'edible crab' means a crab of the species *Cancer pagurus*;

'European green crab' means a crab of the species *Carcinus maenas*;

'lobster' means a lobster of the species *Homarus gammarus*;

'Mussel' means an animal of the species *Mytilus edulis*;

'Norway lobster' means an animal of the species *Nephrops norvegicus*;

'Razor clam' means an animal of the genus *Ensis*

'Scallop' means an animal of the species *Pecten Maximus* and *Aequipecten opercularis*;

'Surf clam' means an animal of the genus *Spisula*

'velvet crab' means a crab of the species *Necora puber*;

'Whelk' means a whelk of the species *Buccinum undatum*

## **The Permit Conditions**

### **1 Catch restrictions**

As provided by paragraph 35(a) of the North Eastern IFCA Shellfish Permit Byelaw 2022, the following permit conditions apply:

#### **General conditions**

- 1.1 A permit holder must not remove from a fishery within the District any edible crab or part thereof which is detached from the body of the crab, but shall return the same to the sea immediately unless the following criteria have been met:
  - (a) the total of such parts is not more than 10% of the total weight of all species subject to a minimum landing size other than crustacea, landed by the same person on one occasion; and
  - (b) the edible crab was caught in a fixed net and the part became detached from the crab in the course of clearing the net.
- 1.2 A permit holder must not remove from a fishery within the District the tail, claw or any other detached part of a lobster.
- 1.3 A permit holder must not remove from a fishery within the District 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.
- 1.4 A permit holder must not remove from a fishery within the District 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.
- 1.5 A permit holder must not remove from a fishery within the District 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.

#### **Additional Category Two Permit conditions**

- 1.6 A Category Two Permit holder not fishing by vessel is not authorised to remove from a fishery within the District:
  - (a) any 'V'-notched lobster;
  - (b) any lobster with a mutilated tail;
  - (c) any berried lobster;
  - (d) any female lobster with mutilated pleopods.
- 1.7 Any animal described in paragraph 1.6 of these conditions must be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.
- 1.8 A Category Two Permit holder shall not fish for or take more than 2 lobsters and a combined total of 10 edible crabs or velvet crabs, which must be landed on the same calendar day on which they were caught.
- 1.9 Any of the specified shellfish species caught over the daily limits prescribed in paragraph 1.8 of these conditions must not be landed, retained or stored but shall be returned immediately to the sea in a position as near as possible to that part of the sea from which they were taken.
- 1.10 The daily catch limits prescribed in paragraph 1.8 of these conditions cannot be aggregated over multiple days.

## **2 Gear restrictions**

As provided by paragraph 35 (b) of the North Eastern IFCA Shellfish Permit Byelaw, the following permit conditions apply:

### **Escape gaps**

- 2.1 A permit holder must not use a pot within Area A (paragraph 4.1 of these conditions) or Area C (paragraph 4.3 of these conditions) for the purpose of fishing for specified shellfish species unless the following criteria have been met:
- (a) 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;
  - (b) 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;
  - (c) 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 chamber as is practically possible and within 50 mm of the base.

### **Category One Permit effort limitation**

- 2.2 A Category One Permit holder may only use the number of pots allocated to the permit by the Authority in writing, up to a maximum number of 1000 pots.
- 2.3 A Category One Permit holder must declare to the Authority, on application and renewal, the number of pots per fleet that will be used by the vessel associated with the permit.
- 2.4 The maximum number of pots per fleet declared under paragraph 2.3 of these conditions will be used to determine the maximum number of fleets able to be used by the vessel associated with a Category One Permit, taking into account the maximum number of pots allocated under paragraph 2.2. The maximum number of fleets will be notified in writing when the permit is issued.
- 2.5 A Category One Permit holder may only use up to a maximum number of fleets as stated on the issued permit letter.
- 2.6 A Category One Permit holder may only use up to a maximum number of pots per fleet as stated on the issued permit letter.
- 2.7 A Category One Permit holder may, at any time, change the declared numbers of pots per fleet that will be used by the vessel associated with the permit in writing.
- 2.8 When notified under paragraph 2.7, the Authority will notify, in writing, the permit holder the maximum number of fleets able to be used by the vessel associated with a Category One Permit, taking into account the maximum number of pots allocated under paragraph 2.2.

### **Category Two Permit effort limitation**

- 2.9 A Category Two Permit holder may only use up to a maximum number of 5 pots.
- 2.10 A Category Two Permit holder may only use a single net, up to a maximum length of 100 metres per vessel per day to fish for specified shellfish species.
- 2.11 Fishing for specified shellfish species using both nets and pots on the same calendar day is not permitted.
- 2.12 A Category Two Permit holder must not use any keep box or similar device to store specified shellfish species in the sea or in any estuary or in any harbour or marina within the District.
- 2.13 Multiple Category Two Permits must not be used to fish from a vessel on each singular fishing trip.

## **Gear marking – General**

- 2.14 A permit holder is not authorised under this permit to use any pots, for the purpose of fishing, within the District unless all individual pots or each fleet of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these floating markers shall be clearly marked with either the relevant fishing vessels registration (port letters and numbers) of the vessel named on the permit or the permit number.
- 2.15 It is not permitted for any permit holder to fish for specified shellfish species using pots associated with another permit.

## **Gear Marking – Additional Category One Permit conditions**

- 2.16 A Category One Permit holder must clearly mark each fleet of pots with a unique, sequential, numerical fleet identification number. The fleet identification number must be located on each of the floating markers prescribed in paragraph 2.14 of these conditions. The fleet identification number can not exceed the maximum fleet number notified under paragraph 2.4 of the byelaw.
- 2.17 A category One permit holder must also attach or fix any tags bearing a unique reference number, issued by the Authority, to associated fishing gear as required by the Authority.

## **Gear Marking – Additional Category Two Permit conditions**

- 2.18 Category Two Permit holders will be issued with 5 tags bearing a unique reference number.
- 2.19 Each pot or net must be individually tagged with one of the tags issued by the Authority.
- 2.20 Lost or damaged tag(s) must be reported to the Authority immediately.
- 2.21 Replacement of lost or damaged tag(s) requires a new permit application and will be subject to the permit fee stated in paragraph 25 of the byelaw.

## **Bait**

- 2.22 A permit holder must not use any edible crab or velvet crab for bait with the exception of the following:
- (a) the use of any cooked edible crab offal as bait; and
  - (b) the use of edible crab, above the statutory minimum landing size as bait for recreational rod fishing; and
  - (c) the use of velvet crab, above the statutory minimum landing size as bait.

## **Maximum pot size**

- 2.23 A permit holder or named representative must not use any pot with a size exceeding 50 cm high x 60 cm wide x 110 cm long.

## **3 Vessel restrictions**

As provided by paragraph 35 (c) of the North Eastern IFCA Shellfish Permit Byelaw, the following permit conditions apply:

### **Vessel length**

- 3.1 A Category One permit holder must not use a pot from a vessel exceeding 10 metres overall length in Area A or Area B unless the following criteria have been met:
- (a) the vessel is on a sunset list maintained by the Authority;

- (b) the vessel does not exceed 14 metres overall length;
  - (c) there is no change of ownership since being placed on the sunset list affecting the major share holding in the vessel concerned.
- 3.2 A Category One permit holder must not use a pot from a vessel exceeding 16 metres overall length

### **Vessel limitation**

- 3.3 A maximum of two hundred and thirty four (234) Category One Permits will be issued in any one calendar year.

## **4 Fisheries Information**

- 4.1 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.
- 4.2 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.
- 4.3 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 o



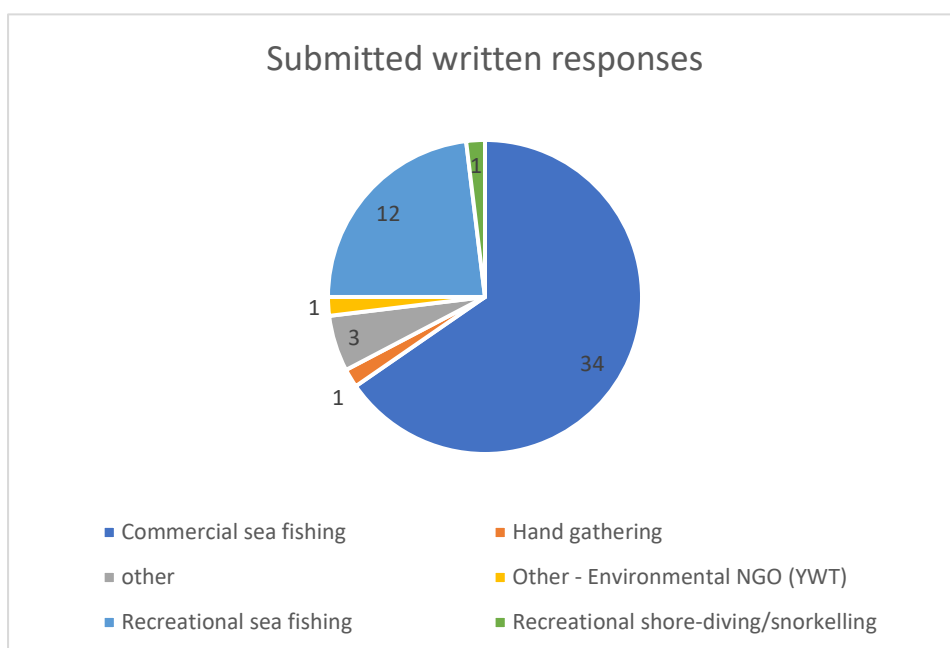


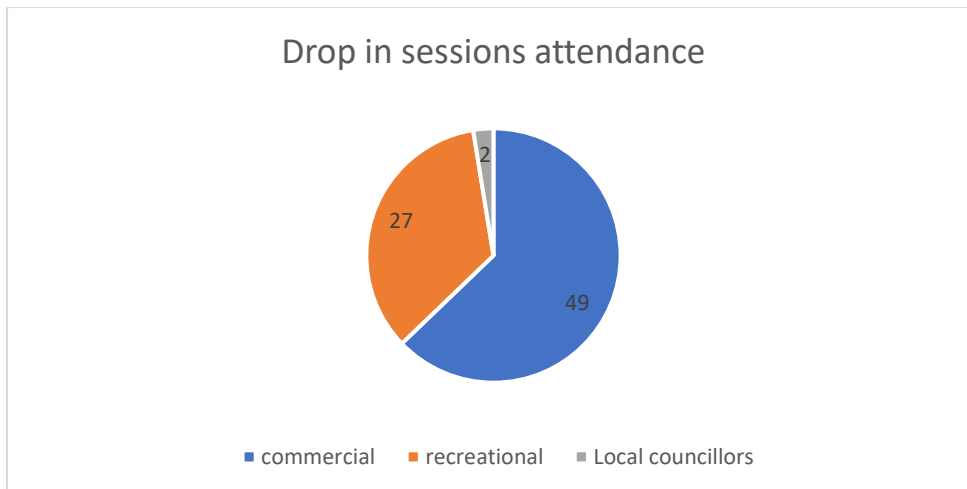


## 2023 Shellfish Byelaw Formal Consultation - Summary Outputs & Next Steps

### Summary

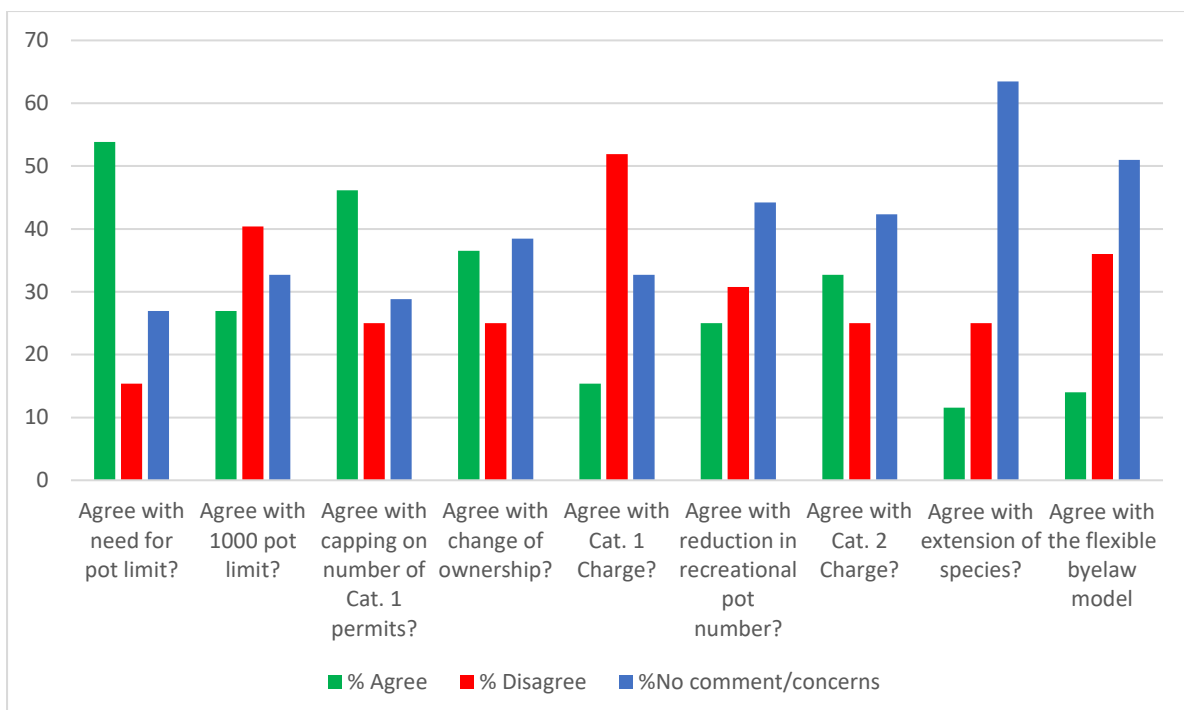
A total of 52 written responses were submitted for the formal shellfish Byelaw consultation 2023 and 78 stakeholders attended consultation drop-in events held across the district (Hornsea, Bridlington, Scarborough, Whitby, Redcar & Hartlepool). Out of the current 221 commercial shellfish permit holders within the NEIFCA district, 15% submitted a response and 22% attended the drop-in events. All relevant feedback received during these face-to-face events were recorded and included within the consultation process.





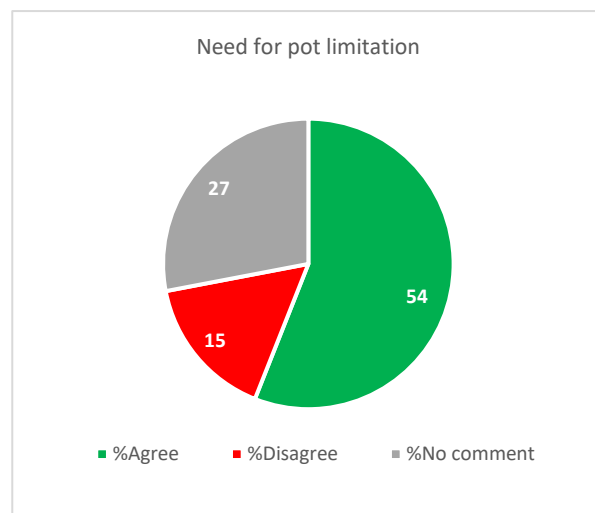
## Outputs

Overall levels of response to the formal consultation process were relatively low but generally typical, although the ‘drop in’ sessions were well attended. 15 % of commercial fishermen submitted a written response and out of 2700 recreational permit holders only 0.6% responded. This is most likely the result of general consultation fatigue across the industry where multiple consultations (FMP & MCA) have been running over the last couple of years. There is also a general feeling amongst some stakeholders that little has come from previous engagement and their views have not been listened to.

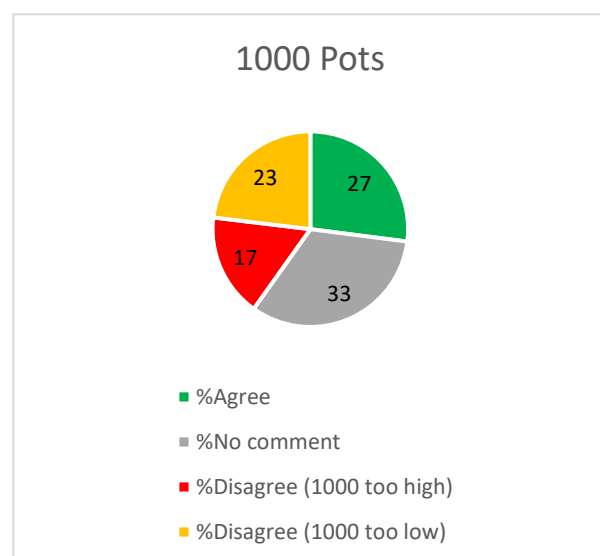


## Pot limitation

Out of the 53 respondents, 54% agreed (15% disagree, 27% no comment) that there was a need to introduce a pot limitation. This was lower compared to previous consultations. In 2016 a total of 85% of respondents agreed with the need for a pot limitation and 64% agreed in 2022. However, many respondents still feel that currently there are too many pots in the sea and there is a need for action.



Following the completion of informal consultation NEIFCA increased the proposed maximum number of pots to 1000 in order to reduce potential economic impacts on those businesses fishing over 1000 pots. In response to the 1000 pot limitation 27% of respondents agreed (57% agreed in 2022 for 800 pots and 61% agreed in 2016 for 600 to 800 pots). 40% of respondents disagreed (33% no comment) whilst 17% felt that setting the limit at 1000 pots was too high. 23% felt that it would have a negative economic impact on their businesses.



The Authority also received a comprehensive response from National Federation of Fishermen's Organisations (NFFO) at the request of the NFFO Northeast Regional Committee. Whilst there seemed to be no general consensus on pot limitation due to the extent of variation in opinions within the industry, the response did highlight a lack of an appropriate economic evaluation, evidence to support the measure, strategic aims and objectives and proposed mechanisms to assess the effectiveness of pot limitation within the supporting Regulatory Impact Assessment. The NFFO also felt that the last national stock assessment, published by CEFAS in 2019, was too dated to remain valid. This opinion was echoed by some commercial fishermen outside the NFFO as well.

NEIFCA recognises that there is a lack of a current reliable local and national assessment of the state of lobster and crab stocks and has been working over the past 2 years on introducing a more robust data collection and analysis process. Data deficiency in crustacean stocks and the lack of reliable age data makes it generally difficult to develop a more reliable model such as for fin fish. Until an improved stock assessment model is in place, NEIFCA can only rely on assessing the stock status, based on comparing landings, catch rates in pots, effort and size frequencies. Due to difficulties with national landing statistics NEIFCA has re-introduced its catch return system and with a new online

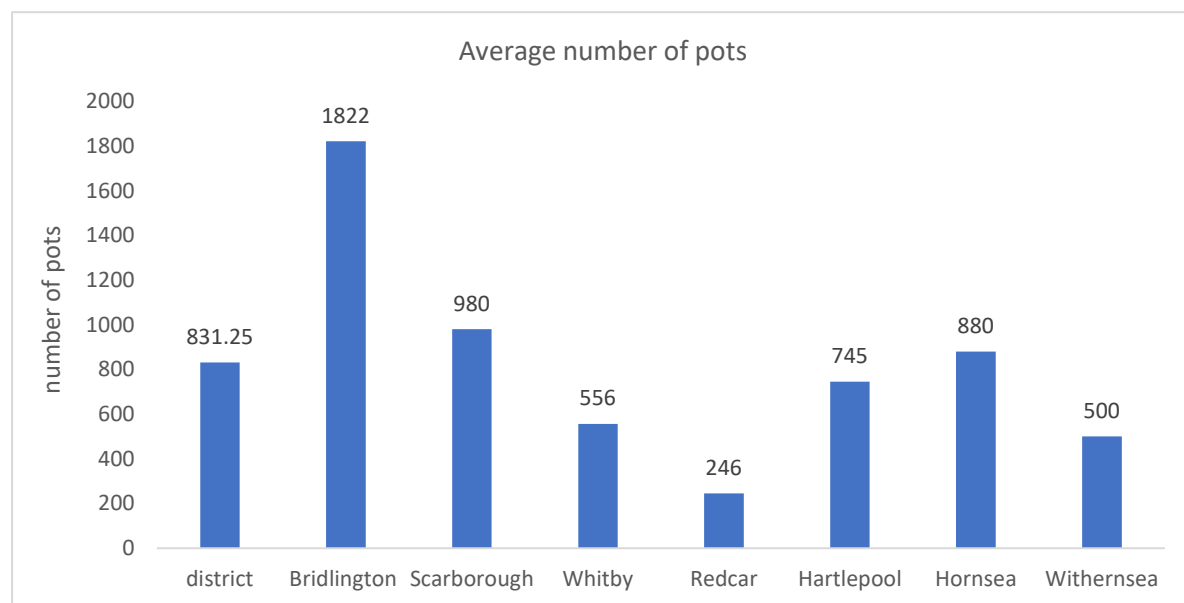
system more reliable effort and spatial data will be collected. The frequency of general data collection from landings and offshore catches has also been increased and NEIFCA is building up a new base line to support future assessments and comparison of trends. NEIFCA considers, however, that a lack of current reliable catch and effort data should not delay the introduction of a better management framework to support the protection of the associated stocks from over-exploitation. All available stock assessment information indicates that such stocks including lobster and crab are currently under pressure and at risk from over-exploitation. These include the Crab and Lobster Fisheries Management Plan (FMP) and the most recent CEFAS assessment reports.

As a result of feedback from the consultation and in order to mitigate any significant adverse economic impacts, NEIFCA intends to develop a transitional pot allowance scheme to support those businesses which are considered to be at the greatest risk from the proposed cap in pot numbers. This scheme will enable such businesses to apply for an additional allowance of pots, per annum, over and above the proposed maximum cap which will then be reduced year on year until the proposed maximum cap is reached. This will then give those vessels time to adapt to the new management changes. It is also important to note that the proposed maximum cap of 1000 pots only applies within the 6 nautical mile limit of the NEIFCA district and additional pots over and above that allocation can be worked outside that limit without restriction. The Fisheries Act 2020 and the proposed Fisheries management Plans state that management decisions should be evidence based but they also endorse precautionary principles and moving forward with the proposed measures to manage potting effort more effectively, alongside the inclusion of a transitional scheme, provides for a balanced approach.

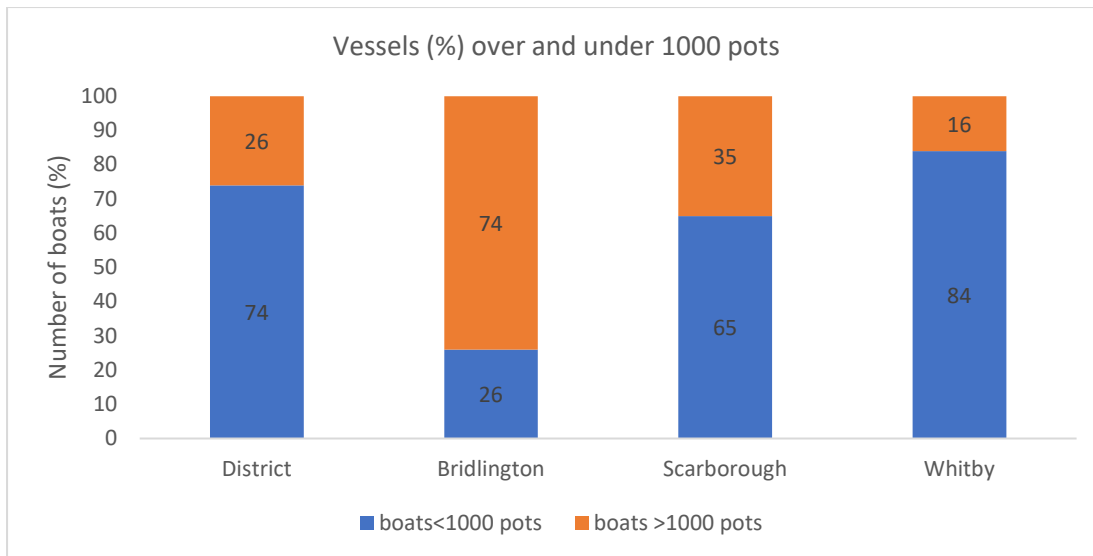
Further consideration must also be given to the ageing demographics in the fishing industry. It is much more likely that permit numbers and therefore number of pots, will decline naturally in the medium term which will further support the accommodation of a limited transitional scheme.

### Pot number estimations and potential reductions

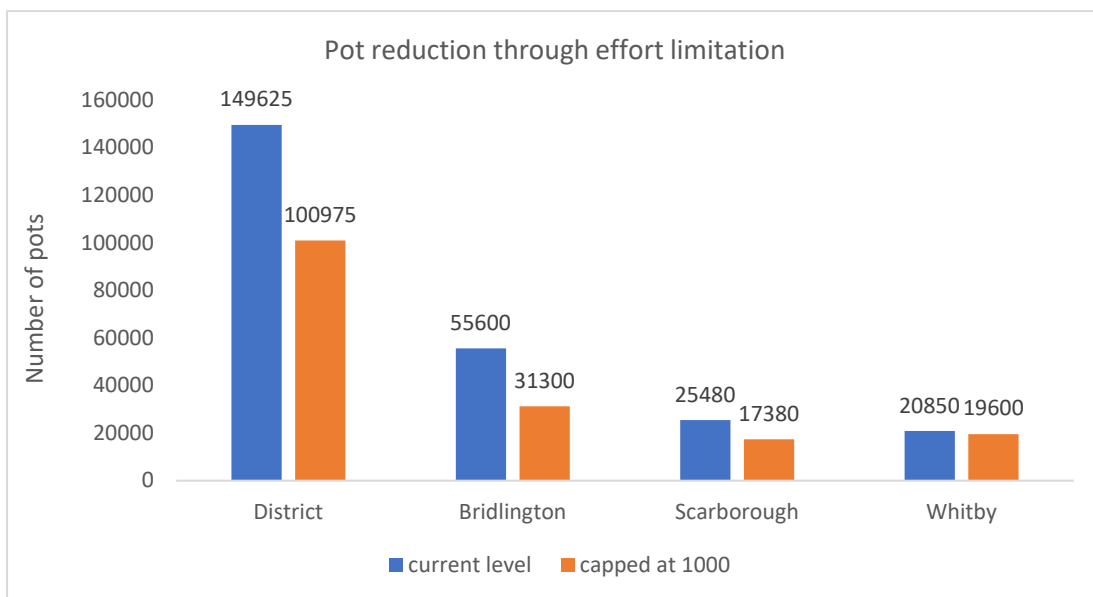
In 2022 NEIFCA collated data on the number of pots worked inside the 6NM across the district. Out of 216 shellfish permit holders, data on pot numbers were recorded from 180 vessel operators. The remaining 36 vessels were not included as they were at the time either up for sale, already sold, trawling only, fishing outside the 6NM only or currently not actively fishing. For 2022 the estimated number of pots fished commercially within the NEIFCA district was 149,625, an average of 831 per vessel. That average, however, varies across the major ports with the highest in Bridlington at 1822 pots (31 vessels) and the lowest in Redcar with 246 pots (21 vessels).



Across the NEIFCA district, 26% of vessels work more than 1000 pots and 74% less than 1000 pots. For Bridlington it is the opposite with a split of 74% vessels working over 1000 pots and 26 %, less than 1000 pots. For the other major ports there is a different split between vessel fishing less or more than 1000 pots. In Scarborough 65% of vessels work less than 1000 pots and in Whitby 84% of the vessels work less than 1000 pots.

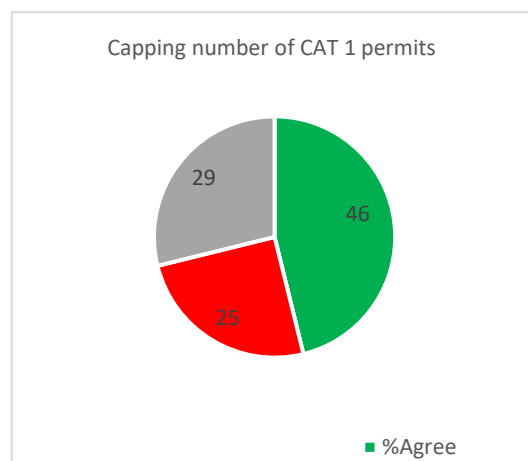


Outside any consideration surrounding a limited transitional pot allowance scheme, the proposed potting cap of 1000 pots would potentially decrease the number of commercial pots within the district by around 30%, from 14,9625 to 10,0975 pots, assuming that vessels which currently work less than 1000 pots don't increase their pot numbers. Bridlington would see a reduction by 44%, whilst for Scarborough it would be 32% and for Whitby 6%.



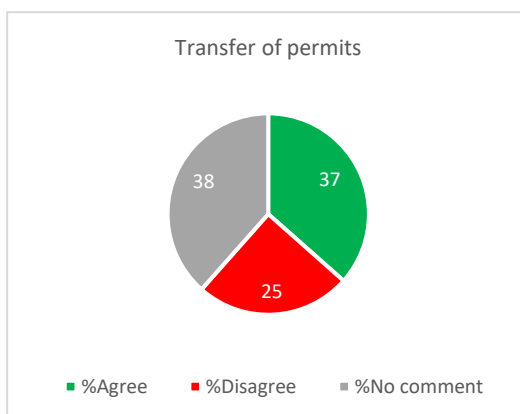
### Capping number of CAT 1 permits

Capping the number of permits was received more positively with 46% of the respondents agreeing (25% disagree, 29% no comment). However, concerns over restricting access to younger generations wanting to enter the fishery were regularly expressed. NEIFCA considers that the proposed cap on the number of permits which will provide for a 10% uplift in CAT1 permit uptake will support the effective management of permit movement in and out of the fishery.



### Permit transfer

In terms of the transfer arrangements for permit holders and change of ownership 37% respondents agreed and 25% disagreed (38% no comment) with the proposals. During the drop-in events, nearly every commercial fisherman disagreed with permit transfer proposals. Main concerns raised related to the devaluation of vessels if they can't be sold with the permit and possible restriction for new entrants if there was a waiting list.



The transfer of a permit under the current proposal will be restricted to the replacement of a vessel, transfer within family or existing shareholding. In the commercial fishing sector, 56% of the respondents felt that the permit should go with the vessel, otherwise it would devalue the vessel and restrict new entrants wishing to come into the fishery.

NEIFCA considers it unlikely that there will be an active waiting list for available permits due to the ageing demographics in the fishing industry and the lack of new entrants coming through. A much more likely scenario would see more vessels leaving the fishery than coming in with more permits becoming available. NEIFCA would consider therefore supporting applications for a transfer of permit at the point of sale to a new owner where the previous owner wished to leave the fishery and the vessel remained within the NEIFCA district

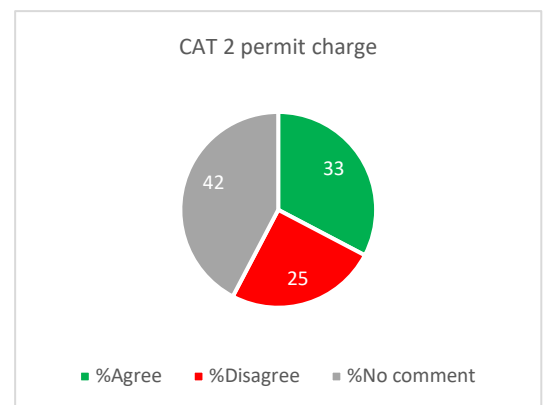
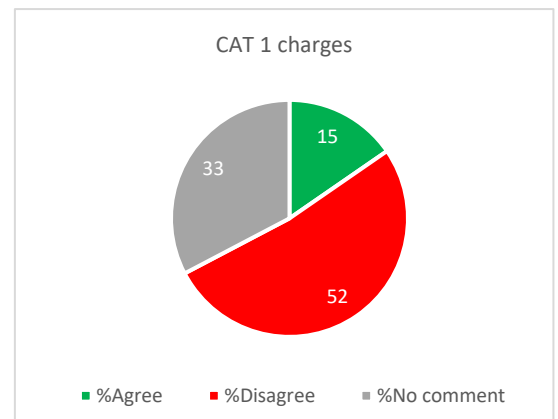


### Permit charges

Only 15 % of respondents agreed with the proposed charging structure for commercial licences and 52% disagreed (33% no comment). Main concerns raised were that it would place an additional financial burden on businesses and respondents expressed worries that the fee might increase 'year on year' pricing them out of the fishery. Consultees regularly asked why NEIFCA was only considering the introduction of charges now when it hadn't previously.

The introduction of a £10 fee for the recreational permits was supported by 33% of the respondents with 25% disagreeing (42% no comment).

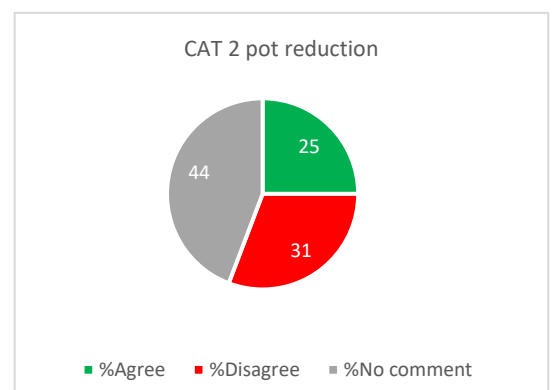
NEIFCA has not previously been able to charge for any shellfish permits because the supporting byelaw was made under previous fisheries legislation which did not support such. NEIFCA considers that the charges are nominal, lower than other existing schemes and the proposed level of charging provides for a degree of cost recovery which will support the management and conservation of the associated fisheries. For Cat1 permits the maximum proposed charge represents a contribution of less than £1 per day and for Cat2 permits less than £0.90 per month.



### CAT 2 Pot Reduction

Out of the 53 respondents only 56% commented on the reduction of the recreational pot numbers from currently 10 to 5 pots with 31% disagreeing and 25% agreeing (44% no comment). At the 'drop in' sessions the majority of recreational attendees opposed the proposed reduction in the pot numbers. In addition, NEIFCA also received a 74 signature petition opposing the proposed pot reduction from recreational permit holders in the Hartlepool area.

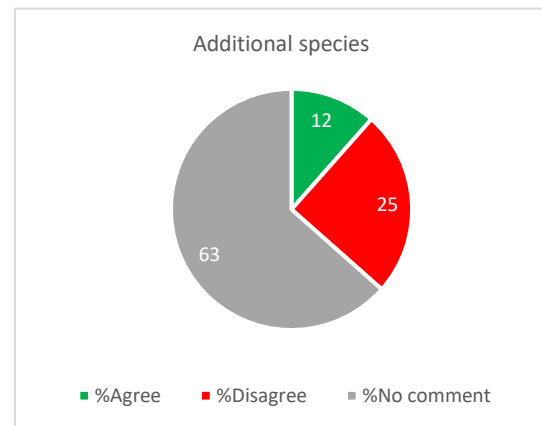
NEIFCA considers that, despite the strong opposition from Hartlepool, the proposed reduction in the number of permitted hobby pots from 10 to 5 should be retained. No reasonable argument to the contrary was presented during the consultation process and at current levels, 2700 hobby permits would equate to 27,000 pots in the water which is close to 20% of the total estimated number of pots (149k) set within the NEIFCA district. Also, NEIFCA is not intending to cap the number of Cat 2 permits it issues and the proposed reduction will bring the management into line with Northumberland IFCA which shares stock boundaries with NEIFCA.



### Addition of more species

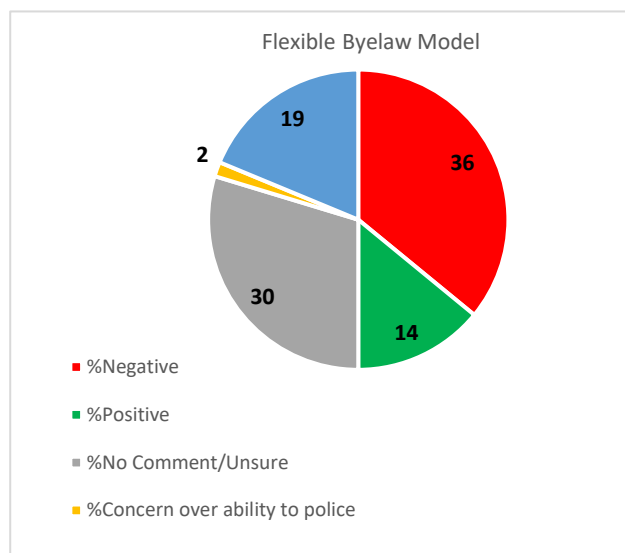
37% respondents commented on extending the species list within the byelaw with 25% disagreeing and 12% agreeing (63% no comment) with the proposals. The only notable concern raised related to the inclusion of *Nephrops* which is a pressure stock species managed by the MMO and some stakeholders felt that additional legislation might cause industry confusion and potential misinterpretation of measures.

NEIFCA considers that whilst *Nephrops* is a pressure stock species its inclusion within the shellfish permit byelaw relates solely to removal by potting or hand gathering within the 6 mile limit and it is essential to ensure that such exploitation can be effectively and flexibly managed within the NEIFCA district to prevent over-exploitation. Previously surf clam had been added to the species list due to increased levels of intertidal collection, particularly at Redcar. The associated species, however, was recently positively identified as the pullet carpet shell, *Venerupis corrugate*, which will now be included in the byelaw.



### Flexible Byelaw Model

The new proposed flexible byelaw model will allow the NEIFCA to respond quicker to any changes in the fisheries and amend management measures accordingly, subject to following the due process laid out within the byelaw. Only 14% of respondents agreed with this new proposed model whilst 36% disagreed and the remaining 50% either did not comment or were not sure. The general impression from both the written responses and the drop-in events is that there remains a lack of trust with the Authority potentially being able to make management changes without additional scrutiny from DEFRA.



With the exception of IFCA Emergency byelaws it currently takes on average 18 to 36 months to change management provisions within a byelaw regulation. This flexible framework will enable NEIFCA to develop and implement management changes via permit conditions, subject to following the statutory processes set out within the overarching byelaw regulation. NEIFCA considers that this new proposed management framework will enable it to work much more proactively with fishing stakeholders going forward and explore fishing opportunities in a much more effective way. NEIFCA does, however, fully recognise the concerns that consultees have voiced surrounding this novel

concept but it is long established and has functioned well in other IFCA districts and NEIFCA is committed to strengthening and improving its communication and collaborative joint working with all its fishing stakeholders.

## **Annex 1:**

### **Summary of comments from written responses**

#### Comments on pot limitation

##### **Positives:**

- Open grounds up for local boats that are competing with boats from ports further away
- Prevent storage of pots at sea
- It is necessary to maintain exploitation at present level inside 6 NM

##### **Negatives:**

- Fishing vessels are already restricted by weather & finances, this would be a further restriction
- Businesses with currently more than 1000 pots will not be viable anymore and will have to let crew go
- 600 to 800 pots would be better
- Uncertainty of how it will be policed
- Limit of 1000 is too much. Less gear would mean better fishing
- Lack of evidence to support the decision
- Already many measures in place (e.g. MLS, escape gaps, berried ban, v-notch, soft lobsters etc).
- Pot limit may push smaller boats outside 6 mile which would be dangerous
- Feel pot limit should be standard across whole fleet
- Reduce licence value of fishing vessels

Effort displacement to outside 6NM

##### **Comments:**

- Concerns about Tees Bay and currently limited or no crab fishery in this area
- Fishing pressure too high
- Lobster stocks are in a good state
- Too many pots in the sea
- Pot limitation is unpoliceable

#### Comments on capping Cat 1 permits:

##### **Positives:**

- Reasonable due to pressure on the fishery
- Agree with capping permits but not restricting pot limit

##### **Negatives:**

- Restricts new entrants into the fishery
- It will restrict sales of vessels if permit cannot be transferred

Comments on suggested means of permit transfer:

**Comments/suggestions:**

- Permit should be transferred with the sale of a vessel
- Category 1 permits should be issued to any vessel with shellfish entitlement otherwise what is the point of shellfish entitlement
- Should include transfer during sale if vessel is sold to a crewmember

**Negatives:**

- Devalue the vessel
- Restrict the sale of vessels
- Will restrict new entrants into the fishery

Comments on introduction of Cat 1 charge scheme:

**Positives:**

- Consider it fair to charge, especially as there is a fee for other permits (e.g. scallop dredge, intertidal nets etc).

**Negatives:**

- Don't agree that NEIFCA should start charging as they've never charged for them before
- Should be a flat fee across the board
- It is just an extra expense for fishers
- Concern over once a charge is introduced that it will be raised in following years

Comments on current state of recreational fishery:

**Positives:**

- Recreational fishing is stable and the practice has low impact on fishery

**Negatives:**

- Shellfish stocks are already under too much pressure, there shouldn't be added recreational pressure on stocks.
- Concern over edible crab stocks
- Risk of undersized shellfish being taken
- Concern over ability of NEIFCA to police/ensure compliance due to lack of resources and volume of LSPs
- Too many recreational permits
- Concern over Teesside mortality events in 2021

Comments on reduction in recreational pot allocation:

**Positives:**

- LSPs allow for recreational activity and people using them do not rely on them for an income, so 5 pot limit is appropriate

**Negatives:**

- Reducing pot limit from 10 to 5 for recreational permit holders means it won't be worth doing as a hobby activity as catch rate is so low.
- Believe the current 10 pot limit is sufficient
- Don't believe recreational potting has a huge impact on marine life/environment
- Reducing limit to 5 pots makes the fleet more vulnerable to being lost during bad weather
- There are already sufficient measures in place (v-notch, berried ban, soft lobster, MLS etc) this is unnecessary

**Comments/suggestions:**

- Queries over why not limit the recreational permit numbers rather than reducing pot numbers
- Concern over ability of NEIFCA to police/ensure compliance in number of pots worked under LSP
- Concern over multiple people from same household holding multiple permits

Comments on extension of species list:

**Positives:**

- Agree it is a good idea to monitor/manage additional shellfish species
- Voiced concern over recent activity of large groups of people hand gathering various shellfish species in large quantities from intertidal areas

**Negatives:**

- Don't believe management measures are required
- *Nephrops* is already well managed by the MMO through quota, introducing additional legislation will be confusing

**Comments/suggestions:**

- Queries over how these additional species may be managed/activities be policed

Further comments/Suggestions:

- Introduction of a closed season to protect berried females from being scrubbed
- Slot size for female lobsters
- Concern over impact of vivier vessels on stocks
- Concern for the fishery over the volume of pots inside 6nm limit
- Introduce catch returns for recreational permit holders
- Limit one LSP per household
- Concern over how additional management measures will be enforced/ensure compliance

- Further and more in-depth consultation process is required
- Request NEIFCA make changes to allow diversification to alleviate pressure on shellfish stocks

## NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

**Report to:** Authority Meeting  
8 December 2023

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### **Chief Officer's Operational Update**

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Report of the Chief Officer

**A. Purpose of Report**

To provide members with an operational report covering the period 1 May 2023 to 30 November 2023.

**B. Recommendation**

That Members note the report.

**1. Overview**

**1.1 NEIFCA**

***Tees & North Yorkshire Shellfish Mortalities***

Since the washup of dead or dying crabs and lobsters was first identified within the outer Tees Estuary and surrounding foreshore areas in October 2021, regular updates have been provided to members at meetings and via additional electronic bulletins, most recently at the Authority meeting held on 8 June 2023. Aside from one notable wash up event, which occurred at Redcar towards the end of April 2023 no further events have been recorded despite some significant Atlantic storms passing through the UK particularly during September, October and November. NEIFCA is now closely monitoring short to medium trends in catches and landings. Externally, industry research, coordinated through Newcastle University and supported by the universities of Durham and York continues to examine links associated with the capital dredging programmes in the Tees Estuary with the expectation that some findings from that work will be published shortly. Further to that CEFAS has now established a formal methodology of testing for the presence of pyridine in fish and shellfish tissue samples. As part of that work CEFAS re-tested some tissue samples which had been collected at the time the first shellfish mortalities were reported back in October 2021. The results indicated a very minimal presence of pyridine.

On 17 July 2023 NEIFCA published its second appraisal of shellfish landing trends at key ports surrounding the Tees and North Yorkshire. This second report covered a much larger dataset, collated over a longer time frame than the first report published during September 2022. The report highlighted declines in edible crab landings throughout the NEIFCA district most notably at Redcar where recorded landings had fallen by 96% during 2022 when compared with the 5 year average. Whilst some ports welcomed record landings



of lobster during 2022, most notably Bridlington and Whitby other ports including Staithes, Redcar and Hartlepool experienced a reduction in reported catches, again, most notably at Redcar, 69%. Recorded declines in landings were also mirrored in the levels of recorded fishing activity. The trends outlined within the report are indicative of the extent of the localised impacts that the fishing industry have had to face at ports surrounding the Tees, particularly within the under ten metre fleet. The overall picture and prognosis will become much clearer once further data is collated and analysed.

A copy of the second shellfish landings report can be accessed from the NEIFCA website.

### ***Replacement Patrol Vessel Project***

At a special authority meeting held on 30 June 2023 NEIFCA approved plans, in partnership with its lead Local Authority, East Riding of Yorkshire Council (ERYC), to replace its main patrol vessel, North Eastern Guardian III (NEG III) with a new bespoke vessel. The new vessel will significantly enhance NEIFCA's offshore stock monitoring and marine survey capabilities alongside supporting the ongoing delivery of its fisheries enforcement and compliance work. Since June, NEIFCA officers have been working with ERYC leads to finalise contractual terms which were formally concluded on 6 October 2023 and a contract has now been officially sealed. Officers are now close to finalising the design and build components of the new vessel with the manufacturer, Parkol Marine Ltd of Whitby. The progression of the new build remains on target with construction expected to commence sometime before the end of 2023 and delivery early 2025. There is a building media interest and a joint press release has been drafted with the vessel designers and manufacturer which will be released soon.

### ***Enforcement & Compliance Work***

Since the last meeting, fishing activity and associated enforcement and compliance work has followed normal seasonal expectations. Potting activity peaked during July/August with officers focusing on checking associated catches for compliance with minimum size regulations and byelaw provisions, particularly those relating to soft shelled, mutilated and 'V' notched lobsters. During October and November the UK has hit by some significant storms, most notably, storm Babet, which brought of short spell of Easterly gales to the North East coast. This storm in particular, caused significant loss of pots throughout the NEIFCA district. Thankfully the storm didn't cause any notable wash up of live shellfish with no obvious signs of wider impact on the inshore marine environment.

Offshore, during the summer months, officers launched a campaign designed to improve the mandatory marking of fishing gear at sea. All static fishing gear should be attached to a clearly visible surface marker which carries the vessel's name, port letters and numbers and in the case of unlicensed gear, the associated NEIFCA permit number. Levels of compliance vary widely across the district but a method of marking both compliant and non-compliant gear has been implemented at sea which will then be followed by seizure and further investigation. Fishing gear is an expensive outlay with the average 'ready to fish' pot costing upwards of £200 alongside the risk of having to pay a maximum fine of up to £50K if convicted of breaching the NEIFCA byelaw provisions. Since the implementation of the campaign, Officers have noted some improvements in general compliance. This work will endure going forward.

In terms of formal actions, the most recent prosecution was heard at Scarborough Magistrates Court on Tuesday 3 October 2023. The case related to the landing of two egg bearing lobsters, one undersize, three mutilated and eleven soft shelled lobsters detected

in a catch landed at Bridlington during April 2023. The skipper plead guilty to the offences and received fines totalling £30K with full costs of £1050 awarded back to NEIFCA. The owner was fined £1660 and the skipper £800 with full costs of £880 awarded back to NEIFCA. The skipper has subsequently appealed his sentence.

### ***Organisational Work***

During the last six months officers have continued to expand the development and use of the new bespoke fisheries permitting database. This work includes direct electronic submission of catch and effort returns from the commercial sector.

### ***Environmental & Scientific Work***

Much of the recent work of the environmental and science team has involved finalising the release of the second shellfish landings report and supporting the delivery of the annual offshore survey programme both onboard NEG III and fishing vessels operating throughout the NEIFCA district. Alongside that the team have been engaged in the national FMP work and supporting the NEIFCA byelaw consultation process.

## **1.2 National Work streams**

### ***Fisheries Management plans***

On 17 July 2023 Defra launched a formal consultation on six ‘front runner’ Fisheries Management Plans (FMPs) including crab and lobster, sea bass, king scallop, whelk, Channel non-quota species and Southern North Sea and Eastern Channel mixed flatfish. The consultation concluded on 1 October 2023. The development of Fisheries Management Plans (FMPs) is a key component of the 2020 Fisheries Act to inform future fisheries management policy delivery across a range of exploited stocks in the UK. The Association of IFCAs, in partnership with Kent and Essex IFCA, led on the development of a national IFCA response to the consultation. As part of that work an online questionnaire survey was recently circulated across NEIFCA members for completion and return by 8 September 2023 and a follow up IFCA workshop was held in Poole on 26 and 27 September 2023. NEIFCA was represented at that workshop by its Scientific lead Officer, Dr Ralf Bublitz and Dr Stephen Axford.

Alongside the national IFCA response, Chief Officer David McCandless and acting Environmental and Scientific Officer Dr Ralf Bublitz led on the NEIFCA response to the consultation.

## **1.3 Priority Work streams for the next six months**

- Finalising design of the new vessel build and monitoring construction through 2024
- Preparation, marketing and sale of North Eastern Guardian III
- Submission of the draft byelaws to the MMO for quality assurance checks and confirmation
- Further implementation of the new fisheries database including the capture of electronic catch and effort returns.

#### 1.4 Summary of meetings and events attended

NEIFCA/MMO monthly TCG	1 <sup>st</sup> March 2023
NEIFCA annual staffing appraisals	3 <sup>rd</sup> March 2023
National Association of IFCA's Forum meeting	7 <sup>th</sup> March 2023
NEIFCA Science Advisory Group meeting	9 <sup>th</sup> March 2023
NEIFCA MMO operational meeting	10 <sup>th</sup> March 2023
IFCA Chief Officer Group meeting	16 <sup>th</sup> March 2023
NEIFCA Senior Management Team meeting	21 <sup>st</sup> March 2023
NEIFCA general staffing meeting	22 <sup>nd</sup> March 2023
NEIFCA Dogger Bank Windfarm meeting	23 <sup>rd</sup> March 2023
National Association of IFCA's Directors meeting	27 <sup>th</sup> March 2023
NEIFCA Executive Committee meeting	30 <sup>th</sup> March 2023
LA Collective Shellfish Mortality Group, Redcar	31 <sup>st</sup> March 2023
IFCA Chief Officer's Group meeting	12 <sup>th</sup> April 2023
Replacement vessel project tender evaluation	13 <sup>th</sup> April 2023
Replacement vessel project tender evaluation	20 <sup>th</sup> April 2023
NEIFCA EDI training	21 <sup>st</sup> April 2023
IFCA MMO Strategic Operations Group	25 <sup>th</sup> April 2023
NEIFCA/MMO monthly TCG	3 <sup>rd</sup> May 2023
Replacement vessel project work group	9 <sup>th</sup> May 2023
North East Regional Fisheries Group IVb	9 <sup>th</sup> May 2023
IFCA Chief Officer's Group meeting	17 <sup>th</sup> May 2023
IFCA/DEFRA MAFCO meeting	24 <sup>th</sup> May 2023
NEIFCA SAG meeting	31 <sup>st</sup> May 2023
Association of IFCA's Members Forum	6 <sup>th</sup> June 2023
NEIFCA Authority meeting	8 <sup>th</sup> June 2023

IFCA Chief Officers Group meeting	13 <sup>th</sup> June 2023
Humber Estuary Relevant Authority Group	14 <sup>th</sup> June 2023
Marine Spatial Prioritisations Workshop	15 <sup>th</sup> June 2023
NEIFCA Senior Management Team meeting	16 <sup>th</sup> June 2023
NEIFCA Staffing meeting	19 <sup>th</sup> June 2023
North East & Berwickshire Coastal Network	20 <sup>th</sup> June 2023
NEIFCA Special Executive Committee meeting	20 <sup>th</sup> June 2023
Crustacean mortality incident update (MMO, EA, CEFAS)	21 <sup>st</sup> June 2023
Fishmongers Kelp Restoration project	22 <sup>nd</sup> June 2023
DEFRA FISP meeting	28 <sup>th</sup> June 2023
IFCA National Training Group meeting	29 <sup>th</sup> June 2023
NEIFCA Special Authority meeting, Beverley	30 <sup>th</sup> June 2023
Scallop Industry Working Group meeting	7 <sup>th</sup> July 2023
ReMeMaRe conference	11 <sup>th</sup> & 12 <sup>th</sup> July 2023
IFCA Chief Officers Group meeting	19 <sup>th</sup> July 2023
IFCA/MMO Strategic Operations Group meeting	20 <sup>th</sup> July 2023
Vessel replacement project meeting, Whitby	25 <sup>th</sup> July 2023
DEFRA Fisheries and Nature Recovery colocation Workshop	25 <sup>th</sup> July 2023
DEFRA Marine Spatial Prioritisation workshop	31 <sup>st</sup> July 2023
NEIFCA/MMO monthly TCG	2 <sup>nd</sup> August 2023
Natural England Seaweed harvesting	8 <sup>th</sup> August 2023
IFCA Chief Officers Group meeting	9 <sup>th</sup> August 2023
IFCA MMO Licensing Group meeting	9 <sup>th</sup> August 2023
MMO FMP updates	11 <sup>th</sup> August 2023
MMO fishing activity in MPA assessment	18 <sup>th</sup> August 2023
IFCA Training Group meeting	18 <sup>th</sup> August 2023

Wild Oyster Local Working Group	22 <sup>nd</sup> August 2023
IFCA/MMO Southern North Sea FMPs	31 <sup>st</sup> August 2023
Joint Local Authority Shellfish Mortality Group	1 <sup>st</sup> September 2023
Natural England acoustic receiver deployment locations	5 <sup>th</sup> September 2023
NEIFCA/MMO monthly TCG	6 <sup>th</sup> September 2023
MMO FMP updates	8 <sup>th</sup> September 2023
NEIFCA Science Advisory Group meeting	8 <sup>th</sup> September 2023
Humber Estuary Relevant Authority Group	13 <sup>th</sup> September 2023
IFCA Chief Officers Group meeting	15 <sup>th</sup> September 2023
SeaScapes	18 <sup>th</sup> September 2023
Crab & Lobster FMP workshop Bridlington	18 <sup>th</sup> September 2023
Crab & Lobster FMP workshop Whitby	19 <sup>th</sup> September 2023
Stronger Shores	20 <sup>th</sup> September 2023
NEIFCA new offshore vessel build meeting	21 <sup>st</sup> September 2023
IFCA national Fisheries Management Plan workshop, Poole	26 <sup>th</sup> & 27 <sup>th</sup> September 2023
Yorkshire Marine & Coastal Biodiversity Group	28 <sup>th</sup> September 2023
Durham Heritage Coast Partnership Annual Forum	29 <sup>th</sup> September 2023
NEIFCA 'Drop in' byelaw session, Hornsea	3 <sup>rd</sup> October 2023
NEIFCA/MMO monthly TCG	4 <sup>th</sup> October 2023
NEIFCA 'Drop in' byelaw session, Bridlington	4 <sup>th</sup> October 2023
NEIFCA 'Drop in' byelaw session, Hartlepool	5 <sup>th</sup> October 2023
NEIFCA 'Drop in' byelaw session, Whitby	6 <sup>th</sup> October 2023
IFCA/MMO Strategic Operations Group meeting, York	10 <sup>th</sup> October 2023
Yorkshire Marine Nature Partnership MPA Management	10 <sup>th</sup> October 2023
IFCA Chief Officers Group meeting, York	11 <sup>th</sup> October 2023
NEIFCA 'Drop in' byelaw session, Redcar	13 <sup>th</sup> October 2023
NEIFCA Scallop dredging permit holders meeting, Whitby	16 <sup>th</sup> October 2023
NEIFCA 'Drop in' byelaw session, Scarborough	17 <sup>th</sup> October 2023

CEFAS Coastal Health SOF	20 <sup>th</sup> October 2023
NEIFCA/MMO, Fisheries management meeting, Scarborough	24 <sup>th</sup> October 2023
NEIFCA new offshore vessel build meeting	24 <sup>th</sup> October 2023
NEIFCA staff meeting, Whitby	26 <sup>th</sup> October 2023
NEIFCA Senior Management Team meeting, Whitby	27 <sup>th</sup> October 2023
National IFCA project led by Newcastle University, Whitby	30 <sup>th</sup> & 31 <sup>st</sup> October 2023
CEFAS Coastal Health SOF	31 <sup>st</sup> October 2023
NEIFCA/MMO monthly TCG	1 <sup>st</sup> November 2023
CEFAS Coastal Health SOF	2 <sup>nd</sup> November 2023
IFCA Technical Advisory Group	3 <sup>rd</sup> November 2023
EA Prioritisation Mapping	6 <sup>th</sup> November 2023
NEIFCA/MMO Licensing engagement meeting	8 <sup>th</sup> November 2023
EA marine Natural Capital East Coast project	8 <sup>th</sup> November 2023
IFCA/Defra MAFCO meeting	8 <sup>th</sup> November 2023
MMO FMP updates	10 <sup>th</sup> November 2023
IFCA Chief Officers Group Meeting	15 <sup>th</sup> November 2023
<12m fishing sensitivity to Offshore Wind Farms	15 <sup>th</sup> November 2023
DEFRA FISP feedback interview	16 <sup>th</sup> November 2023
Whitby & District Fishing Industry Training School AGM	17 <sup>th</sup> November 2023
Dogger Bank Windfarm South Project Fishing Working Group	22 <sup>nd</sup> November 2023

## 2.0 **NEIFCA Operational Reports**

### 2.1 **Land-based Work streams**

As weather conditions began to improve across the summer months between June and September fishing vessels worked longer days, capitalising on the calm weather before the weather began to deteriorate towards the end of the reporting period and strong winds and heavy swells restricted fishing opportunities.

During the reporting period the shore enforcement team maintained an intensive schedule of patrols and inspections throughout the NEIFCA district. In terms of enforcement and compliance issues, the shore based team have noticed an ongoing, developing problem relating to the illegal removal of eggs from lobsters to circumnavigate national legislation and gain financially from the fishery. The Shore based team have had to combat this with more in-depth inspections at the point of landing across all ports.

Officers have also observed an increase in the landing of soft lobsters in contravention of NEIFCA byelaws, particularly during July, August and September. To counter this the team have been carrying out more detailed inspections and working proactively with the merchants and associated businesses. The quality of soft-shelled lobsters is very poor with low meat yields.

Towards the end of the reporting period storm Babet and storm Ciaren caused catastrophic damage to inshore fishing gear with some of the heaviest Easterly swells recorded in a number of years. The majority of fishing vessels reported some damage to crab and lobster pots with some vessel losing all of their gear.

The shore enforcement team have maintained a strong presence around Hartlepool, Redcar, Marske, Saltburn in support of the Authority's ongoing response to the mass shellfish mortalities which centred around those areas. The shore team closely monitor prevailing weather conditions and are able to react if strong onshore winds and heavy seas are forecast. This work has included gathering data and information when events have occurred and mobilising other agencies such as the MMO, CEFAS.

A small nomadic scallop fleet has remained active throughout the reporting period, fishing outside the NEIFCA district fishing in the areas of Scarborough to Flamborough Head during the months September and October with poor returns. The majority of these vessels landed into the port of Hartlepool. Throughout the period Officers engaged with these vessels making operators aware of the associated legislation.

While out on patrol officers have engaged with recreational anglers throughout the district and handed out useful educational leaflets notifying anglers of any species or bag limits that maybe subject to legislation within NEIFCA District

Shore Officers have continued full engagement with the national joint Intelligence gathering programme coordinated by the MMO, 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 within NEIFCA's district

During the reporting period 167 inspections were completed by the shore team covering the following fishing activities

- Potting
- Recreational Angling

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

<u>Month</u>	<u>Infringement</u>	<u>Location</u>
<b>JUNE</b>	The landing of 2 undersized Lobsters (VW)	Redcar
	The landing of 20 soft shelled lobsters (OR)	Whitby
	82 undersized edible crabs / 3 egg bearing lobsters / 1 lobster with a mutilated tail (OR)	Hornsea
	1 Undersized Lobster (VW)	Redcar
<b>JULY</b>	1 soft shelled lobster / 2 egg bearing lobsters / 2 mutilated lobster tails / 1 V – Notched lobster (OR)	Scarborough
	No Limited shellfish permit / 2 undersized lobsters (VW)	Sunderland
	The landing of 10 egg bearing lobsters (OR)	Bridlington
	The landing of 2 Undersized Lobsters (VW)	Southgare
	The retention of 4 Undersized Lobsters (OR)	Sunderland
<b>AUGUST</b>	The retention of 2 undersized Lobsters (VW)	Hartlepool
	No LSP 7 lobsters retained consisting of 3 undersized lobsters and 1 clawless lobster (OR)	Hartlepool
	Fishing for Cockles in a closed area (VW)	Southgare
	The retention of 1 lobster with a mutilated tail and 1 soft shelled lobster (VW)	Hartlepool
	The landing of 1 egg bearing lobsters and 13 undersized edible crab (OR)	Scarborough
	The landing of 1 egg bearing lobster and 1 lobster with a mutilated tail (VW)	Scarborough
	The landing of 1 lobster with a mutilated tail (VW)	Scarborough



<b>SEPTEMBER</b>	The landing of 4 Egg bearing lobsters (OR)	Sunderland
	Escape gap non compliance gaps to high (OR)	Flamborough
	The landing of 1 v notched lobster and 1 lobster with a mutilated tail (VW)	Redcar
	The landing of 2 Egg bearing lobsters (VW)	Whitby
	The landing of 3 egg bearing lobsters (VW)	Withernsea
	The landing of 2 Egg bearing lobsters (VW)	Scarborough
	Exceeding the daily limit of Lobsters for a limited shellfish permit holder (VW)	Hartlepool
	The retention of 3 egg bearing lobsters (VW)	Staithes
	The retention of 3 lobsters with mutilated tails / 8 undersized Lobsters / 2 Egg bearing lobsters (VW)	Sunderland
	Fishing vessel operating with in NEIFCA district with no AIS operating (VW)	Whitby
	Exceeding the daily limit of limited shellfish permit conditions 4 lobsters (VW)	Hartlepool
<b>OCTOBER</b>	Fishing with no LSP The landing of 64 Whelks and 1 undersized edible crab (VW)	Redcar
	No Limited shellfish permit, 4 undersized edible crab / 30 undersized whelks (VW)	Redcar
	The landing of 4 egg bearing lobsters (OR)	Bridlington
	The landing of 1 egg bearing lobster (VW)	Bridlington
	The landing of 1 undersized lobster and 1 lobster with a mutilated tail (VW)	Scarborough

### Outreach and 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 on a regular basis. During the reporting period NEIFCA Officers conducted joint patrols with the following organisations:

- The Marine Management Organisation,
- Humberside Marine Police
- The Environment Agency
- Tees Harbour Police
- Northumbria Marine Police
- Gang Master & Labour Abuse Authority
- Centre for Environment, Fisheries, and Aquaculture Science CEFAS

## 2.2 Offshore Work streams – Monthly Activity Summary

### June

The offshore survey programme commenced during June alongside the second year of the European Lobster Settlement Index (ELSI) project. All three vessel assets including, North Eastern Guardian III (NEG III), Protector III (PRO III) and Bravo I were operational throughout the month.

Shellfish catches followed normal seasonal patterns and areas affected previously by the Tees Bay shellfish mortality event, appeared to show some signs of recovery.

During June the offshore team completed 65 vessel inspections and 12 boardings.

### July

The offshore survey programme continued through the month with lobsters present in most pots hauled. Scallop dredging surveys were also completed.

During July the towed camera sled was put aboard and readied to support the work of the environmental and scientific team.

As part of the ELSI project, data loggers were deployed in close proximity to the settlement cages for monthly recovery to gather information on water column dynamics. Outside normal shellfishing activity some vessels also observed working nets set for salmon and sea trout in accordance with the Environment Agency's (EA) licensing scheme. Catches varied, Bridlington Bay had higher catches than most places, with some prices paid reaching 18kg.

During July the offshore team completed 44 vessel inspections and 6 boardings.

### August

During August the offshore team assisted staff from CEFAS to collect water and grab samples from the Tees Bay area and part of ongoing study work.

Throughout the month the team increased its offshore compliance and enforcement work around gear marking at sea. NEIFCA's byelaw regulations require all surface markers be marked with the vessel's name and PLN.

During routine patrol work labels were fastened to non-compliant surface markers to inform the owners of their obligations, under the commercial permit issued to them.

Offshore potting survey work continued through August alongside the recovery of ELSI cages towards the end of the month.

During August no illegal scallop dredging activity was recorded or reported.

At the end of August all EA licensed migratory salmonid fishing within the district ceased in accordance with the licensing conditions.

During August the offshore team completed 41 vessel inspections and 2 boardings.

## **September**

During September the offshore team continued to recover ELSI cages and NEIFCA potting survey gear as the survey season concluded.

NEG III was taken to the Parkol Dry dock, in Whitby, on the 18<sup>th</sup> of September for its annual 'out of water' inspection and refurbishment. As part of that programme the vessel was antifouled, repainted and both refurbished propellers were fitted. Various other maintenance work was also undertaken. NEG III came off the Drydock on 25<sup>th</sup> September and went straight to sea on patrol, meeting up with Bravo 1 south of Whitby. One Scallop fishing vessel was boarded and a verbal warning issued for non-compliance with the Authority's scallop dredging regulations. Prawn trawlers from Hartlepool and North Shields were observed in larger numbers than previous seasons, both inside and beyond the NEIFCA district.

Whilst returning from patrol on the 29<sup>th</sup> September NEG III developed a main engine problem which remains under investigation.

During September the offshore team completed 28 vessel inspections and 2 boardings.

## **October**

Throughout October PRO III was tasked to support offshore patrol work from Flamborough Head South. During the month a significant storm, Babet, passed through the NEIFCA district causing a notable impact on the industry. Reports from offshore crabbing vessels working in the south of the NEIFCA district indicated reduced catches of brown (edible) crab. One vessel also reported that an unusual number of female egg bearing, brown crab had been caught.

During October the offshore staff travelled both to Eyemouth and Southampton to support preparatory work on the commencement of the build of the new offshore vessel.

## **ENFORCEMENT & COMPLIANCE SUMMARY**

### **North Eastern Guardian III**

Number of Patrols:	217
Nautical miles covered:	2041.6
Fishing Vessel Inspections:	178

### **Protector III**

Number of Patrols:	14
Nautical miles covered:	983.71
Fishing Vessel Inspections:	109

Boardings	8
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**Bravo I**

Number of Patrols	4
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Nautical miles covered:	90
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Fishing Vessel Inspections:	14
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Boardings	9
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## 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 2023 and December 2023.

Reference	Date reviewed
Wild Oyster Restoration Tyne Wear	07/06/2023
DBS cable route geotechnical survey	07/06/2023
Hornsea Project Two: Subtidal Cable repairs	31/08/2023
Hull River Defences Phase 3	28/07/2023
Morven Landfall Geotechnical Survey	28/07/2023
Black Shed Saltmarsh restoration	09/08/2023
Metocean Buoy Deployment	23/08/2023
Continuing Seaweed aquaculture at the SeaGrown farm	25/08/2023
Tyne Bridge Major maintenance scheme	15/09/2023
Seaham Artificial Nesting Structures	18/09/2023
Green gravel kelp restoration	19/09/2023
Wave Buoys and Current profilers - Humber Estuary	19/10/2023
RNLI Cleethorpes LBS - New Lifeboat Station (2nd Application)	01/11/2023

### 2.3.2 ELSI project update

All 40 larval settlement collectors were successfully deployed across the 10 sites selected. Larval settlement collectors were deployed across the 4 southern sites along the Holderness coast and across 6 sites north of Flamborough Head in May 2023. Data loggers (temperature & salinity) were rigged independently of the larval settlement collectors (anchors and surface marker) and deployed across 9 sites during May 2023. Due to operational and logistical issues with the deployment of the Neuston plankton tow from North Eastern Guardian III and technical problems with the RV Huntress only one survey day was completed for plankton tow sampling across two locations in June. The decision was made to postpone plankton tow sampling until next year to cover a complete season. The FISP team have confirmed an extension on the ELSI project to allow the completion of this important element with a new deadline for the project completion in October 2024.

The growth study re-commenced in May 2023 and was completed by the 20<sup>th</sup> of August 2023. Stage I lobster larvae were collected from 66 berried lobsters between May and July 2023 with a total of 1605 stage IV post larvae entering the study. To date 4101 carapace lengths were measured (once per week since June).

The project partner Holderness Fishing Industry Group has left the project due to financial difficulties and the organisation closing. A contingency plan has been prepared and agreed by DEFRA's FISP Team. NEIFCA will continue to work with the industry on this project using fishing and commercial vessels to support the survey work in 2024.

Between the end of August and beginning of September, 24 out of the 40 cages and 8 temperature/salinity loggers were recovered using NEG III. Species were preserved in 4% formalin and are being processed for taxonomic identification to species level where possible at the University of Hull's lab facilities.

#### **Next period:**

The next stage of this project will include the recovery of the remaining 16 cages and 1 salinity and temperature logger. The processing of all biological samples will continue, involving taxonomic identification of organisms to species level where possible followed by the generation of a diversity index. All processed environmental data (temperature and salinity) will be further investigated for any correlations with the abundance and diversity in the settlement cages. Priority until spring is to complete the processing of all the samples from the settlement cages and analyse all the collated data. During spring 2024 suitable vessels for the upcoming survey work will be identified and preparations for plankton sampling will commence.

### **2.3.3 Survey Programme Update**

With the support of two additional members of staff, the Environmental Team was able to complete more observer trips during the summer 2023 season compared to previous years. Observer trips aboard permitted potting vessels and the NEG III concluded in August 2023. Biometric data for 6520 lobsters and 2827 edible crabs were collected across 15 observer trips on fishing vessels and 10 observer trips on NEG III. The number of measured lobsters doubled and for edible crabs quadrupled compared to 2022.

Between June 2023 and November 2023, the Environmental Team completed 22 quayside sampling trips in three major ports of the district (Bridlington, Scarborough and Whitby). Biometric data for 2361 lobster and 2056 edible crabs were collected across these three ports.

The annual Eelgrass survey was completed in collaboration with the Yorkshire Wildlife Trust in July 2023. The outcome of this survey was used to inform the Scientific Advisory Group and current Humber Estuary Byelaw.

### **2.3.4 Outreach**

Environmental and Scientific Officers delivered presentation on careers in Marine Science, the local marine ecology and fisheries and NEIFCA's role at the following events:

- Fishing and Maritime Taster Day – Whitby Fishing School
- Local fisheries and management – Flamborough, MSc field trip, University of York

- Inshore fisheries management off the Yorkshire coast – Living Seas Centre, Flamborough, Yorkshire Wildlife Trust

### 3.0 **National Meetings Update**

#### 3.1 *National IFCA Chief Officers Group*

At present the Chief Officer's group meets monthly 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.

Copies of the notes of the most recent meetings held on 13 June 2023, 19 July 2023, 9 August 2023, 15 September 2023 and the 11 October 2023 are attached for members information

**Contact Officer: David McCandless**  
**Chief Officer**

**Ext 3690**



**IFCA COG Meeting**  
**Tuesday 13<sup>th</sup> June 2023 @ 09:00 hours**  
**'Microsoft Teams. Teleconference**

**1. Attending:** Chair Samantha Davis, Rob Clark (RC), David McCandless (DM), Mat Mander (MM), Julian Gregory (JG), Tom Hooper (TH), Pia Bateman (PB), Will Wright (WW), Mark Southerton (MS), Tim Smith (TS), AIFCA Policy lead officer.

**2. Apologies:** Mark Taylor (MT)

**3. Minutes of Previous Meeting – 17 May 2023**

Minutes agreed. SD thanked MM for providing the minute record in the absence of DM.

**4. Matters Arising & Actions from the last meeting**

*AIFCA FMP Project led by Kent & Essex IFCA*

WW circulated supported papers and discussed at the most recent AIFCA meeting.

*IFCA/MMO Strategic Operations Group*

DM reported that the next meeting was scheduled for 11 July 2023.

*IFCA National Training Programme*

SD reported that a meeting had been set for 29 June 2023 to discuss next steps.

**5. National Workstreams Update**

*IFCA RDEL Funding – Chairs Letters*

RC provided an update on the Defra 'Chairs Letters' which would be shortly sent out. These letters would set out the delivery expectations surrounding the IFCA RDEL programme. RC advised that the letters would cover FMP, MPA, sustainable development, marine planning and marine spatial prioritisation delivery objectives. The group discussed the extent of expectation from Defra particularly surrounding the role of IFCAs in facilitating stakeholder engagement and communications between developers and the fishing industry and vice versa. Representatives highlighted several case studies from around the coast. RC requested that all IFCA's maintain a log of marine planning and consenting engagement to assist in terms of evidence gathering.



## *FMP Workstreams*

TS provided a comprehensive presentation on AIFCA plans for supporting the development of a cockle FMP. The proposed timescales for delivery had been shortened by Defra from September 2024 to April 2024. The work would be supported by an overarching management group which would provide strategic direction and leadership delivered through an evidence group. Some representatives expressed concerns over resourcing most notably Southern IFCA but TS felt that much of the supporting information was out there already and could be collated fairly efficiently with NWIFCA providing the lead. SD suggested that any concerns be discussed and resolved directly through TS as the work progressed.

WW also provided a detailed presentation and update on the planned AIFCA FMP review project being led by Kent and Essex IFCA. The project would focus on the whelk and crab and lobster FMPs and comprised of two phases. The first phase involved capturing views from IFCA members around the coast on camera during July followed by a two day workshop to be held in Poole on 26 and 27 September. WW was looking for IFCA's to identify at least two suitable members to engage in the project as soon as possible to support the planning process. The project delivery would be supported by a website which would act as a conduit for collating and presenting the associated outputs. The group discussed the delivery of the project alongside wider IFCA FMP process and engagement. WW agreed to circulate a contextual email introducing the project for circulation across the wider membership of the ten IFCA's (**Action WW**). The group also discussed wider engagement in the project outside the IFCA membership.

## **6. IFCA National Training Programme**

SD advised that an optimum date had been set with IFCA leads on 29 June 2023 to discuss and plan the next steps in terms of taking the IFCA National Training Programme forward and she would circulate an agenda early next week, commencing 19 June 2023 in consultation with Dominic Bailey (**Action SD/DB**).

## **7. AOB**

### *IFCA Admin/HR Networking Forum*

JG briefed the group on an action that had come via NIMEG relating to the establishment of a IFCA forum to share common practice and policy guidance on administrative and HR matters. The group supported the principle and recommended that a lead IFCA officer be identified to take the concept forward (**Action all**).

### *IFCA Cost of Living Payments*

PB highlighted the recent cost of living enhancement agreed with Civil Servants and sought guidance on whether colleague IFCA's were considering the same. MS advised that Northumberland IFCA had recently agreed a 10% uplift for operational staff but as part of an internal organizational review. SD advised that

IFCA staff were considered public rather than Civil servants and as such were subject to separate conditions and negotiations through the National Joint Council (NJC) which had not yet been settled.

### *TUNA CHART*

SD provided an update on the tuna CHART programme which was important to Cornwall IFCA given the presence of tuna in their coastal waters. SD advised that a pilot commercial trial remained under consideration.

### *iVMS Update*

MM provided a brief update on the progression of the national iVMS project. Two remaining devices had recently passed testing but still no time frame agreed for the completion of the project.

### *COG 'in person' meeting 2023*

DM offered to support arrangements for an 'in person' meeting to be held in York on 15 November 2023. The group supported the plan **(Action DM)**.

## **8. ACTION List Summary**

1. WW to provide a contextual introductory email on the national FMP engagement project for circulation to IFCA members.
2. SD to circulate a draft agenda supporting the IFCA training programme meeting scheduled for 29 June 2023.
3. All to consider a potential lead officer to take forward the proposed IFCA Admin/HR forum.
4. DM to take forward arrangements for a 'face to face' COG meeting to be held in York on 15 November 2023.

**Meeting closed: 12:00**

**Date of next meeting 19 July 2023 MS Teams**



**IFCA COG Meeting**  
**Wednesday 19<sup>th</sup> July 2023 @ 09:30 hours**  
**'Microsoft Teams. Teleconference**

1. **Attending:** Chair Samantha Davis, Rob Clark (RC), David McCandless (DM), Mat Mander (MM), Julian Gregory (JG), Pia Bateman (PB), Will Wright (WW), Mark Southerton (MS), Mark Taylor (MT).

2. **Apologies:** Tom Hooper (TH), Rob Pearson (RP).

3. **Minutes of Previous Meeting – 13 June 2023**

Minutes agreed.

4. **Matters Arising & Actions from the last meeting**

*IFCA Admin HR Forum*

To be considered further by NIMEG

*IFCA COG 'Face to Face' meeting 2023*

DM advised the group that NEIFCA were comfortable making arrangements for a 'face to face' COG meeting in York with a preference for the 11 October 2023. The group agreed the date proposed (**Action DM**).

All other actions completed.

5. **National Workstreams Update & Discussion**

*MAFCO*

SD opened discussion on IFCA input at the forthcoming MAFCO meeting (26 July 2023). Agreed to focus on FMPs including the IFCA FMP project being led by Kent & Essex IFCA and implications that the national processes might have on IFCA byelaw processes.

*Defra Marine Spatial Prioritisation Work Stream*

WW provided a comprehensive update on a recent MSPri workshop hosted by Defra in London. The event had been well attended by national fishing reps. DM also advised that NEIFCA's senior scientific lead, Dr Ralf Bublitz had attended virtually and would also link into the developing work to support WW.

### *Defra FMP Work Stream*

RC provided an update on the national FMP work streams following the commencement of formal consultation on the 6 priority FMPs with a deadline of 1 October 2023 for receipt of responses. The group discussed how IFCA might best coordinate their response to the consultation and how that would link into the Kent & Essex led project. RC highlighted potential risks and challenges relating to the parallel Strategic Environmental Assessment (SEA) process. RC suggested that a national FMP 'sharepoint' could be established as a central conduit for individual IFCA to feed associated work into which would then inform a national response. RC emphasised that Tim Smith had little or no current capacity to support the work and he (RC) would lead from an AIFCA perspective. The collective expectation was that Individual IFCA would prioritise those FMP's which were pertinent to their regions and respond accordingly with an overarching national response also submitted. MS highlighted the additional complexities for Northumberland IFCA, bordering Scotland. WW advised that the IFCA FMP website, generated through the national project, would provide a central tool for capturing and presenting the IFCA FMP work as it took shape. WW provided a timeline for the project with an introductory session planned for 26 July 2023 followed by commencement of video interviews between the 31 July and 2 August 2023. That work would then be followed by a wider, general online survey to capture views and ideas. The group discussed the sequencing of associated processes. RC to provide some further national guidance and direction from AIFCA (**Action RC**).

## **6. IFCA National Training Programme & Discussion**

SD provided a comprehensive summary of discussion and output from the recent IFCA training meeting held on 29 June 2023. SD had organised the meeting to review and consider all available options following the termination of the National Lead Training Officer (NLTO) post and to try and achieve some consensus on a plan to move things forward. From that meeting there was a strong and collective wish to maintain some form of bespoke national IFCA training provision and to protect the continued delivery of the IFCA competent officer course, alongside some progressive advanced training for IFCOs. Collectively those attending also recognised the potential value of incorporating some elements from the MMO training programmes. Dominic Bailey provided a very detailed presentation covering an assessment of available options which informed discussions. The group discussed in some detail the pressures of resourcing the provision of the training programme in a more sustainable way than had previously been achieved. There was a collective recognition of the need for a small central IFCA training group to be established to support both immediate delivery priorities and the development of a future programme. MM recommended that IFCA training provision was broadly outsourced at cost with guidance provided in terms of the syllabus and content. JG suggested that first focus should be on maintaining the status quo and delivering the competent course in Feb 2024 with parallel work commencing in terms of the shape of future training provision. WW offered the continued services of Kent and Essex IFCA in the short term with time costed and paid. Consideration was given to utilising an Honoraria process to remunerate those officers giving their time to the programme. Several IFCA had used similar provisions previously and it was considered an appropriate

mechanism. PB emphasised the resource challenges that Southern would face in continuing to support the programme and the associated pressures that it would bring onto key staff. PB felt that the burden needed to be shared rather than placed on one or two individual IFCA officers. MT highlighted the potential benefits of modularising training provision and integrating with existing MMO programmes. WW agreed to provide a provisional outline plan for moving things forward from the Kent and Essex IFCA perspective supported by SD (**Action WW/SD**).

## **7. AOB**

### *Strategic Evidence Framework for Fisheries (SEFF)*

RC provided a detailed overview of SEFF and also shared some associated written guidance at the meeting. RC felt it was imperative that IFCA's were fully involved particularly from a fisheries data provision perspective.

### *AIFCA Directors Meeting*

RC advised that he would be organising an AIFCA Directors meeting at fairly short notice and would circulate a 'doodle poll' for completion (**Action RC**).

## **8. ACTION List Summary**

1. DM to organise a 'face to face' COG meeting in York for 11 October 2023.
2. RC to provide some AIFCA guidance on a coordinated IFCA response to the FMP consultation.
3. WW/SD to provide an outline plan for the short-term continuation of resource support to national IFCA training provision.
4. RC to circulate a 'doodle poll' in support of a short-notice AIFCA Directors meeting.

**Meeting closed: 13:00**

**Date of next meeting 9 August 2023 MS Teams**



**IFCA COG Meeting**  
**Wednesday 9<sup>th</sup> August 2023 @ 09:30 hours**  
**'Microsoft Teams. Teleconference**

- 1. Attending:** Chair Samantha Davis, David McCandless (DM), Mat Mander (MM), Mark Southerton (MS), Mark Taylor (MT), Rob Pearson (RP), Dominic Bailey (DB), Jon Butler (JB).

Sean Douglas (SD) (MMO) from 10:00 am, Tim Smith (TS) (AIFCA) from 10:30.

- 2. Apologies:** Rob Clark (RC), Julian Gregory (JG), Will Wright (WW), Tom Hooper (TH), Pia Bateman (PB).

**3. Minutes of Previous Meeting – 19 July 2023**

Minutes agreed.

**4. Matters Arising & Actions from the last meeting**

*MAFCO*

Cancelled at short notice next meeting scheduled for 18/19 October 2023

*Marine Spatial Prioritisation Workstream*

RC currently acting as the AIFCA point of contact agreed that RP and Dr Ralf Bublitz (NEIFCA Scientific lead) would act as new IFCA points of contact for the project.

All other actions completed or listed on the agenda for further discussion.

**5. Update on iVMS Roll Out**

SD provided a detailed update on the planned iVMS project delivery and industry 'roll out'. Public communications from the MMO likely to be released today (9 August 2023). The project had previously been paused to review suppliers and compliance with type approval requirements. New 'roll out' regime planned to meet EFF funding deadlines would be in three tranches and involve vessels exceeding 6 metres OAL, initially. Would commence from 1 September 2023 by priority location, involving some 1200 vessels and rejected systems would be removed at no extra cost to fishers. The previous cap on the level of grant

provided had been raised. Project leadership and governance provided through Michelle Willis and Peter Clark. Draft industry comms and FAQs would be circulated to IFCA's by the end of this week. MMO now finalising under 6m vessel evidence. A draft underpinning SI had been developed with publication planned end March/April 2024. SD advised that prior to the SI coming into force the MMO had to be clear and transparent on what any, generated, associated data would be used for. Currently advised only to test and improve the functioning of the system. JB advised on the need for EIFCA to prioritise iVMS implementation within its shrimp fishery management. MS queried arrangements for Scottish vessels fishing in English waters and JB queried arrangements for the decommissioning and removal of other legacy iVMS systems (**Action SD**), a further advisory session had also been arranged for NIMEG colleagues on Friday. This would include lines to take, dealing with FAQs and key port locations earmarked for 'roll out'.

MM advised that he would request a copy of the latest draft of the SI for circulation amongst COG members (**Action MM**).

## **6. National Workstream Update**

### *FMPs*

SD provided a brief background and update regarding the IFCA response to the commencement of the national FMP consultation process. The AIFCA planned to collate thoughts on the more significant, emergent, national themes up to 24 September 2023 which would then be presented to AIFCA Forum members for review. This would assist any parallel development of responses by individual IFCA's. This work would take place alongside the Kent and Essex IFCA led project and workshop scheduled for the end of September 2023. DB advised that individual IFCA's were expected to cover the costs of associated travel and subsistence of their members and officers both to and during the workshop, although AIFCA might be able to supplement some of those costs. SD noted that Kent and Essex IFCA were requesting that all questionnaire responses be submitted by 8 September 2023 which would then feed into the workshop (**Action all**). TS added to SD's summary brief, advising that AIFCA intended to release draft framework responses to the consultation by 30 August 2023. TS also advised the group that a number of live events had been organised by Defra, at ports throughout the coast, to capture initial thoughts and views from the fishing industry. AIFCA had recently held associated discussions with Defra on the planning of those events and expectations surrounding IFCA engagement. Defra welcomed and valued any active IFCA engagement that could be provided. TS requested that individual IFCA's make contact directly with Defra in advance of attending any of the planned live events.

### *Marine Spatial Prioritisation*

Noted that RP and Dr Ralf Bublitz would take over as IFCA points of contact in relation to the Defra led project initiative.

## *MPA Workstream*

TS provided a brief update on the Defra led MPA workstream. TS continues to work on an IFCA MPA management summary spreadsheet which would feed into the national workstream to complete by end of 2024. This had been circulated across the IFCAs supported by further communication with respective leads. TS advised that recent debate had moved to assessing the extent of impact on features generated by activities outside the boundaries of the respective MPA, most notably sea bird populations feeding in other areas. The group expressed concerns over the extent of expectation surrounding the management of mobile species such as birds.

## **7. IFCA National Training Programme and Discussion**

DB provided an update on progression with the national IFCA training programme and associated training group which had been established to support such. The first meeting of the training group was planned for Friday 18 August 2023 and Simon Cadman, Cornwall IFCA, had drafted supporting Terms of Reference for review. DB had had discussions with the MMO and JG (SOG) and through WW, Kent and Essex IFCA had agreed to facilitate the continuation of the IFCA Competent Officer course for a further two years, all other options remained on the table at present. RC had also advised that he would be attending the meeting to advise on the extent of financing support that AIFCA could provide to the programme. Output from the first training meeting would then be fed back into COG. SD recommended that a standing training item should be included on the agenda of each COG meeting **(Action DM)**.

## **8. AOB**

### *Tuna Fisheries*

SD provided a detailed update on the commencement of a restricted commercial, pilot tuna fishery in Cornwall which was scheduled to commence during August, this year, 2023. 10 licenses had been issued alongside a recreational fishery with a minimum mandatory commitment that 5% of all trips would carry an observer. The established Tuna CHART programme would also continue in a more limited form.

## **9. ACTION List Summary**

1. SD to provide further information on the MMO approach to the removal and decommissioning of other legacy iVMS systems onboard fishing vessels and plans and arrangements for Scottish fishing vessels operating in English waters.
2. MM to request the most recent draft of the iVMS SI for circulation within the COG.
3. All IFCA reps to note and action the requests from Kent and Essex IFCA in relation to the FMP project and workshop including the circulation and completion of the associated questionnaire by 8 September 2023.
4. DM to ensure the inclusion of a standing training item on future COG agendas.



**Meeting closed: 12:00**

**Date of next meeting 15 September 2023 MS Teams**



**IFCA COG Meeting**  
**Friday 15<sup>th</sup> September 2023 @ 09:30 hours**  
**'Microsoft Teams. Teleconference**

**1. Attending:** Chair Samantha Davis, Julian Gregory (JG), David McCandless (DM), Will Wright (WW), Mark Southerton (MS), Rob Pearson (RP), Dominic Bailey (DB), Tim Smith (TS), Tom Hooper (TH), Joseph Moulton (JM), Rob Clark (RC).

**2. Apologies:** Mat Mander (MM), Pia Bateman (PB), Mark Taylor (MT).

**3. Minutes of Previous Meeting – 9 August 2023**

Minutes agreed.

**4. Matters Arising & Actions from the last meeting**

*iVMS*

SD to contact Sean Douglas (MMO) for MMO update on the decommissioning of legacy systems, guidance on Scottish vessels operating within English waters and circulation of latest draft of supporting SI.

All other actions completed or listed on the agenda for further discussion.

**5. National FMP workstream update and discussion**

TS provided an update on the progression of the AIFCA response to the FMP consultative process which included developmental work on the AIFCA led cockle FMP. TS advised that whilst the generic FMP framework was underpinned by the overarching objective of meeting Maximum Sustainable Yield (MSY) within exploited fisheries, the same could not easily be transferred onto cockle fisheries. WW advised that sustainability within the Kent and Essex cockle fishery was independently assessed through Marine Stewardship Council (MSC) standards which provided a more robust standard. The challenges of applying MSY principles of sustainability assessment on exploited shellfish stocks were discussed by the group highlighting the need for some flexible or pragmatism within the FMP process. TS advised that 4 priority tranche 3 FMPs were now under consideration by Defra including Southern North sea non-quota demersal , species, Southern N Sea skates and rays, queen scallops and N Sea and Channel sprat fisheries. TS advised that Defra were keen for further active involvement from IFCAs. SD requested that IFCA reps assess the significance of

these fisheries to their respective areas and report back (**Action All**). Several IFCA reps, including Eastern, reported positively on a round of recent meetings with MMO fisheries management leads on the FMP process and thoughts on next steps. The group discussed implications for current IFCA byelaws passing through due process. RC advised that IFCAs with new byelaws in process should communicate as widely as possible through the relevant Defra teams to ensure all were fully sighted. WW recommended using the FMP consultative process to highlight how new proposed IFCA management byelaws will link into the FMP objectives.

TS provided a further update on the national IFCA MPA workstream advising that 90% of IFCAs had now responded to information requests. TS was working with Colin Trundle, Cornwall IFCA, to better assess any priority gaps in delivery. WW provided an example relating to the Goodwin sands which highlighted the need for pragmatism in both decision making and implementation. Issues caused by the prescriptive nature of the supporting processes.

## **6. IFCA National Training Group Update & Discussion**

DB provided the group with a comprehensive summary of the outputs and recommendations from the recent meeting of the IFCA training group held on 19 August 2023. The notes of the meeting having been circulated in advance by DB. The group discussed and carefully considered the content of responses to the recommendations circulated by both MM, Devon and Severn IFCA and PB, Southern IFCA. In particular Southern IFCA's position presented fundamental, practical challenges to the effective delivery of the IFCA Competent Officer course in February 2024 which was considered a priority. In the absence of PB the group were very keen to have further dialogue with her and SD agreed to take the lead on that (**Action SD**). Outside those future discussions with PB and noting that Sam Dell was currently on annual leave, given the timescales and priority need to secure the provision of the Competent Officer Course, the group agreed a recommendation from DB that Ian Jones be commissioned to support the 'one off' delivery of the course at a quoted cost of £2,139 representing a commitment of 6 days with 2 days preparatory work. RC also supported the decision from an AIFCA perspective. DB advised the group that 13 days of his time would also be taken up in supporting the planning and delivery of the course which was also accepted. DB also agreed to discuss the matter further with Sam Dell, Southern IFCA following his return from annual leave (**Action DB**). Outside the delivery of the IFCA Competent Officer course DB provided a further update on options for more formalized collaborative training provision in collaboration with the MMO. Provision of IFCA warrant cards and IFCA access to online training courses could be fairly readily facilitated but the MMO did not currently have capacity to support IFCA access to taught courses which included a week long fisheries enforcement course which mirrored the IFCA Competent Officer Course, followed by a further week covering wider coastal duties, an investigations course, conflict management and environmental enforcement. Full delivery of the accredited course still presented challenges which could be significantly improved with the availability of more IFCA Quality Assessors. Currently only new full time MMO starters were being put through the accredited course. JG reinforced the need for all IFCA's to maintain their commitment to funding the IFCA training programme, JG and DM to take forward negotiations

through SOG with the MMO on what is feasible including the funding of a joint training resource placed within the MMO and IFCA's to maintain their collective commitment to the accreditation programme (**Action JG and DM**) RC advised the group that IFCA training provision could be incorporated within the next IFCA SR bid which was likely to come around very quickly. WW endorsed the need to continue the development of the training structures which have already been put in place working through the established IFCA training group and SOG at a more strategic level and ultimately COG. COG unanimously noted their collective appreciation to both DB, Sam Dell and WW, Kent and Essex IFCA for their continuing efforts in supporting and maintaining the national IFCA training programme.

## 7. AOB

### *York – 'Face to Face' COG meeting 11 October 2023*

The group discussed plans and thoughts for the forthcoming 'face to face' COG meeting to be held in York on 11 October 2023. WW suggested a collective re-evaluation of the existing IFCA national success criteria with a view to linking some of the outputs into national delivery such as MPA and FMP work streams. This suggestion was collectively welcomed as both timely and strategic. RC also welcomed the proposal from an AIFCA perspective and highlighted the need to link wider IFCA membership into the work via the individual IFCA Committees and AIFCA itself. This could then be incorporated into the IFCA annual planning process for 2024/2025. TH highlighted national strategic work that he had previously led on which could providing a starting/launch point. SD to discuss further with TH (**Action SD & TH**). JG and DM also highlighted the overlap with SOG on 10 October which would also offer the potential of a morning SOG/COG slot on the agenda for the 11 October (**Action JG & DM**). WW also offered the potential of setting up an online survey prior to the COG meeting on the 11 October to better inform collective thoughts in advance. This offer was also welcomed by the group (**Action WW**).

### *AIFCA/Kent & Essex FMP Project*

WW provided a detailed update on the progression of the project to date. The September workshop would be attended by 46 reps covering all IFCAs which included 11 IFCA members and 10 external reps. The website was expected to be completed by 20 September 2023 and online videos would be shared with Defra. RC provided a brief update on the FMP process at national leadership level which appeared limited in its working knowledge and appreciation of IFCAs.

### *Cornwall crawfish netting fishery*

SD updated the group on developments surrounding an emergent offshore gill net fishery for crawfish off the Cornish coast. New legislative measures were under consideration.

## 8. ACTION List Summary

1. SD to discuss Southern IFCA's position on national training provision further with PB.
2. DB to discuss plans for the forthcoming IFCA Competent Officer course with SD.
3. JG and DM to discuss terms for joint training provision with the MMO via SOG.
4. SD and TH to further plans for the collective re-evaluation of national IFCA objectives at the forthcoming COG meeting on 11 October 2023 in York.
5. JG and DM to further a SOG link into the morning session of the COG York meeting in October.
6. WW to further the development of a joint electronic survey amongst COs in advance of the York COG meeting.

**Meeting closed: 12:00**

**Date of next meeting 11 October 2023 York**



**IFCA COG Meeting**  
**Wednesday 11<sup>th</sup> October 2023 @ 09:30 hours**  
**Hilton Hotel, 1 Tower Street, York, YO1 9WD**

- 1. Attending:** Chair Samantha Davis (SD), Julian Gregory (JG), David McCandless (DM), Will Wright (WW), Mark Southerton (MS), Rob Pearson (RP), Mark Taylor (MT), Pia Bateman (PB), Tim Smith (TS), Rob Clark (RC).

Tom Hooper (TH) – MS Teams

Sean Douglas (SDoug) MMO – from 10:00

SD opened the meeting, welcomed everyone attending and outlined the planned format for the meeting and afternoon workshop.

- 2. Apologies:** Mat Mander (MM).

**3. Minutes of Previous Meeting – 15 September 2023**

Minutes agreed.

**4. Matters Arising & Actions from the last meeting**

All actions completed or listed on the agenda for further discussion.

**5. Strategic Operations Group Session**

As Chair of the MMO/IFCA Strategic Operations Group (SOG), Sean Douglas, opened the session by thanking COG for the opportunity to meet and discuss some key areas of joint operational interest. Those areas included the procurement of a joint intelligence database, iVMS 'roll out', the under 10m catch app and training provision.

*Joint Intelligence Database*

SDoug updated the group on the planned procurement of 'Clue' a new intelligence gathering system that would be procured by Defra for the MMO. The MMO were currently building the project plan and revising associated costs but expected that the system would become active before the end of the current financial year. SDoug took action to clarify the extent of associated costs to IFCA's (**Action SDoug**). SDoug advised that the indicative cost associated with a full user licence were in the region of £1400 to £1500 pa per IFCA and £400 to £500 pa for a limited user licence depending on what options IFCA's wished to

take up. The MMO were considering training a number of 'super users' who could then train other system users. SDoug also advised that the 'Clue' system carried a case management programme which collated associated prosecution documentation which would in the future replace the MCSS PFV functionality. COG welcomed and supported the procurement and implementation of the new system which would provide IFCA's with direct access to collated intelligence and also the ability to analyse intelligence trends.

### *iVMS*

SDoug advised that the iVMS was progressing well and had now entered phase 2 with suppliers reporting increasing orders. SDoug advised that a final decision on application within the under 6m fleet would shortly be taken by the MMO board. Underpinning legislation was expected to be in force by April 2024. Discussions centered on the fact that IFCA's would not carry the powers to enforce the provisions of the SI but would have involvement in the development of the supporting enforcement strategy. Open access to the iVMS data underpinned by the data sharing agreement would significantly enhance inshore enforcement & compliance work. The group discussed interim arrangements to access and utilise data prior to the SI coming into force. SDoug advised that any formal investigations undertaken by IFCA's requiring, iVMS information, needed to be supported by formal DPA requests.

### *Under 10m Catch Reporting App*

SDoug reported a 97 to 98% input rate across the commercial under 10m sector alongside notable improvements in the timeliness of submissions.

### *Financial Administrative Penalties*

Joint discussion on the need to review and update FAP guidance alongside the level of penalty administered. SDoug emphasised the need for a consistent approach to mitigate against the risk of challenge. Agreed action, commence a 'light touch' review through NIMEG.

### *MCA – Offshore Reporting on PFD Compliance*

Joint discussion on standing IFCA MCA request to provide monthly reports on PFD compliance within the fishing industry. SDoug to discuss further with the MCA in terms of what they are seeking from both the MMO and the IFCA's  
**(Action SDoug).**

### *IFCA MCSS Input*

Joint discussion on inconsistencies in IFCA enforcement and compliance inputting into the MCSS system. COG supported the SOG recommendation that a quarterly performance matrix be collated and circulated through NIMEG. Action accepted from all IFCA CO's to improve timely, input levels particularly in relation to port and offshore inspections and PFVs.

### *National Joint Training Provision*

SDoug advised the group that the MMO were open to considering anything put forward by IFCAs to further develop joint training provision. Action for the IFCA training group to complete an analysis of training needs alongside a 'worked up' plan for delivery then SOG to discuss, finalise and cost with the MMO (**Action ITG and SOG**). SDoug advised that the biggest training pressure for the MMO was supporting the IQA component of the accredited course which needed IFCA support.

### *FMP Process*

Joint discussion on the development of compliance and enforcement needs as part of FMP delivery going forward.

## **6. National Workstreams Update & Discussion**

RC advised that he had received an invitation to attend an MMO board meeting to advise on inshore fisheries which he felt, given the make up of representation on the board would be beneficial for IFCAs.

RC provided an update on the HPMA 'roll out' which would carry the whole site management approach with associated complexities. WW updated the group on MPA implementation within Kent and Essex IFCA which provided a useful case study. SD suggested that COG engage with the MMO lead, Nick Greenwood, to jointly discuss the shared approach to MPA management and to utilize relevant case studies such as that presented by WW (**Action SD**).

RC provided an update on RDEL funding for 2023/2024 which was currently passing through Defra processes although FMP grants had been sent through. RC advised that Defra were considering re-proportioning the monies allocated for marine planning delivery due to the delays in the marine spatial prioritization programme. This equated to £10,000 per IFCA. RC intended to make a case to Defra to retain the original allocation but IFCAs would be required to demonstrate how the monies had been utilized. RC advised that he would re-circulate the original draft award letters (**Action RC**). RC advised that IFCA's should start preparations now for imputing into the next spending review bid 2025/2026.

RC advised the group that the delayed IFCA Conduct and Operations report would be laid before the current sitting of Parliament. RC felt that it was likely that there would be a review of the current IFCA funding model.

RC sought an update from Eastern and Kent and Essex IFCA on their CDEL funding allocations which would be spent towards the end of the year.

RC circulated a draft joint MCA/AIFCA fishing gear marking protocol for review. DM raised concerns that the protocol should not carry IFCA badging or branding. RC advised that AIFCA would not endorse the protocol until it had been agreed by the NFFO and fishing industry. Action, COG to review and discuss the protocol at the November meeting (**Action DM**).



RC updated the group on preparations for the 2025/2026 AIFCA budget and sought guidance from IFCA CO's on proposed levy increases which ranged from 0 to 3%.

RC also highlighted potential funding opportunities via the Coastal Livelihoods fund

TS updated the group on a CEFAS led project examining marine events and supporting strategic framework development such as that experienced at Teesside on the North East Coast and a-typical cockle mortality in the South East. TS advised that the project was looking at recruiting two roles potentially in Kent and Essex and North Eastern IFCA.

RC advised that AIFCA had declined an approach from Defra to lead on the development of a wrasse FMP but content to lead on components of such.

RC advised the group that responses to the FMP consultations had been submitted which broadly emphasised the positives. RC to circulate the responses (**Action RC**). TS updated the group and Defra proposals to undertake a couple of FMP related pilot studies, crab and lobster in the North East and crawfish in the South West. The intention was that Northumberland and North Eastern would jointly lead the North East pilot and Cornwall IFCA the South West.

## **7. AOB**

No items raised.

## **8. ACTION List Summary**

5. SDoug confirm indicative licensing costs to IFCAs of the new proposed intelligence system.
6. SDoug to discuss the ask from the MCA int terms of reporting offshore safety breaches.
7. IFCA Training Group (ITG) to finalise the detail of a new national training programme incorporating joint provision with the MMO. SOG to agree any associated costings.
8. SD to discuss options around a shared approach to MPA management with Nick Greenwood MMO.
9. RC to re-circulate the draft RDEL funding letters to IFCAs.
10. DM to add the draft gear marking protocol to the agenda of the November COG meeting.
11. RC to circulate the AIFCA FMP responses.

**Meeting closed: 12:30**

**Date of next meeting 08 November 2023 MS Teams**

## **Afternoon COG Workshop Notes**

WW and TH supported the afternoon COG workshop session which examined output from the Joint AIFCA FMP projected supported by Kent and Essex IFCA. The workshop considered how that output could be integrated into a wider national FMP delivery programme.

The workshop provided a conceptual plan to support for the delivery of the FMP programme, utilising the IFCA model.

Deliverables surrounding that plan would then be incorporated into IFCA annual objectives and reporting and link into AIFCA reporting and objectives alongside associated member involvement. The conceptual IFCA plan was outlined within the following slides presented by WW:



**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
8 December 2023

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**Science Advisory Group Update**

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Report by the Chair of SAG & the Environmental & Scientific Manager

**1. Purpose of Report**

To update members on the most recent proceedings of the Science Advisory Group (SAG) following meetings held on 8 September 2023.

**B. Recommendation**

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

**1. Background**

1.1 Since the last Authority meeting held on 8 June 2023, two meetings of the SAG were held on 31 May and 8 September 2023 and is summarised below.

**1.2 31 May 2023**

At the meeting members considered the following items:

- Scallop Fishery Monitoring Report
- Shellfish landings assessment report

**1.2.1 *Scallop Fishery Monitoring Report***

The Environmental and Scientific Officer Samira Anand updated members on the results of the scallop dredge fishery monitoring work for the 2022/2023 season.

The Environmental and Scientific Officer Samira Anand reported that overall landings were the lowest since the scallop fishery reopened with a total of 178.5 tonnes of king scallop. This is ~44% lower than the previous fishing season (2021/22 = 316.7 tonnes). Landings per Unit Effort (LPUE) were down as well compared to the past two seasons. However, the total number of active fishing days during the 2022/23 season was 153, lower than the previous season (202) likely due to unseasonably bad weather in March and April 2023. Average scallop size remains stable at an average of 115mm for the 2022/23 season and well above the minimum size.

Bycatch of lobster remains very low and the average CPUE for edible crabs was similar to that of observed rates in the previous fishing season. CPUE for edible crabs in the North and South Box are at the same level as the combined average. Members discussed if the reduction of bycatch compared to previous years could be as a result of the decline in local edible crabs.

Members discussed the continuous prominence of the Northern box compared to the Southern box. The Environmental and Scientific Officer Samira Anand advised that with the new flexible shellfish byelaw there is potential to address the gear conflict in the South Box through a temporal closure of the South Box for potting during the Scallop season.

Members also discussed the impact on the fishery of making significant changes to the program, including adding another area, offering more permits and altering the season. Formal consultation would need to be held, with more data gathered on the areas surrounding the existing boxes and the effect of the proposed changes. The Environmental and Scientific Officer Samira Anand advised this may be a subject for the 23/24 monitoring program and more work would need to be undertaken to establish the implications.

The Environmental and Scientific Officer Samira Anand also informed members of vessels using beam trawls to trawl for scallops and the potential implications on this fishery of this.

The Environmental and Scientific Officer Samira Anand recommends that the fishery re-opens on 1 November 2023 with a maximum of 3 permits offered for the 2023/2024 season.

### 1.2.3 *Shellfish Assessment Report*

Acting Environmental & Scientific Manager Ralf Bublitz presented the revised version of the second report on the landings assessment work undertaken in response to the Tees and North Yorkshire shellfish mortalities, having taken on board the various points from the previous SAG meeting. Comparative data from neighbouring IFCA's and national trends have been included into the report, with emphasis on trying to make the report as accessible to the industry and the public as possible. Much of the scientific reporting has been removed from the original draft, with a more condensed and straight forward report being presented.

Acting Environmental & Scientific Manager Ralf Bublitz reported a general decline in landings of edible crabs across the NEIFCA district. Lobster landings for 2022 in Bridlington and Whitby are at their highest, for Scarborough in line with historic landings but for Hartlepool, Redcar and Staithes there is a considerable reduction in landings.

The assessment of the number of landings in 2022 compared to previous years indicates a clear downward trend suggesting less fishing activity especially for Hartlepool, Redcar and Staithes. However, acting Environmental & Scientific Manager Ralf Bublitz advised that to what extent this downward trend resulted in less landings cannot be determined.

Acting Environmental & Scientific Manager Ralf Bublitz concluded that while the report assesses trends in landings of edible crab and lobsters, it is not possible within the scope of this report to suggest the potential cause for any variation in landings as there are multiple factors that may attribute to this.

Members discussed crab stocks in general and potential causes to stock reduction around

the UK. Further discussion was held on diversification within the industry and the potential new fisheries to take the pressure off crab and lobster stocks in the future.

### 1.3 8 September 2023

At the meeting members considered the following items:

- ELSI update
- Emergency Byelaw 2023
- Eelgrass survey 2023
- Permit & Catch Return system

#### 1.3.1 *ELSI update*

Acting Environmental & Scientific Manager Ralf Bublitz gave an overview of the ELSI project and the background to it for the new members. Good progress was made between March and June 2023, with the successful deployment of all 40 larval settlement collectors followed by the data loggers. Regular visual checks have been made during routine patrols to monitor the positions of larval settlement collectors and each data logger has been hauled once and re-deployed to back-up data minimising the risk of data loss. Members discussed the potential implications on this project of the closure of HFIG, the ELSI project partner. Acting Environmental & Scientific Manager Ralf Bublitz explained that the NEIFCA is the project lead, and contingency plans are in place to replace the work carried out by HFIG. The budget for the project will not be affected and DEFRA have given an extension on the project until October 2024.

Discussions were held on plans for the next season, including plankton tows throughout the summer and video tows.

#### 1.3.2 *Emergency Byelaw 2023*

Acting Environmental & Scientific Manager Ralf Bublitz informed and updated members on the making of a new emergency byelaw regulation prohibiting all beam trawling activity within the Authority's district between 17 July 2023 and 17 July 2024 inclusive.

Members discussed the type of gear used and the potential issues caused by this method. Acting Environmental & Scientific Manager Ralf Bublitz reported that a total of five dispensations have been granted until the 31<sup>st</sup> of October with the possibility of further extensions. This will enable officers to collect data on scallop stocks and evidence of gear impacts to inform the current scallop management and a new bottom towed gear byelaw. Discussions were held about the data provided and the need to make a plan for this to be a priority going forward with the Science and Advisory Group playing a key role in analysing the data.

#### 1.3.3 *Eelgrass survey 2023*

Environmental & Scientific Officer Angharad Powell presented a report to members on the current distribution of dwarf eelgrass *Zostera noltei*, in terms of stability across a 10-year

period and comparison of areas where eelgrass has been lost, gained or remained stable with a focus on the past three years. Members agreed that the plan for the extension of the protected eelgrass area under the byelaw provides sufficient buffer for the bed to expand in the coming years.

#### 1.3.4 *Permit and Catch Return System*

Assistant operational officer Emma Jones presented the new permit and catch return system and its functionality. Members were shown how the new system will work for stakeholders to submit their own catch returns and the features that they will be able to access to assess their own catch rates. MMO representative Andrew Earle raised a query with regards to stakeholders being able to access their own data, as issues had arisen with this through the MMO app. Assistant operational officer Emma Jones Emma agreed to contact the GDPR representative at ERYC to advise on this.

#### Contact Officer

David McCandless,  
Chief Officer,  
Ext. 3690

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
8 December 2023

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**Fisheries Statutes and Regulations Prosecutions**

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Report of the Clerk of the Authority.

**A. Purpose of Report**

To provide information on prosecutions taken by the Authority during the period 1 June 2023 to 30 November 2023

**B. Recommendation**

That Members note the report.

**1. Background**

- 1.1 Information on prosecutions and sanctions taken on behalf of the Authority are submitted to each meeting of member's information.
- 1.2 Attached is a schedule of prosecutions and sanctions covering the period since 1 June 2023.
- 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.
- 1.4 In addition to the formal actions listed in the table seventeen oral warnings were given to individuals relating to a wide range of other offences.

Contact Officer

David McCandless

Chief Officer

Tel: 07771936501





Name(s)	Offence	Sanction	Court	Date	Fined	Costs Awarded	Costs Requested
Mr S Law (Skipper & Owner)	Landing 2 egg bearing, 1 undersize, 3 mutilated and 11 soft lobsters	PROS	Scarborough	03 October 2023	£30,000*	£1050	£1050

\*Sentence subject to appeal.

**HOC – Home Office Caution**

**FAP – Financial Administrative Penalty**

**PROS – Formal Prosecution in Court**

**OCD – Conditional Discharge**

**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  
08 June 2023

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### Partner Reports

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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 – reports from partner agencies were unavailable at the time of circulation.

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.

### Contact Officer

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