

NORTH EASTERN INSHORE FISHERIES & CONSERVATION AUTHORITY

14 July 2021

Bridlington Spa, South Marine Drive, Bridlington, YO15 3JH

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

Annual Meeting Business

3. Greetings and Introductions to new members and appointees
4. Membership of the Authority
- 4a. Extract from Standing Orders:-

“Order of Business

The Authority shall, at its June meeting in every year, elect two of its number to be respectively Chair and Vice-Chair of the Authority for the ensuing year. The previous Chair and Vice-Chair shall always be eligible for re-election up to a maximum of 10 consecutive years.

Should the Chair not be a representative of one of the constituent councils, the Vice-Chair shall be elected from the council representatives, unless they so decline.

- 4b. To elect a Chair for the ensuing year
Last year: Councillor Chris Matthews
- 4c. To elect a Vice-Chair for the ensuing year
Last year: Dr Stephen Axford
5. To appoint an Executive Committee for the ensuing year (8 Members with Chair and Vice-Chair as ex officio members and with equal representation between Local Authority and MMO appointees)

Last year: Chair, Vice-Chair
Councillors, Bell, Randerson, Allcock
Professor Mike Elliott, Mr Proctor, Mr Redshaw. Mrs Kirsten Carter
6. To confirm membership of Standards Committee
Last year: Councillors Bell, Randerson and the Clerk
7. To confirm membership of Science Advisory Group (6 MMO appointees including at least 1 fishing industry representative)
Last year: Chair, Vice Chair of the Authority

Mrs Kirsten Carter, Mr John Whitton, Mr Robert Houghton, Professor Mike Elliott, Mr Michael Montgomerie, Mr Nigel Proctor, Mrs Donna Marie Mear and representatives from the Marine Management Organisation, Natural England and the Environment Agency be appointed for the ensuing year.

8. To appoint representatives:

(a) To serve on and report quarterly on:-

(i) Flamborough Harbour Commissioners (2 representatives)

Last year: Cllr Chris Matthews
Mr R Houghton

(ii) Staithes Harbour Board (4 representatives)

Current Members: Councillor D Chance
Steven Mallinson Shore Operations Manager
Jon Whitton
Mr Richard Pennall

(b) To attend meetings of:-

(i) Association of Inshore Fisheries and Conservation Authorities Forum

Last year: Chairman (Vice Chairman substitute)
Clerk or Treasurer
Chief Officer

(ii) Association of Inshore Fisheries and Conservation Authorities Directors
Chief Officer

Meeting Business

9. To consider the Minutes of the Authority meeting held on 18 December 2020 ()

10. To consider the Minutes of the Executive meeting held on 5 March 2021 ()

Items for decision

11. NEIFCA Financial Outturn 2020/2021 ()

12. Management of scallop dredging 2021/2022 ()

13. Management of permitted intertidal sea bass fishery 2021/2022 ()

14. NEIFCA Draft Annual Report 2020/2021 ()

15. NEIFCA Updated Staffing Handbook ()

Items for discussion

16. NEIFCA Internal Audit Report 2020/2021 ()

17. Chief Officer's Operational report ()
18. Fisheries Statutes and Regulations – Prosecutions ()

Items for information

19. Reports from partner Agencies and bodies ()
 - 19(a) Marine Management Organisation
 - 19(b) Environment Agency
 - 19(c) Natural England
20. 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 18 DECEMBER 2020

Present:

Councillor Ron Allcock
 Dr Stephen Axford
 Councillor Edward Bell
 Councillor David Chance
 Councillor John Copsey
 Mr Graham Collins
 Mrs Kirsten Carter
 Prof Mike Elliott
 Andrew Earle
 Councillor Stephen Harness
 Miss Rebecca Lynam
 Councillor Chris Matthews (Chair)
 Mr Mike Montgomerie
 Miss Donna Marie Mear
 Councillor Tony Randerson
 Councillor Paul Stewart
 Mr Jon Whitton
 Mr Andy Wheeler

Representing:

North Lincolnshire Council
 MMO appointee
 Durham County Council
 North Yorkshire County Council
 East Riding of Yorkshire Council
 MMO appointee
 MMO appointee
 MMO appointee
 MMO representative
 North East Lincolnshire Council
 MMO appointee
 East Riding of Yorkshire Council
 MMO appointee
 MMO appointee
 North Yorkshire County Council
 Sunderland City Council
 MMO appointee
 MMO appointee

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief Officer, Mr Stephen Chandler, Treasurer also attended the meeting.

Due to the Covid-19 pandemic, the meeting was held via video teleconference. The meeting started at 09:30am.

46.	APOLOGIES FOR ABSENCE
	Apologies of absence were received from MMO members Houghton, Redshaw and Mr P Slater, Environment Agency.
47.	DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS
	Resolved –The Clerk asked Members to declare any personal or prejudicial interests in items on the Agenda and the nature of such interests. Councillor Matthews and Councillor Copsey declared a non-pecuniary interest relating to Agenda Item 15.
48.	EXCLUSION OF THE PUBLIC AND STAFF MEMBERS
	That the public and Staff members be excluded from the meeting for consideration of the following item (Minutes 49) 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.

	Resolved – that the public and staff members be excluded from the meeting for consideration of the following item (minutes 49).
49.	NEIFCA ORGANISATIONAL REVIEW IMPLEMENTATION
	The Clerk submitted a report detailing the work completed to date on the staffing and organisational review which included all of the responses received during the consultation period. Members were informed that the main concerns expressed by all staff members centred around three main points, the removal of the 7.5% unsocial allowance, the starting spinal point each officer had been placed on and the pay allowance for the Deputy Chief Officer role. Members questioned what impact Brexit would have on the demands and expectations placed on the Officers and the potential for greater unsocial working hours.
	Resolved – (a) The recommendations made by the Executive Committee on the Internal Organisational Review to be adopted with no change. (b) A review of the changes implemented to be undertaken in June 2022.
50.	MINUTES OF THE AUTHORITY MEETING HELD ON 18 SEPTEMBER 2020
	Resolved – That the minutes of the Authority meeting held on 18 September 2020 be approved as a correct record and signed by the Chair.
51.	MINUTES OF THE EXECUTIVE MEETING HELD ON 5 FEBRUSARY 2020
	Resolved – That the minutes of the Authority meeting held on 5 February 2020 be approved as a correct record and signed by the Chair.
52.	MINUTES OF THE EXECUTIVE MEETING HELD ON 16 APRIL 2020
	Resolved – That the minutes of the Authority meeting held on 16 April 2020 be approved as a correct record and signed by the Chair.
53.	MINUTES OF THE EXECUTIVE MEETING HELD ON 21 JULY 2020
	Resolved – That the minutes of the Authority meeting held on 21 July 2020 be approved as a correct record and signed by the Chair.
54.	MINUTES OF THE EXECUTIVE MEETING HELD ON 2 SEPTEMBER 2020
	Resolved – That the minutes of the Authority meeting held on 2 September 2020 be approved as a correct record and signed by the Chair.
55.	MINUTES OF THE EXECUTIVE MEETING HELD ON 12 NOVEMBER 2020
	Resolved – That the minutes of the Authority meeting held on 12 November 2020 be approved as a correct record and signed by the Chair.

56.	LEVY 2021/2022
	<p>The Treasurer presented a report to determine the levy on member local authorities for 2021/22 and to highlight issues relating to the setting of the levy for 2022/23 and 2023/24. At its meeting on 6 December 2019, the Authority set a levy totalling £1,285,536, 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. Indicative increases of 5% for 2021/22 and 2022/23 were proposed but not agreed. The COVID-19 pandemic had placed even more pressure on local authority budgets therefore a 5% increase was now considered unrealistic.</p> <p>The staffing and organisational review was expected to be fully completed by 31 January 2021 and would be funded from the additional budget provision approved in the 2020/21 Levy along with £20,000 base budget savings, with the balance of £11,754 to be funded from the General Reserve. An increase in the Levy for 2021/2022 was not considered necessary due to the pause in the increase in public sector pay. The levy proposed for 2021/22 was held at £1,285,536 although a further option of a 1% increase to £1,298,392 was put to members to eliminate the need to draw from the General Reserve. Indicative increases in the Levy of a minimum of 2% to cover the cost of increases in pay was proposed in 2022/23 and 2023/24.</p>
	<p>Resolved – (a) That the levy for 2021/22 be set at £1,298,392 (1% increase on the 2020/21 rate) and the Clerk be authorised to issue demands on the relevant local authorities as presented at Appendix A.</p> <p>(b) That the Authority acknowledges the issues affecting NEIFCA and their effect upon the levy for 2022/23 and 2023/24, which is anticipated to be a minimum of a 2% increase each year.</p> <p>(c) That a detailed budget for 2021/22 be brought to the Authority for approval at the Executive meeting in March 2021.</p>
57.	STRATEGIC AND OPERATIONAL RISK REGISTER REVIEW
	<p>In accordance with the Risk Management Strategy a 6 monthly review had been undertaken. The Clerk and Chief Officer presented the revised Strategy to Members for their consideration and approval. The ongoing impacts of the Covid-19 pandemic, particularly relating to operational risk remained very much at the forefront of assessed operational risk alongside more strategic risks associated with staffing vacancies, funding for a replacement patrol vessel, pending decisions surrounding the 2019 Organisational Review and the end of the EU exit transition period.</p>
	<p>Resolved – That the revised Strategic and Operational Risk Register be reviewed in six months' time.</p>
58.	NEIFCA HEALTH & SAFETY POLICY & SAFE WORKING PRACTICES 2020/2021
	<p>The Chief Officer provided a report to inform members of the completion of the 6 monthly review of the Authority's Health & Safety provisions. The Chief Officer</p>

	<p>reported that policy and provisions were reviewed continuously throughout the year at NEIFCA staffing and Senior Management Team meetings, since the last review in April 2020 there have been no notable incidents or accidents to report whilst staff have been working and as part of this standard six-monthly review all the standard Safe Operational Working Practices and supporting risk assessments have been fully reviewed and updated. Over and above the standard operational risk assessments and associated safe working practices, NEIFCA officers had continued to respond rapidly to the unprecedented impacts and risks associated with the global Covid-19 pandemic to ensure the protection and well-being of all staff and compliance with all current governmental advice.</p>
	Resolved – Members noted the report.
59.	CHIEF OFFICERS OPERATIONAL REPORT
	<p>The Chief Officer presented a report to provide members with a comprehensive and detailed operational overview covering the period September 2020 to December 2020. Since the last update provided to members at the meeting held on 18 September 2020, NEIFCA operational contingency planning continued to evolve in response to the ever changing situation surrounding the Covid-19 pandemic. Following the announcement of a second national ‘lockdown’ in England on 2 November 2020 officers had once again moved to a more observational orientated work pattern whilst still maintaining a presence both onshore and offshore. Since the beginning of October national work streams had become much more focused on preparations for the future exit of the European Union with primary involvement through the IFCA Chief Officers Group and the national Association of IFCAs.</p> <p>The Chief Officer updated members on the progression of the Replacement Patrol Vessel project and the progression to date relating to the 9.5 m Cabin RIB. The build contract for the cabin RIB was formally signed off with Northern Marine Power Ltd on 13 October 2020 and the vessel build was now underway with expected delivery expected sometime during early April 2021.</p> <p>The Chairman remarked on the extent of the work that officers had undertaken despite the obvious impacts of the Covid 19 pandemic and passed on the collective thanks of the members.</p>
	Resolved – (a) That the notes be received.
60.	BUDGET MONITORING 2020/2021
	<p>The Treasurer presented a report to advise Members of the budget position at the end of month 07 (October) in 2020/21. At the end of October 2020, the Authority had a net expenditure of £453,053 against an expected £629,717, underspending by £164,542. The forecast outturn underspend was £214,006 mainly due to employee underspends due to vacancies (£141,595). It was anticipated that the outturn position would be an underspend of £214,002 which allowed for the planned transfer of £102,900 plus accrued interest into the Renewals Fund and £10,000 into the Vehicle Replacement Reserve. It was proposed that £47,016 of the underspend at the year-end be transferred to the General Reserve to support pressures from the staffing and organisational review over the next four years and any remaining underspend (currently projected to be £166,786) to be transferred to the Renewals Fund towards the replacement of the patrol vessel, however the decision to increase</p>

	the levy by 1% means that there is no requirement to transfer £47,016 into the General Reserve. Members highlighted that there may be unknown issues which may arise following the UK exit from the EU, and any underspend should be placed in the General reserve, this would enable the funds to be used if required to support any unknown pressures. This will be reviewed at outturn when the final decisions will be made on where any underspend is transferred to, at the Authority meeting in June.
	Resolved – (a) That the budget monitoring position is noted. (b) That any underspend at the year-end be transferred to the appropriate reserve
61.	FISHERIES STATUTES AND PROSECUTIONS
	The Clerk submitted a report on the fisheries enforcement activities taken by the Authority during the period September 2020 to December 2020.
	Resolved – That the notes be received.
62.	MEMBERSHIP OF THE NATIONAL ASSOCIATION OF IFCAS
	The Chief Officer presented a report to provide Members with an update on recent changes within the National Association of IFCAs. At a meeting of the Executive Committee held on 16 April 2020 members received a detailed update from the Chief Officer relating to issues and concerns surrounding the functioning of AIFCA and value for money in terms of NEIFCA's continuing membership. The Chief Officer also advised members of the recent resignation of the Chief Executive. A new Chief Executive of AIFCA, Rob Clark, (previously the Chief Officer of Southern IFCA) was appointed during August 2020 and actively commenced the role on 1 September 2020. In the short time that the new Chief Executive had been in post confidence and positivity has already lifted significantly in terms of the functioning of AIFCA. Given the current climate surrounding the UK's formal departure from the EU, the associated development of a new UK wide marine management regime and also the potential impacts of the Covid 19 pandemic on central government funding, the need for strong national IFCA representation had never been greater. It was therefore recommended that the Authority maintained their annual subscription to AIFCA until 31 March 2022 with a further update and review of the position at the meeting in December 2021.
	Resolved – Members note the report and support NEIFCA's continued membership for a further year until 30 March 2022.
63.	NEIFCA BYELAWS UPDATE
	The Chief Officer presented a report to update members on all current fisheries byelaw work streams.
	Resolved – Members note the report.
64.	REPORTS FROM PARTNER AGENCIES AND BODIES

	Partner reports were unavailable at the time of printing, Patrick Gray from the MMO provided a verbal report to members. Members expressed concerns and frustrations that there was no representation from the Environment Agency (EA) at the meeting. The Clerk made a recommendation that a letter from the Authority should be submitted to the EA, highlighting members' main concerns and any specific issues which they would like to discuss.
	Resolved – A letter on behalf of the full Authority be submitted to the Environment Agency highlighting specific issues which members wish to discuss.
65.	PROVISION OF SERVICES TO NEIFCA
	The Clerk and Treasurer vacated themselves from the meeting, the Vice Chairman presented the report to members on behalf of the Chief Officer. The purpose of the report was to seek the Authority's approval for the continued provision of core services including Clerkship and Secretariat, Treasurer and financial services, Human Resources and Legal services through East Riding of Yorkshire Council with effect from 1 April 2021 until end of March 2024. Members agreed that the level and support provided by the East Riding of Yorkshire Council represented good value for money and contributed to the effective and efficient functioning of the organisation as a whole.
	Resolved - That Authority members consider the report and approve the continued provision of the following core services through East Riding of Yorkshire Council, with effect from 1 April 2021 for a further period of three financial years until the 31 March 2024:- (i) Clerkship (ii) Treasurer and financial services (iii) Human Resources (iv) Legal
66.	ANY OTHER BUSINESS
	Councillor Bell informed members of the Authority that he would be standing down as a Council member in May 2021, he wished the Authority well following his departure.
	The meeting closed at 11:45

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MEETING OF THE EXECUTIVE COMMITTEE

05 MARCH 2021

Present

Councillor Ron Allcock
 Dr Stephen Axford
 Councillor Edward Bell
 Councillor Tony Randerson
 Prof Mike Elliott
 Councillor Chris Matthews
 Mr Nigel Proctor
 Mr Gary Redshaw

Representing

North Lincolnshire Council
 MMO appointee
 Durham County Council
 MMO appointee
 MMO appointee
 East Riding of Yorkshire Council
 MMO appointee
 MMO appointee

Clerk Caroline Lacey, East Riding of Yorkshire, Stephen Chandler East Riding of Yorkshire Council and David McCandless, Chief Officer also attended the meeting.

Due to the restrictions associated with the Covid-19 pandemic, the meeting took place via a 'Zoom' conference dial in, the meeting commenced at 09:30.

1.	<u>APOLOGIES</u>
	Apologies for absence were received from MMO appointee Carter.
2.	DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS
	Resolved – The Clerk 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.
3.	TO TAKE NOTES OF THE MEETING HELD ON 12 NOVEMBER 2020 AS A CORRECT RECORD
	Resolved – That the minutes of the meeting held on 12 November 2020 be approved as a correct record and signed by the Chairman.
4.	NEIFCA ANNUAL PLAN
	The Chief Officer presented a report for members to review the Annual Plan for the year 2021/2022. The Chief Officer discussed with members the ambitious programme of work and the key areas of focus for the year. Members discussed training and in particular gaining greater insight into 'day to day' operational activities. It was agreed that an event in September 2021 should be arranged to meet with staff and to visit the Authority's offices and assets at Whitby.

	Members were asked to forward any further comments on the plan to the Chief Officer by the 15 March for consideration.
	Resolved – (a) The annual plan for 2021/2022 was reviewed. (b) Members authorised the draft of the accompanying annual report, summarising the Authority’s main activities and outputs during the 2020/2021 year.
5.	REVENUE BUDGET 2021/2022
	The Treasurer presented a report to inform Members of the draft budget for 2021/22. Members were informed that the 1% levy increase approved at the Authority Meeting on 18 December 2020 had been incorporated into the budget, which fully funded the revised staffing structure following the completion of the organisational review. The Chief Officer had been required to identify savings of £20,000 and this had mainly been achieved through a reduction in the travel & subsistence budgets.
	Resolved - a) That the draft budget for 2021/22 be approved b) That the level of general reserves is maintained at £228,450 (18%) of the annual levy c) That the £23,000 supplementary budget for external projects, fully funded by external income is added to the 2021/22 budget
6.	BUDGET REPORT 2020/2021
	The Treasurer presented a report to advise Members of the budget position at the end of month 09 (December) in 2020/21. At the end of December 2020, the Authority had net expenditure of £668,786 against an expected £810,368, underspending by £141,582. The forecast outturn underspend was £248,270 mainly due to employee underspends due to vacancies and patrol vessel underspends. Members agreed that due to the uncertainties surrounding the COVID-19 pandemic, the decision to transfer any underspends to either the General Reserve or the Renewals Fund should be postponed until June 2021. Retrospective approval was sought for the inclusion of a dynamic vessel stabilisation system and higher specification charting and radar plotting system for the new vessel totalling £31,318, fully funded from in year underspends.
	Resolved – (a) That the budget monitoring position is noted. (b) That the inclusion of a dynamic vessel stabilisation and charting and radar plotting system in section 3.3 is retrospectively approved, funded from in year underspends. (c) That any underspend at the year-end be transferred to either the Renewals Fund or the General Reserve, the decision on this to be taken at the June 2021 Authority meeting.
7.	RISK MANAGEMENT STRATEGY & STRATEGIC OPERATIONAL RISK REGISTER REVIEW
	The Clerk presented a report which included a revised Risk Management Strategy for adoption and to inform members that in accordance with the Strategy, a review of the Strategic and Operational Risk Registers had also been undertaken and was reported for approval. Members discussed the presentation of the report and suggested that the Strategic Risk Register should be colour coded and a visual ‘heat chart’ included as part of future reporting.
	Resolved – (a) That the revised Risk Management Strategy be adopted and the revised Strategic and Operational Risk Register be approved.

	(b) The presentation of the report to be altered in line with comments received by Members at the September review.
8.	NEIFCA HEALTH & SAFETY POLICY & SAFE WORKING PRACTICES 2021/2022
	The Chief Officer presented a report to inform members of the completion of the Annual review of the Authority's Health & Safety provisions. Since the last review in December 2020 the Chief Officer was pleased to advise that there had been no notable incidents or accidents to report. Over and above the standard operational risk assessments and associated safe working practices, NEIFCA officers continued to respond rapidly to the unprecedented impacts and risks associated with the ongoing Covid-19 pandemic to both protect staff and comply with all current governmental advice.
	Resolved – Members noted the report.
9.	NEIFCA BYELAWS UPDATE
	The Chief Officer presented a report To update members on all current fisheries byelaw work streams. Members were informed that on the 12 February 2021 the Byelaw XXXII Fish, Mollusc and Crustacea Byelaw 2019 had been confirmed by Defra. This new byelaw regulation was formally made by the Authority on 5 December 2019 to replace an emergency byelaw which re-instated long-standing minimum landing sizes for a wide range of fish and shellfish species across the NEIFCA district. The new regulation was made jointly with Northumberland, Eastern and Kent and Essex IFCAs.
	Resolved - Members noted the report.
10.	NEW CABIN RB & PATROL VESSEL REPLACEMENT UPDATE
	The Chief Officer presented a report to update members on progress with the build and commission of the new 9.5m Cabin rigid inflatable boat (RIB) and the replacement of the main vessel. Members were informed that the build of the 9.5m cabin RIB was been managed and overseen by the Deputy Chief Officer, Ian Davies. Despite periodic impacts caused by the ongoing Covid 19 pandemic, the build was progressing well. The main super structure was complete and the internal 'fit out' was well underway including wiring, ancillary pipe work and electronics. The next phase would be the installation of the main engines. The Clerk and Chief Officer updated members on a forthcoming meeting with DEFRA officials to discuss external funding support for the replacement of the main patrol vessel. The Chairman suggested that there should be some publicity and a press releases focusing on the sea trials and delivery of the new 9.5m cabin RIB.
	Resolved - Members noted the report.
11.	ANY OTHER BUSINESS
	The Chief Officer thanked Cllr Bell for his time served as a member of the Authority.
	The meeting closed at 10:40.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
14 July 2021

FINANCIAL OUTTURN 2020/21

Report of the Treasurer

A. Purpose of Report

To report the outturn position for the Authority for the year ended 31 March 2021.

B. Recommendation

That Members approve the outturn position

1. Introduction

1.1 This report provides the final income and expenditure account and balance sheet for the year ended 31 March 2021.

1.2 NEIFCA, which is classified as a joint committee, has no statutory obligation to prepare accounts which are externally audited. From 1 April 2015 any expenditure overseen by a joint committee was subject to audit as part of the main accounts of the constituent audited body, in this case the contributing local authorities. However, a set of accounts is prepared to inform the Authority of the position at the financial year end.

2. Responsibility of the Authority

2.1 The North Eastern Inshore Fisheries and Conservation Authority is required –

- to make arrangements for the proper administration of its financial affairs and to secure that one officer has the responsibility for the administration of those affairs. That officer is the Treasurer.
- to manage its affairs to secure economic, efficient and effective use of resources and safeguard its assets.

3. Responsibility of the Treasurer

- 3.1 The Treasurer is responsible for arrangements for the proper administration of Authority's financial affairs. The Treasurer is also responsible for the maintenance and preparation of its accounts in accordance with proper practices.

4. Comprehensive Income and Expenditure

- 4.1 The Comprehensive Income and Expenditure Statement is attached as Appendix A.
- 4.2 Detailed monitoring of expenditure against the profiled budget has been undertaken on a monthly basis and reported to the Authority and Executive meetings throughout the year. At the Executive meeting on 5 March 2021, it was reported that the projected outturn was a £248,270 underspend.
- 4.3 The total net expenditure for 2020/21 of £937,413 is shown in Appendix A. There is an outturn underspend of £247,723. It was agreed at the Executive meeting on 5 March 2021 that any underspend at outturn be transferred to the Renewals Fund to contribute towards the replacement of the patrol vessel.

5. Balance Sheet

- 5.1 The Authority's Balance Sheet, attached as Appendix C, is a representation of its net worth. As expected, the Authority's main asset, North Eastern Guardian III, forms the majority of its worth. The vessel is being depreciated over its anticipated useful working life, leaving an estimated residual value of £539,440.
- 5.2 A Special Authority meeting on 17 August 2020 authorised a contract for £383,773 for the build and commission of a new 9.5m Cabin Rigid Inflatable Boat (RIB), one of the three individual components which together make up the project to replace the Authority's main patrol vessel. At the Executive meeting on 5 March 2021 the purchase of a dynamic vessel stabilisation and charting and radar plotting system at a value of £31,318 was approved to maximise the operational capabilities of the new Cabin RIB, increasing the total approved budget to £415,091 (see Appendix B). The Cabin RIB has been included on the Authority's Balance Sheet at a value of £209,830 which is the value of the payments to 31 March 2021. The vessel was delivered on 19 May 2021 and is fully operational.
- 5.3 Usable Reserves of £1,689,656 have increased by £150,793 as a result of transfers to the Vehicle Replacement and Renewals Fund reserves of £10,000 and £350,623 respectively, offset by £209,830 transfer from the Renewals Fund towards the purchase of the new Cabin RIB.

6. Reserves

- 6.1 The final outturn has increased the value of reserves held which are shown at Appendix D. The general reserve enables the Authority to demonstrate its financial standing as a 'going concern' and to be in a position to meet unforeseen liabilities. The Executive meeting on 5 March 2021 approved the transfer of £30,257 from the general reserve to the renewals fund. This sum was set aside as the end of 2019/20 financial year to fund the potential funding pressure from the organisational review which is now complete, and the additional funding is no longer required. The closing balance at 31 March 2021 is £228,450. The reserve represents 18% of the annual levy for 2021/22, which is considered to be a reasonable level of balances for the Authority to hold.

- 6.2 The Authority also maintains specific reserves. In 2011/12 the Authority created a reserve to manage the risk associated with patrol vessel maintenance. Due to its nature, certain maintenance is cyclical rather than annual and other maintenance may be of an exceptional and urgent nature. The balance on the reserve will be maintained at £50,000.
- 6.3 A vehicle replacement reserve was established to fund the maintenance and replacement of vehicles. Maintaining a vehicle replacement reserve enables the fleet programme to be effectively managed and an annual set aside of £10,000 was approved by the Executive. The 2020/21 closing balance is £31,482. Currently the Authority owns one small multi-purpose van, one large transporter van, two 4x4 'pick up' vehicles and leases a further 4x4 'pick up' and a pool car. Owning vehicles has proven much more cost effective in terms of flexibility of managing mileage and additional 'end of term costs' which are applied with each lease agreement.
- 6.4 The levy included £102,900 to be transferred to the renewals fund, which is funding set aside towards the replacement of the patrol vessel. The balance has increased by a further £247,723 due to the transfer of the 2020/21 outturn underspend and £30,257 from the general reserve of funding previously earmarked for the organisational review offset by utilisation of £209,830 to fund the expenditure on the Cabin RIB. The balance now stands at £1,379,723. Estimates of remaining cost of replacing the patrol vessel are between £3.1m and £3.8m and external funding is now very limited, however options are being explored.

Contact Officer

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Principal Accountant, East Riding of Yorkshire Council

Stephen Chandler
Treasurer

Appendix A

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY						
COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT						
2019/20		2020/21				
Net Expenditure		Expenditure	Income	Net Expenditure	Original Budget	Variance
£		£	£	£	£	£
409,888	Central / Headquarters	433,561	31,473	402,087	463,640	-61,553
105,592	Land Based Operations	121,931	0	121,931	132,200	-10,269
412,758	Offshore Operations	370,694	10,959	359,735	466,150	-106,415
114,041	Environment	54,532	0	54,532	110,650	-56,118
-357	Grant Aided Projects	35,070	35,941	-871	0	-871
1,041,923		1,015,787	78,373	937,413	1,172,640	-235,227
Net Income		Expenditure	Income	Net Income	Original Budget	Variance
£		£	£	£	£	£
SOURCES OF FINANCE						
1,224,320	Annual levy on Local Authorities	0	1,285,536	1,285,536	1,285,540	4
0	Contribution from Reserves	0	0	0		0
0	Cont (to)/from Capital - Vehicles	0	12,500	12,500		-12,500
-112,900	Contribution to Earmarked Reserves	112,900	0	-112,900	-112,900	0
1,111,420		112,900	1,298,036	1,185,136	1,172,640	-12,496
Net Underspend						-247,723
Contributions to earmarked reserves					£	
Renewals Fund					102,900	
Vehicle Replacement					10,000	
					112,900	

Appendix B

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY					
CAPITAL					
	Date Approved	Budget	2020/21 Expenditure	2021/22 Forecast	Total
9.5m Cabin Rigid Inflatable Boat	17/08/2020	383,773	209,830	173,943	383,773
Dynamic Vessel Stabilisation & Radar System	05/03/2021	31,318	0	31,318	31,318
Total		415,091	209,830	205,261	415,091

APPENDIX C

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY				
BALANCE SHEET				
31 March 2020		31 March 2021		
£		£	£	£
	LONG TERM ASSETS			
1,914,748	Waterborne Assets - Gross Book Value	2,124,578		
-1,370,188	Waterborne Assets - Depreciation	<u>-1,371,212</u>		753,366
169,984	Vehicles and Equipment - Gross Book Value	169,984		
-103,692	Vehicles and Equipment - Depreciation	<u>-117,710</u>		52,274
	Work in Progress			
610,852				<u>805,640</u>
	CURRENT ASSETS			
	Debtors			
11,208	HMRC - VAT	34,136		
69,971	Other	136,047		
3,028	Prosecution Costs	3,568		
-2,328	Provision for Bad Debt	<u>-2,328</u>	1,240	
479	Payment in Advance	<u>479</u>		171,902
	Short Term Investments			
	Cash and cash equivalents			
1,495,886	Temporary Investments	1,448,531		
87,940	Cash at Bank and in Hand	259,200		
350	Petty Cash	<u>350</u>		1,708,080
	CURRENT LIABILITIES			
-111,171	Creditors	-173,827		
	Receipt in Advance			<u>-173,827</u>
<u>2,166,215</u>	NET ASSETS			<u>2,511,795</u>
	FINANCED BY			
1,538,863	Usable Reserves			1,689,656
627,352	Unusable Reserve			822,139
<u>2,166,215</u>	TOTAL RESERVES			<u>2,511,795</u>

Appendix D

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY		
RESERVES		
General Reserve	2020/21	2021/22
	£	£
Balance brought forward	258,707	228,450
Usage	0	0
Transfer to Renewals Fund	-30,257	0
Balance carried forward	<u>228,450</u>	<u>228,450</u>
Patrol Vessel Maintenance	2020/21	2021/22
	£	£
Balance brought forward	50,000	50,000
Transfer from Revenue	0	0
Balance carried forward	<u>50,000</u>	<u>50,000</u>
External Projects	2020/21	2021/22
	£	£
Balance brought forward	0	0
Transfer from Revenue	0	0
Balance carried forward	<u>0</u>	<u>0</u>
Vehicle Replacement Reserve	2020/21	2021/22
	£	£
Balance brought forward	21,482	31,482
Transfer to Revenue	0	0
Transfer from Revenue	10,000	10,000
Balance carried forward	<u>31,482</u>	<u>41,482</u>
Renewals Fund	2020/21	2021/22
	£	£
Balance brought forward	1,208,673	1,379,723
Transfer from Revenue	350,623	102,900
Transfer from General Reserve	30,257	
Transfer to Revenue	-209,830	-205,261
Balance carried forward	<u>1,379,723</u>	<u>1,277,362</u>
TOTAL USEABLE RESERVES	<u>1,689,656</u>	<u>1,597,295</u>

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
14 July 2021

Management of Scallop Dredging 2021/2022

Joint Report by the Chief Officer & Environmental & Scientific Manager

A. Purpose of Report

To update members on the management of the 2021/2022 fishery and to consider recommendations on the opening of the fishery and the number of permits to be issued.

B. Recommendation

1. That members note the report and endorse the reopening of the permitted fishery on the same basis as the previous five seasons and that a maximum of three permits are offered in line with the draft application process for the 2021/2022 season.

1. Background

- 1.1 At the Authority meeting held on 18 September 2020 members supported recommendations from the Science Advisory Group that the permitted scallop fishery should move out of the trial phase which had been in place since December 2016 and future management decisions should be informed by a detailed plan (Minute 36 refers).
- 1.2 The 2020/2021 fishery commenced on 1 November 2020 despite the ongoing impacts of the COVID 19 pandemic and closed on 30 April 2021. In line with previous seasons three vessels were permitted and no major compliance issues were recorded.
- 1.3 During the 2020/21 season over 248 tonnes of scallops were landed across 150 days of active fishing with a first sale value of approximately £547K. Landings Per Unit Effort (tonnes/km² swept area) was significantly higher than in previous years, with anecdotal reports of very high numbers of juvenile scallops within the permitted areas.

Season	Landings (tonnes)	LPUE (tonnes/km ²)
2016/17	63.9	3.4
2017/18	198.8	3.9
2018/19	287.5	4.2
2019/20	180.7	3.6
2020/21	248.8	6.2

- 1.4 Despite management of the fishery being designed in close consultation with the co-located static pot fishery, permit holders reported significant amounts of static gear being located within, particularly, the southern permitted area throughout the season. This has impacted the permitted dredging vessels capacity to fully utilise the designated areas. Consideration is being given to mechanisms to better manage potential conflicts with the static gear fleet.
- 1.5 Potential changes to the designated areas have been proposed by some permit holders, however the evidence base to support such changes does not currently exist. It is expected that further research and consultation will be undertaken as the implementation of the Fishery Management Plan process develops.
- 1.6 Monitoring and research has been significantly reduced as a result of both the COVID-19 pandemic and the internal organisational review. Offshore observer and NEIFCA research surveys are expected to resume for the 2021/22 fishery season, subject to consideration by the Science Advisory Group.
- 1.7 Given the lack of contemporary data, no change to the number of permits is being considered for the forthcoming season. Officers expect to commence the application process over the coming months in preparation for the fishery opening on 1 November 2021.
- 1.8 It is therefore recommended that the fishery re-open on 1 November 2021 and a maximum of three permits are issued in accordance with the draft procedure attached to this report.

Contact Officer

David McCandless,
Chief Officer,
Ext. 3690

Procedure for Application & Issue of NEIFCA Scallop Dredging Permits

Issue Date – 16 July 2021

Review Date – June 2022

Contact Officer – David McCandless (Permit Allocation Officer)

<u>PURPOSE</u>	To Ensure Allocation of NEIFCA Scallop Dredging Permits
AIM	Allocation of permits are undertaken in a fair, efficient and transparent manner and that there is a clear and consistent appeals procedure
SUCCESS CRITERIA	All permits will be issued in a consistent and timely manner.



1. Permit Applications

- 1.1 Applications for permits **will only be considered** from registered licensed vessels meeting the following criteria:

Overall length not exceeding 12 metres
Engine power not exceeding 221 KW

or

Overall length not exceeding 18.3 m
Engine power not exceeding 400 KW and
Registered on the Authority's Legacy Vessel List

- 1.2 **Applications must be received by the Authority by Thursday 29 July 2021.** All applications must be supported by evidence of catching and landing scallops within the NEIFCA district. **Any applications submitted without such supporting information will not be considered. The responsibility for providing such information rests solely with the applicant.**
- 1.3 Applications will only be accepted after the closing date if vacancies remain following initial allocation.
- 1.4 The submission of an eligible application will not necessarily guarantee a permit.

2. Permit Allocation Process

- 2.1 A maximum of three permits will be made available for the 2021/2022 season.

Phase 1 Criteria

2.2 If the number of valid applications for scallop dredging permits does not exceed the maximum number of available permits, determined by the Authority, then each eligible applicant will be issued with a permit.

2.3 If the number of valid applications for scallop dredging permits exceeds the maximum number of available permits determined by the Authority then the Permit Allocation Officer will consider all applications against the following selection criteria:

- i) Historical length of track record presented detailing the catching and landing of scallops within the NEIFCA district. Priority will be given to those vessels able to demonstrate the longest track record.

Phase 2 Criteria

Beyond the application of Phase 1 criteria, judgement will be required on the part of the Permit Allocation Officer and will include the following (including weighting scores):

- 2.4 If a number of applicants present identical historical track records and that number still exceeds the number of available scallop dredging permits then the Permit Allocation Officer will need to make a formal assessment of the available evidence supplied for Phase 1 criteria, this assessment will be based on the following information, using a sliding scale of priority as follows:
- (i) Has the applicant ever been the subject of formal sanction(s) for national fisheries offence(s) within the last five years?
 - (ii) What proportion of the track record can be proven **specifically** for the Specified Scallop Dredging Area as defined within the byelaw regulation?
 - (iii) Can the applicant demonstrate any other track record of fishing within the Authority's district and over what time period?
 - (iv) If a track record has been proven what were the total quantities of scallops caught during that reference period taken as a ratio of the vessel's engine power and the extent of the reference period?
- 2.5 The Permit Allocation Officer will make a list of all unsuccessful eligible applicants. Should any permit become available during the course of the permit year the permit will be allocated to the applicant at the top of this list. The position of each applicant on the waiting list will be determined by their application form and Phase 1 and 2 Criteria.
- 2.6 **All applicants successful or otherwise will be sent provisional notification in writing by Friday 6 August 2020.**

3 Right of Appeal

- 3.1 **Any decision by the Permit Allocation Officer that an applicant is not entitled to a permit will be sent in writing together with notification of the right of appeal by 6 August 2020.**
- 3.2 Included within the right of appeal should be information used to assess the application by the permit allocation officer summarising the reason why the applicant was not successful as well as a copy of the Appeal Procedure.

4 Appeal Procedure

- 4.1 The Appeal panel will consist of the members of the NEIFCA Executive Committee.
- 4.2 Appeals must be addressed to NEIFCA Executive 'Scallop Dredging Permit Appeal', Town Hall, Quay Road, Bridlington, YO16 4LP.
- 4.3 **All Appeals must be submitted in writing with any supporting evidence by Friday 20 August 2021** and will be considered by the Executive Committee.
- 4.4 The Permit Allocation Officer must satisfy the NEIFCA Executive Committee that the correct application procedure has been followed and that the unsuccessful applicant (appellant) has been provided with all relevant information used to assess their application.

- 4.5 Based on the information supplied by the Permit Allocation Officer and the applicant in writing the NEIFCA Executive Committee will make a decision.
- 4.6 Immediately after the hearing the NEIFCA Executive Committee will provide the Permit Allocation Officer with their decision. The officer will notify the appellant within 7 working days of this decision together with details of how this decision was reached.
- 4.7 The decision of the NEIFCA Executive Committee is final.

5 Further Conditions of Permit Allocation
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- 5.1 Following the conclusion of any appeals process written confirmation will be sent to all the successful applicants and permits will be issued upon full receipt of the £500 permit charge specified in paragraph 5 of Byelaw XXIII 'Method and Area of Fishing (Scallop Dredges) Byelaw 2016.
- 5.2 The right is reserved to refuse the issue of a permit until such time as a successful applicant provides any outstanding monies or information required for the issue of a permit or from a previous year in accordance with paragraph 6 of Byelaw XXIII 'Method and Area of Fishing (Scallop Dredges) Byelaw 2016.
- 5.3 Scallop dredging permits are not transferable between vessels and can only be used by a person named on the permit and in conjunction with the vessel named on the permit.
- 5.4 Scallop dredging permits may be subject to suspension, at anytime, for a number of reasons in accordance with the process outlined within paragraph 7 of Byelaw XXIII 'Method and Area of Fishing (Scallop Dredges) Byelaw 2016.
- 5.5 All permits issued are subject to the prohibitions and conditions contained in Byelaw XXIII 'Method and Area of Fishing (Scallop Dredges) Byelaw 2016.
- 5.6 If any permit issued is not utilised within two months of the date of its allocation the permit will be revoked and re-issued, without re-imbursement of the application fee, to the next applicant named on the list of unsuccessful eligible applicants

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
14 July 2021

Management of Permitted Intertidal Sea bass Fishery 2021/2022

Report by the Chief Officer.

A. Purpose of Report

To update members on the current situation surrounding the EU prohibition on commercial fishing for sea bass from the shore and to present a scheme for re-opening the fishery on 1 October 2021.

B. Recommendation

1. That Members note the report.
2. That given the introduction of new secondary legislation which will permit five operators to work intertidal fixed nets within the NEIFCA district from 30 July 2021 members support the re-opening of the permitted fishery, in accordance with the Authority's fixed netting byelaw regulations, from 1 October 2021.
3. That members endorse the draft procedure for allocating the permits.

1. Background

- 1.1 Members will be fully aware of the ongoing conflict between European fisheries legislation, designed to protect sea bass stocks, and the Authority's intertidal netting permit scheme.
- 1.2 This legislative conflict has been ongoing since the end of 2017 but I am pleased to report that following communications with Defra on Friday 4 June 2021 changes implemented via secondary legislation by the UK government will enable the Authority to re-open the fishery again. The Sea Fisheries (Amendment etc) Regulations 2021 laid before Parliament on Thursday 10 June 2021 are expected to take effect on 31 July 2021. These regulations will permit by-catches of seabass to be retained by up to 5 shore based fixed gill net operators within the NEIFCA district. Whilst Defra have specified that the associated catches from the fishery must be strictly monitored this legislative change means that the permitted intertidal fishery can now be legitimately re-opened from 1 October 2021.
- 1.3 A copy of the Authority's supporting byelaw regulation 'XVIII Method and Area of Fishing (Fixed Netting) Byelaw 2016 is attached to this report for information. The provisions of this byelaw inform the processes governing the application and issue of permits and were updated in October 2019. Alongside the permitting schemes the byelaw also carries a wide range of technical provisions governing the construction of nets and where they can be set at certain times of the year. Under the terms specified within the byelaw regulation an application fee of £500 is also required for each permit allocated.

- 1.4 It is proposed that applications for both intertidal and sub-tidal permits are opened on 16 July 2021 with a provisional closing date of 29 July 2021. All applicants will be notified in writing on the outcome of their applications by 6 August 2021 and unsuccessful applicants will be offered the right of appeal which will close on 20 August 2021. Any appeals will be considered by the Executive Committee on 2 September 2021. Following consideration of appeals the final allocation of permits will be confirmed in writing and under the terms of the byelaw regulation a £500 fee will be charged. Once payment is received the permits will then be issued in advance of the commencement of the fisheries on 1 October 2021. A draft procedure outlining the application and allocation process is attached for members review.

Contact Officer

David McCandless, Chief Officer
Ext. 3690

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

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

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

1. Interpretation

In this byelaw:

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

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

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

2. Prohibitions

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

3. Permits

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

4. Conditions – General

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

- (ii) the net is constructed of a single sheet of unarmoured netting;
 - (iii) the net has mesh size equal to or greater than 100 millimetres;
 - (iv) the net is no taller than 1 metre in height;
 - (v) the net is fixed to the sea bed and set in such a way that the foot rope is in permanent contact with the sea bed along its entire length;
 - (vi) the net is placed at least 50 metres from any other net or trap;
 - (vii) the combined length of nets is a maximum of 500 metres; and,
 - (viii) each end of the net is identified with surface markers.
- (g) A person using a vessel other than a registered fishing vessel shall not use more than 100 metres of net.

5. Area C - Conditions

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

6. Area C - Permit Applications

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

7. Area C - Permit Suspension

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

8. Area C - Emergency Permit Suspension

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

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



Caroline Lacey

Clerk

North Eastern Inshore Fisheries and Conservation Authority

Town Hall

Quay Road

Bridlington

East Yorkshire

YO16 4LP

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

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

Date: 29/10/19



COLIN FAULKNER

DEPUTY DIRECTOR

MARINE + FISHERIES, DEFRA

Schedule
Definition of areas

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

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

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

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

Explanatory Note

(This note does not form part of the byelaw)

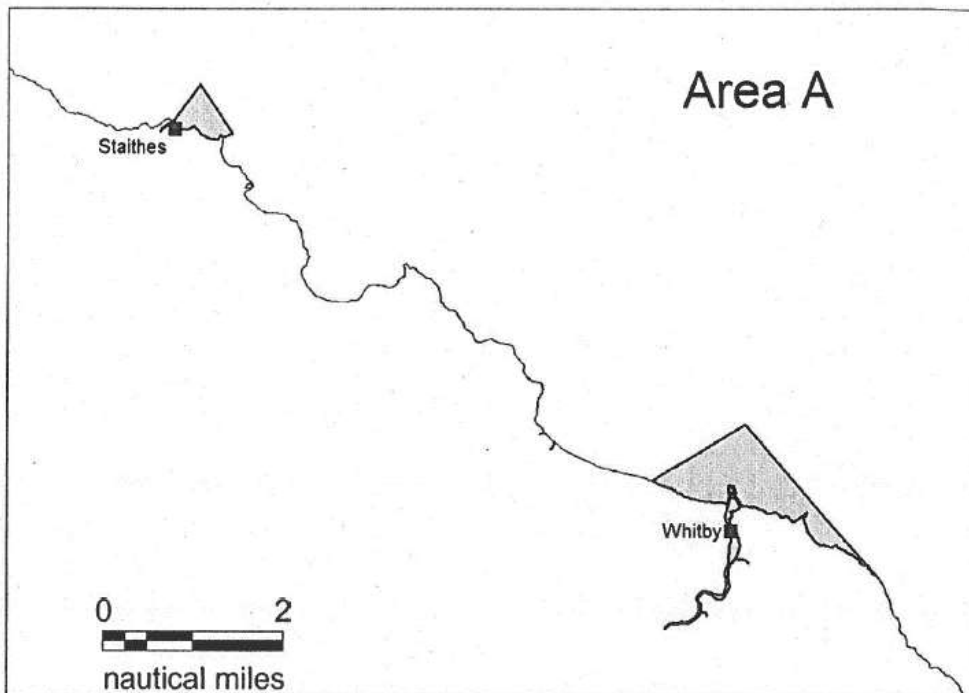
The purpose of this byelaw is to protect both developing sea fish stocks such as sea bass and vulnerable migratory species from overexploitation, through the appropriate management of intertidal and inshore fixed netting activity. The provisions contained within the byelaw will also reduce the risks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

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

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

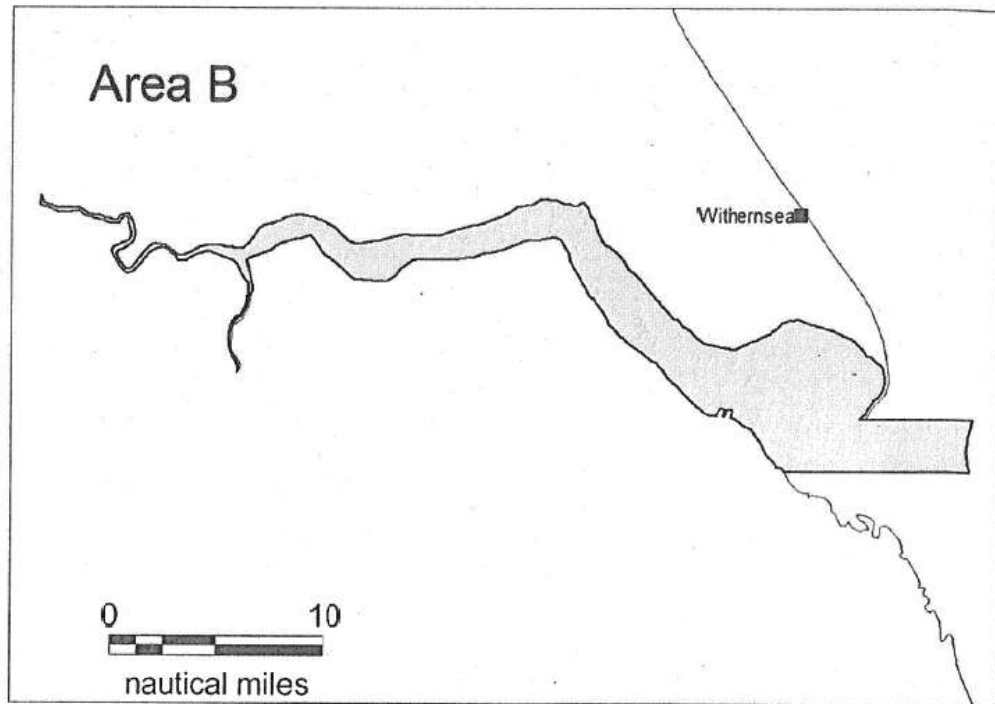
Area A – Staithes & Whitby

All fixed netting is prohibited.



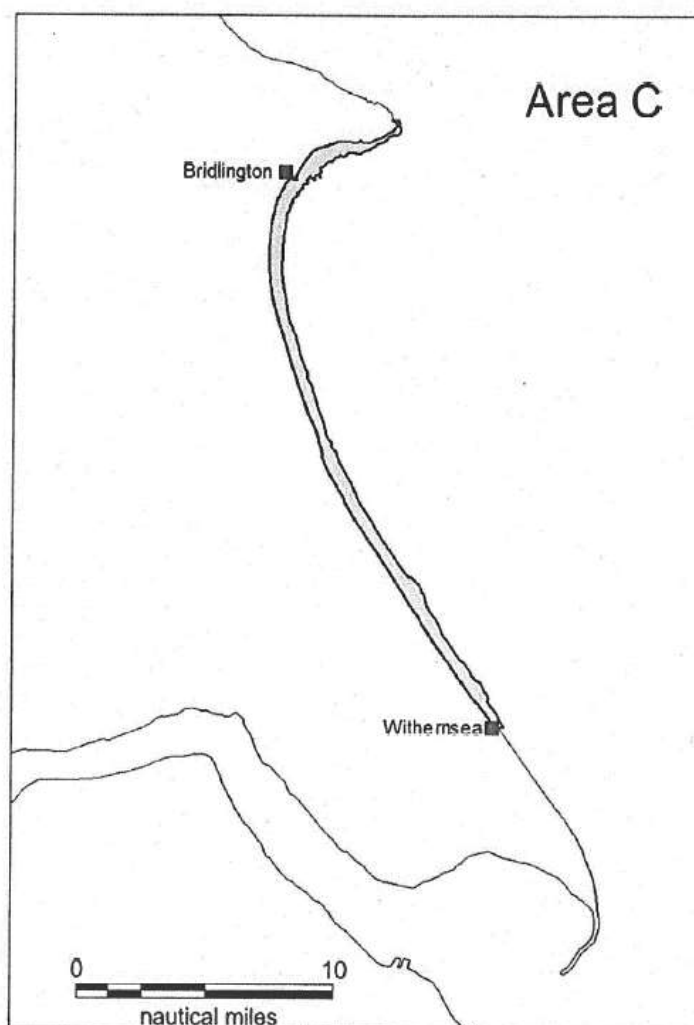
Area B – Humber

All fixed netting is prohibited.



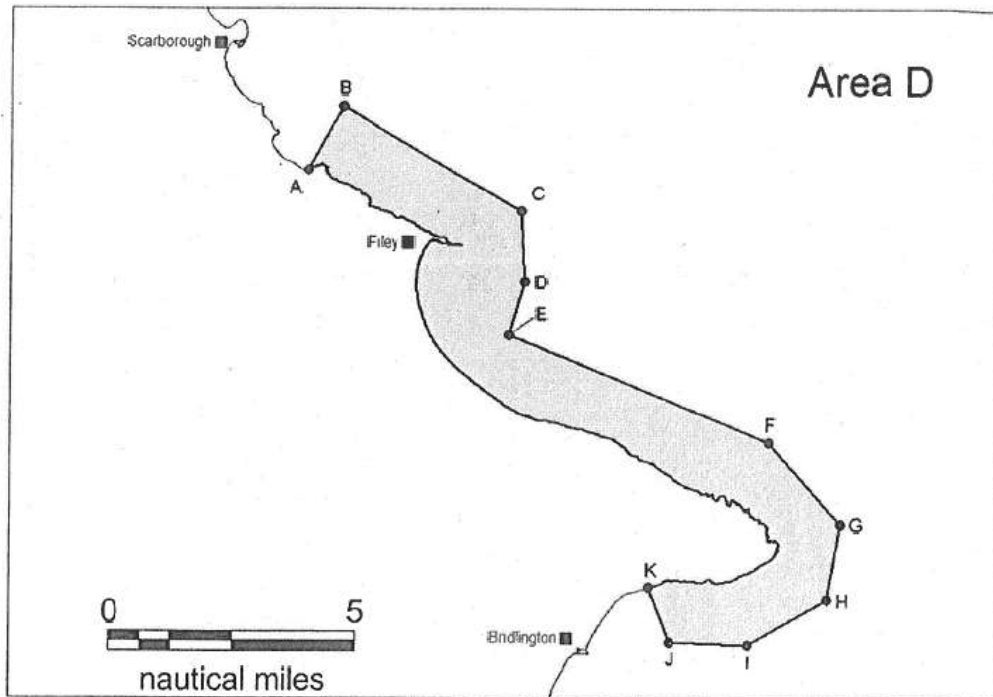
Area C – Holderness

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



Area D – Flamborough and Filey Coast pSPA

All fixed netting is prohibited from 1 March to 30 September



Procedure for NEIFCA Area C Fixed Netting Permit Allocation

Issue Date – 16 May 2021

Review Date – June 2022

Contact Officer – David McCandless (Permit Allocation Officer)

<u>PURPOSE</u>	To Ensure Allocation of NEIFCA Fixed Netting Permits to Fish Within Area C of the Holderness Coast
AIM	Allocation of permits are undertaken in a fair, efficient and transparent manner and that there is a clear and consistent appeals procedure
SUCCESS CRITERIA	All permits will be issued in a consistent and timely manner.



1. Permit Applications

- 1.5 Applicants can only apply for one type of permit, intertidal or sub-tidal, not both.
- 1.6 **Applications must be received by the Authority by the 29 July 2021.** Applications will only be accepted after the closing date if vacancies remain following initial allocation.
- 1.7 Vacancies for permits will be advertised on the NEIFCA website (www.ne-ifca.gov.uk) subject to NEIFCA discretion.

2. Permit Allocation Process

- 2.1 The Permit Allocation Officer shall consider all applications against the following selection criteria:

Phase 1 Criteria (Listed in order of Priority)

- 1) The applicant has previously held a permit to fish in Area C.
- 2) Can demonstrate a historical track record of fishing in Area C.
- 3) Can demonstrate a historical track record of catching fish using fixed nets.
- 4) With respect to sub-tidal permits the operating vessel is registered 10 m and under and carries a national MMO licensing entitlement to catch and take sea bass.

Phase 2 Criteria

Beyond the application of Phase 1 criteria, judgement will be required on the part of the permit allocation officer and will include the following:

- A) Should there be more applicants than the 10 available permits (5 intertidal and 5 sub-tidal) who can demonstrate Phase 1 criteria, then the permit allocation officer will need to make a formal assessment of the available evidence supplied for Phase 1 criteria, this assessment will be based on the following information, using a sliding scale and in the following priorities:
- 1) If a track record has been proven, over how long can the applicant demonstrate that track record and what were the total quantities of fish caught during the reference period?
 - 2) What track record can be proven for the use of fixed nets within Area C and for how long?
- B) Should there be fewer applicants than the 5 available permits who meet the Phase 1 criteria, then the permit allocation officer will need to make a formal assessment of the available evidence supplied for Phase 1 Criteria from the remaining applicants, based on the following information:
- 1) Track record – What evidence has been supplied to support a track record for catching fish using fixed nets. Over what time period is this available and how much fish can be demonstrated to have been caught?

- a. The permit allocation officer shall allocate a permit to those applicants who meet Phase 1 criteria (subject to Phase 2 assessment if required)
- b. The permit allocation officer shall make a list of all unsuccessful applicants; these applicants will be held on the relevant waiting list for the permit applied for. The position of each applicant on this waiting list will be subject to annual review and submission of completed applications forms and evidence. Should any permit become available during the course of the permit year the permit will be allocated to the applicant at the top of this waiting list. The position of each applicant on the waiting list will be determined by their application form and Phase 1 and 2 Criteria.
- c. Each applicant will be required to submit an annual application form with supporting evidence as per section 1 'Permit Applications'.
- d. All applicants successful or otherwise will be notified by 6 August 2021.**

3 Right of Appeal

- 3.3 Any decision by the permit allocation officer that an applicant is not entitled to a permit should be sent together with notification of the right of appeal by 6 August 2021.**
- 3.4 Included within the right of appeal should be information used to assess the application by the permit allocation officer summarising the reason why the applicant was not successful as well as a copy of the Appeal Procedure.

4 Appeal Procedure

- 5.7 The Appeal panel will consist of the members of the NEIFCA Executive Committee.
- 5.8 Appeals must be addressed to NEIFCA Executive 'Sea Bas Permit Appeal', Town Hall, Quay Road, Bridlington, YO16 4LP.
- 5.9 **All Appeals must be submitted in writing by 20 August 2021** and will be considered by the Executive Committee on 2 September 2021.
- 5.10 The permit allocation officer must satisfy the NEIFCA Executive Committee that the correct application procedure has been followed and that the unsuccessful applicant (appellant) has been provided with all relevant information used to assess their application.
- 5.11 Based on the information supplied by the permit allocation officer and the applicant in writing the NEIFCA Executive Committee will make a decision.
- 5.12 Immediately after the hearing the NEIFCA Executive Committee will provide the permit allocation officer with their decision. The officer will notify the appellant within 7 working days of this decision together with details of how this decision was reached.
- 5.13 The decision of the NEIFCA Executive Committee is final.

6	<u>Further Conditions of Permit Allocation</u>
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6.1 The issue of NEIFCA intertidal permits will be subject to the following additional conditions:

- 1) Following the conclusion of any appeals process written confirmation will be sent to all the successful applicants and permits will be issued upon full receipt of the £500 permit charge specified in paragraph 6(l) of Byelaw XVIII 'Method and Area of Fishing (Fixed Netting) Byelaw 2016.
- 2) The right is reserved to refuse the issue of a permit until such time as a successful applicant provides any outstanding monies or information required for the issue of a permit or from a previous year in accordance with Byelaw XVIII 'Method and Area of Fishing (Fixed Netting) Byelaw 2016 and or Byelaw XXXI Catch Returns Byelaw.
- 3) Permits may be subject to suspension, at any time, for a number of reasons in accordance with the processes outlined within paragraphs 7 and 8 of Byelaw XVIII 'Method and Area of Fishing (Fixed Netting) Byelaw 2016.
- 4) All permits issued are subject to the prohibitions and conditions contained in Byelaw XVIII 'Method and Area of Fishing (Fixed Netting) Byelaw 2016.
- 5) All permit holders MUST have in place before commencing any netting/fishing activity from the beach Third Party Business Liability Insurance. This is non negotiable and must be in place. A certificate of Insurance can be submitted with the application or after the permit has been allocated.
- 6) All permit holders must sign a Health and Safety Code of Practice which stipulates how fishing gear must be used in accordance with Health and Safety procedures. Any additional criteria or stipulation from ERYC must also be strictly adhered to. Any breaches, either of the Code of Practice and or such additional criteria or stipulation set, could render the permit holder liable to prosecution by the ERYC and their permission to fish in the intertidal zone revoked.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
14 July 2021

Draft NEIFCA Annual Report 2020/2021

Report by the Chief Officer.

A. Purpose of Report

To provide members with a draft Annual Report covering the period, 2020/2021, summarising the Authority's outputs and activities during the year.

B. Recommendation

2. That members note and endorse the report

1. Background

1.1 Section 178 of the 2009 Marine and Coastal Access Act places a statutory duty on Inshore Fisheries and Conservation Authorities (IFCA's) to prepare and publish an annual report on their activities.

1.2 A draft annual report covering the period 2020/2021 and summarising the Authority's work, main outputs and achievements during its tenth operational will be provided in advance of the meeting for member's information and review.

1.3 The report must be formally submitted to Defra but there is time for members to provide feedback which can be incorporated into the final draft. If member's have any additional comments or feedback please submit them via email return to me by **Friday 30 July 2021**.

Contact Officer

David McCandless
Chief Officer
Ext. 3690

Background Papers

Draft NEIFCA Annual Report 2020/2021

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
14 July 2021

NEIFCA Updated Staffing Handbook

Report by the Clerk & Chief Officer of the Authority.

A. **Purpose of Report**

To provide members with an updated version of the NEIFCA 'Staffing Handbook', containing comprehensive information on staffing policies and procedures for review and consideration.

B. **Recommendations**

1. That the updated version of the NEIFCA Staffing Handbook be provisionally approved subject to any further consideration of comments received from staff and or Trade Union representatives.
2. That members delegate authority to the Executive Committee to review and consider any such comments and finalise the Handbook.
3. That a final version of the Handbook is provided for member's information at the next Authority meeting.

1. **Background**

- 1.1 The NEIFCA Staffing Handbook provides information and guidance on the Authority's staffing policies and procedures and is referenced within its main terms of employment. The Staffing Handbook is subject to regular revisions and updates, in the main, to ensure compliance with ever changing national employment legislation and improve and strengthen governance.
- 1.2 This latest version of the NEIFCA Staffing Handbook has been extensively updated to incorporate recent changes following the implementation of the 2020 organisational review. This work has been carried out by senior officers within the East Riding of Yorkshire Council (ERYC) Human Resources Team in consultation with the Chief Officer.
- 1.3 Additional policies covering equality, flexible working, parental and adoption leave and bereavement support have been added to comply with various recent changes in employment legislation since the last refresh. Other policies surrounding staffing codes of conduct, harassment and bullying, grievance, disciplinary and dress codes at work have also been refreshed and updated in line with current employment legislation. New guidelines relating to safeguarding have also been included for the first time to support interaction

with young and vulnerable people who may engage with Officers via work exchange or apprenticeship schemes or academic secondments. These had been developed previously but not formally incorporated into the Handbook at the time.

- 1.4 All additional policies and amendments incorporated into the revised Handbook have been adopted from existing ERYC policies which have previously been subject to Trade Union consultation and agreement.
- 1.5 The revised staffing handbook has been shared with all NEIFCA staff and the main Trade Union points of contact in advance of the meeting.

Contact Officer

David McCandless, Chief Officer
Ext 3690

Background Papers

2021 NEIFCA Staffing Handbook

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
14 July 2021

NEIFCA Internal Audit Report 2020/2021

Report of the Clerk

A. Purpose of Report

To inform Members of the findings of the annual audit report.

B. Recommendation

1. That Members note the report.

1. Background

- 1.1 The East Riding of Yorkshire Council undertakes an annual audit of the Authority's operational activity.
- 1.2 The purpose of the audit is to provide management with assurance about the effectiveness of the controls identified and the exposure to risk that any control weaknesses may cause.
- 1.3 The objectives of the audit process are included within the scope of the audit that took place during May of this year and should re-assure members that appropriate control objectives are being tested by internal audit.

2. Internal Audit

- 2.1 The Audit Plan is designed to provide assurances to:
 - (i) Provide assurance to the Treasurer, Clerk and Members to support the Statement of Accounts and Annual Governance Statement
 - (ii) To provide assurance on the controls mitigating two key risks, in particular:
 - Inadequate controls over income and expenditure may impact on the ability of NEIFCA to deliver its objectives
 - Inadequate processes or inconsistent application of procedures may lead to legal challenge or financial penalty in areas such as enforcement, health and safety, and data protection.

The scope of the audit is agreed with the Clerk and Chief Officer and in 2020/21 included testing to provide assurance that:

- Risk management arrangements
- Licensing/permits and enforcement
- Procurement
- Health and safety
- Purchase and fuel cards
- Data protection/records management
- Payroll
- Travel and subsistence
- Budget monitoring and bank reconciliations
- Inventories

3. Opinion.

- 3.1 The overall assurance opinion is 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.
- 3.2 A copy of the report is appended for Members information.

Contact Officer

Caroline Lacey, Clerk
Ext 3000

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
14 July 2021

Chief Officer's Operational Report

Report of the Chief Officer

A. Purpose of Report

To provide members with a comprehensive and detailed operational report covering the period December 2020 to June 2021.

B. Recommendation

That Members note the report.

1. Overview

1.1 NEIFCA

Covid-19 Pandemic

Since the last update provided to members at the meeting held on 18 December 2020 NEIFCA operational contingency planning remains dynamic, evolving in response to the ever changing situation. As national 'lockdown' measures have eased operational practices have been adapted accordingly although the overall approach remains precautionary. All officers continue to work in fairly 'tight' team 'bubbles' with contact maintained at minimum levels whilst strictly adhering to both national and internal Covid-19 guidelines with a broad emphasis on working from home where possible. Thankfully to date through the pandemic all NEIFCA staff have remained safe and well.

NEIFCA's draft Annual Report covering the period 1 April 2020 to 31 March 2021 highlights some of the impacts that the COVID 19 pandemic has had on the Authority's operational activities but despite that a significant amount of very positive work has still been delivered. One of the most notable areas of impact has been on the Authority's planned survey and stock assessment work which has only been possible on a very limited and occasional basis when COVID risk has been at its lowest levels. Officers are now forward planning to re-start this work although infection risks are still presenting challenge.

The Fishing Industry & Covid-19

Since September 2020 fishing businesses have continued to operate at near normal levels of activity despite periodic restrictions applied to the hospitality sectors.

1.2 National

Up to the end of December 2020 national work streams were largely focused finalising arrangements for exiting the European Union. IFCA involvement was channelled through the national Association and Chief Officer's group. Following the formal exit of the EU on 31 December work has gathered pace on the development of new systems and processes to support the management of UK fisheries and marine resources as an independent coastal state. This work is underpinned by the 2020 Fisheries Act which achieved royal assent on 23 November 2020 and the Environment Bill which is expected to receive royal assent later this year. In terms of fisheries one of the current focus areas is the development of national fisheries management plans, a statutory requirement under the Fisheries Act. This work is currently at an early stage and Defra have opened a number of working groups with key fishing industry sectors to facilitate direct engagement and input. In parallel, the national Association of IFCAs is currently developing a project aimed at capturing and collating the wide and varied fisheries management work actively delivered across the IFCAs. Outputs from this project will then be 'fed into' the national work stream. In terms of the wider marine environment, at the beginning of June 2021, Defra announced the government's intention to advance the designation of a small number of Highly Protected Marine Areas (HPMAs). A list of potential pilot sites is expected to be published by the end of the summer but in advance of that Defra has opened a short consultation process seeking nominations for the inclusion of potential sites across England.

On 8 June, 'World Ocean Day', the national Association of IFCA's launched a virtual on-line event to mark the tenth anniversary of the establishment of IFCA's. The event included presentations from the Fisheries Minister, the Chief Officer of AIFCA, the Local Government Association and others which highlighted some of the work and achievements of IFCAs thus far. A link to the event was shared with members which also included an opportunity to feedback back to Association on shared experiences over the last decade.

1.3 Enforcement & Compliance Work

Managing the risks associated with the COVID 19 pandemic has had a significant impact on the delivery of the Authority's enforcement and compliance work with a much greater emphasis on maintaining a presence and observing rather than making physical interventions. This is very much reflected in the number of inspection reports submitted by officers which fell from 447 (1 April 2019 to 31 March 2020) to 233 (1 April 2020 to 31 March 2021). That said, the number of recorded sanctions against offences detected during the same period has remained comparable or actually increased as follows:

	2019/2020	2020/2021
Verbal Warnings	37	27
Written Warnings	19	20
Formal Cautions	5	11
Fixed Penalties	7	18
Formal Prosecutions	12	7

This highlights a much greater emphasis on the targeting of activity in response to more serious offending particularly the upsurge in intertidal shellfish gathering experienced during the periods of national lock down. It is also testimony to the enduring hard work

that officers have put in across the pandemic gathering intelligence, monitoring activities remotely and targeting operational activity in response.

On 6 April 2021 Scarborough Magistrates awarded record penalties against the owners and operators of two scallop dredging vessels in relation to multiple offences detected between March and May 2019. Total fines and costs exceeding £200,000 were imposed on the owner and skippers of the vessels involved for operating during a closed using, exceeding the maximum number of permitted dredges, not transmitting a vessel monitoring signal, dredging without the authority of a permit and landing undersize king scallops. The sentence attracted wide media interest which culminated in a short feature on BBC Countryfile which aired on Sunday 4 July 2021. For those members who have not seen the feature it can still be viewed on the BBC iplayer via the following link:

bbc.co.uk/iplayer/episode/m000xpg6/countryfile-wimbledon-common

Although the sentence is subject of an appeal it has sent out a strong message to the fishing industry and particularly the scallop dredging sector that they should make every effort to adhere to the regulations in force at the time they are fishing.

1.4 **Replacement Patrol Vessel Project**

The overall project consists of three individual components, replacement of the main patrol vessel alongside the separate build and commission of two daughter craft, a 9.5m Cabin RIB and an 8m aluminium work boat. Since the commencement of the project in 2014 senior officers have undertaken a significant volume of work which has included a number of fact finding visits to key shipyards, smaller vessel manufacturers and vessel operators in the UK and Europe to discuss the project, gain first hand experience of associated facilities, resourcing and quality of craftsmanship.

A supporting business case has also been developed to underpin the decision making process and this has been circulated across NEIFCA's membership and more widely to MPs as well.

The maximum anticipated cost of the funding the project is estimated at £4.2 million leaving a current projected funding shortfall of up to £1.988 million. Actual costs cannot be determined until a formal tender process has been completed for the build and commission of the main patrol vessel and the current vessel has been marketed for sale. These processes cannot commence until there is some certainty that the projected level of funding required can be realistically attained.

Officers have invested significant time in highlighting the project across the private sector and seeking additional financial backing. Parallel to that work the Clerk and Chief Officer met with Defra officials on 9 March 2021 to discuss the potential of accessing central government funding programmes. The outcome of the meeting was generally disappointing. Whilst Defra did indicate that new funding programmes were being developed they advised that it was unlikely that they would meet the projected level of capital funding support required. When questioned on the statutory restrictions placed on IFCA borrowing Defra did feel that a capital lending arrangement via member Local Authorities might be a feasible option.

Outside considerations surrounding the replacement of the main vessel members previously agreed the award of a contract to Northern Marine Power Ltd for the build and commission of a new 9.5m Cabin RIB. Work commenced on 13 October 2020 and the

new vessel was delivered to Whitby on 19 May 2021. During the two months since delivery officers have been familiarising themselves with the operation and handling of the vessel and some small snagging items have been identified for rectification. Some images of the vessel in build, on sea trials and on tasking detail can be seen on the following page.

Vessel in build



November 2020



March 2021



March 2021

Sea Trials



10 May 2021

Delivery



19 May 2021

Tasking



21 June 2021

1.5 Summary of meetings and events attended

National Association of IFCA's

8th December 2020

MMO SOP EU Exit Meeting

9th December 2020

North East Standing Environment Group

14th December 2020

Wild Oysters Local Working Group

16th December 2020

Regional Joint COVID Group

29th December 2020

Wild Oysters/NEIFCA meeting

5th January 2021

MMO Joint TCG

6th January 2021

IFCA Chief Officers Group

13th January 2021

Yorkshire Marine Nature Partnership	14 th January 2021
Whelk Working Group	14 th January 2021
East Coast MCRS byelaw meeting	18 th January 2021
East Coast MCRS byelaw meeting	19 th January 2021
Southern North Sea Crab FIP meeting	19 th January 2021
NEIFCA database development meeting	19 th January 2021
Fisheries and Seafood Scheme strategy meeting	20 th January 2021
Yorkshire Marine Nature Partnership	25 th January 2021
FISHGIG	26 th January 2021
NEIFCA/EA meeting	29 th January 2021
NEIFCA/EIFCA meeting	1 st February 2021
Net Zero Teesside project meeting	1 st February 2021
Wild Oysters Technical Group meeting	1 st February 2021
HBDSEG benthic sub-group	2 nd February 2021
Humber Coastal Catchment Partnership	3 rd February 2021
MMO evidence strategy meeting	5 th February 2021
Website development meeting	9 th February 2021
Flamborough Head Relevant Authorities Group	9 th February 2021
IFCA/MMO licensing engagement meeting	10 th February 2021
Website development meeting	16 th February 2021
IFCA Chief Officers Group	17 th February 2021
IFCA TAG	18 th February 2021
DEFRA MAFCO Meeting	24 th February 2021
Hornsea 4 OWF bycatch compensation meeting	1 st March 2021
Marine and Coastal Biodiversity Group	8 th March 2021
NIMEG	9 th March 2021
NEIFCA/DEFRA Vessel Funding meeting	9 th March 2021

Yorkshire Marine Nature Partnership	10 th March 2021
National Association of IFCA's Directors Meeting	11 th March 2021
Humber Estuary Relevant Authorities Group	12 th March 2021
FISHGIG	16 th March 2021
Wild Oysters Local Working Group	17 th March 2021
Website development meeting	19 th March 2021
North East Regional COVID Group	23 rd March 2021
IFCA Chief Officers Group	24 th March 2021
North East Coastal and Marine Gathering	31 st March 2021
Humber Coastal Catchment Partnership	14 th April 2021
North East Regional COVID Group	20 th April 2021
IFCA Chief Officers Group	21 st April 2021
Yorkshire Wildlife Trust	21 st April 2021
Yorkshire Marine Nature Partnership	26 th April 2021
DEFRA MAFCO meeting	28 th April 2021
North East Regional COVID Group	4 th May 2021
MMO Joint TCG	5 th May 2021
Yorkshire Marine Nature Partnership	5 th May 2021
NE Fisheries Advisory Group	5 th May 2021
IFCA/MMO straddling site assessment meeting	10 th May 2021
Fisheries and Seafood Scheme Strategy meeting	13 th May 2021
North East Regional COVID Group	18 th May 2021
FISHGIG	19 th May 2021
Seafish IFCA Byelaw Mapping Project meeting	20 th May 2021
IFCA FMP workshop	24 th May 2021
IFCA Chief Officers Group meeting	26 th May 2021

North East Regional COVID Group	1 st June 2021
MMO Joint TCG meeting	2 nd June 2021
Whelk Working Group	4 th June 2021
Zero Carbon Humber meeting	7 th June 2021
IFCA Drone group	7 th June 2021
National Association of IFCAs	9 th June 2021
Yorkshire Marine Nature Partnership	9 th June 2021
Humber Coastal Catchment Partnership	9 th June 2021
NEIFCA/NIFCA FMP meeting	10 th June 2021
BBC Countryfile meeting	10 th June 2021
MMO North East Team meeting	15 th June 2021
North East Regional COVID group	15 th June 2021
National Association of IFCAs Directors meeting	17 th June 2021
Wild Oysters Local Working Group	16 th June 2021
Natural England meeting	17 th June 2021
Operation Shark/Velour pre meeting	18 th June 2021
IFCA/MMO straddling site assessment meeting	21 st June 2021
Flamborough Head Relevant Authorities Group	22 nd June 2021
DEFRA MAFCO meeting	23 rd June 2021
IFCA metrics and reporting development meeting	29 th June 2021
North East Regional COVID Group	29 th June 2021

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

- Complete recruitment processes and fill all operational staffing vacancies.
- Develop and implement plans to re-start the Authority's monitoring programmes
- Re-start work on the development of flexible fisheries management systems.
- Complete the joint project with Sussex IFCA developing and implementing a new fisheries database.

- New NEIFCA website to go live.

2.0 NEIFCA Operational Reports

2.1 Land-based Work streams

2.1.1 *December 2020 to June 2021*

As weather conditions began to deteriorate across the winter months fishing vessels sought to maximise the calm weather days before strong winds and heavy swells prevented them from going to sea.

The shore enforcement team maintained an intensive schedule of patrols and inspections on land in the NEIFCA district during the national lockdown. The pandemic shut down the entire shellfish markets throughout the UK for a period making merchants unable to export shellfish to European markets such as France, Spain. Most fishermen in the NEIFCA district had to stop fishing and bring fishing gear ashore as merchants refused to take any landings of crab and lobster. NEIFCA Officers adhered to all government social distance guidelines while working during covid 19

Potting vessels had a slow start this year with poor catches of lobster & crab due in part to sea temperatures being lower than usual.

February saw a small wash up of shellfish along the Holderness coast due to a strong easterly storm and a combination of big tides, particularly around Mappleton and Barmston. IFCA Officers attended the locations to try and recover what animals were alive and to also educate the public.

A small limited number of vessels throughout the authority's district targeted fish species, mainly cod, using long lines through the winter months and as the summer months approached some commercial fishermen started to target other fish species such as Turbot, in the main from Hartlepool.

A small number of nomadic scallop vessels continued to fish outside the NEIFCA district during the months of December to May landing into the district's harbours and ports. Officers routinely engaged with these vessels operators raising awareness of the legislation that affects them when transiting through the NEIFCA district. Officers routinely boarded all scallop dredgers in Hartlepool, Whitby, Scarborough and inspected their landings through the pandemic.

During late spring early summer Officers commenced routine patrols along the Holderness coast where T&J netting is permitted by the Environment Agency.

Whilst out on patrol officers have engaged with recreational anglers and handed out useful educational leaflets notifying them of any species or bag limits that maybe subject to legislation. During the winter months between December and April some good catches of cod, whiting and sea bass were taken by anglers fishing from the shore across the district and between May and June some could catches of dogfish and smooth hound particularly along the Holderness Coast of East Yorkshire.

Shore Officers have maintained full active engagement with the national Intelligence gathering programme, 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, inspections have been undertaken by the shore team covering the following fishing activities:

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

2.1.2 Outreach & Joint Working

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

Throughout the reporting period NEIFCA Officers conducted joint patrols with The Marine Management Organisation and the Environment Agency, Tees Harbour Police and Northumbria Marine Police carrying out routine enforcement inspecting fishing equipment.

2.2 Offshore Work streams

2.2.1 General Review of Offshore Fishing Activity

Trawling

Trawling inshore has been very limited within the Authority's district.

The Nephrop fishery off the Hartlepool and Durham Coast line continued through December to June although the quality of reported catches taken during June was generally poor.

Potting

Potting activity slowly increased during early spring 2021 although catches remained relatively low with prices holding up. During March and June some pot losses were reported resulting from scallop dredging activity.

Netting

Between April and June 2021 licensed coastal netting for salmon and sea trout was routinely observed at Sandsend near Whitby, Filey and along the coast of Bridlington Bay.

Scalloping

All three permitted scallop dredgers were routinely monitored throughout the duration of the season between November 2020 and the end of April 2021. Reports suggested that catches remained good throughout the season.

Outside the NEIFCA permitted fishery, scallop dredging periodically continued throughout the reporting period beyond the Authority's jurisdiction. At times officers received some formal complaints surrounding gear conflict and loss of pots.

2.2.2 Research & Survey Work

Throughout the pandemic manning levels have been maintained at minimum permissible capacity to manage the risks of staff contracting or spreading the virus. This has significantly restricted the extent of research and survey work that can be carried out although monthly monitoring of temperatures and salinity have continued

2.2.3 Joint Operations

Several Joint operations were conducted during this period

During the second half of June 2021 officers supported a week long joint operation with the Borders Agency, Northumberland, North Yorkshire and Humberside police forces utilising all available offshore assets. Much was learned from the operation in terms of cross communication and active joint working.

During June 2021 the Offshore Operations Manager arranged delivery of a collection of redundant offshore safety equipment to the UK based charity re-FISH in Southampton. Re-FISH reconditions serviceable marine safety equipment and re-distributes it to fishing communities in Bangladesh. An estimated 32,000 fishing related deaths are recorded annually across the globe within such communities and the donations really help to save lives.

On 18 June 2021 the offshore team facilitated the filming of a feature for BBC Countryfile covering the Authority's offshore enforcement work in relation to scallop dredging and marine protected areas. The feature aired on 4 July 2021 and remains available on the BBC iPlayer to view.

2.2.4 Offshore Enforcement Summary

Between December 2020 and June 2021 NEG III covered 2,674 nautical miles and recorded 353 vessel inspections. 1 scallop dredging related offence was reported. Currently offshore boardings remain suspended in line with COVID 19 safe working practices.

On 6 April Scarborough Magistrates Court imposed record penalties exceeding £200,000 against the owners and skippers of the fishing vessels Star of Annan OB50 and Qvarl BM 29. This was a particularly satisfying result given the extent of time and effort that all the enforcement teams invested in gathering the associated evidence to support the prosecutions. The level of penalty also sends out a strong measure to other vessel operators who may consider breaching the regulations.

2.2.5 Maintenance Summary

Alongside general maintenance routines, essential safety equipment was replaced as part of routine servicing, alongside the installation of some new deck lights and a hydraulic oil cooler.

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 December 2020 and July 2021:

Reference	Date responded
Sofia OWF UXO clearance	4 January 2021
Orsted - Nearshore cable works	12 February 2021
Holborn enabling works	18 February 2021
Dredge variation – Able Seaton Ports	19 April 2021
Sofia OWF DCO	11 May 2021
Port of Tyne – scour repair and protection	29 June 2021
Scotland England Green Link 1 scoping	6 July 2021

2.3.2 Marine Protected Areas

In June 2019, the Secretary of State announced a review to examine whether and how the strongest protections for areas of sea, known as Highly Protected Marine Areas (HPMAs), could be introduced. The review, led by former Environment and Fisheries Minister Richard Benyon, concluded that HPMAs are an essential component of the MPA network and that government should introduce them into Secretary of State waters. It provided 25 recommendations covering what HPMAs are and how they should be identified and managed. Bempton Cliffs/Flamborough Head was included in a list of sites recommended to the review panel for further investigation by respondents to call for evidence, panel members and Defra's Statutory Nature Conservation Bodies.

The UK government has subsequently committed to identify and designate pilot HPMAs in English waters by the end of 2022. Defra, JNCC, Natural England, Cefas, the Marine Management Organisation and the Association of Inshore Fisheries and Conservation Authorities will work together, with stakeholders, to identify potential pilot sites.

Government will use powers under the Marine and Coastal Access Act (2009) to bring forward pilot HPMAs. During this pilot phase of HPMAs we aim to improve our understanding of:

- how the marine ecosystem will recover in the absence of direct human pressures;
- how best to monitor and manage HPMAs;
- the suitability of the Marine and Coastal Access Act (2009) for the designation of HPMAs; and
- the effects of HPMAs on sea users and coastal communities. This will include understanding any displacement of fishing effort at a site level and how we can best improve our understanding of this in the future.

Government will identify pilot HPMAs based on ecological, social and economic criteria, to select sites that provide the maximum biodiversity benefits while seeking to also maximise associated benefits and minimise impacts to sea users.

Pilot HPMAs may be inside or outside of the existing MPA network, in inshore and offshore areas, recognising that HPMAs must be in the locations best able to deliver protection and recovery.

Defra has asked JNCC and Natural England, working with Cefas, the Marine Management Organisation (MMO) and the Association of Inshore Fisheries and Conservation Authorities (IFCAs), to identify potential locations for pilot HPMAs. Third parties may also propose locations for consideration as pilot HPMAs to JNCC and Natural England based on ecological criteria.

After considering third-party proposals, alongside areas they identify, Natural England and JNCC will develop an initial list of potential sites in September 2021. Defra and the MMO will then apply social and economic criteria to help narrow down the list. This will include, but is not limited to, understanding what economic activity occurs in potential sites and the scale and importance of that activity and site to local communities.

Defra will publish the social and economic criteria in summer 2021, after consulting stakeholders. This will include information on how stakeholders can contribute to gathering and assessing evidence on the social and economic criteria.

The results of this work will be used to recommend a shortlist of proposed HPMAs to the Defra Secretary of State by the end of 2021. Defra will publish detail on how the proposed HPMAs meet the criteria and why they have been shortlisted, drawing on best available evidence.

Consultation on proposed HPMAs will open in spring 2022. Additional evidence gathering will also occur throughout 2022 to ensure that we use the best available evidence. This will include site-specific engagement with local stakeholders to collect further evidence on the social and economic criteria. Consultation responses and any additional evidence will be analysed to provide an up to date assessment for each proposed HPMA before Ministers decide which sites to designate.

Defra has overall responsibility for the selection and designation of HPMAs. Defra Ministers will decide which proposed HPMAs to consult on and designate. JNCC and Natural England will lead on developing the ecological criteria, with support from Cefas, and also the third-party proposal process and identification of potential sites against these criteria. Defra and the MMO, with input from the Association of IFCAs, will lead on developing social and economic principles and criteria. Defra, MMO and the Association of IFCAs will work together on local stakeholder engagement and the provision of data,

which will allow the identification of proposed HPMA's that minimise social and economic effects.

2.3.3 Survey Programme Update

The survey programme has been significantly impacted by both the ongoing COVID-19 situation and staffing levels related to the structural review. Since this time all offshore surveys have had to be cancelled. Shore based surveys for cockles and eelgrass were completed with social distancing measures in place.

Limited quayside sampling has been undertaken when possible with further data collection being undertaken by enforcement officers. In light of the continued situation, alternative methods for collection and sources of data are being investigated for a range of fisheries.

2.3.4 2020/21 Scallop fishery

The application process commenced on 1 September 2020 and three permits were issued to fish within the specified areas designated in 2016. The fishery actively commenced on 1 November 2020. Two of the three vessels actively fished from the beginning of the season. By January 2021 all vessels were actively fishing.

External factors have limited effort to a degree, with permit holders reporting difficulties in securing first sale of scallops to merchants due to the quantities being captured locally and handling capacity. Throughout the duration of the fishery no significant compliance issues related to the permitted vessels were reported.

During the 2020/21 season over 248 tonnes of scallops were landed across 150 days of active fishing with a first sale value of approximately £547K. Landings Per Unit Effort (tonnes/km² swept area) was significantly higher than in previous years, with anecdotal reports of very high numbers of juvenile scallops within the permitted areas.

Season	Landings (tonnes)	LPUE (tonnes/km ²)
2016/17	63.9	3.4
2017/18	198.8	3.9
2018/19	287.5	4.2
2019/20	180.7	3.6
2020/21	248.8	6.2

Despite management of the fishery being designed in close consultation with the co-located static pot fishery, permit holders reported significant amounts of static gear being located within, particularly, the southern permitted area throughout the season. This has impacted the permitted dredging vessels capacity to fully utilise the designated areas. Consideration is being given to mechanisms to better manage potential conflicts with the static gear fleet.

Potential changes to the designated areas have been proposed by some permit holders, however the evidence base to support such changes does not currently exist. It is expected that further research and consultation will be undertaken as the implementation of the Fishery Management Plan process develops.

Monitoring and research has been significantly reduced as a result of both the COVID-19 pandemic and the internal organisational review. Offshore observer and NEIFCA research surveys are expected to resume for the 2021/22 fishery season, subject to consideration by the Science Advisory Group.

Given the lack of contemporary data, no change to the number of permits is being considered for the forthcoming season. Officers expect to commence the application process over the coming months in preparation for the fishery opening on 1 November 2021.

3.0 **National Meetings Update**

3.1 *National Association of IFCA's*

The national Association of IFCA's was formally established on 17 March 2011 following resolution and adoption of draft Articles by majority vote.

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

Established members will be aware of previous concerns and dissatisfaction surrounding the performance and apparent effectiveness of the Association, reported by the Chief Officer and associated value for money that continuing membership brings. Most recently at the Executive meeting held on 16 April 2020 members considered whether NEIFCA should formally resign its membership of the national Association but agreed that it should be maintained for a further year pending the appointment of a new Chief Executive.

A new Chief Officer of the national Association was appointed and took up his post on 1 September 2020. Rob Clerk, previously Deputy Chief Officer of Sussex IFCA and Chief Officer of Southern IFCA. Rob has brought extensive experience to the role and has immediately installed a fresh approach to leading and running the organisation which is very quickly re-building confidence again.

A copy of the minutes of the most recent meeting of the Association Forum held on 8 June 2021 are attached to Appendix A for members information.

3.2 *National IFCA Chief Officers Group*

The Chief Officer's group normally meets four times a year 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.

Since COVID 'lockdown' was implemented at the end of March 2020 the national IFCA Chief Officers Group has met on a weekly to monthly basis to exchange ideas and guidance on managing the operational impacts of the pandemic as well as discussing ongoing national work streams.

A copy of the notes of the most recent meeting held on 26 May 2021 are attached to Appendix B of this report for members information.

Contact Officer: David McCandless
Chief Officer
Ext 3690

AIFCA MEMBERS FORUM MINUTES

8th June 2021 @ 10:30 AM

MSTeam Videoconference



In Attendance

Tony Tomlinson MBE (chairman)
Cllr. Paul Williams (part)
Les Weller (Vice Chairman)
Cllr. Paul Skinner
David McCandless
Cllr. Mark Roberts
Mike Hardy
Prof. Mike Williams
Ian Jones
Dr Will Wright
Samantha Davis
Dr Steve Axford
Tim Dapling
Dr Stephen Atkins
Julian Gregory
Dr Peter Jones
Tom Hooper
Mat Mander
Steven Travis (National Lead Training Officer) (part)
Robert Clark (Chief Officer)

Agenda

Cllr Mark Roberts and Dr Peter Jones newly appointed Chairs of Southern IFCA and Sussex IFCA, were welcomed to their first meeting of the AIFCA.

1. Apologies for absence

Cllr. Lamb
Cllr. Guy

2. Declaration of Interests

Dr Axford declared his interest as a member of the RYA conservation committee. Tony Tomlinson asked members to declare any other interests as they became apparent under any agenda item during the meeting as necessary.

3. Election of Chairman and Vice Chairman for FY 2021/22.

Robert Clark was asked by the outgoing Chairman to Chair this agenda item he advised members that Tony Tomlinson had been nominated as Chairman, and there had been no other nominations.

Cllr Williams proposed Mr Tomlinson for chairman, Dr Atkins seconded the proposal and all members were in favour. Mr Tomlinson was duly **ELECTED** as Chairman. Robert Clark advised members that Les Weller had been nominated for vice chairman and there had been no other nominations. Mike Hardy proposed that Mr Weller be appointed as vice chairman and Mr Dapling seconded the proposal. All members voted in favour of the appointment and Mr Weller was duly **ELECTED**

Tony Tomlinson took the chair for the remainder of the meeting.

4. Minutes and actions AIFCA Members Forum Meeting (March 2021)

The minutes of the draft March AIFCA members forum meeting were considered and Sam Davis proposed that the minutes be accepted as a true record and this proposal was seconded by Dr Axford. All members voted in favour of the proposal and the minutes were **ADOPTED**.

5. Minutes Directors Meeting (March 2021)

The draft minutes of the March AIFCA meeting were considered and **NOTED** by members

6. Chairman's announcements

The chairman announced that agenda items 9 & 10 (as they appeared on the meeting agenda pack) would be considered next on the agenda to allow Cllr Williams to leave the meeting early.

7. AIFCA Budget control statement

Cllr Williams introduced the budget control statement and noted the variations in budget in the period April and May.

Members discussed the budget and **AGREED** to **APPROVE** the budget control statement, as per a proposal by Prof. Williams, the motion having been seconded by Tim Dapling; all members were in favour and the statement was **APPROVED**.

Cllr Williams was thanked for his continued support to the AIFCA and he left the meeting due to a prior commitment.

8. AIFCA Annual Return

Robert Clark introduced the draft annual return. Providing background, to the annual out-turn and the reasons for the surplus. Mr Clark advised that the Directors would be asked to approve the Annual Return at their forthcoming meeting, subject to any amendments required as a result of feedback from the members forum.

Mike Hardy proposed that the Draft annual return be **NOTED** and this proposal was seconded by Dr Atkins. All were in favour of the proposal and the Annual Return was **NOTED**.

Sam Davis enquired generally as to whether the Chief Officer (CO) was satisfied that the budget would meet the needs of the organisation for the current financial year (given the exceptional year prior). The CO responded that the decisions of the members to re-allocate the administrative support and to co-opt a member for finance, was working and was sustainable and moreover the support provided by the Policy Officer would enable the AIFCA to develop further.

9. Progress Reports

9a. Member's appointment process (verbal)

The Forum heard 1) how Belinda Franks had taken over from Beverly Morton as the responsible MMO officer for IFCA members recruitment. Andrew Wareing has left the MMO and until his replacement is appointed there is no single responsible Director, but that the MMO Board have overall oversight. 2) That the AIFCA has held a series of meetings with Ms Franks and with Defra on the matter of IFCA members appointments. Following an exchange of correspondence with MMO and Defra, with the support of Prof. Williams, and the vice chairman, the CO understands the following principles have been agreed (but have not been committed to writing);

- that upon a situation becoming vacant on an IFCA, the MMO will discuss with the Chairman and Chief Officer the needs of the balance of the IFCA prior to advertising for a replacement;
- That upon 10 years a member of an IFCA will (continue to) not be eligible for renewal, but shall be able to re-apply for membership of an IFCA. That there is (in accordance with their duty) a determination to be made (by the MMO) on the balance between enabling and promoting new members to be appointed (with the new ideas and skills they will bring) with the need to retain inimitable skills and experience on an IFCA; in accordance with the needs of the balance of the IFCA;
- That the MMO will commence engagement with the IFCAs to develop localised recruitment plans, according to the forthcoming vacancies, in an attempt to be more proactive so as to avoid national generic recruitment campaigns;
- That those on the 'reserves list'; i.e. those who have previously 'passed interview' but were not appointed, shall not be automatically appointed to the IFCA, unless their skills and knowledge meet the needs of the balance of the IFCA, as determined by engagement with, amongst others the IFCA itself.

9b. Survey Equipment Ownership (verbal)

The CO reported that the survey equipment owned by the AIFCA will remain in the ownership of the AIFCA until the current insurance expires (September); whereupon it will transfer to the relevant individual IFCAs, as per the agreement at the last meeting. Mr Trundle of Cornwall IFCA was thanked for his support in facilitating this arrangement.

9c. Temporary re-allocation of AIFCA post - Policy Officer

By general consent, the members **NOTED** the report. Prof. Williams proposed and Les Weller seconded the motion and the members **APPROVED** a Memorandum of Agreement (MoA) with the Isle of Scilly IFCA to second Tom

Hooper to the AIFCA as Policy Officer. Subject to the draft MoA being amendment to include; that the work by IoS IFCA shall equate to one day per week averaged over the duration of the agreement. All were in favour.

9d. 10-year Anniversary & Newsletter (verbal)

The CO advised the members that the materials and event will be launched after the meeting, for circulation to members and to officers. Members thanked the CO and Chairman for the work. The CO advised that work had commenced on the production of an AIFCA newsletter.

Items for decision

10. National Angling Strategy

Dr Axford proposed and Dr Atkins seconded a motion and duly the AIFCA **NOTED & ENDORSED** the National Angling Strategy and **APPROVED** that a representative for the AIFCA, Tim Dapling, be appointed to the National Angling Strategy partnership board. The motion was carried by way of a unanimous vote.

11. Towards Regional Fisheries Management Plans; crustacea and molluscs in England.

Prof. Williams recommended the motion that members **SUPPORT** the development of a project entitled; Towards Regional Fisheries Management Plans and members **AGREED** to release up to £6,000 in reserves to contribute towards the project. Motion was seconded by David McCandless and all members were in favour.

Items for note

12. Chief officers report

The report was **NOTED**

13. Training officer report

Stevie Travis, having joined the meeting gave a comprehensive narrative report to support the paper and his report was **NOTED** and Stevie was thanked for his work.

14. Seafish byelaw mapping project

The report was **NOTED** and it was agreed that the progress to map the byelaws was positive. There was a discussion on anchoring and Cllr Roberts and Dr Jones updated members on issues concerning damage caused by cruise ships anchoring in MPAs. The CO agreed to contact the Seafish team to enquire as to the provision of scheduled wrecks on the Kingfisher charts.

15. Any Other Business

The CO was asked to convene a meeting of the IFCA's to respond to the terms of reference for the Regional Fisheries Management Groups.

It was agreed that the CO should circulate details of the Environment Agency's habitat restoration project.

The Chairman and vice chairman were thanked for their work in improving the performance of the AIFCA.

The meeting closed at 13:30



**IFCA COG Meeting
Wednesday 26 May 2021 @ 09:30 hours
'Microsoft Teams' Teleconference**

**Minutes
Start: 09:30**

Attending: Sam Davis (SD), Rob Clark (RC) AIFCA, Will Wright (WW), David McCandless (DM), Mike Hardy (MH), Dr Stephen Atkins (SA), Matt Mander (MM), Ian Jones (IJ).

Paul Tyack (PT) attended to provide an operational update from the MMO till 10:00.

- 1. Apologies:** Wales & Channel Islands, Julian Gregory (Eastern IFCA), Tom Hooper (Isles of Scilly IFCA), Tim Dapling (Sussex IFCA), Martin Birchenough (IOM Fisheries).

SD welcomed everyone to the meeting and advised the group that the operational update from the MMO would be taken first as PT had other pressing commitments.

2. MMO Operational Update

Paul Tyack provided a detailed summary and operational update from the MMO. PT highlighted some future anticipated personnel changes in senior leadership roles within the MMO but business as usual through those. The mobile working project was expected to 'go live' sometime during the second week of July. The MMO continued to navigate and transition through changes brought on by EU exit some of which were administratively and politically complex. PT highlighted a recent work related death within the Environment Agency which had forced a focus on safe working practices across all government departments and agencies. PT agreed to circulate the associated report on the incident to IFCA Chief Officers (**Action PT**). PT updated on the ongoing operational challenges presented by the COVID 19 pandemic and more recently managing the impacts of the Delta variant particularly in the North East region. SD questioned provisional timelines in terms of reviewing the CFP post EU exit, PT advised that he would seek an update. WW questioned whether the MMO might consider restructuring following changes in the senior leadership team. PT felt that that wasn't likely since most of the changes were the result of planned retirements. PT advised that further consideration would be given to existing offshore operations given that the vessel chartering program had worked very well. Also post EU exit issues surrounding exporting were growing significantly and that would bring further challenges for the MMO. MM endorsed the MMO making more effective use of available IFCA assets to support offshore compliance work. SD sought an update on the IFCA/MMO Data Sharing Agreement in terms of active implementation. PT advised that he would seek an update on progress from Sean Douglas (**Action PT**).

3. Minutes of Previous Meeting

The group reviewed and agreed the draft minutes of the meeting held on 21 April 2021.

4. Matters Arising

iVMS & VMS

The group discussed proposed plans to manage the extent of IFCA access to VMS feeds. DM advised that he was reasonably happy with the suggested limit to a 50 NM radius surrounding the NEIFCA district although extended access in relation to vessels working pots in the Eastern IFCA district would assist in terms of the capture of edible crab which carried three different minimum sizes locally and also movements of nomadic scallop dredgers in and out of the Yorkshire area. MH also advised that he was reasonable happy with the proposals. WW emphasised the need to ensure that IFCAs carried full enforcement powers within any underpinning legislation. WW also highlighted other areas of risk where extended access would assist including managing any biosecurity risk from vessels moving between areas. In terms of iVMS MM highlighted the pressing need to ensure that supplier service contracts were robust enough to support effective compliance and enforcement. MM advised that the MMO would be happy to tailor the extent of access providing it was supported by a stated case or reason for extending it. SD advised the group that the MMO had recently commenced a consultation with stakeholders seeking views on future iVMS implementation. WW suggested 'framing' a written response on behalf of IFCAs outlining experiences gained from the iVMS 'roll out' within Devon and Severn IFCA and resulting recommendations for consideration in the national 'roll out'. RC advised that he had raised the matter and associated IFCA concerns with Defra during the regular AIFCA 'catch up' meetings. SD requested that iVMS considerations be carried forward to the next meeting of the Chief Officers Group (**Action DM**).

National Angling Strategy

In the absence of TD RC advised that a paper would be presented at the next AIFCA meeting requesting that members 'sign up' to the national angling strategy

6. Defra Work Streams Update

RC provided a comprehensive update on IFCA involvement within all current Defra work streams including the following:

HPMA Work – RC advised that the Minister intended to announce plans for HPMA on World Ocean day on 8 June and a short notice meeting had been arranged to discuss such.

FMPS – RC thanked WW for planning organizing and running the recent IFCA FMP workshop. This work stream and outcomes from the work shop would gather momentum and be enduring.

IFCA 'Teachings' – RC advised that he had 'commenced' a programme of IFCA teachings to better inform DEFRA of the work of IFCAs and the next session would be led by WW on evidence based decision making. Other topics would come in due course and other IFCA leads were encouraged to come forward in support of the programme.

New Control and Enforcement Funding Programme – RC advised that a new funding programme would be coming forward to replace the previous EU scheme which IFCAs had accessed to support the replacement and upgrading of assets. DM welcomed the news and advised the group that NEIFCA continued to lobby Defra to access support for the replacement of its main patrol vessel. DM highlighted the fact that NEIFCA was one of a small number of IFCAs, including Cornwall who, for

operational reasons, needed to maintain a large vessel asset and access to such funding would be critical in supporting that. RC recommended that the group review its collective capital asset programmes in preparation for further discussions with Defra. The group supported a recommendation that TD review and update the existing IFCA capital programme (**Action TD**). WW also recommended liaising with Tim Robbins in Defra who advocated asset consolidation with multi-agency access.

IFCA Evaluation Report – Ready for imminent release.

MRAG Report on IFCA Byelaw Process – RC advised that the findings of the report were being reviewed again by Defra. Defra had acknowledged that the guidance needed to be updated. SD requested an indication on timelines, RC advised commencement sometime in June.

IFCA Annual Plans – RC advised that Defra were keen to have more active involvement in the development of IFCA Plans and more work would flow from that going forward. WW suggested that it would likely link to funding.

IFCA New Burdens Funding – RC highlighted the fact that in recent times IFCA funding support has been agreed on a ‘year on year’ basis with Defra outside the spending review process. RC felt that the arrangement could be ‘open’ to challenge and discussions between AIFCA and the Ministry of Communities remained ongoing.

TAG – RC advised that the IFCA TAG had organised an evaluation workshop for 26 June 2021 to look at options to better articulate IFCA science functions and outputs. RC felt that existing enforcement and compliance matrices were reasonably well established and articulated.

IFCA Members Appointment Process – Belinda Franks (MMO) had taken over responsibility for overseeing the IFCA appointment process. In terms of the ‘10 year rule’ on membership there appeared to be agreement that a balance could be struck which would enable members who had exceeded ten years to re-apply through the process again. The MMO had commenced a program of reviewing the situation across all of the IFCA’s then looking to commence a second recruitment program. A series of meetings had been planned with all the IFCA Chairs and CO’s to review and discuss next steps.

7. Seafish Byelaw Mapping Project

RC provided a background and update on progression with the Seafish byelaw mapping project. The project had been ongoing for two years and had captured both Marine Scotland and MMO related regulations by area and was now focusing of IFCA legislation. A successful pilot had been completed in Devon and Severn IFCA and MM commended it. MM felt that it carried potential to inspire improvement in industry compliance with existing legislation. Others felt that it might assist in alleviating the issues surrounding the anchoring of merchant vessels within marine protected areas. The group unanimously supported the project.

8. IFCA Committee Meeting Administration

The recent legal ruling surrounding the legitimacy of virtual Local Authority meetings had left IFCA’s with no alternative but to recommence ‘face to face’ Committee meetings and attendees updated on their individual plans. There was broad agreement that certain working groups with non-decision making powers and no automatic right of public access could continue to usual virtual formats to conduct their business.

9. IFCA Ten Year Celebrations

RC updated the group on plans to host a virtual event to celebrate the ten year anniversary of IFCA on 8 June 2021. One component of the event included a presentation of the results of an IFCA member survey. RC advised that whilst the outputs from the survey were very positive there appeared to be a slight disconnect with the Association and keeping IFCA members updated on its ongoing work and achievements. RC recommended the creation of a regular electronic Newsletter which could be circulated amongst members. This was strongly endorsed by the group and some also recognised that more could be done to better communicate AIFCA work down to the individual membership of the IFCA's.

10. IFCA National Training Programme Update

SD advised that this item alongside the national angling strategy item should be moved onto the agenda of the next COG meeting. RC advised that Stevie Travis would be attending the forthcoming AIFCA meeting to provide an update on progress with the programme.

11. AOB

Frequency of COG Meetings

SD open discussions on the future frequency of planned COG meetings. In discussions with DM SD recommended having a two month gap between COG meetings to reduce the administrative burden with the caveat that if an urgent meeting was required it could be easily convened via Teams. WW suggested retaining the monthly meeting dates and only using if required and better prioritising business. SA suggested receiving written information on some standing items. The Group agreed to keep the slots but move to a two monthly gap between meetings.

Actions

1. PT to circulate the report on the EA fatality.
2. PT to seek an update on the implementation of the information sharing agreement.
3. DM to ensure that iVMs, IFCA national training programme and the national angling strategy is added onto the next COG agenda.
4. TD to review and update the IFCA capital asset programme spreadsheet

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
14 July 2021

Fisheries Statutes and Regulations Prosecutions

Report of the Clerk of the Authority.

A. Purpose of Report

To provide information on prosecutions taken by the Authority during the period December 2020 to June 2021

B. Recommendation

That Members note the report.

1. Background

- 1.1 Information on prosecutions taken on behalf of the Authority, or pending cases are submitted to each meeting of the Authority.
- 1.2 Attached is a schedule of prosecutions and sanctions covering the period since December 2020.
- 1.3 Members will see from the schedule that a substantive penalty was awarded by Scarborough Magistrates Court on 6 April 2021 against the owners of a fishing vessel for breaching the Authority's scallop dredging byelaw regulations and associated national legislation. In total with fines and costs this penalty exceeded £200,000 a record for inshore fisheries offences. The offences were committed by the fishing vessels Star of Annan OB 50 and Q Varl BM 29 and included using an excess number of scallop dredges, fishing during a closed season and time, fishing without a permit, failing to maintain a fully functioning tracking system and landing undersize scallops. The offences were detected between March and May 2019 on separate occasions whilst the vessels were operating from Hartlepool. During one of those occasions Northumberland IFCA provided valuable offshore operational support.
- 1.4 As an alternative to a prosecution, the Authority can also offer a Financial Administrative Penalty or FAP. The 2011 'Sea Fishing (Penalty Notices) England Order provides the mechanism for the Authority to issue fixed penalties for a range of infringements including breaches of byelaw regulations and national legislation relating to minimum landing sizes. Each offence is categorised to a fixed penalty which can be issued to the skipper and or owner of the respective vessel. The level of penalty issued must exceed the value of the respective catch.

Contact Officer

David McCandless
Chief Officer
Ext. 3690

Name(s)	Offence	Sanction	Court	Date	Fined	Costs Awarded	Costs Requested
Mr J Barker	Landing 1 egg bearing, 1 mutilated lobster	HOC	N/A	20 November 2020	N/A	N/A	N/A
Mr Zheng Wang	Collecting cockles out of season, no permit	HOC	N/A	20 November 2020	N/A	N/A	N/A
Mr C Gorse	Breach of escape gap regulations	HOC	N/A	12 January 2021	N/A	N/A	N/A
Mr B Little	Obstruction	HOC	N/A	14 January 2021	N/A	N/A	N/A
Mr M Wilkins	Retaining egg bearing lobsters	FAP	N/A	1 February 2021	£1000	N/A	N/A
Mr S Church	Landing 1 V notched lobster	FAP	N/A	5 February 2021	£500	N/A	N/A
Mr A Murray	Breach of dredging regulations & us scallops	PROS	Scarborough	6 April 2021	£2,908	£555	£10,000
Mr J Macalister	Breach of dredging regulations & us scallops	PROS	Scarborough	6 April 2021	£180,000	£7,000	N/A
Q Varl Ltd	Breach of dredging regulations & us scallops	PROS	Scarborough	6 April 2021	£15,000	£2,140	N/A
Mr G Robson	Breach of dredging regulations & us scallops	PROS	Scarborough	4 May 2021	£950	£510	£1,020
Westward Fishing Ltd	Breach of dredging regulations & us scallops	FAP	N/A	30 April 2021	£3,250	N/A	N/A

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.