

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

Chief IFC Officer  
David McCandless, BSc. MSc.  
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East Riding of Yorkshire, YO16 4LP



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Our ref: NEIFCA  
Date: 4 June 2018

Dear Member

Meeting of North Eastern Inshore Fisheries & Conservation Authority – Thursday 14 June 2018

I hereby give you notice that the next Quarterly Meeting of North Eastern Inshore Fisheries and Conservation Authority will be held on **Thursday 14 June 2018**, at, **Royal York Principal Hotel, Station Road, York, YO24 1AA** starting at **10:30am**. **Please note this is a different venue to the previous Authority Meetings.**

On arrival please ask for David McCandless. Could members please send in any apologies by Friday 8 June 2018, please telephone 01482 393515 or email [ne-ifca@eastriding.gov.uk](mailto:ne-ifca@eastriding.gov.uk). Thank you to members who have already given their apologies.

There are car parking facilities at the hotel, the car park is managed by an external company that use license plate recognition, if you wish to park in the car park, on arrival please report to the reception, they will ask you to input your vehicle registration number and advise them that you are attending a meeting of the North Eastern Inshore Fisheries & Conservation Authority, the charges for the car parking will then be added to our account. Please note, if you fail to report to reception and inform them of your vehicle registration, you will receive a penalty notice for the parking charge.

Please contact me if you have any queries.

Yours Faithfully

David McCandless  
Chief IFC Officer



**NORTH EASTERN INSHORE FISHERIES & CONSERVATION AUTHORITY**  
**14 JUNE 2018**

**Royal York Principal Hotel, York, Station Road, YO24 1AA, 10:30**

**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. 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  
Mr Proctor, Mr Redshaw. Mrs Kirsten Carter
6. To confirm membership of Standards Committee  
Last year: Councillors Bell, Randerson and Clerk
7. To confirm membership of Science Advisory Group (8 MMO appointees including at least 1 fishing industry representative)  
Last year: Chair, Vice Chair of the Authority  
Mrs Kirsten Carter, Mr John Whitton, Mr Nigel Proctor, Mr Robert Houghton, Professor Selina Stead and representatives from the Marine Management Organisation, Natural England and the Environment Agency

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  
Mr J Whitton  
Mr R Marsay  
Mr I Baxter
- (b) To attend meetings of:-
- (i) Association of Inshore Fisheries and Conservation Authorities Forum  
Last year: Chairman (Vice Chairman substitute)  
Clerk or Deputy Clerk  
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 7 December 2017 (*pages 1-6*)
10. To consider the Minutes of the Executive Meeting held on 8 March 2018 (*pages 7-10*)

### **Items for decision**

11. NEIFCA Annual Accounts 2017/2018 (*pages 11-16*)
12. Management of Scallop Dredging 2018/2019 (*pages 17-40*)
13. Marine and Coastal Access Act 2009 (Section 155) – Making of Byelaw XXVIII Crustacea Conservation Byelaw 2018 (*pages 41-60*)
14. The public are likely to be excluded from the meeting for consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 8 and 9 of part 1 of Schedule 12A of the Local Government Act 1972.
- National Inshore Vessel Monitoring (iVMS) Project (*pages 61-64*)
15. NEIFCA Draft Annual Report 2017/2018 (*pages 65-66*)
16. General Data Protection Regulations – 25 May 2018 (*pages 67-74*)

### **Items for discussion**

17. Science Advisory Group Update (*pages 75-82*)
18. Chief Officer's Operational report (*pages 83-122*)
19. Fisheries Statutes and Regulations – Prosecutions (*pages 123-124*)
20. Fraisthorpe, Holderness Coast 'Wash up' Event 2018 – Summary Report (*pages 125-140*)

### **Items for information**

21. Reports from partner Agencies and bodies (*pages 141-146*)
  - 21(a) Marine Management Organisation
  - 21(b) Environment Agency
  - 21(c) Natural England
22. 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**

## **QUARTERLY MEETING 07 DECEMBER 2017**

### **Present:**

Dr Steven Axford (Vice-Chair)  
Councillor Ron Allcock  
Councillor Edward Bell  
Emma Brown  
Councillor Kevin Cranney  
Mr Andrew Faichney  
Councillor Stephen Harness  
Mr Bob Houghton  
Councillor Chris Matthews (Chair)  
Christian Proud  
Councillor Tony Randerson  
Mr Gary Redshaw  
Mr Jon Whitton  
Mr Shaun Wood

### **Representing:**

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

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief IFC Officer, Mr Neal Beckett, Treasurer, Tim Smith, Senior Environmental & Scientific Officer, Bex Lynam, YWT and Aurelie Bohan, Northumberland Wildlife Trust also attended the meeting.

The Committee met at Double Tree Hilton Monk Bar Hotel, York. The meeting started at 10:00.

20.

### **APOLOGIES**

Apologies of absence were received from MMO member Acker, Carter, Pasco, Proctor, and Wheeler, Councillor Members Allen, Chance, Emmerson, Gibson, Owen, Quigley and Smith, EA nominee Slater.

21.

### **DECLARATION OF INTERESTS**

**Resolved** –The Deputy Clerk asked Members to declare any personal or prejudicial interests in items on the Agenda and the nature of such interests. The Chair, Councillor Matthews declared an interest in relation to agenda item 6 – Provision of Services to NEIFCA.

22.

### **MINUTES OF THE QUARTERLY MEETING HELD ON 20 JULY 2017**

**Resolved** – That the minutes of the Quarterly meeting held on 20 July 2017 be approved as a correct record and signed by the Chair.

23.

### **MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD ON 7 SEPTEMBER 2017**

**Resolved** – That the minutes of the Executive meeting held on 07 September 2017 be approved as a correct record and signed by the Chair. MMO Representative Christian Proud questioned the rationale behind finding alternative storage facilities in the Whitby

area, the Clerk explained that it was an issue raised by the annual internal Audit and a concern over the governance of the current storage facilities.

**24. MINUTES OF THE SCIENCE AND GOVERNANCE WORKING GROUP  
MEETING HELD ON 7 SEPTEMBER 2017**

**Resolved** – That the minutes of the Science and Governance Working Group meeting held on 07 September 2017 be approved as a correct record and signed by the Chair.

**25. LEVY 2018/19**

The Treasurer submitted a report to determine the levy on member local authorities for 2018/19 and to highlight additional pressures relating to the setting of the levy for 2019/20 and 2020/21. The Treasurer highlighted a number of factors which needed to be considered when determining the levy beyond 2018/19. The public sector pay cap of 1% had been lifted for the NHS, police and prison staff and there is a possibility it would be lifted in other parts of the public sector. A 2% increase in pay would increase the cost of the staffing budget by £12,000 per annum. In addition there remained a commitment to fund the replacement of the boat by £80,000 per annum from the levy and given the uncertainties surrounding external funding it was recommended that this commitment be 'uplifted' to £100K per annum. Members considered the report and the request to increase the levy across the respective Local Authorities by £38,000. Whilst members highlighted the current funding pressures facing local government and considered the level of funding requested to support the renewal of the main patrol vessel they unanimously supported the Treasurers recommendations.

**Resolved** –

(i) That the levy for 2018/19 be set at £1,200,310 (an increase of £38,000 above the 2017/18 rate) and the Clerk be authorised to issue demands on the relevant local authorities.

(ii) That the Board acknowledge the issues affecting NEIFCA and their effect upon the levy for 2019/20 and 2020/21.

(iii) That a detailed budget for 2018/19 be brought to the Authority for approval at its meeting in March 2018.

**26. PROVISION OF SERVICES TO NEIFCA**

Mrs C Lacey, Clerk and Mr N Beckett, Treasurer left the meeting during consideration of the following item.

The Chief Officer presented a report 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 2018 until the commencement of the next four yearly statutory review period at the end of March 2021.

**Resolved** - Members approved the continued provision of the following core services through East Riding of Yorkshire Council, with effect from 1 April 2018 for a further period of three financial years until the 31 March 2021:-

(i) Clerkship



- (ii) Treasurer and financial services
- (iii) Human Resources
- (iv) Legal

**27. NEIFCA REVISED STANDING ORDERS – UN-REQUIRED INVENTORY ITEMS**

The Clerk presented a report to seek the Authority's approval to adopt the proposed amendment to the Standing Orders to increase the threshold for disposal of un-required inventory items from £5K to £30K. This threshold had never been reviewed since the original Standing Orders were first agreed by NEIFCA in 2010 and the recommendation would bring it into line with current authorised levels of expenditure. Such disposals would still require full consultation with both the Clerk and Treasurer before they were actioned. Members raised concerns that the increased threshold was too high, they felt that the current method of communicating with members electronically when an item exceeding the existing threshold of £5K is scheduled for disposal was sufficient and enabled members to be kept informed and allowed an opportunity to comment on asset management. Members discussed raising the threshold to £10,000 as an alternative, but it was agreed that the Internal Audit team should be invited to examine current policies and procedures and make recommendations accordingly. The current threshold limit of £5K would remain in place until guidance had been received from Internal Audit.

**Resolved** – That the Internal Audit team be consulted and invited to offer guidance and advice on the proposed amendment to the Standing Orders to increase the threshold for disposal of un-required inventory items.

**28. YORKSHIRE MARINE RESEARCH FACILITY PROJECT**

The Chief Officer presented a report to seek the Authority's endorsement to provide a 'one off' contribution of £10K, in the form of a grant, to the Holderness Fishing Industry Group in support of the Yorkshire Marine Research Facility project. The Chief Officer highlighted that NEIFCA officers would be able to access the facilities, in particular the laboratory space which would be used to support the assessment of biological samples and in turn would also be entering into a more formal partnership of supportive, collaborative working with HFIG. Members were assured that the 'one off' contribution of £10K, which would represent approximately 25% of the total match funding costs, would be granted on the provision that the HFIG EMFF bid is successful and the remaining match funding costs are also met. Members recommended that any publicity opportunities are maximised with regards to the project.

**Resolved** – members supported the recommendation to provide a one off contribution of £10k in the form of a grant, to the Holderness Fishing Industry Group in support of the Yorkshire Marine Research Facility project.

**29. EMFF FLAG PROJECT – HOLDERNESS COAST LOBSTER FISHERY PROJECT**

The Chief Officer presented a report to inform members of a joint collaborative project with Hull University exploring future marketing options aimed at sustaining and growing the Holderness Coast lobster fishery, particularly in a post EU world. The total approved costs were £91,078 for this one year project and would be met by the European Maritime and Fisheries Fund (EMFF) with no financial contribution required of the Authority.

The project would primarily be delivered by the University of Hull who would provide quarterly update reports to both the Authority's officers and the MMO who oversee the administration of the EMFF. The Authority will in turn administrate the project covering four payments of £22,769 which will then be re-claimed through the EMFF from the MMO. Members considered the project and endorsed it recognising the 'single supplier' status of the bid as agreed by the MMO.

**Resolved** – That members support the project

**30. COLLABORATIVE WORKING – MMO/DEFRA**

The Chief Officer presented a report to update members on ongoing collaborative work streams between IFCAs and the MMO. Whilst the collaborative work streams had continued through a series of joint national meetings between IFCAs and the MMO during the last two years. Defra priorities, in the short to medium term, had changed dramatically following the outcome of the EU Referendum result on 23 June 2016 and the immediate focus had 'shifted' to ensuring that the UK was prepared for the first day of exit from the European Union. For IFCAs the priorities would remain focused on fisheries and the marine environment. In recognition of such priorities, on 26 October 2017, Defra wrote to both the MMO and IFCAs to encourage the positive continuation of the collaborative approach and the development of a joint strategy for dealing with the future exit from the EU. A copy of the letter was attached for members information.

**Resolved** – That members supported the continuation of the collaborative approach.

**31. SCIENCE ADVISORY GROUP**

The Chair of the Science and Advisory group and the Chief Officer presented a report to update members on agreed changes in role and function of the Science Advisory Group (previously the Science & Governance Working Group). The Chief Officer informed members that a standing agenda item would now be included on each meeting of the full Committee covering the work of the Science Advisory Group (SAG) during each reporting period and any other work streams delegated directly from the full Committee. Members raised comments regarding the permitted scallop fishery and the supporting survey regime which some felt should have a much greater focus on effects on the crab and lobster stocks. The Chief Officer assured members that officers were actively involved in a comprehensive monitoring programme. It was agreed that Dr Bryce Beaukers Stewart should be invited to the next full Authority meeting. Members also requested that any reports regarding the scallop fishery be circulated well in advance of the March SAG/Executive meeting.

**Resolved - (a)** Members supported the revised functions of the Science Advisory Group.

**32. CHIEF OFFICERS OPERATIONAL REPORT**

The Chief Officer presented a report to provide members with a comprehensive and detailed operational summary covering the period July to November 2017. The reporting period had seen the usual seasonal peaks in inshore fishing activity and officers had maintained their high standards of compliance inspection throughout the summer and into the autumn. During October three new staff members had been recruited, including two permanent IFCO's both onshore and offshore and a temporary

scientific and environmental officer to support the Authority's marine protected area work and its biological sampling programmes.

During September Authority staff participated in a workforce survey which delivered some very positive and pleasing outputs. 69% of staff felt that their work gave them a feeling of personal accomplishment, 85% of staff felt that they had the tools and resources to do their jobs well, 62% of staff felt that their line manager encouraged them to do their best and praised success and 62% were happy to be employees of NEIFCA. MMO representative Christian Proud questioned the outputs of the workforce survey, commenting on the apparent high turnover of NEIFCA staff and the overall percentage outputs which didn't appear particularly positive. The Chief Officer highlighted that in such a small team, any small percentage appears significant, and the current average length of service of current staff remained high. Staff turnover was a challenge for most organisation, particularly IFCA's which were relatively small with fewer opportunities to progress. The Chief Officers highlighted a number of IFCA's currently managing staffing vacancies.

Councillor Randerson sought further information on the type of offshore monitoring equipment carried by the Authority's main patrol vessel highlighting ongoing concerns at South Bay Scarborough relating to the Wheatcroft outfall. Councillor Bell voiced similar concerns relating to mine water discharge along the Durham coast. Following discussions the Clerk agreed to write to the Environment Agency highlighting members concerns.

**Resolved** - That the report be noted.

### **33. DRAFT ANNUAL REPORT NEIFCA 2016/2017**

The Chief Officer presented a report which provided members with a draft Annual Report covering the period, 2016/2017, summarising the Authority's outputs and activities during the year. The Chief Officer informed members that the Annual Report will be taken to the June Authority meeting in the future so that the timescales fit more appropriately with the reporting period. Members were asked to email the Chief Officer with any comments and feedback by January 2018.

**Resolved** - That the report be noted.

### **34. BUDGET MONITORING 2017/2018**

The Treasurer of the Authority presented a report detailing the budget position at the end of month 7 (October) in 2017/18. At the end of October 2017, the Authority has net expenditure of £489,198 against an expected £562,785, underspending by £73,587. The projected outturn shows an underspend of £60,620. The two main areas of underspending were detailed as Employee expenses and Patrol vessel running costs. After taking account of the current position, it was anticipated that there would be an underspend of £60,210. This would mean that the budgeted contribution from reserves of £20,620 would not be required and it was proposed that the remaining balance of £40,000 is placed in the External Projects Reserve. The balance on the External Projects Reserve is currently £26,541 and the additional £40,000 would enable the Authority to progress with the AIS project in 2018/19. Any further outturn underspend would be transferred to the Renewals Fund to provide future funding for the replacement of the patrol vessel.

**Resolved** - That the report be noted

**35. FISHERIES STATUTES AND REGULATIONS - PROSECUTIONS**

The Clerk submitted a report on the fisheries enforcement activities taken by the Authority since July 2017. Members requested a copy of the Code of Compliance to be circulated.

**Resolved** - That the notes be received

**36. NEIFCA EMERGENCY BYELAW – BERRIED LOBSTERS**

The Chief Officer presented a report to inform and update members on the making of a new emergency byelaw regulation prohibiting the taking of ‘berried’ (egg bearing) lobsters from within the Authority’s district. The new legislation protecting egg bearing lobsters was introduced via a ministerial amendment to an existing Statutory Instrument covering ‘V’ notched lobsters but unfortunately its provisions could not be applied to unlicensed vessels or individuals working from the shore without vessels. To that end, on 10 October 2017, all Authority members were consulted on the potential implementation of an emergency byelaw regulation to support the new national legislation and provide additional protection for egg bearing lobsters within the district. Members had unanimously supported the proposal and a new emergency byelaw was made on 16 October 2017 and the Secretary of State notified accordingly.

**Resolved** – That the notes be received

**37. REPORT FROM PARTNER ORGANISATIONS – MARINE MANAGEMENT ORGANISATION, ENVIRONMENT AGENCY & NATURAL ENGLAND**

Partner briefing papers had been circulated prior to the meeting.

**Resolved** – That the notes be received

**38. ANY OTHER BUSINESS**

Members requested that the start time of the full Authority meetings be altered from 10:00am to 10:30am, it was agreed the start time would be altered to better suit members that travel a distance to attend the meetings.

The meeting closed at 12:05

# NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

## MEETING OF THE EXECUTIVE COMMITTEE

08 MARCH 2018

### **Present**

Councillor Ron Allcock  
Dr Steven Axford  
Kirsten Carter  
Councillor Chris Matthews  
Councillor Tony Randerson  
Mr Gary Redshaw

### **Representing**

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

Chief Officer Mr David McCandless, Deputy Chief Officer Ian Davies, Clerk Caroline Lacey, Treasurer Neal Beckett and MMO Appointee Mike Montgomerie also attended the meeting.

The Committee met at the Authority's Offices in the Green Lane Centre, Whitby. The meeting started at 12:45.

#### **44. APOLOGIES**

Apologies for absence were received from Council Member Mr Edward Bell, MMO Appointees Mrs Kirsten Carter and Mr Nigel Proctor and Environment Agency Representative Mr Paul Slater.

### **DECLARATION OF PERSONAL AND PREJUDICIAL INTERESTS**

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

#### **45. MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD ON 07 SEPTEMBER 2017**

**Resolved** - That the minutes of the meeting held on 07 September 2017 be approved as a correct record and signed by the Chairman.

#### **46. ENVIRONMENT AGENCY PRESENTATION & UPDATE WHEATCROFT & WHITBURN CONSENTS**

Following written communication sent by the Clerk to the Environment Agency on 15 January 2018 requesting an update on the current situation surrounding the Wheatcroft and Whitburn consents and a presentation to the Executive Committee, members expressed their extreme disappointment over the lack of attendance from the Environment Agency and any response to the Clerk's original letter. Members requested that a further letter be sent to the Chief Executive of the Environment Agency re-iterating their concerns and seeking an urgent update on the matter. Members also requested that a special meeting of the Science Advisory Group be set up sometime during May 2018 to further consider the ongoing issues associated with the Wheatcroft outfall.

**Resolved** – (a) That the Clerk write a letter to the Chief Executive of the Environment Agency expressing members ongoing concerns relating to the Wheatcroft and Whitburn discharge consents and request an urgent update on both.

(b) That a special meeting of the Science Advisory Group be convened sometime during May 2018 to consider the ongoing issues related to the Wheatcroft and Whitburn outfalls with an option for all interested Authority members to attend.

47.

#### **REVENUE BUDGET 2018/2019**

The Treasurer provided members with a detailed budget for new 2018/19 financial year which had been produced in line with the draft 2018 Annual Plan, Strategic Risk Register and local priorities and in consultation with senior operational staff. Members had previously agreed a total levy of £1,200,310 at the Authority meeting held on 7 December 2017 which represented an increase, across the respective Local Authorities, of £38,000 compared to 2017/2018. Members discussed the level and allocation of reserves held by the Authority which were considered prudent for mitigating against the potential risks associated with the Authority's operational activities including meeting inflationary pressures, dealing with significant mechanical breakdowns and replacing the Authority's main patrol vessel.

**Resolved** – That the draft budget presented for the 2018/2019 financial year be approved.

48.

#### **NEIFCA ANNUAL PLAN 2018/2019**

The Chief Officer submitted a report providing detailing the draft Annual Plan for 2018/2019. Central to the plan remained the shared national IFCA vision, national IFCA Success Criteria and high level objectives linked to the Authority's annual work programme for the forthcoming year. The Chief Officer advised that members could provide further comment up to the end of March when the final draft would be submitted to Defra to meet statutory requirements. Councillor Randerson queried whether NEIFCA could be more actively involved in the monitoring of discharge consents such as Wheatcroft. The Chief Officer advised that the Authority's funding levels would only support delivery of its statutory remit to ensure the sustainable exploitation of sea fisheries resources but officers would always provide as much support as practically possible to the Environment Agency which carried the statutory duty for monitoring such consents. Members endorsed the draft plan and agreed to submit further comment before the end of the month.

**Resolved** – Members endorsed the format of the draft plan and agreed to provide any additional comments for inclusion in the final draft before the 31 March 2018.

49.

#### **RISK MANAGEMENT STRATEGY & STRATEGIC & OPERATIONAL RISK REGISTER REVIEWS**

In accordance with the Risk Management Strategy an annual review had been undertaken. The Clerk and Chief Officer presented the revised Strategy to Members for their consideration and approval.

The Chief Officer highlighted some changing risks associated with NEIFCA staffing vacancies. Two senior management vacancies relating to the Scientific and land-based enforcement leads had been filled on a temporary basis by existing staff leaving two standing vacancies. The Chief Officer expected that this position would be resolved before the summer.

The Clerk provided an update on the risks associated with the replacement of the Authority's main patrol vessel including ongoing discussions with Hull University over co-

financing the project.

Dr Stephen Axford highlighted Environment Agency proposals to implement a new set of licensing restrictions on seasonal salmon fishermen operating within the Authority's district. Dr Axford sought views on how the proposals might impact the fishermen and potentially place additional pressure on other stocks, increasing risk. The Chief Officer acknowledged the concerns and offered to draft and circulate a response to the proposals on behalf of members.

**Resolved** – (a) That the revised Risk Management Strategy be approved and reviewed within twelve months' time.

(b) That the revised Strategic and Operational Risk Registers be approved and reviewed in six months' time.

(c) That the Chief Officer drafts and circulates a response to the new licensing proposals for submission to the Environment Agency.

## **50. NEIFCA HEALTH & SAFETY POLICY & SAFE WORKING PRACTICES 2018/2019**

The Chief Officer provided a report to inform members of the completion of the annual review of the Authority's Health & Safety provisions; a revised policy was included within the report. The Chief Officer reported that policy and provisions were reviewed continuously throughout the year at NEIFCA staffing and Senior Management Team meetings and the guidance documents represented the most current version at the time the report was written. The Chief Officer also advised that since the last review no notable incidents had occurred and that the Officer, injured on the patrol vessel, reported at the last review, had now made a full recovery to substantive duties. The Chief Officer highlighted the findings of an independent expert who had fully reviewed working practices and the supporting Health and Safety framework. The independent expert had been very complementary in his findings and made some minor recommendations which had been incorporated into the revised 2018/2019 safe working practices document.

**Resolved** - Members endorsed the revised policy and safe working practices and noted the findings and assurances of the independent expert.

## **51. NEIFCA BYELAWS UPDATE**

The Chief Officer provided a comprehensive update on all current byelaw work including the following four byelaws which had been submitted to Defra for final consideration:

XVIII Method and Area of Fishing (Netting) Byelaw 2016

XXIX Humber Estuary Fishing Byelaw 2016

XXX Automatic Identification System (AIS) Byelaw 2016

XXXI Catch Returns Byelaw 2016

Internally Officers had been considering changes to the Authority's Crustacea Conservation Byelaw regulation to include new provisions protecting egg bearing lobsters, a maximum pot frame size and incorporating existing measures contained within a separate byelaw regulation protecting 'V' notched lobsters.

Significant consideration had also been given to the development of a 'capped' commercial shellfish permit scheme and a potting effort management scheme to be drafted into a comprehensive revision of the Authority's current Shellfish Permit byelaw. The Chief Officer expected to commence informal consultation with the industry on these proposals sometime during the next two to three months.

Members discussed the work and MMO appointee Mr Redshaw queried whether permits

could be issued regionally throughout the Authority's district with regional restrictions. The Chief Officer felt that this wouldn't be a realistic options given the size of the Authority's district. Dr Axford supported the need for effective effort management particularly if the new salmon management proposals led to increases in the number of pots worked.

**Resolved** – Members noted the report and requested further updates on the work.

52.

#### **BUDGET REPORT 2017/2018**

The Treasurer of the Authority presented a report detailing the budget position at the end of month 10 (January) in 2017/18. At the end of January 2018, the Authority had net expenditure of £725,640 against an expected £822,340, under-spending by £96,700. The projected outturn showed an underspend of £74,905 consisting primarily of £74,055 of employee expenses, reflecting vacancies throughout the year and superannuation costs.

As previously agreed, the budgeted contribution from reserves of £20,620 would not now be required and the remaining balance of £40,000 would be placed in the External Projects Reserve and the additional projected underspend of £14,285 transferred to the Renewals Fund to provide future funding for the replacement of the patrol vessel.

**Resolved** – Members noted the report and agreed the actions.

53.

#### **CHIEF OFFICERS OPERATIONAL REPORT**

The Chief Officer presented an detailed overview of all operational activity covering the period December 2017 to February 2018 including an update on extreme Easterly weather conditions which had caused large quantities of lobster, crab and other species to be washed up on beaches along the North East coast of England. The worst affected areas were along the Holderness Coast of East Yorkshire where officers had assisted the fishing industry and other agencies and bodies in the recovery of large quantities of live lobster from the foreshore between the 3 and 7 March. In total over 5 tonnes were recovered and returned back to the sea. Despite the mass 'wash up' of lobster levels of non-compliance with legislation remained relatively low throughout with the majority of the public supporting the efforts.

**Resolved** – Members noted the report and commended all the officers involved in the recovery of lobsters for their collective efforts.

54.

#### **ANY OTHER BUSINESS**

The Chair advised members that the Science Advisory Group, which had met prior to the Executive Committee, had considered the content of the Authority's website and the fact that some information appeared to be dated. The Chair highlighted the importance of the website in terms of first impressions, organisational credibility and reputation. The Chief Officer agreed to review the current website in consultation with his senior operational management team and report back to members.

**Resolved** – That the Chief Officer review the current website and report back to the next meeting of the Executive Committee.

The meeting closed at 2pm



**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
14 June 2018

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**ANNUAL ACCOUNTS 2017/18**

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**Report of the Treasurer**

**A. Purpose of Report**

To report the Annual Accounts for the Authority for the year ended 31 March 2018.

**B. Recommendations**

- 1 That the Statement of Accounts be approved
- 2 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 2018.
- 1.2 With effect from the financial year 2015/16 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.

**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 monthly monitoring of expenditure against the profiled budget has been undertaken and reported to the Board on a quarterly basis. At the Authority meeting held on 7 December 2017, it was reported that the projected outturn showed an underspend of £60,210. It was agreed that the budgeted contribution from reserves of £20,620 would not be required and that the remaining underspend of £40,000 would be placed in the external projects reserve, to enable the Authority to progress with the AIS project. Furthermore, at the Executive meeting held on 8 March 2018, it was reported that a further underspend of £14,285, over and above the £60,210 underspend previously reported, would be placed in the renewals fund to provide future funding for the replacement of the patrol vessel.
- 4.3 The total net expenditure for 2017/18 of £993,944 is shown in Appendix A. Compared to the revised budget (which has been adjusted for the transfers to/from reserves previously approved), there is an outturn underspend of £34,516. It is proposed to transfer £20,000 to the vehicle replacement reserve, which will enable the fleet programme to be effectively managed. The remaining underspend of £14,516 is proposed to be transferred to the external projects reserve in order to progress with increased costs of the AIS project, as described in paragraph 6.3.
- 4.4 The savings are primarily related to employee expenses, reflecting vacancy management throughout the year and a reduction in superannuation costs
- 4.5 These savings have given the Authority the opportunity to build resilience by increasing the level of reserves to address future pressures, as described in section 6 of this report.

#### **5. Balance Sheet**

- 5.1 The Authority's Balance Sheet, attached as Appendix B, 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 of eleven years, leaving an estimated residual value of £739,440.
- 5.2 Usable Reserves of £1,260,732 have increased by £157,416 as a result of transfers to the external projects and vehicle replacement reserves.

#### **6. Reserves**

- 6.1 The final outturn has increased a number of the reserves held which are shown at Appendix C. The general reserve enables the Authority to demonstrate its financial standing as a 'going concern', to be in a position to meet unforeseen liabilities and remains at £228,449, which represents 19% of the annual levy for 2018/19. This is 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 The external projects reserve has been increased by £54,516 and now stands at £81,057, which will enable the Authority to progress with the regulatory impact of the

AIS project, subject to DEFRA approving the byelaw. This will be sufficient to cover the main commercial fishing sector. It is estimated that a further £22,293 will be required to complete the project and it is anticipated that this can be met from within budget in 2018/19 and 2019/20.

- 6.4 A vehicle replacement reserve has been set up to fund the maintenance and replacement of vehicles, which has been increased to £20,000. Currently the Authority owns 3 small multi-purpose vans, 1 large transporter van, one 4x4 'pick up' vehicle, one all-terrain two seater 'gator' 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. Maintaining a reasonable vehicle replacement reserve enables the fleet programme to be effectively managed.
- 6.5 The Carnaby Storage Unit reserve remains at £8,936. This relates to drainage works to be carried out on the unit and was anticipated to be spent in 2017/18. The works have been delayed and will be carried out during 2018/19.
- 6.6 The levy included £82,900 to be transferred to the renewals fund, which is funding set aside towards the replacement of the patrol vessel. The fund now stands at £872,290. Estimates of the total cost of replacing the boat are between £4m and £4.5m and external funding is now very limited.

**Contact Officer**

Stephen Chandler (Tel 01482 394270)  
Interim Principal Accountant, East Riding of Yorkshire Council

**Neal Beckett**  
**Treasurer**

## Appendix A

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY						
COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT						
2016/17		2017/18				
Net Expenditure		Expenditure	Income	Net Expenditure	Revised Budget	Variance
£		£	£	£	£	£
362,590	Central / Headquarters	348,358	5,222	343,136	359,580	(16,444)
154,840	Land Based Operations	113,418	0	113,418	118,740	(5,322)
447,640	Offshore Operations	450,378	14,431	435,947	445,300	(9,353)
111,985	Environment	101,443	0	101,443	104,840	(3,397)
0	Grant Aided Projects	42,064	42,064	0	0	0
<b>1,077,055</b>		<b>1,055,661</b>	<b>61,717</b>	<b>993,944</b>	<b>1,028,460</b>	<b>(34,516)</b>

Net Income		Expenditure		Income		Net Income		Revised Budget		Variance	
£		£	£	£	£	£	£	£	£	£	£
<b>SOURCES OF FINANCE</b>											
1,139,520	Annual levy on Local Authorities	0	1,162,310	1,162,310	1,162,310	1,162,310	0	0	0	0	0
20,435	Contribution from Reserves	0	0	0	0	0	0	0	0	0	0
0	Cont to Capital - Vehicles	10,950	0	(10,950)	(10,950)	(10,950)	0	0	0	0	0
(82,900)	Contribution to Earmarked Reserves	157,416	0	(157,416)	(122,900)	(122,900)	(34,516)	(34,516)	(34,516)	(34,516)	(34,516)
<b>1,077,055</b>		<b>168,366</b>	<b>1,162,310</b>	<b>993,944</b>	<b>1,028,460</b>	<b>1,028,460</b>	<b>(34,516)</b>	<b>(34,516)</b>	<b>(34,516)</b>	<b>(34,516)</b>	<b>(34,516)</b>

Revised Revenue Budget		£
Approved Budget		1,100,030
Removal of contribution from reserve		(20,620)
Contribution to External Projects Reserve		(40,000)
Vehicle Purchase from Revenue		(10,950)
		<b>1,028,460</b>

2017/18 underpend of £34,516 to be transferred £20,000 to the Vehicle Replacement Reserve and £14,516 to the External Projects Reserve

## Appendix B

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY				
BALANCE SHEET				
31 March 2017		31 March 2018		
£		£	£	£
<b>LONG TERM ASSETS</b>				
1,931,248	Waterborne Assets - Gross Book Value	1,914,748		
-1,071,248	Waterborne Assets - Depreciation	<u>-1,167,308</u>		747,440
140,516	Vehicles and Equipment - Gross Book Value	151,466		
-56,736	Vehicles and Equipment - Depreciation	<u>-75,682</u>		75,784
0	Work in Progress			<u>0</u>
943,780				823,224
<b>CURRENT ASSETS</b>				
<b>Debtors</b>				
22,011	HMRC - VAT	29,502		
31,820	Other	23,256		
14,733	Prosecution Costs	14,568		
-2,328	Provision for Bad Debt	<u>-2,328</u>	12,240	
929	Payment in Advance	<u>929</u>		65,927
0	<b>Short Term Investments</b>			0
<b>Cash and cash equivalents</b>				
999,990	Temporary Investments	945,887		
293,885	Cash at Bank and in Hand	386,025		
350	Petty Cash	<u>350</u>		1,332,262
<b>CURRENT LIABILITIES</b>				
-258,074	Creditors	-102,456		
0	Receipt in Advance	<u>-18,500</u>		-120,956
<u>2,047,096</u>	<b>NET ASSETS</b>			<u>2,100,456</u>
<b>FINANCED BY</b>				
1,103,316	Usable Reserves			1,260,732
943,780	Unusable Reserve			839,724
<u>2,047,096</u>	<b>TOTAL RESERVES</b>			<u>2,100,456</u>

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

The Authority maintains specific reserves to even out cash flow for individual projects or purchases and a general reserve to meet unforeseen events. The Authority currently holds six reserves.

The following tables present the actual opening balances at 1 April 2018 following completion of the 2017/18 accounts, together with the proposals contained in the budget 2018/19.

<b>General Reserve</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£</b>	<b>£</b>
Balance brought forward	228,449	228,449
Transfer from Revenue	0	0
Transfer to Revenue	0	0
Balance carried forward	<u><b>228,449</b></u>	<u><b>228,449</b></u>
<b>Patrol Vessel Maintenance</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£</b>	<b>£</b>
Balance brought forward	50,000	50,000
Transfer from Revenue	0	0
Transfer to Revenue	0	0
Balance carried forward	<u><b>50,000</b></u>	<u><b>50,000</b></u>
<b>External Projects</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£</b>	<b>£</b>
Balance brought forward	26,541	81,057
Transfer from Revenue	54,516	0
Transfer to Revenue	0	0
Balance carried forward	<u><b>81,057</b></u>	<u><b>81,057</b></u>
<b>Vehicle Replacement Reserve</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£</b>	<b>£</b>
Balance brought forward	0	20,000
Transfer from Revenue	20,000	10,000
Transfer to Revenue	0	0
Balance carried forward	<u><b>20,000</b></u>	<u><b>30,000</b></u>
<b>Carnaby Storage Unit</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£</b>	<b>£</b>
Balance brought forward	8,936	8,936
Transfer from Revenue	0	0
Transfer to Revenue	0	0
Balance carried forward	<u><b>8,936</b></u>	<u><b>8,936</b></u>
<b>Renewals Fund</b>	<b>2017/18</b>	<b>2018/19</b>
	<b>£</b>	<b>£</b>
Balance brought forward	789,390	872,290
Transfer from Revenue	82,900	102,900
Transfer to Revenue	0	0
Balance carried forward	<u><b>872,290</b></u>	<u><b>975,190</b></u>
<b>TOTAL USEABLE RESERVES</b>	<u><b>1,260,732</b></u>	<u><b>1,373,632</b></u>

## NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

**Report to:** Authority Meeting  
14 June 2018

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### Marine and Coastal Access Act 2009 (Section 155) **XXVIII Crustacea Conservation Byelaw 2018**

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Report by the Clerk and Chief Officer of the Authority.

#### A. **Purpose of Report**

To inform Members of the intention to make the following byelaw regulation in accordance with the duty imposed by section 153 and the provisions contained within sections 155, 156, 158 and 160 of the Marine and Coastal Access Act 2009:

#### **XXVIII Crustacea Conservation Byelaw 2018**

#### B. **Recommendation**

1. That the Authority approves the making of the byelaw.
2. That the Authority instructs the Clerk to give requisite notice by advertisement of the intention to apply to the Secretary of State for confirmation of the said byelaw.

#### 1. **Background**

##### 1.1 **Byelaw XXVIII Crustacea Conservation Byelaw 2018**

- 1.1.1 This new byelaw replaces the Authority's current Crustacea conservation byelaw. It retains, updates and rationalises existing management regulations covering the exploitation of lobster, edible crab, velvet crab and nephrops within the Authority's district and includes the following key revisions:

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

1.1.2 A copy of the draft byelaw regulation including a supporting regulatory impact assessment is appended to this report for members information.

## 1.2 **General Byelaw Update**

1.2.1 The following four byelaws which were formally made by the Authority on 27 April 2016 remain in process:

- XVIII Method and Area of Fishing (Netting) Byelaw 2016
- XXIX Humber Estuary Fishing Byelaw 2016
- XXX Automatic Identification System (AIS) Byelaw 2016
- XXXI Catch Returns Byelaw 2016

1.2.2 Following review by the Marine Management Organisation the byelaws progressed to formal consultation which commenced on 21 December 2016 and terminated on 17 February 2017. During the formal consultation process 44 responses were received including two multi-signature petitions. Members considered the output from the formal consultation on 20 July 2017 and agreed to continue with the progression of the byelaws.

1.2.3 Since July 2017 the byelaws have passed through two further reviews by the Marine Management Organisation (MMO) and been signed and formally submitted to Defra but have been subject to further delay by issues surrounding the supporting Regulatory Impact Assessments (RIAs). The RIAs were originally returned by the MMO because they had been submitted on an 'out-dated' version of the template. This issue was rectified but officers were subsequently advised by the MMO that they could not access the revised versions which were then re-submitted only to find that the same issue existed. Further versions were submitted culminating in a final submission of the supporting RIAs on 25 May 2018. The whole process has proved to be one of the most frustrating for the Authority's officers who have over twenty years experience in the making of fisheries byelaws.

1.2.4 During February 2018 Officers imputed into a formal national review of the IFCA byelaw making process and it is hoped that the outcome of this review will lead to improvements in the process.

### Contact Officer

David McCandless, Chief Fishery Officer  
Ext. 3690



## **North Eastern Inshore Fisheries and Conservation Authority**

### **Marine and Coastal Access Act 2009**

#### **XXVIII CRUSTACEA CONSERVATION BYELAW 2018**

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

#### **1. Interpretation**

In this byelaw

- (a) 'Area A' means that part of the sea within the District bounded to the North by the boundary of the District, to the South by a line drawn True North East from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the 3 Nautical Mile Limit and to the East by the 3 Nautical Mile Limit;
- (b) 'Area B' means that part of the sea within the District bounded to the South by the boundary of the District, to the North by a line drawn True North East from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the 3 Nautical Mile Limit and to the East by the 3 Nautical Mile Limit;
- (c) 'Area C' means that part of the sea within the District bounded to the North by a line drawn True North East from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the boundary of the District, to the East by the boundary of the District and to the South by the boundary of the District;
- (d) '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;
- (e) 'baselines' means the 1983 baselines as defined in the North Eastern Inshore Fisheries and Conservation Order 2010;
- (f) 'berried lobster' means a lobster with egg(s) or spawn attached to the tail or other exterior part of the lobster, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;
- (g) 'carapace width' means the width of the carapace measured across the widest point;
- (h) 'cooked crab offal' means edible crab which has been cooked;

- (i) 'clawless lobster' means any lobster which is displaying the total absence of any fully formed and functioning claws or chelae. Functioning is defined as the ability of the animal to open and close the claw.
- (j) 'crustacea' include any species of lobster, crab, or Norway lobster (*Nephrops norvegicus*);
- (k) '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;
- (l) 'Edible crab' means crab of the species *Cancer pagurus*;
- (m) 'Fishing' means searching for sea fisheries resources, shooting, setting, towing, hauling of fishing gear and taking sea fisheries resources onboard;
- (n) 'fishing trip' means the entire period between leaving and returning to port;
- (o) 'Flap' means any part of the five flaps of the tail fan of a lobster;
- (p) 'Lobster' means lobster of the species *Homarus gammarus*;
- (q) 'Mutilated lobster' means any lobster with any damage likely to obscure a 'V' notch mark or absence of, either one or both inner flaps, located either side of the main tail flap or telson. Any other damage or mutilation to, or absence of, any other tail flap, excluding the two inner flaps, is not classed as mutilation for the purpose of this byelaw regulation;
- (r) 'Mutilated pleopod' means any visible damage, abrasion, mutilation or absence of any pleopod(s);
- (s) '3 Nautical Mile Limit' means a line drawn on the seaward side of the baselines 3 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured;
- (t) 'overall length' means the overall length of the vessel as detailed on its official certificate of registry;
- (u) 'pleopod' means the small abdominal leg of a lobster attached to the abdomen used for swimming and brooding eggs;
- (v) 'pot' means a pot, creel or trap used for catching sea fish or crustacea;
- (w) 'pot size' means the dimensions of the pot at its maximum size.
- (x) 'Soft shelled lobster' means a lobster which has recently cast its shell;
- (y) 'V' notched lobster' means a lobster with a marking in the shape of the letter 'V' with a depth of at least 5 mm cut into at least one of the inner flaps of the tail fan either side of the main tail flap or telson, with the apex of the letter 'V' positioned inward from the edge of the

flap. The depth of the 'V' notch shall be measured vertically from the distal edge (not including the setae or small hairs) of the flap to the apex of the 'V';

- (z) 'Velvet crab' means crab of the species *Necora puber*.

## 2. Vessel Length Restrictions

- (a) Subject to 2(b) no person shall use any pot for any purposes from a vessel in excess of 10 metres overall length within Area A or Area B.
- (b) In Area A or Area B any vessel exceeding 10 metres overall length may use any pot for any purpose providing:
- (i) the vessel is on a 'sunset list' maintained by the Authority;
  - (ii) the vessel does not exceed 14.0 metres overall length;
  - (iii) the vessel possesses a track record of legally fishing for crustacean, using pots within Area A or Area B since 1 January 2016 and has registered catches of lobster and edible crab with the Authority;
  - (iv) the vessel owner has applied to be placed onto the 'sunset list' within six months of the confirmation of this byelaw;
  - (v) there is no change of ownership affecting the major share holding in the vessel concerned.

## 3. Escape Gaps

- (a) No person shall use a pot within Areas A and C for the purpose of fishing for crustacea or sea fish unless:-
- (i) the pot has at least one unobstructed escape gap located in its exterior wall or, in the case of a multiple chambered pot each individual chamber has an unobstructed escape gap located in its exterior wall;
  - (ii) each escape gap is of sufficient size that there may be easily passed through the gap a rigid box shaped gauge 80 mm wide, 46 mm high and 100 mm long; and

- (iii) the escape gap is located within the pot in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the parlour as is practically possible and within 50 mm of the base.

#### **4. Minimum Size for Edible Crab**

No person shall fish for, take, retain on board, land, store or transport any edible crab which has not attained a carapace width of 140 millimetres but shall return the same to the sea immediately.

#### **5. Prohibition on the Removal of Parts of Crab**

- (a) No person shall remove, take, retain, store, carry, transport or land any edible crab or part thereof which is detached from the body of the crab, and/or which does not comply with the minimum size but shall return the same to the sea immediately.
- (b) Paragraph (a) does not apply to any part of an edible crab contained in any by-catch which complies with the following conditions:
  - (i) the total of such parts is not more than 10% of the total weight of all species subject to a statutory minimum conservation reference size other than crustacea, landed by the same person on one occasion; and
  - (ii) the crab was caught in a trammel, gill, tangle or other enmeshing net and the part became detached from the crab in the course of clearing the net.

#### **6. Prohibition on the use of edible and velvet crab for Bait**

- (a) No person shall use any edible crab or velvet crab for bait.
- (b) Paragraph (a) does not apply to the following:
  - (i) the use of any cooked crab offal as bait; and
  - (ii) The use of edible crab, above the -MCRS, as bait for recreational rod fishing.
  - (iii) The use of velvet crab, above theMCRS, as bait.

**7. Prohibition on the Removal of Parts of Lobster**

No person shall remove, take, retain, store, carry, transport or land, the tail, claw or any other detached part of a lobster.

**8. Prohibition on the Removal of Clawless Lobsters**

No person shall remove, take, retain, store, carry, transport or land any clawless lobster.

**9. Prohibition on the Removal of Soft Shelled Lobsters**

No person shall remove, take, retain, store, carry, transport or land any soft shelled lobster.

**10. Prohibition on the Removal of 'V' Notched or Mutilated Lobsters**

- (a) No person shall fish for, take, retain, store, carry, transport or land any 'V' notched lobster or mutilated lobster.
- (b) Any 'V' notched lobster or mutilated lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

**11. Prohibition on the Removal of 'Berried' Lobsters**

- (a) No person shall fish for, take, retain, land, store or transport any 'berried' lobster or lobsters.
- (b) Any 'berried' lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

**12. Prohibition on the Removal of Lobsters Displaying Mutilated Pleopods**

- (a) No person shall fish for, take, retain, land, store or transport any lobsters displaying mutilated pleopods.
- (b) Any lobster displaying mutilated pleopods shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

**13. Maximum Pot Size**

No person shall use any pot with a size exceeding 50 centimetres high x 60 centimetres wide x 110 centimetres long.

**14. Deeming**

- (a) With the exception of the provisions contained within paragraphs 7, 10 and 11, during each singular fishing trip, vessels fishing exclusively outside the District will not be subject to the provisions of this byelaw.
- (b) It is to be presumed that a vessel has taken or removed any sea fisheries resources to which this byelaw relates from within the District if, at any time, during any singular fishing trip –
  - (i) it is proved that –
    - (a) the vessel was found within the District, and
    - (b) when so found, the vessel was in possession of any of the things mentioned in paragraph (c); and
  - (ii) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that the vessel was, or had been, taking or removing sea fisheries resources in contravention of this byelaw.
- (c) The things are –
  - (i) such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of taking or removing sea fisheries resources in contravention of this byelaw; and
  - (ii) sea fisheries resources, the taking and removing of which is prohibited by this byelaw.
- (d) The presumption in paragraph (b) does not apply where sufficient evidence is adduced to raise an issue as to whether the fisheries resources on board the vessel were taken and or removed from within the District.

**14. Revocations**

- (a) The byelaw with the title 'XXI Protection of 'V' Notched Lobsters' made by North Eastern Inshore Fisheries and Conservation Authority on 8 December 2011 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

- (b) The byelaw with the title 'XXVIII Crustacea Conservation Byelaw' made by North Eastern Inshore Fisheries and Conservation Authority on 6 December 2013 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.
- (c) The emergency byelaw with the title 'Emergency Byelaw Berried Lobsters' made by North Eastern Inshore Fisheries and Conservation Authority on 16 October 2017 in exercise of its power under section 157 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

Explanatory note

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

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

**I hereby certify that the above Byelaw  
was made by the Authority at its meeting  
on xxxxx**

**Caroline Lacey  
Clerk**

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

**The Secretary of State for Environment, Food and Rural Affairs in  
exercise of the powers conferred by section 155 (4) of the Marine and  
Coastal Access Act 2009, confirms this byelaw made by the North  
Eastern Inshore Fisheries and Conservation Authority on 6 December  
2012.**

**IN WITNESS** whereof the Official Seal of the Secretary of State for the  
Department of the Environment, Food and Rural Affairs is hereunto  
affixed on:

**HEAD OF SUSTAINABLE FISHERIES SECTION**

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

**Date:**



The byelaw refers to three areas of the Authority's district which relate specifically to paragraphs (2) Vessel Length and (3) Escape Gaps as follows:

**(1) Area A – Northern Boundary to Tees and seaward to 3 nautical mile limit**

- Maximum overall vessel length of 10 metres
- Mandatory escape Gaps 80mm x 46mm

**(2) Area B – Tees to Southern Boundary and seaward to 3 nautical mile limit**

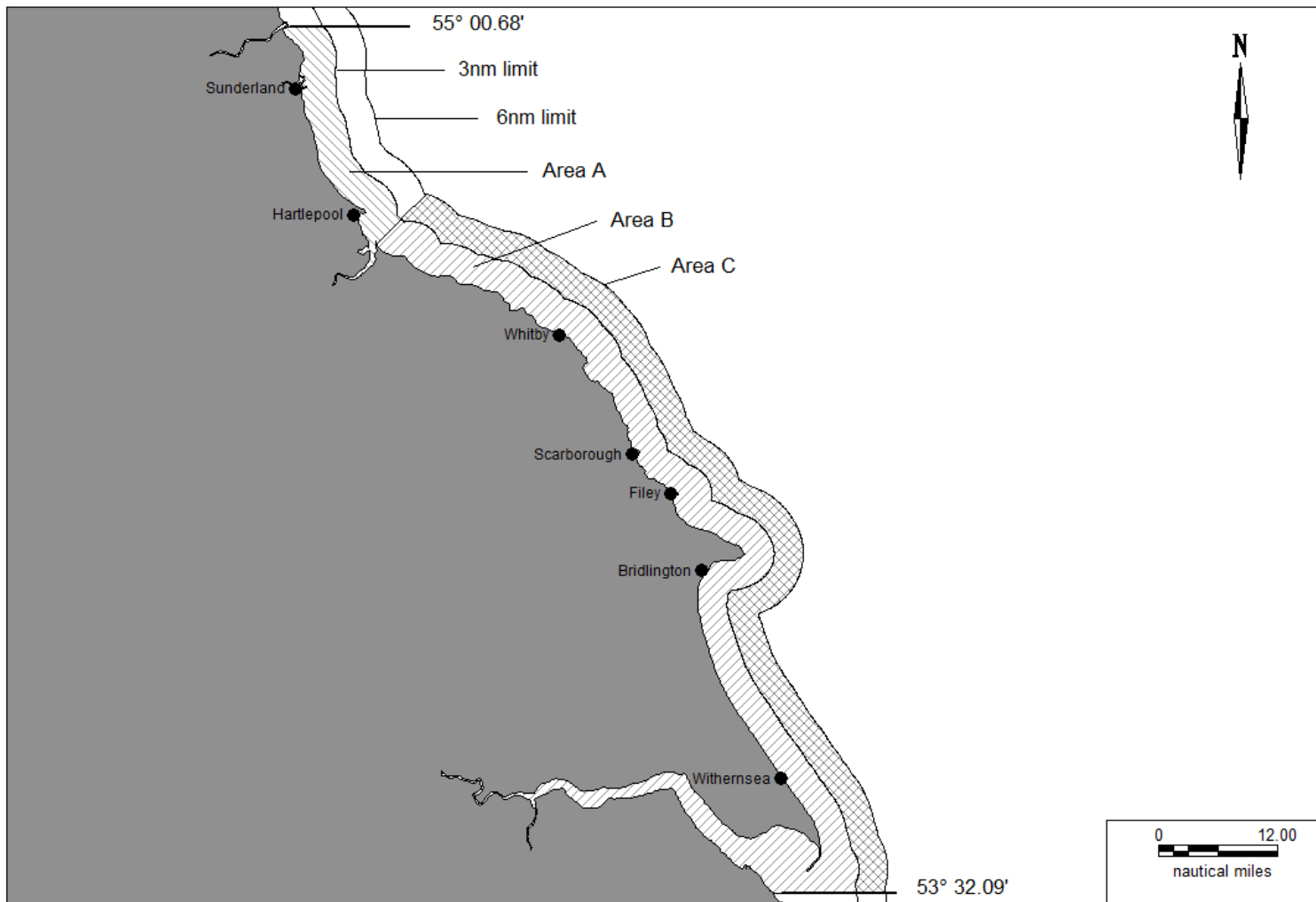
- Maximum overall vessel length of 10 metres
- Mandatory escape Gaps 80mm x 46mm

**(3) Area C – Tees to Southern Boundary and seaward to statutory Boundary (6 nautical miles)**

- Mandatory escape Gaps 80mm x 46mm

**All other provisions detailed within the byelaw apply throughout the entire NEIFCA district as defined in 1(b).**

These areas are outlined on the appended chart for visual reference.



<b>Title:</b> Byelaw XXVIII: Crustacea Conservation Byelaw 2018 <b>IA No:</b> NEIFCA_18_1  <b>Lead department or agency:</b> NEIFCA  <b>Other departments or agencies:</b> N/A	Impact Assessment (IA)	
	<b>Date:</b> 17/05/2018	
	<b>Stage:</b> Development/Options	
	<b>Source of intervention:</b> Domestic	
	<b>Type of measure:</b> Secondary legislation	
	<b>Contact for enquiries:</b> David McCandless Chief Officer, North Eastern IFCA 01482 393515, david.mccandless@eastriding.gov.uk	
<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> N/A	

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as
£0	£0	£0	Not in scope	Non-qualifying

**What is the problem under consideration? Why is government intervention necessary?**

On 1 October 2017, SI 2017 No 899 'The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017' prohibited the fishing for and landing of all egg bearing lobsters and crawfish caught in English waters and landed at English ports. The legislation does not apply to unregistered vessels, individuals or carriage and storage at sea of berried lobsters. NEIFCA consider the application of the SI to this sector critical to ensure the full protection of egg bearing lobsters within local stocks. The byelaw also amends existing vessel size restrictions within 3 nautical miles, introduces a maximum pot size, a prohibition on the taking of lobsters which have recently cast their shells and rationalises the existing number of NEIFCA byelaws by consolidating 'V' notched lobster provisions.

**What are the policy objectives and the intended effects?**

1. To ensure that the catching, retention and landing of all egg bearing lobsters by unlicensed and unregistered vessels and operators is prohibited throughout the NEIFCA district and that NEIFCA Officers have a comprehensive suite of powers in place to enforce the supporting regulations.
2. To take pro-active steps in the management of the lobster and crab fishery by reducing the vessel size limit within 3 nautical miles, introducing a maximum pot size to minimise risk to stocks from technology creep and prohibiting the taking of soft shelled lobster.
3. To rationalise the number of NEIFCA byelaws by consolidating 'V' notched lobster provisions.

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

The following policy options have been considered:-

Option 0: Do nothing – Would result in the continued removal of berried lobsters by recreational fishers.

Option 1: Regulatory management – Would support the application of the SI to all sectors targeting lobsters.

Option 2: Use of non-regulatory measures – Voluntary measures to achieve the stated objectives are not considered to be feasible as compliance with such measures is anticipated to be low.

**Option 1 is preferred. Regulatory management would allow for the full protection of egg bearing lobsters and the application of the SI to all sectors targeting lobsters. In combination with the other measures proposed this byelaw will help to ensure the long term sustainability of lobster and crab stocks within the NEIFCA district.**

**Will the policy be reviewed? It will be reviewed. If applicable, set review date: 05/2023**

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

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

Signed by the responsible Chief Officer:



Date: 17/05/2018

# Summary: Analysis & Evidence

## Policy Option 1

### Description:

#### FULL ECONOMIC ASSESSMENT

Price Base Year 2018	PV Base Year 2018	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: £0

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	£0	£0	£0

#### Description and scale of key monetised costs by 'main affected groups'

The prohibition on taking lobsters which have recently cast their shells would reduce some direct selling to the public at some ports and locations via secondary markets. This is limited to a short 4 week period during the summer months and cannot be quantified. All shellfish merchants tend to reject any soft shelled lobsters at the point of landing. No other monetised costs have been identified.

#### Other key non-monetised costs by 'main affected groups'

The prohibition on retaining and landing egg bearing lobsters would potentially reduce the catching capacity of recreational fishers.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	£0	£0	£0

#### Description and scale of key monetised benefits by 'main affected groups'

None identified.

#### Other key non-monetised benefits by 'main affected groups'

The proposed byelaw will increase the spawning stock biomass of lobsters within the district with benefit to areas outside of NEIFCA jurisdiction.

#### Key assumptions/sensitivities/risks

Assumes 100% compliance.

#### Discount rate (%)

3.5

#### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: £0	Benefits: £0	Net: £0	No	N/A

# Evidence Base (for summary sheets)

## 1. Introduction

- 1.1. North Eastern IFCA (NEIFCA) is charged with the sustainable management of fisheries within its jurisdiction, authorised through section 153 of the Marine and Coastal Access Act (2009). The provisions in this byelaw related to egg bearing lobsters are intended to complement the provisions of SI 2017 No 899 by ensuring that egg bearing lobsters captured by all fishing sectors are returned to the sea to preserve spawning stock biomass.
- 1.2. Reduction of the vessel size limit within 3 nautical miles, the introduction of a maximum pot size and a prohibition on taking lobsters which have recently cast their shells are seen as pro-active, forward thinking measures to ensure the continued sustainability of lobster and crab stocks within the NEIFCA district.
- 1.3. In order to rationalise and consolidate the number of IFCA byelaws, an opportunity was also identified to transfer existing 'V' notched lobster provisions contained in 'Byelaw XXI Protection of 'V' Notched Lobsters' into the new proposed byelaw.

## 2. Rationale for intervention

- 2.1. Inshore Fisheries and Conservation Authorities have duties to ensure that fish stocks are exploited in a sustainable manner by implementing appropriate management measures. Implementing this byelaw will ensure that fishing activities are conducted in a sustainable manner and that the marine environment is suitably protected.
- 2.2. Fishing activities can potentially cause negative outcomes as a result of 'market failures'. The failures in this case relate to public goods and services, negative externalities and common goods.
  - Public goods and services - A number of goods and services provided by the marine environment such as biological diversity are 'public goods' (no-one can be excluded from benefiting from them, but use of the goods does not diminish the goods being available to others). The characteristics of public goods, being available to all but belonging to no-one, means that individuals do not necessarily have an incentive to voluntarily ensure the continued existence of these goods which can lead to under-protection/provision.
  - Negative externalities – Negative externalities occur when the cost of damage to the marine environment is not fully borne by the users causing the damage. In many cases no monetary value is attached to the goods and services provided by the marine environment and this can lead to more damage occurring than would occur if the users had to pay the price of damage. Even for those marine harvestable goods that are traded (such as wild fish), market prices often do not reflect the full economic cost of the exploitation or of any damage caused to the environment by that exploitation.
  - Common goods - A number of goods and services provided by the marine environment, such as populations of wild fish, are 'common goods' (no-one can be excluded from benefiting from those goods however consumption of the goods does diminish that available to others). The characteristics of common goods (being available but belonging to no-one, and of a diminishing quantity), mean that individuals do not necessarily have an individual economic incentive to ensure the long term existence of these goods which can lead, in fisheries terms, to potential overfishing. Furthermore, it is in the interest of each individual to catch as much as possible, as quickly as possible so that competitors do not take all the benefits. This can lead to an inefficient amount of effort and unsustainable exploitation.
- 2.3. IFCA byelaws aim to redress these sources of market failure in the marine environment through the following ways:
  - Measures will support continued existence of public goods in the marine environment, for example conserving the spawning stock biomass of lobsters in the sea of the IFCA District.

- Measures will ensure that negative externalities are either reduced or suitably mitigated.
- Measures will support continued existence of common goods in the marine environment, for example ensuring the long term sustainability of lobster stocks in the IFCA District.

### 3. *Policy objectives and intended effects*

3.1. The key objectives of the proposed management are;

- To introduce restrictions on taking egg bearing lobsters by recreational fishers.
- To reduce the length of vessels targeting lobster and crab stocks within the 3 nautical mile fisheries limit of the NEIFCA district.
- To introduce a maximum pot size to address technology creep; observed as an increase in the size of pots being utilised by the commercial potting sector.
- To introduce a prohibition on the taking of lobsters which have recently cast their shells which tend to impact on local markets in terms of price and quality of product.
- To rationalise the number of NEIFCA byelaws by incorporating provisions for 'V' notched lobsters within this byelaw.

3.2. The intended effect of these management measures is to ensure the long term sustainability of lobster and crab stocks within the NEIFCA District.

### 4. *Background*

#### 4.1. Egg bearing lobsters

4.1.1. On 1<sup>st</sup> October 2017, SI 2017 No 899 'The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017' prohibited the fishing for and landing of all egg bearing lobsters and crawfish caught in English waters and landed at English ports. The legislation only applies to 'relevant British fishing boats' or 'Scottish fishing boats' and has no application for unregistered vessels, individuals, or carriage and storage at sea of berried lobsters.

4.1.2. The capture and removal of lobsters by recreational fishers within the NEIFCA district is regulated by 'Byelaw XXII Permit to fish for lobster, crab, velvet crab and whelk'. Under provisions in this byelaw recreational fishers are issued with Limited Shellfish Permits (LSP) which permits them to take 2 lobsters per day. In 2016/2017 NEIFCA issued over 2000 LSPs. It is considered critical to support the application of the new SI that enforcement provisions are made to apply to both the licensed and unlicensed sectors to ensure the full protection of egg bearing lobsters within local stocks.

4.1.3. While the SI legislates for the landing of berried lobsters, it failed to legislate for the retention of berried lobsters. There is significant concern that berried lobsters may be retained in keep pots at sea until they have shed their eggs, which would not be consistent with the overall aim of the SI in preserving those animals in the wild.

4.1.4. There are no monetary costs associated with these provisions as recreational fishers do not generate income from the capture of lobsters.

#### 4.2. 'V' notched lobsters

4.2.1. In review of the proposed byelaw, an opportunity was identified to rationalise the number of NEIFCA byelaws by including the provisions contained within 'Byelaw XXI Protection of 'V' Notched Lobsters' into this byelaw. No costs are associated with this measure as regulations already exist prohibiting the landing of 'V' notched lobsters.

#### 4.3. Vessel length restrictions

4.3.1. The current regulations regarding maximum overall length of vessels using pots within 3 nautical miles within the NEIFCA district are 14m between the north of the district and the River Tees, and 12.5m between the River Tees and the south of the district. The proposed byelaw aims to reduce and standardise the maximum length of vessel that may use pots within 3 nautical miles within the district to 10m.

4.3.2. Of the 220 commercial permit holders active in 2017, 22 have an overall length above 10m. Many of these vessels operate beyond the 3 nautical mile fisheries limit and often beyond the 6 nautical mile limit. There is no anticipated cost to current permit holders as it is proposed that vessels that have reported landings to the Authority in the past two years will be placed on a 'sunset list' and retain access under current provisions.

#### 4.4. Maximum pot size

4.4.1. Observations from Officers have noted a trend of increasing pot size as more operators move from smaller, traditional, hand made pots to larger, commercially produced steel framed pots. The size of pot proposed has been set at the largest size currently observed in use and available from commercial pot manufacturers. It is not believed that any vessels are currently using pots above this size, therefore there will be no monetary cost associated with this measure. This is considered to be a pro-active measure to halt the observed trend of increasing pot size.

#### 4.5. Lobsters which have recently cast their shells

4.5.1 During a short period of 4 weeks, typically during June following mating quantities of lobsters will be caught which have recently cast their shells and are in a soft state. The shells of such lobsters will move when light pressure is exerted on them. Whilst commercial merchants will reject these lobsters when presented for sale, at some ports there is a secondary market supported by direct selling to the public or cafes and restaurants. This impacts on market prices and catch quality and a general prohibition on taking such lobsters is deemed as a positive pro-active conservation measure

### 5. Policy Options

5.1. Option 0: Do nothing - This option would see the continued retention and landing of berried lobsters by recreational fishers with associated impacts on spawning stock biomass and the continuation of current vessel size restrictions within 3 nautical miles.

5.2. Option 1: Regulatory management – The proposed byelaw would provide comprehensive protection for berried lobsters within the NEIFCA district and support the application of the SI. It will also limit the size of vessel capable of operating pots within 3 nautical miles to 10m in length, arrest the increasing trend in pot size and limit the sale of lobsters which have recently cast their shells.

5.3. Option 2: Use of non-regulatory measures – It is thought that voluntary measures to preserve egg bearing lobsters would not achieve the desired objective as compliance would be low. Voluntary measures relating to vessel size, pot size and soft lobsters are similarly not expected to achieve the desired outcome.

**5.4. Option 1 is preferred. Regulatory management would allow for the full protection of egg bearing lobsters and the application of the SI to all sectors targeting lobsters. In combination with the other measures proposed this byelaw will help to ensure the long term sustainability of lobster and crab stocks within the NEIFCA district.**

### 6. Summary of Option 1 impacts on fishery

6.1. The only identified impacts of the proposed measure would be reduced lobster catching capacity by recreational fishers and a loss of the secondary market for soft shelled lobsters. No reduction in current daily catch limits is being proposed and impacts are not considered to be significant.



## *7. Conclusion*

- 7.1. The proposed measures will make a positive contribution to the existing suite of management to protect lobster and crab stocks within the NEIFCA district and ensure their long term sustainability.



**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
14 June 2018

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**Draft NEIFCA Annual Report 2017/2018**

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Report by the Chief Officer.

**A. Purpose of Report**

To provide members with a draft Annual Report covering the period, 2017/2018, summarising the Authority's outputs and activities during the year.

**B. Recommendation**

1. That members note the report

**1. Background**

- 1.1 Section 178 of the 2009 Marine and Coastal Access Act places a statutory duty on Inshore Fisheries and Conservation Authorities (IFCA's) to prepare and publish an annual report on their activities during the proceeding year.
- 1.2 A draft annual report covering the period 2017/2018 and summarising the Authority's work, main outputs and achievements during its seventh operational year is attached for members information and review. Comments from members are very welcome on this draft report and should be submitted by Monday 16 July 2018.

**Contact Officer**

David McCandless  
Chief Officer  
Ext. 3690

**Background Papers**

Draft NEIFCA Annual Report 2017/2018



## NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

**Report to:** Authority Meeting  
14 June 2018

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### General Data Protection Regulations – 25 May 2018

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Report by the Clerk and Chief Officer.

#### A. **Purpose of Report**

To advise members of new data protection regulations that came into force on 25 May 2018 and to provide a suite of new and updated policies to support compliance with the new provisions.

#### B. **Recommendation**

1. That members note the report and endorse the supporting policies.

#### 1. **Background**

- 1.1 On 25 May 2018 the General Data Protection Regulations took effect representing the biggest single change in data protection in over 20 years. The new regulations are designed to harmonise data protection across Europe and despite the UK's future exit from the European Union it agreed that they would be enacted into UK legislation. In preparation for the commencement of the new regulations Authority officers have been working with data protection officers in East Riding of Yorkshire Council since the beginning of January 2018.

- 1.2 The new regulations carry the following six guiding principles relating to the processing and storage of personal data:

- Lawfulness, fairness and transparency – organisations must have a lawful basis for processing personal data and consent to process personal data can no longer be assumed
- Purpose limitation – data can only be processed under certain defined conditions
- Data minimisation – steps must be taken to ensure that only the minimum required amount of personal data is processed and stored
- Accuracy – All personal data stored must be accurate and up to date
- Storage limitations – Personal data cannot be retained indefinitely and must be stored for the minimum required period of time
- Integrity and confidentiality – All personal data must be securely stored and confidentiality maintained and protected

- 1.3 The new regulations significantly strengthen the rights of the data subject or individual providing the personal information. Those rights include the following:
- The right to access their personal information
  - The right to request rectification of their personal information
  - The right to request erasure of their personal information
  - The right to request restriction in relation to their personal data
  - Rights surrounding portability or exchange of their personal data with third parties
  - The right to object to the processing of their personal data
  - The right to complain about the processing of their personal data
- 1.4 Any breaches of the new regulations must be reported to the Information Commissioner within 72 hours of the breach being identified and there is also a duty to inform the individual data subject(s) concerned. Fines for such breaches could be up to €10 or €20 million or 2 to 4% of global turnover.
- 1.5 Whilst most of the Authority's current policies and practices surrounding data protection broadly ensure compliance with the new regulations some new processes, policies and supporting documentation have been introduced to strengthen that compliance including the following:
- The creation of a named officer with a specific data protection role
  - The publication of new data protection principles
  - The establishment of a register of data processing activities
  - The publication of external and internal privacy statements which summarise the types of personal data held and processed, the reasons for doing so and the rights of the data subject
  - Establishing consent from those data subjects who have volunteered personal information
  - Updating fishing permit applications and inspection forms to explain the implications of the new regulations
  - The establishment of a data protection impact assessment process to cover any new or future activities involving the processing of personal data
- 1.6 A copy of the Authority's revised data protection principles and privacy policies are attached to this report for members review.

Contact Officer

David McCandless, Chief Fishery Officer  
Ext. 3690

## North Eastern Inshore Fisheries & Conservation Authority

### Data Protection Principles

#### *How do we use your information?*

North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) collects and processes data to support the effective management of sea fisheries resources within its district and provide an efficient service to the public.

NEIFCA takes seriously its responsibilities to ensure that any personal data it collects and processes is done so in accordance with all relevant legislation and guidance.

NEIFCA collects and processes personal data for the following specific purposes:

- Issuing fishing permits
- Collecting fisheries catch and effort data
- Providing up to date information on our activities
- Enforcement and compliance of fisheries regulations
- Recruitment and selection of staff
- Supporting our Authority members.

You have the right to request that NEIFCA stop processing your personal data. However, if this request is approved this may cause delays or prevent us delivering a service to you, for example, issuing a fishing permit. Where possible we will seek to comply with your request but we may need to hold or process information in connection with NEIFCA's legal functions.

You are also legally entitled to request access to any records held by NEIFCA about yourself, the Authority will seek to comply with your request but there may be some situations where it will not be able to do this in full, e.g. where information held was given in confidence.

For more information about either requesting access to your personal data or to cease processing personal data visit the data protection page on the Authority's website at [www.ne-ifca@eastriding.gov.uk](mailto:www.ne-ifca@eastriding.gov.uk)

We will process your personal data for the following purposes:

- For the purpose for which you provided the information, for example, processing a fishing permit
- To allow NEIFCA to be able to communicate and provide services appropriate to your needs
- Where the processing is necessary for the NEIFCA's enforcement functions
- Where the processing is necessary for the prevention and/or detection of crime
- Where you have consented to the processing
- Where the processing is necessary to protect individuals from harm or injury
- Where otherwise permitted under the Data Protection Act 1998, e.g. disclosure to comply with legal obligations

- To monitor and improve marine conservation and management

Where possible NEIFCA will use anonymised or pseudonymised data. This means personal identifiers such as name, address, date of birth, reference number are removed from a data source, the information can then be used for secondary purposes. This type of data can be used in a variety of ways including assessing and mapping trends in fishing activities and stock exploitation, it can also be provided in response to requests made under the Freedom of Information Act 2000.

### *How do we* **protect your data?**

We maintain physical, electronic and procedural safeguards in connection with the collection, storage and disclosure of personally identifiable customer information. Our security procedures mean that we may occasionally request proof of identity before we disclose personal information to you. To the extent that sensitive personal data is processed about you, we will employ appropriate security measures given the nature of that data. However, you recognise that your use of the Internet and our website is entirely at your own risk. We have tried to create a secure and reliable website for our users. However, we have no responsibility or liability for the security of personal information transmitted via the Internet.

NEIFCA utilises the latest in secure server technology to ensure that all personal and transactional information is protected to the highest standards. We never make your personal details available to companies outside NEIFCA for marketing purposes. Whilst we make every effort to keep the information that you supply secure, please be aware that the Internet is not a fully secure medium.

### *Where can I* **find more information?**

If you need to contact NEIFCA about Data Protection you can use the contact details below:

#### **Contact Details**

NEIFCA Data Protection Coordinator  
NEIFCA  
Town Hall  
Quay Road  
Bridlington  
East Riding of Yorkshire  
YO16 4LP  
Tel: 01482 3939 515  
Email: [ne-ifca@eastriding.gov.uk](mailto:ne-ifca@eastriding.gov.uk)

#### **Information Commissioner's Office (ICO)**

For more information about the Data Protection or if you are unhappy with how the Authority had used your information, you can report a concern on the ICO's Website:

[Information Commissioner's Office \(external website\).](#)



## **Registration**

As a registered Data Controller, NEIFCA will only process your personal information in accordance with the General Data Protection Regulations (GDPR). NEIFCA's registration reference with the Information Commissioners Office is Z505873X.

### *How do we use your information?*

## **Processing Fishing Permits**

A number of our fisheries byelaw regulations require the end user to hold a permission or permit to enable them to legally take certain species of fish or shellfish including cockles, lobsters, certain crab species and whelk from within our district. Other permissions are required to use certain types of fishing gear including trawls, dredges and fixed nets within our district. Such permissions are issued to a named individual and cannot be processed without using personal data.

## **General Communication**

NEIFCA holds and uses contact information, particularly email addresses, to consult on fisheries byelaw proposals and provide information on its services such as the circulation of newsletters.

## **Enforcement Functions**

NEIFCA is a statutory body and operates under provisions contained within the Marine and Coastal Access Act 2009. It carries a wide range of powers enabling the enforcement of fisheries legislation throughout its district. In carrying out such duties NEIFCA officers must act in accordance with a wide range of other legislation including the Police and Criminal Evidence Act 1984 (PACE) which governs, amongst other things, inspections, searches, seizures and interviewing of suspects. In complying with PACE officers must issue a written record of any formal searches or inspections undertaken. Such records contain personal data which is retained in accordance with NEIFCA's document retention schedule.

When breaches of legislation are detected NEIFCA retains supporting personal data including the name, address and data of birth of defendants and other evidence gathered during the course of the investigation. Such information is retained in accordance with NEIFCA's document retention schedule.

To support the detection and prevention of crime NEIFCA shares fisheries intelligence with other statutory agencies and bodies including the Marine Management Organisation and the Police in accordance with the principles and protocols of the National Intelligence Model (NIM). Such intelligence gathering and sharing of information is underpinned by formal agreements.

## **Monitoring and Improvement of Marine Conservation and Management**

NEIFCA's overarching legal duty is to ensure that the exploitation of any sea fisheries resources remains sustainable. In delivering that duty NEIFCA gathers a wide range of information on

fishing activities across a number of fisheries down to individual vessel. Such information will include the quantity of species caught and the location of the activity. Such information is held indefinitely to enable the maintenance of long-term historical data sets and the development and implementation of appropriate management measures to meet NEIFCA's legal obligations.

### **Recruitment and Selection of Staff**

NEIFCA gathers personal information during the recruitment and selection of new staff which includes name, address, date of birth, national insurance number and other information which is retained in accordance with NEIFCA's document retention schedule. When an appointment is made such information will be retained on the individuals personnel file throughout the duration of their employment with NEIFCA.

**May 2018**

# **North Eastern Inshore Fisheries and Conservation Authority**

## **Privacy Notice**

### **Who We are:**

North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) was established on 1<sup>st</sup> April 2011 under provisions contained within the Marine and Coastal Access Act 2009 to manage the sustainable exploitation of sea fisheries resources within an area between the River Tyne in the North and the South Bank of the Humber Estuary. The seaward limit of the Authority's jurisdiction currently stretches to 6 nautical miles.

### **What do we use the information for?**

We process your personal data for the following purposes:

- Issuing fishing permits
- Collecting fisheries catch and effort data
- Providing up to date information on our activities
- Enforcement and compliance of fisheries regulations
- Recruitment and selection of staff
- Supporting our Authority members.

### **What information do we hold and use?**

We collect and process the following information:

- Personal information such as names, addresses, dates of birth and contact details including email addresses and contact telephone numbers
- Catch and effort data by vessel and PLN (official Port Letters and Number)
- Positional information relating to vessel and PLN

### **On what grounds do we use the information?**

NEIFCA has a legal duty to manage the sustainable exploitation of sea fisheries resources within its district. These are set out in the Marine and Coastal Access Act 2009. The Authority cannot deliver this duty without processing personal data.

### **How do we collect the information?**

The information is provided directly from the public via application forms and fisheries inspection reports or gathered directly from officers working on the ground.

### **Who do we share your information with?**

Personal data is only shared with other statutory agencies and organisations for the prevention and or detection of crime.

## How long do we store information and is it secure?

NEIFCA has a retention schedule in place to ensure that information is only held for as long as it is needed. For information on how long your information will be held visit:

[www.ne-ifca@eastriding.gov.uk](mailto:www.ne-ifca@eastriding.gov.uk)

## What rights do you have?

Under the General Data Protection Regulation (GDPR) individuals have the right to control the information held about them and how it is used. The rights that you have, depend upon the grounds upon which your information is collected. All of the rights you could have, have been outlined on the Authority's website at [www.ne-ifca@eastriding.gov.uk](http://www.ne-ifca@eastriding.gov.uk). In most cases, people who have been involved with NEIFCA will have the following rights:

- **The right of access** - You are entitled to see the information we hold about you and can request a copy by emailing [ne-ifca@eastriding.gov.uk](mailto:ne-ifca@eastriding.gov.uk)
- **The right to rectification** - If you believe any information we hold about you to be incorrect, please email [ne-ifca@eastriding.gov.uk](mailto:ne-ifca@eastriding.gov.uk) and we will amend the information accordingly.
- **The right to erasure/ right to be forgotten** – You have the right to request erasure of your personal information. If you wish to make such a request you should email [ne-ifca@eastriding.gov.uk](mailto:ne-ifca@eastriding.gov.uk) which will be considered against the original grounds upon which your information was collected.
- **The right to restrict processing** - Should you wish NEIFCA to limit how we use your data please email [ne-ifca@eastriding.gov.uk](mailto:ne-ifca@eastriding.gov.uk) with the reason for your request.
- **The right to data portability** - Any transfer of personal data under this right would not take place without your consent.
- **The right to object** - In addition to the right to limit the use of your data, you also have a right to object to the use of your data for certain actions.

Should you exercise your right to object, it will not limit the information you receive from NEIFCA, as we may still be required by law to provide you with certain information. In cases such as this, NEIFCA will take appropriate steps to ensure your request is complied with but that it also fulfils any legal obligation it has to provide you with information or supply services.

## Where can I find out more?

If you want to know more about how NEIFCA uses information, your rights or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance; contact details are available on the Authority's website at [www.ne-ifca@eastriding.gov.uk](http://www.ne-ifca@eastriding.gov.uk). Alternatively, you can contact the [Information Commissioner's Office](#).

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
14 June 2018

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**Science Advisory Group Update**

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Report by the Chair of SAG & the Chief Officer

**A. Purpose of Report**

To update members on considerations and recommendations emanating from the most recent meetings of the Science Advisory Group (SAG) held on 8 March and 23 May 2018.

**B. Recommendation**

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

**1. Background**

At the last Authority meeting held on 7 December 2017 members supported revisions to the role and function of the Science Advisory sub-group. It was agreed that the group should play a more central function in providing the Authority with scientific and technical advice to fully support its decision making processes. The Authority could also delegate specific work streams or tasks to the SAG for further consideration (minute record 31 refers). A copy of the groups most current terms of reference are attached in Appendix A of this report for members information.

1.1 Authority members agreed that they would receive a written report from the SAG at each meeting summarising its most recent considerations and any specific recommendations for further consideration.

1.2 Since the last Authority held on 7 December 2017 two meetings of the SAG were held on 8 March and 23 May 2018 and have been summarised below:

**1.2.1 8 March 2018**

At the meeting held on 8 March 2018 members considered the following items:

- Draft 5 year research & strategic plan
- Draft proposed annual research programme covering the 2018/2019 financial year
- An update on the 2017/2018 permitted scallop dredge fishery
- An overview and update on all marine protected area work
- An update on marine licensing consents

- An update on all byelaw work streams
- An update on all current externally funded projects.

A copy of the draft minutes of the meeting held on 8 March 2018 are attached for information in Appendix B of this report. Members highlighted the need for prioritisation within the draft plans given the limitations in resourcing and questioned whether the frequency of certain components of the planned survey work could be either reduced or removed from the programmes all together. Members also requested that officers undertake a review of the Authority's website with a view to strengthening its effectiveness as a primary communication tool with stakeholders. Members requested that a special SAG meeting be convened following the closure of the permitted scallop fishery to consider options for 2018/2019.

### **1.2.2 Special Meeting 23 May 2018**

A special SAG meeting was convened on 23 May 2018 to consider a detailed appraisal of the 2017/2018 permitted scallop dredge fishery and options for the 2018/2019 year. Senior responsible representatives from the Environment Agency were also invited to the meeting to provide a detailed update on ongoing issues surrounding the McCain's, Wheatcroft outfall located to the South of Scarborough, North Yorkshire.

At the meeting members considered a detailed summary report on the 2017/2018 scallop dredge fishery presented by Tim Smith the Authority's Senior Environmental and Scientific Officer. Additional advice was also provided by Dr Bryce-Beukers Stewart from York University, one of the UK's leading experts on scallop dredge fisheries. Whilst members supported a continuation of the active permitted fishery during 2018/2019 for a maximum of three operators, they made a number of additional recommendations for Authority consideration. These recommendations are detailed in a separate report elsewhere on the agenda of this meeting.

In relation to the McCain's outfall Mr James Duke, a senior lead on bathing water quality from the Environment Agency, attended the meeting and provided a comprehensive update on issues surrounding the associated discharge. Following the installation of a new pipe at the site the Environment Agency had decided that a permit application should be submitted to cover the discharge. In relation to that application supporting investigations were currently underway and in the interim the Agency were controlling the discharge through a local enforcement position. Pilot operations at the McCain's plant were seeking to reduce bacterial loads within the effluent and improve water quality. The Agency were looking for a level of treatment that would provide reassurance that the current issues could be addressed. The parameters surrounding that discharge, post-treatment, would then be formally written into new permit conditions. Mr Duke advised members that the most recent local enforcement position issued on 15 May 2018 had moved both Yorkshire Water (the owners of the pipe) and McCains to the next phase of piloting works. Members queried historical concerns relating to the presence of wider toxins in the discharge. Mr Duke advised that whilst there had been a spike in the presence of such toxins they were now below detection levels and not considered an issue. A further study of 'markers' from other potential sources of pollution had identified influences from gulls, anthropogenic waste assets and McCain's although it was the least significant marker detected. The Environment Agency were working on re-permitting other discharge assets in the region and continuing further exploratory investigations. Mr Duke agreed to attend the next meeting of the SAG scheduled on 6 September 2018 to provide a further update to members.

Contact Officer

David McCandless  
Chief Officer  
Ext 3690

**North Eastern Inshore Fisheries and Conservation Authority  
Science Advisory Group**

**Terms of Reference**

**Name**

The Group shall be known as the Science Advisory Group (SAG)

**Membership**

The Group shall comprise of:

- The Chairman and or Vice-Chairman of NEIFCA
- Eight Marine Management Organisation appointees to NEIFCA including at least one fishing industry representative

Other members may be co-opted as and when this is considered appropriate.

The Chief and or Deputy Chief Officer, Senior Environmental and Scientific Officer, a representative from the Marine Management Organisation, a representative from the Environment Agency and a representative from Natural England will be required to attend group meetings to provide advice.

**Chairing the Group**

Each year the Group will appoint a Chair and Vice Chair at its September meeting.

**Functions**

The primary function of SAG is to provide expert advice on scientific and environmental work streams and support the Authority in the delivery of its marine management and conservation priorities throughout the year and make recommendations accordingly.

Tasks in relation to these functions are likely to include:

- Review and assessment of NEIFCA's main management and conservation work streams and priorities throughout the year.
- Reviewing byelaw regulations and the processes required for new and revised byelaws.
- Reviewing externally funded NEIFCA led projects
- Developing and reviewing fisheries management plans and strategies
- Developing and reviewing marine environmental management plans and strategies
- Reviewing the potential impacts of major licensing applications, consents and offshore developments and or associated mitigation measures
- Reviewing socio economic impacts of policy implementation
- Considering any additional work streams delegated directly from the full Authority



## **Role of Members**

Members will:

- Provide specialist technical expertise and knowledge to SAG to inform and support decision making
- Respect the confidentiality of data provided
- Keep SAG informed of any external policy initiatives, projects, positions or views that may be relevant to its work.

Members will be expected to play an active and participative role in all business associated with SAG which may include, from time to time, written input, specifically related to their individual area(s) of expertise.

Decisions of the group will be made taking into account the views of all the members as expressed orally or in writing by the date of the meeting.

## **Frequency of meetings**

As a minimum, the group will meet twice a year on the first Thursdays of March and September prior to the Executive Committee meetings although additional meetings may be called or arrangements varied by the Authority with the approval of the SAG Chair. Special meetings may be held in exceptional circumstances.

## **Group Support**

Support will be provided by NEIFCA officers and its administrative support team who will be responsible for implementing data sharing arrangements with group members and collating and circulating agendas and minutes to members in advance of meetings.

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**SCIENCE ADVISORY GROUP**

**08 March 2018**

**Present**

Dr Stephen Axford (Chair)  
Mr Bob Houghton  
Councillor Chris Matthews  
Lyndsey Newlyn  
Mr John Whitton

**Representing**

MMO Appointee  
MMO Appointee  
East Riding of Yorkshire Council  
MMO Representative  
MMO Appointee

Chief Officer David McCandless and Deputy Chief Officer Ian Davies also attended the meeting.

The group met at the Authority's offices in the Green Lane Centre, Whitby. The meeting started at 10:30.

86.	
	Apologies for absence were received from Marine Management Organisation appointees Mr Nigel Proctor and Mrs Kirsten Carter, Natural England appointee, Miss Emma Brown and Environment Agency representative, Mr Paul Slater.
87.	<b>MINUTES OF THE MEETING HELD ON THE 22 FEBRUARY 2017</b>
	<i><b>Resolved</b> - That the minutes of the Science and Governance Working Group Meeting held on the 7 September 2017 be confirmed and signed as a correct record by the Chair.</i>
88.	<b>NEIFCA 5 YEAR RESEARCH &amp; STRATEGIC PLAN</b>
	Acting Senior Environmental & Scientific Officer, Tim Smith, provided an overview of the draft plan which would replace the previous plan published in 2012. Officers now had a much clearer understanding of the Authority's role and primary responsibilities, both regional and nationally, which had been incorporated into the new plan. Key strategic areas of focus for the next 5 years included MPA management, EU exit influences, partnership working and new technologies. Core research programmes included crustacean stock assessment work, scallop and cockle stock assessment work, eelgrass surveying, MPA monitoring, juvenile fish sampling and assessing 'new' opportunities such as nephrop and whelk pot fisheries. Members highlighted the need for prioritisation within the plan given the Authority's limited resourcing. Such considerations might include whether there was a need for annual cockle surveys given the current lack of commercial potential within the stock or intertidal juvenile fish surveys, unless a significant nursery area was identified through such work. MMO appointee Mr Bob Houghton highlighted the need for a stronger reporting process so that achievements and lessons from research work could be detailed and documented, perhaps incorporated into the Authority's Annual Report. Members also considered how the Authority's website could be better utilised as a reporting mechanism. Some members raised concerns that the website content appeared dated. Councillor Matthews suggested that either a large website is maintained and resourced accordingly or is reduced in size and scale and kept accurate and up to date within existing resources. Members supported an officer led review of the current website.
	<b>Resolved</b> – (a) Members endorsed the draft plan and agreed to provide any further comments by the 31 March 2018 with a revised draft to be re-circulated for final review. (b) Officers undertake a review of the Authority's website and report back to members.

89.	<b>NEIFCA ANNUAL RESEARCH PROGRAMME 2018/2019</b>
	Acting Senior Environmental and Scientific Officer, Tim Smith, provided an overview of the draft research programme for the year ahead (2018/2019). Main work priorities for the year ahead included spring survey work monitoring cockle stocks, sea grass areas and bait collection in the Tee's estuary. Progressing three partnership projects including the EMMF lobster marketing project with Hull University, a Defra funded bait collection project again in partnership with Hull University and a Masters student and a sea bass tagging study in partnership with the Yorkshire Wildlife Trust. Dr Stephen Axford suggested that the plan should incorporate some indication of the 'man days' associated with each work stream and project and much of the work appeared to be programmed for the Spring time which might create resourcing issues. Tim Smith provided more detail on the Defra funded bait collection study due to complete sometime in June 2018 with recommendations then taken forward to support any future management considerations. MMO appointee Bob Hoghton suggested that Tim contact Alistair Ward at Hull University where a PhD was due to commence in September focusing on bird disturbance on the Humber. Other discussions considered the investment in time looking at new fisheries such as the NE pot nephrop fishery. Members recommended that officers focus on the prioritisation and resourcing of planned work within the programme.
	<b>Resolved</b> – Members endorsed the draft programme and agreed to provide further comments by 31 March 2018 with a draft to be re-circulated for final review.
90.	<b>SCALLOP DREDGING 2017/2018 – UPDATE PRESENTATION</b>
	Tim Smith provided a detailed update to members covering the 2017/2018 permitted scallop dredge fishery including a summary of activity within the fishery to date and some output from the supporting sampling programme. Throughout the current season Officers were focusing on the offshore sampling programme, going to sea with the three permitted vessels. MMO appointee Mr Jon Whitton suggested that officers could re-examine the potential use of enviro dredges within the fishery through trials. Mr Whitton had seen other similar studies that indicated that such dredges significantly reduced damage to by-catch species. Following wider discussions it was agreed that a special meeting of the Science Advisory Group should be convened sometime during May 2018 to consider future options for the 2018/2019 fishery and recommendations to the full Committee in June 2018.
	<b>Resolved</b> – (a) Members noted the report (b) A special meeting of the group be convened in May 2018 to consider options for the 2018/2019 fishery.
91.	<b>MPA MANAGEMENT REVIEW &amp; UPDATE</b>
	Tim Smith provided a detailed overview of work completed, to date, supporting the management of fishing activities within existing Marine Protected Area sites and associated monitoring plans for those sites. This work had been carried out in full consultation and dialogue with Natural England who had endorsed the review and draft plans to date.
	<b>Resolved</b> – Members noted the report.
92.	<b>NEIFCA BYELAW UPDATE</b>
	The Chief Officer provided a detailed update on all current NEIFCA byelaw work streams including the following four byelaws which had been submitted to Defra for final consideration:  XVIII Method and Area of Fishing (Netting) Byelaw 2016 XXIX Humber Estuary Fishing Byelaw 2016 XXX Automatic Identification System (AIS) Byelaw 2016 XXXI Catch Returns Byelaw 2016

	<p>Internally Officers were also working on changes to the Authority's Crustacea Conservation Byelaw regulation to include new provisions protecting egg bearing lobsters, a maximum pot frame size and incorporating existing measures contained within a separate byelaw regulation protecting 'V' notched lobsters.</p> <p>Significant consideration had also been given to the development of measures to strengthen the management of posting effort and the Chief Officer expected to commence informal consultation with the industry on these proposals sometime during the next two to three months.</p>
	<b>Resolved</b> – Members noted the report
<b>93.</b>	<b>LICENSING AND CONSENTS UPDATE</b>
	<p>The Chief Officer updated members on the Authority's marine licensing and consents work undertaken since the last meeting which included an application to pilot the growing and harvesting of seaweed and mussel in the Scarborough area. The MMO representative Lyndsey Newlyn advised that the application had since been consented.</p>
	<b>Resolved</b> – Members noted the report.
<b>94.</b>	<b>NEIFCA PROJECTS UPDATES</b>
	<p>The Chief Officer updated members on all current Authority projects including the Defra funded bait collection project and the EMFF funded lobster marketing study.</p>
	<b>Resolved</b> – Members noted the report.
<b>95.</b>	<b>ANY OTHER BUSINESS</b>
	<p>Members were informed that the Environment Agency had commenced a formal consultation on the implementation of new byelaw regulations covering the seasonal licensed salmon fishery within the Authority's district. Dr Stephen Axford outlined some of the proposed measures which included an immediate cessation of the drift net fishery and a shortening of the salmon season which would now run from 31 May rather than 1 April. Dr Axford felt that it would have a significant impact on the affected fishermen and potentially put more pressure on crustacean fisheries. The Chief Officer agreed to draft and circulate an Authority response to the proposals which would then be submitted to the Agency.</p> <p>The Chief Officer updated members on the 'wash up' of tonnes on lobster, crab and other marine species along the North East Coast of England during Easterly storms and Spring tides between the 3 and 7 March 2018.</p>
	<b>Resolved</b> – (a) Members noted the report and thanked officers for their efforts during the 'Wash up' event. (b) The Chief Officer draft and circulate an Authority response to the Environment Agency's salmon licensing proposals.
	The meeting closed at 12:45.

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
14 June 2018

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**Chief Officer's Operational Report**

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Report of the Chief Officer

**A. Purpose of Report**

To provide members with a comprehensive and detailed operational report covering the period December to May 2018.

**B. Recommendation**

That Members note the report.

**1. Overview**

**1.1 NEIFCA**

During the reporting period the region experienced one of the most severe and sustained spells of weather in over a decade. At the beginning of March Easterly gales combined with plummeting temperatures and Spring tides to force large quantities of marine life onto exposed beaches. The effects of this weather event were particularly acute along the Holderness Coast of East Yorkshire and officers estimated that over 814,000 lobsters and 108,000 crabs were washed up onto the foreshore. Officers supported an effort led by the local fishing industry to recover as many live lobsters as possible from the beach and return them back to sea. This effort continued for a week culminating in a wider beach clean organised by the Yorkshire Wildlife Trust. An estimated 3.5 tonnes of live lobster was recovered and returned. A more detailed report on the event has been provided separately for member's information. I would like to take this opportunity to praise the efforts of all the Authority's officers who worked throughout the event in sometimes appalling weather conditions. That praise also extends to the industry who took the lead in the recovery operation, cleaned, sorted, stored and returned the lobsters back to sea. At this stage it is impossible to assess any potential impact on stocks since the majority of lobsters were well below the minimum landing size but the scale of this event, in terms of the quantity of marine life affected, was over 100 times greater than the last event which occurred in 2013.

The 2017/2018 permitted scallop dredge fishery closed on 30 April 2018. In total over 198 tonnes of scallops were landed by the three vessels for a total estimated first sale value of £553K. During the course of the fishery officers increased the level of monitoring and assessment culminating in a report which has been subject of detailed consideration by the Authority's Science Advisory Group. Preliminary findings indicate

the presence of a very stable stock exhibiting strong growth rates which bodes well for the future.

## 1.2 **National**

Almost all national work remains focused on preparations for the future exit of the European Union with primary involvement at Chief Officer level through the IFCA Chief Officers Group and the national Association of IFCAs. Many uncertainties still surround the exiting process and the associated implications for the local fishing industry. It is almost certain, however, that the Authority will, in some shape or form, have to support national interests as the process develops and to date that has come in the proposed implementation of the national inshore Vessel Monitoring System.

As I reported at the December meeting on 1 October 2017 a new prohibition relating to the capture and landing of egg bearing lobsters was introduced in England. The pace of implementation of this new legislation took all by surprise and required emergency intervention to ensure application across the unlicensed sector. Since December officers have encountered evidence of significant non-compliance at a number of ports within the Authority's district and have actively commenced trials of a testing process which will significantly strengthen enforcement capability.

## 1.3 **Summary of meetings and events attended**

National Association of IFCAs, London	5 <sup>th</sup> December 2017
EMFF Lobster Project Meeting Hull University, Bridlington	6 <sup>th</sup> December 2017
Whitby & District Fishing Industry Training School, Whitby	8 <sup>th</sup> December 2017
Staff Training & workshop, York	12 <sup>th</sup> to 15 <sup>th</sup> December 2017
ERYC IT, Beverley	19 <sup>th</sup> December 2017
GDPR training, Beverley	5 <sup>th</sup> January 2018
National IFCA COs meeting, London	9 <sup>th</sup> & 10 <sup>th</sup> January 2018
Flamborough Head Management meeting, Bridlington	16 <sup>th</sup> January 2018
MMO joint meeting, Whitby	19 <sup>th</sup> January 2018
Whitby Harbour meeting	25 <sup>th</sup> January 2018
Natural England meeting, York	29 <sup>th</sup> January 2018
National IFCA training course, Torquay	30 <sup>th</sup> to 2 February 2018
Work boat apprentice meeting, Whitby	31 <sup>st</sup> January 2018
Humber Estuary Regional Advisory Group, Barton	1 <sup>st</sup> February 2018

Internal legal team meeting, Beverley	2 <sup>nd</sup> February 2018
Holderness FLAG, Bridlington	7 <sup>th</sup> February 2018
Scarborough Borough Council meeting	7 <sup>th</sup> February 2018
Whitby Fishing Industry Training School	14 <sup>st</sup> February 2018
The Deep, Hull	20 <sup>th</sup> February 2018
EMFF Lobster Project Meeting Hull University, Bridlington	21 <sup>st</sup> February 2018
National Association of IFCAs telecom, Bridlington	26 <sup>th</sup> February 2018
NEIFCA Internal Audit	26 <sup>th</sup> to 2 <sup>nd</sup> March 2018
HR meeting, Beverley	28 <sup>th</sup> February 2018
National Association of IFCA's, London	6 <sup>th</sup> March 2018
MMO Planning Workshop, Middlesbrough	22 <sup>nd</sup> March 2018
NEIFCA byelaw workshop, York	10 <sup>th</sup> to 12 <sup>th</sup> April 2018
National IFCA Chief Officers Group, London	18 <sup>th</sup> & 19 <sup>th</sup> April 2018
Yorkshire Wildlife Trust, York	24 <sup>th</sup> April 2018
EA operational meeting, Whitby	26 <sup>th</sup> April 2018
MMO TCG telecom, Bridlington	2 <sup>nd</sup> May 2018
Holderness FLAG, Bridlington	9 <sup>th</sup> May 2018
Cleveland Potash Ltd, annual review	9 <sup>th</sup> May 2018
Scarborough Food & Drink festival	12 <sup>th</sup> & 13 <sup>th</sup> May 2018
Daera meetings, Northern Ireland	16 <sup>th</sup> to 18 <sup>th</sup> May 2018
Humber Estuary workshop, Barton	22 <sup>nd</sup> May 2018
Joint Coastal Enforcement Group, Blyth	29 <sup>th</sup> May 2018

#### 1.4 **Priority Work streams for the next quarter:**

- Commencement of informal consultation on proposed revisions to the Authority's Shellfish permit byelaw regulation – September 2018

- Commencement of formal consultation on a new Crustacea Conservation byelaw – August 2018.
- Seek final confirmation of the four new byelaw regulations made during April 2016.
- Continue ongoing marine protected area work streams, monitoring and enforcement of regulations.
- Continue specification and procurement work on new fisheries vessel and seek final clarifications on external funding support.
- Continue to support national work streams and considerations on ‘Day 1 readiness’ post EU exit.

## 2.0 **NEIFCA Operational Reports**

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

#### 2.1.1 **Enforcement**

The shore enforcement team have managed to maintain a good coverage of the fishing industry within the North Eastern IFCA district. Prohibitive weather conditions over the winter months have restricted fishing vessels from going to sea and during the reporting period, officers have been out on the ground speaking to fishermen while they have been performing winter maintenance on fishing equipment. Officers have been answering any questions regarding proposed changes in legislation and offering advice on current legislation

Throughout much of the reporting period large numbers of nomadic scallop vessels were observed fishing outside the NEIFCA district but landing at harbours and ports inside. Some were returning vessels and some were new to the NEIFCA district. It is important that all such vessels are made fully aware of the legislation which affects them whilst transiting through the NEIFCA district and officers have been closely monitoring all such movements.

At the beginning of March our coastline experienced severe weather conditions from storms nicknamed “The Beast from the East” and storm Emma which brought violent winds and freezing conditions from Siberia. These prolonged freak weather events deposited millions of marine animals on to the East coast and in particular the Holderness Coast of East Yorkshire. Shore Officers and commercial fishermen and members of the general public all rallied round to save as many marine creatures as possible whilst also trying to conduct enforcement work and educating the general public about removing shellfish from the shore. It has been estimated that over 3 tonnes of lobsters were saved by NEIFCA officers, commercial fishermen and the general public during this period. Shore officers utilised the Authority’s mini ultra terrain vehicle to good effect moving along the affected beach areas, collecting shellfish and transporting them to shellfish tanks at Bridlington harbour. Officers continued to regularly monitor the beaches throughout March and April for further events.

In spite of the poor sea conditions over the winter period restricting vessels from heading to sea other fishing activity continued including recreational sea angling from the shore. Officers closely monitored this type of activity throughout the day and into the evening focusing on piers and beaches routinely frequented by recreational fishermen.



This included active communication with anglers, monitoring and measuring any fish caught and making sure anglers were aware of minimum landing sizes and any other legislation which affected them. New regulations covering the mandatory catch and release of all sea bass taken by anglers remained the number one priority throughout. This new legislation also affected the Holderness intertidal nets men who were closely monitored during the reporting period.

During the reporting period 135 inspections were carried out across the following fishing activities.

- Potting boats
- Limited shellfish permit holders
- Recreational Anglers
- Scallop dredgers
- Premises inspection
- Unattended vessel inspections
- Intertidal nets
- Trawlers

During the reporting period 4 serious offences were reported by officers and 10 verbal warnings were issued.

### **2.2.2 Training**

Shore officers engaged in a wide range of training including the following:

- National IFCA officers training course – Torquay
- RYA Day Skippers course – 3 day course to Improve officers knowledge of basic navigation and sailing skills
- RYA Powerboat level 2 – 2 day course provides skills and knowledge to drive a powerboat
- Trailer towing test – Allowing officers to move and launch vessel's within the NEIFCA district
- Conflict resolution training – To develop shore officers knowledge and skills in the management of conflict, to support them to effectively and efficiently implement these into practice

Officers have also undertaken “in house” training capitalising on the wider experience and skills within the NEIFCA team.

## **2.2 Offshore Work streams**

### **2.2.1 General Review of Offshore Fishing Activity**

#### **Trawling**

Very limited inshore activity observed within the Authority's district through the reporting period. Two of the local trawlers based in Scarborough commenced scallop dredging activity, under the Authority's permitting scheme, on 1 November 2017 with the third permitted vessel joining the fishery during December 2017. The fishery drew to a close on the 30 April 2018 with good returns reported from all the vessels involved. NEG III played a key role in supporting the offshore survey and monitoring effort

associated with the fishery. During late October, the 'prawn' fishery commenced off the Tyne and Durham Coast and drew to a close during April. At one stage up to 38 vessels were observed working the fishery including several visiting trawlers. No major infringements were detected and no significant complaints were recorded from the local fleet.

### **Potting**

Weather impacted significantly on the local potting fleet during the period and market prices peaked at £18 to £20 per Kg for lobster.

### **Netting**

Limited netting activity observed throughout the reporting period.

## **2.2.2 Research & Survey Work**

During the quarter routine offshore survey work continued with the monitoring of sea temperature, salinity and turbidity throughout the Authority's district and the permitted scallop dredge fishery.

## **2.2.3 Joint Operations**

Joint operations continue as a priority with shore staff and offshore staff aiding each other with enforcement duties making optimal use of sometimes very limited resources. This was particularly evident during the 'wash up' event along the Holderness coast at the beginning of March when offshore officers supported fishermen in recovering live lobsters from local beaches often during severe weather conditions.

## **2.2.4 Offshore Enforcement Summary**

NEG III completed 47 sea patrols, 282 vessel inspections covering over 2,975 nautical miles. During the reporting period officers boarded 20 vessels and inspected over 555 Kg of lobster and 170 Kg of edible crab. 1 offence was reported and 0 verbal warnings issued.

## **2.2.5 Staffing and Training**

Offshore staff participated in a number of courses including a number of RYA power boat courses, engineering courses and the national, residential IFCA training course in Torquay.

## **2.2.6 Maintenance Summary**

All routine maintenance programmes were maintained throughout the reporting period.

## **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.

Since the last Science Advisory Group meeting in March 2018, Officers have been circulating consent summaries for comment by SAG members before submitting formal consultation responses to the MMO.

### **2.3.2 Marine Protected Areas**

Officers have completed initial MCZ assessment documents and incorporated these into the assessment catalogue so that full traceability of decision making is evidenced. No additional management requirements are being proposed for the two MZCs as a result of the assessments. An MPA assessment framework including the initial assessments, monitoring and control plans and review process were presented to the Science Advisory Group at the last meeting in March 2018 and were endorsed.

Since the last report the Greater Wash Special Protection Area was officially designated. This site will be incorporated into the assessment framework in due course. Previous guidance from DEFRA was for initial assessments and the identification of management measures to be completed within two years of designation.

The survey component of the MSc project investigating the scale and impact of shore collection activities will be completed in May. Reporting is anticipated to be completed by September 2018

Table 1. Licensing Applications reviewed since the previous report

Proposal Reference	Date
Northern Gateway Container Terminal	20/11/2017
Seaweed and Mussel aquaculture off the Yorkshire Coast	22/11/2017
Maintenance Dredging of Humber Dock Outer Basin	01/12/2017
Teesside OWF O&M licence	03/01/2018
HMS Calliope pontoons	03/01/2018
Hornsea Anemometry Mast (met mast) Decommissioning Plan	08/01/2018
Scarborough Harbour disposal of maintenance dredged material	08/01/2018
Bringing HM Bark Endeavour to Whitby – Installation of piles	05/02/2018
Flat Cliffs urgent works	05/02/2018
Lindisfarne causeway ditching	13/02/2018
Installation of Boat Lift	13/02/2018
Water Sculpture - GEOTN	13/02/2018
Lincolnshire Lakes Flood Defence Scheme	06/03/2018
New Cutter and Work Boat Berth at RO RO 3	06/03/2018
Hull River Defence	16/03/2018
Stone Beds at Green Port Hull Berth 1	24/04/2018
Pann's East Quay Emergency Stabilisation Works	24/04/2018
Hartlepool Channel Alignment	24/04/2018
Port of Sunderland - disposal of maintenance dredged material	10/05/2018
Greatham Beck maintenance works	10/05/2018

### 2.3.3 Survey Programme Update 2018

A full review of the Authorities research and monitoring requirements is currently being undertaken in light of advice and feedback from members. During the reporting period surveying activity was prioritised in the scallop dredge fishery.

#### **Quayside (lobster and crab)**

Monthly sampling at Hartlepool, Whitby, Scarborough and Bridlington.

- *Restricted by weather and other priorities*

#### **Quayside (scallops)**

Targeted sampling from permitted vessels November to April.

- *Completed for 2017/2018 season.*

#### **Offshore (scallops)**

- *Completed for 2017/2018 season.*

The Authority's permitted fishery commenced on 01/11/17 and ended on 30/04/18. Initially, two local Scarborough based vessels were actively fishing, joined by a third, non-local vessel in December. As part of our monitoring and survey work, 19 offshore trips on industry scalloping vessels were conducted. During this time over 10,800 individual scallops were measured.

## **Mussels**

Annual survey within the Flamborough No Take Zone and baseline survey in Bran Sands.

- *Flamborough Head NTZ survey work completed for 2018. Analysis and reporting to be completed.*
- *Bran Sands survey on hold.*

## **Fraisthorpe Faunal wreck – ‘Wash up’ event March 2018**

- Officers conducted surveys of the full wreck area and estimated the scale and impact.
- The full wreck was 2.7km from its northernmost and southernmost extent.
- The total number of individuals of species recorded is estimated at almost 10.5 million animals.
- Commercially important lobsters and edible crabs accounted for 814,271 and 108,405 individuals respectively.
- *Survey and report has been completed.*

### **2.3.4 Partnership Projects**

So far in 2018, close partnership working with the Yorkshire Wildlife Trust (YWT) has continued. In the aftermath of the Fraisthorpe Faunal Wreck, the YWT organised a beach clean in which over 170 people took part including members of the public, the fishing industry, as well as staff from the YWT, NEIFCA, MMO, ERYC, and the EA. The estimated 10 tonnes of rubbish from such a large area required both the IFCA gator and the local farmers tractor to transport it to the bin lorry kindly provided by ERYC.

NEIFCA is also supporting a recreational angler bass tagging project being run by YWT. The aim of this project is to gather mark/recapture data to better understand how bass are utilising the Humber Estuary.

## **3.0 National Update**

### **3.1 National Association of IFCA's Meetings – 5 December 2017 & 6 March 2018**

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

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

Association as are the elected Chairman and Vice Chairman of the wider members Forum.

A copy of the minutes of the forum meetings held on 5 December 2017 and 6 March 2018 are attached to Appendix A of this report.

### **3.2 National IFCA Chief Officers Meetings – 9 & 10 January 2018 and 18 & 19 April 2018**

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

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

A copy of the draft notes of the most recent meeting of the group, held on the 9 and 10 January 2018 and 18 and 19 April 2018 are attached to Appendix B of this report.

**Contact Officer: David McCandless**  
**Chief Officer**  
**Ext 3690**

**The Association of IFCA's  
Members Forum  
5<sup>th</sup> December 2017  
10:30 – 14:30**

Astor Court Hotel, 20 Hallam Street, London, W1W 6JB

**Draft Agenda**

Attendance for the meeting:

Chair: Tony Tomlinson  
CEO: Stephen Bolt

Attendance: David McCandless, Tim Dapling, John Humphreys, Julian Gregory, Les Weller, Mike Hardy, Samantha Davis, Stephen Atkins, Stewart Harper, Will Wright, Tim Allsop, Stephen Axford

Minutes: Sally Standring

Apologies for absence: John Lamb, Tony Goldson, Andy Guy, Robert Clark, Tim Robbins, Elaine Hayes, Paul Williams, Councillor Matthews

Introductions and Welcome to Tim Allsop, Chief Officer, who travelled from IOS.

Following Paul Womersley's resignation Tim gave a brief update on a replacement for Paul. He confirmed that as it's a quiet time for them it is the ideal time to advertise the position. They now have five applicants with four being shortlisted and should have the outcome before the New Year. In the interim, however Paul Womersley has agreed to act as a consultant.

1. Minutes from last meeting (26<sup>th</sup> September 2017)

Typing error in Action 3 change from SD to SB

Page 6 Item B – should read AIFCA Group – remove Directors

Page 6 Item A – The members agreed this was a little unclear, however, several questions were asked about New Burdens. SB explained that everyone should keep the conversations going with their local authorities regarding the fairer funding review. Tim Dapling suggested that the Association develop a funding paper, and make this available to members and Defra outlining what the IFCA's funding concerns are. It was suggested that the paper should start with current timings / potential risks / current situations. SB will put the paper together to include potential options. He will send a draft to all members. It was agreed to keep the action rolling over from last meeting (September). All members in favour of this. **Action 1 – SB to draft a funding paper**

Action 2 from previous meeting – SB attended the Seafish Development and aquaculture advisory Committee (SDAAC) meeting and will send the minutes when he receives them.

Action 4- Review to Byelaw process – Ongoing difficult issues with the byelaws – IFCA's to continue to engage with Defra and the MMO in the byelaw process review – byelaw review ongoing -see item below.

Action 5 – EU Exit advisory board – No one sent suggestions to SB for the EU exit advisory group meeting. He confirmed that first day readiness will be discussed later. TD has suggested the Association invites Chris Williams from NEF to the next meeting to hear his views on first day readiness. **Action 2 – Association to invite Chris Williams to our next meeting in March 2018**

Action 6 – 2018/19 indicative budget – This is an agenda item.

Action 7 – D&S Letter – Sent to D&S on behalf of JL. **Action 3 - SB will circulate letter and reply to all Members**

2. Outcomes from the MMO/IFCA joint meeting (8<sup>th</sup> November 2017) – separate attachment.

The AIFCA representation at the group meeting all agreed that it was more constructive than the previous meeting. Discussions surrounding the MMO presentation followed where it was agreed that the terminology should be changed in support of the IFCA/MMO working group. Stephen Atkins commented that the proposal from the MMO should be clearer in what the next steps are and what they expect from the IFCA's. An outcome of the meeting is that an MMO/IFCA joint working group is set up with Pam Gilder as an independent chair. This joint working group will agree the format of a Spring / Summer 2018 meeting between the MMO Board and the Association. SB confirmed that this is very much about the longer term not short term where the MMO want continued engagement. TD raised concerns as he stated that the focus should be on Terms of Reference and these need to be discussed within the IFCA strategic group. WW suggested that this will have to come from the Association/MMO Working group. SB asked for recommendations as to who should head up this working group. It was agreed that the following should represent the AIFCA – John Lamb, Stephen Bolt, Mike Hardy and Julian Gregory.

3. Defra Updates – Nicola Robinson, Rachel Mason & Paul McCloud

Nicola introduced herself as part of the Domestic Fisheries Reform Team and Anne Freeman's deputy. She confirmed that EU Exit negotiations are still ongoing. She was hoping for progress on the fisheries negotiations but it's still in the 'slower track planning' stage. She will make arrangements for someone to attend our next meeting in March for an update.

There is still a lot of debate surrounding the fisheries bill. Likely timings for a white paper to be published just before or after Christmas with the fisheries Bill following in "spring". It is unclear whether the white paper will be open for consultation as this will depend on timing.

Work streams – Catch Certificate – As we will be an independent coastal state, the UK may be required to obtain catch certificates in order to trade fish and fisheries products with the EU. This could result in a significant increase in the number of catch certificated which are managed by the MMO.



Nicola has suggested that all the IFCA's around the table can help Defra in what needs to be done particularly with control enforcement, looking at scale of surveillance with vessels coming into our waters. They should remain licensed by their flag state and checks will need to be made for all boats fishing in our waters.

The question remains, how to deal with EU boats in our waters. Options to be put to the ministers; some relate to EMFF and funding. Nicola then asks the questions 1. Do we have the funding and if so how do we use it? 2. Will data collection be replaced/matched? 3. Will we continue to work with other industries / legislation? 4. At present we are a member of the RFMO's (Regional Fisheries Management Organisation). Do we want to be a member of the majority going forward? We are currently sitting on these groups as part of the EU as we have a vested interest.

SB explained that the IFCA is able to offer support and discussions on first day readiness. He stated that COG is working closely with the MMO and are currently in discussions. He also confirmed that if Defra is looking at 0-6 it might not impact the IFCA too greatly. The IFCA and the MMO have put in place a national intelligence system. We have anticipated what could happen involving bad behaviour coming into 0-6. Nicola confirmed that 6-12 nautical miles is down to negotiations and the ministers will have to make that decision about who will have access to the waters from 6-12.

Tim Allsop voiced his concerns regarding SAC's and SPA's in the Isles Of Scilly waters. Paul McCloud confirmed that these will translate into UK law by the withdrawal bill. There may be future rationalization of the MPAs, but is not expecting drastic changes in the rules and it's anticipated that all protected areas will remain the same following EU Exit.

Defra is looking at alternatives regarding EMFF funding.

Tranche 3 updates – Defra is looking to start the consultation period for T3 in May/June next year with designation following up to 12 months later. Paul thanked the IFCA's for helping with all the information they have supplied to Defra. He confirmed that there is a level of enthusiasm from ministers but the timing on this has to be to avoid EU Exit. Paul will send details soon but will be under confidentiality. Nothing is final until Minister's final sign off.

Byelaw Update – Rachel Mason gave her update and confirmed that following previous concerns the byelaw process is now under review. The legal process, which was one of the ongoing concerns is being looked at. The IFCA's should have or will be contacted by Emma Boyd who is trying to get the correct questions asked for anything that can be refined now. Defra is refining the whole process to make it run more smoothly. They have asked an outside organisation to assist them with this. They will be with Defra for an eight-day period. The timeline for this is expected to be by Christmas. JG reiterated his concerns surrounding the legal department as it is highly risk adverse and asked how Defra intend to address this issue. Rachel asked all IFCA's to think about the detail of how the framework will work.

#### 4. Finance and Resources

SB explained that Sally has changed the format of the Income and Expenditure format in line with the IFCA model. He confirmed that the Isle of Mann and

Guernsey have paid their membership fees however, Jersey has offered the AIFCA their board room in Westminster for all/some meetings in lieu of their £750 association membership fee. All agreed in favour of this suggestion. Again, it is proposed to operate a stand still budget in terms of the membership fees. However, it is likely that the Association will need to draw down some reserves to take account of the increase in venue hire costs, which had not been accounted for in the core budget. The LGA's are now back in their offices so SB will make contact with them too.

SB confirmed that the £45k expected from Defra has now come in for the MPA secondment role and we can now start to put this in place.

## 5. Matters for Decision

### a. Policy Statement for EU Exit Operational Readiness

SB confirmed that the high-level policy documents have been produced by COG and SB to send to Defra/MMO. The members were asked to agree as is or agree with minor amendments.

Amendments suggested

- Have it titled Position Paper rather than Policy
- Change require to envisage (page 15 start of paragraph 2).
- Second bullet point (same page as above) Remove 'appropriate' and put it at the end of the sentence.
- Add version numbers to the bottom of each page.

SB confirmed that the purpose of this exercise is to be able to all agree these changes and recirculate final document. **Action 4. SB will recirculate final Policy Paper and send out to MMO and Defra and publish on website.**

### b. Devon and Severn IFCA Membership of the Association Letter:

SB confirmed that a letter has been sent to D&S IFCA on behalf of John Lamb and SB. They have declined the AIFCA invitation to present and they declined the AIFCA invitation to attend the quarterly meeting. SB is proposing to wait until D&S have had their committee meeting on 15<sup>th</sup> December.

### c. Whelk Policy Paper

WW explained the rationale. He is looking for agreement to develop national policy paper for shellfish as there is a lot of interest in whelk stocks. All agreed the proposal in favour.

### d. IFCA Group Recommendations

SB gave a brief outline of the group recommendations and how we aim to capture the actions from these group meetings. He explained that Sally has developed an Activity Log to capture the actions from each meeting so that we know whose doing what / when etc. All happy to accept this proposal.

## 6. Matters for Noting

- a. EFRA select committee / AIFCA evidence will all be on the EFRA website now.
- b. EFRA Select Committee fisheries enquiry. Written evidence was submitted by AIFCA on behalf of the ten IFCA's due to short deadline. **Action 5. Tim Allsop has asked if anything can be sent to himself and Andy Guy and to get them on the mailing list.**
- c. iVMS Briefing – JG gave a brief summary. He confirmed that the regulation will be in the form of an SI. There are stormy waters ahead as Defra have not included vessels over 12m. There is likely to be different ping rates for 12 and over and 12 and under. This document could go to IFCA Committee as it will impact on all IFCA's. There is an issue in funding the mechanism, but we are expecting 10% nationally from Defra. The working group has stalled a little, but we do need to find a way of getting back on track. JG confirmed that they are addressing the issue of smaller boats. JG also confirmed that we need dedicated resources. SA has asked to be added to the contact list for this.  
**Action 6. JG to add SA to the contact list for iVMS**
- d. CEO Meeting Log  
It was asked at the last Quarterly meeting to add more detail into the CEO meeting log. This has been done and was well received.

AOB – None Submitted.

Date of next Members Forum Meeting – 6<sup>th</sup> March 2018 – venue TBC

Actions from meeting – 5<sup>th</sup> December 2017

Items for Decision

Action Number	Action	By Whom
1.	SB to draft a funding paper to Defra regarding New Burdens	SB
2.	Association to invite Chris Williams to our next meeting in March 2018	SB
3.	D&SIFCA letter - SB will circulate letter and reply to all Members	SB
4.	SB will recirculate final Policy Paper and send out to MMO and Defra and publish on website.	SB

Items for noting

Action Number	Action	By Whom
5.	EFRA Select Committee - Tim Allsop has asked if anything can be sent to himself and Andy Guy and to get them on the mailing list.	SB
6.	JG to add SA to the contact list for iVMS	JG

**The Association of IFCA's**  
**Members Forum Meeting**  
**6<sup>th</sup> March 2018**  
**To be followed by the**  
**Association Directors Meeting**  
**10:30 – 14:30**

Defra Nobel House, Room 613

Draft Minutes

Attendance for the meeting

Chair: John Lamb  
CEO: Stephen Bolt

Attendance: Andy Guy, Paul Skinner, Greg Morel, Tom Hooper, John Humphreys, Julian Gregory, Les Weller, Mike Hardy, Paul Williams, Robert Clark, Samantha Davis, Stephen Atkins, Stewart Harper, Tim Dapling, Tony Tomlinson, Will Wright, Stephen Axford

Defra: Anne Freeman  
Minister: George Eustice

Minutes: Sally Standring

Apologies for absence: David McCandless, Tony Goldson, Councillor Chris Matthews,

Due to the Minister attending the meeting, Anne Freeman was asked to give her update. John Lamb explained to Anne that he is stepping down as Chairman of the Association and thanked her for her contribution to the members meetings.

Anne thanked John in return for his help. Anne gave a brief outline of what has been happening and suggested we use this time to ask questions of her. She confirmed that everything is being put in place for the fisheries bill at present with lots going on. SD asked if it was possible to have a time line on the publication of the fisheries bill. Anne confirmed that plans are in place to publish the white paper soon, but at this stage it is still in negotiation. However, she also confirmed that the fisheries bill will be introduced shortly after, so we only have a short space of time for consultation. JL asked Anne to share the information through SB and / or COG as an early heads up will be beneficial. Anne will also try to do some engagement around the white paper.

SA asked Anne if the Defra Transformation Programme has been put on hold due to changes to structure. AF confirmed that Defra Transformation Programme was put in place before EU Exit, but it's being done in a slightly different way and driving it through Exit Leads.

SD stated that she has the next round of quarterly meetings and wanted to ask if we have clear expectations for Day 1 Readiness to pass to her members. AF asked all members to be patient as she was unsure as to when Day 1 will be. SB commented

that a position statement had been sent but will redistribute. **Action 1: SB to circulate the position statement to all members.**

JL thanked Anne Freeman for her input and offered her and the MMO help from the IFCA's so this can be a success for everyone.

### **1. Election of Chair & Vice Chair of the Association**

John Lamb explained that he is standing down as the Chair of the Association. He has enjoyed his time as the Chair and feels that a great deal has been achieved over the last 7 years that he has been in the position however; a lot of work still needs to be done. He confirmed that he has put forward his nominees Tony Tomlinson for Chair and John Humphreys as Vice Chair. Both Tony and John accepted and were voted unanimously.

For the record Tony thanked John on a personal level for his hard work. He also confirmed that we all owe John a great deal of gratitude. He will be sorely missed but everyone wished him well for the future. However, John stated that he will be remaining as Chair of Kent and Essex IFCA and will therefore still be involved in the Association work.

- Questions for the Minister

The members offered up their concerns that they wished to ask the Minister through the Chairman. Fairer funding and the Defra new burdens monies was a top priority and TT was asked to push the Minister hard on this.

### **2. Minutes from last meeting – 5<sup>th</sup> December 2017**

- Actions from the minutes  
Byelaws – from previous meeting IFCA's were asked to think about the framework and how to make it work more efficiently.
- SB to draft funding paper to Defra regarding New Burdens – **Action 2: Item to note**
- Association to invite Chris Williams to our next meeting in March 2018 – **Defer due to Minister attending however, will invite to the next meeting in June.**
- D&S IFCA letter – SB to circulate to the members – **On the agenda**
- SB will recirculate final policy paper and send out to MMO and Defra and publish on the website – **SB sent this out, but will recirculate**

### **3. Finance and Resources**

- SB explained that the format has changed in line with the IFCA model. He has included two graphs this quarter to show the actual spend but confirmed the insurance claim has now been settled so we will be back in budget (2<sup>nd</sup> graph). He also confirmed that he had invoiced D&S for £3600 but they have failed to settle the amount. He also confirmed that venues continue to be of a concern as the costs may take the Association over budget.

#### 4. Minister – 11:30 am

- The Minister mentioned that the White Paper is getting finishing touches and looking likely to be published at the end of the month or in April 2018. There will be a short consultation period to get it through Parliament before the summer break.
- Defra are continuing business as usual and are preparing for all scenarios with a continued close working arrangement with partners.
- The UK will be classed as an independent coastal state; however, there is a lot of shared interest in the shortest part of the channel.
- 3<sup>rd</sup> Tranche - The Minister confirmed that Therese Coffey is working on the consultation, formal consultation on the proposed sites will probably take place this summer with designation in the summer of 2019.

TT then asked several questions on behalf of the IFCAs as outlined in the agenda.

The Minister made several key points:

- Regarding sustainable funding the Minister suggested
  - Continued engagement with councilors regarding the fairer funding review. He could not guarantee central funding beyond 2020 but recognized the challenge this brings to the IFCAs
  - With regards to iVMS funding beyond 2020 the Minister stated that the IFCAs could plan for the long term assuming ongoing funding and that we would be here for the long term.
  - Regarding 6-12 – it is anticipated that UK would negotiate as an independent coastal state and that it is likely that there would be some EU member states vessels allowed in but that it would be predominantly UK vessels. The matter of IFCA extension of jurisdiction to 12 miles may be considered in the future.
  - John Humphrey stated that the IFCA model was strongly supported in the 25 year environment plan and we are in a good place to deliver some of the aspirations. The minister acknowledged the support given by the IFCAs.

#### 3. Finance Cont..

SB confirmed that venues continue to be an anomaly with increasing costs. Greg Morel from Jersey has offered their meeting room at Westminster in lieu of the Associate membership fee. This was welcomed by the Association.

Matters for noting:

4 a: Update on MPA project – SB confirmed that he is now working closely with SolFCA and confirmed that Simon Pengelly will provide one day a week working on the project. SB also confirmed that the Defra project of £45k involves all ten IFCAs,

including D&S. The project was supposed to have been completed in March 2017. The project should be up and running by 1<sup>st</sup> April 2018. He continued that a project officer has been appointed and will be in touch with all IFCA's for their input. There will be a formal approach from the MPA team which will start by contacting the Chief Officer. He is anticipating that all IFCA's will support this.

#### 4 b: Future Funding Issues:

Discussions followed to highlight some of the issues raised by the Minister on fairer funding. It has been suggested that a response from the AIFCA is required for the current consultation. However, we need to be mindful of how to respond to both the white and green paper. **Action 3: AIFCA to respond to the fairer funding consultation**

Regarding the white paper due shortly as suggested by the Minister, there should have a working group through the Association and COG that is endorsed by the wider members to ensure IFCA views are voiced. **Action 4: AIFCA to review white paper once published and work with COG to draft a response.**

Matters for Decision:

#### 5 a: Devon & Severn Membership

SB confirmed that since the Association had received the last letter from D&S the Directors have had a dial in to discuss the matter further and would like to raise the issue with the members on how to reengage with D&S and in particular to discuss the issues that were raised. JL stated that he would like to see D&S back in the AIFCA, however, there were several untruths to their letter. He continued that it would appear that D&S never wanted the Association in the first place. SB confirmed that he has had a discussion with Neil Hornby who indicated that Defra would continue to use the Association as the main point of contact and would not be seeking to go directly to D&S. JH and TT has offered to go to D&S to discuss. **Action 1: Tony Tomlinson, John Humphreys and Paul Williams to visit D&S to discuss their issues**

Matters for noting cont....

#### 5 c: CEO Meeting log

SB confirmed that some of his meetings are still classed as confidential but if there are any questions to ask him directly, please do so.

SD asked specifically about the aquaculture (SDAAC) meeting and SB gave an update. SD thanked SB for the update.

#### 5 d: Paper on iVMS – Julian Gregory update

iVMS has been a joint project with ourselves and MMO for the last 3-4 years. EMFF is joint project looking to make progress. JG confirmed that there is a Pathfinder in D&S which is making good ground. He continued that the roll out is planned based on vessel size. Consultation on SI is due in July 2018. JG has



asked if we can bring this to COG at the next meeting on 18<sup>th</sup> April. **Action 5: Item for noting – This will be coming to the project board to find a solution. It will then come back to IFCAs so that we can move forward on this. There should be a paper and briefing note for COG.**

AOB – HR Group recommendations

WW gave an update. He confirmed that running the group has been difficult and proposed to put this back to the Chair.

Following earlier election of Chair and Vice Chair all agreed. It has also been agreed that Tom Hooper of IOS becomes a director – All agreed.

John Humphreys' will be elected as a director of the Association – All agreed.

Date of next meeting – Tuesday 5<sup>th</sup> June 2018

Actions from meeting 6<sup>th</sup> March 2018

Items for Decision:

Action Number	Action	By Whom
1.	D&SIFCA - Tony Tomlinson, John Humphreys and Paul Williams to visit D&S to reengage with them and to discuss their issues	TT, JH & PW

Items for noting:

Action Number	Action	By Whom
1	Defra update position paper - SB to circulate the position statement to all members.	SB
2	SB to draft funding paper to Defra regarding New Burdens	SB
From previous meeting	Association to invite Chris Williams to our next meeting in March 2018 – Defer due to Minister attending however, will invite to the next meeting in June.	SB to invite Chris Williams to next meeting in June

<b>From previous meeting</b>	<b>SB will recirculate final policy paper and send out to MMO and Defra and publish on the website – SB sent this out, but will recirculate</b>	<b>SB</b>
<b>3</b>	<b>Fairer Funding – SB to respond to fairer funding consultation</b>	<b>SB</b>
<b>4</b>	<b>AIFCA to review White Paper draft once published and respond in conjunction with COG</b>	<b>SB/COG</b>
<b>5</b>	<b>iVMS – for noting This will be coming to the project board to find a solution. It will then come back to IFCAs so that we can move forward on this. There should be a paper and briefing note for COG.</b>	<b>COG</b>



**IFCA COG/MMO/Defra Joint 'Day 1 Readiness' Workshop**

**9 January 2018**

**Friends House, 173-177 Euston Road, London, NW1 2BJ**

**Notes**

**Start: 10:00**

**Attending:** Will Wright (WW), David McCandless (DM), Tim Dapling (TD), Mike Hardy (MH), Julian Gregory (JG), Rob Clarke (RC), Samantha Davies (SD), Phil Haslam (PH) MMO, Isobel Johnstone (IJ) MMO, Callum Gough (CG) MMO, Rachel Mason (RM) Defra.

**Apologies:** Tim Robins (D&SIFCA), Stephen Atkins (NWIFCA) Stephen Bolt (AIFCA), Sally Standring (AIFCA), Gordon Scarratt (JMOCC), Anne Freeman (Defra) Mark Stafford (Welsh Government), Island Reps

**1. Welcome & Introductions**

Will Wright opened the workshop and outlined goals and objectives for the day.

PH opened the update from the MMO. The MMO had developed an operational plan to deal with the worst case scenario. Although the MMO had confidence that the plan could meet the rigours of the worst case scenario it also carried flexibility and could be 'scaled' to meet any requirement including, at the lowest level, maintaining the current status quo, right up to dealing with a surge in non-compliance. Whilst the plan had been endorsed by the Secretary of State (SoS) it would be influenced by any future agreed transitional arrangements with the EU and the development of national strategies such as the 25 year environment plan. Having agreed the likely operational capability required with the SoS the MMO were now working on the practical implementation.

The MMO had identified a maximum annual requirement of patrol hours to manage the worst case scenario representing an increase in current capacity by a factor of three. In addition to seagoing and aerial tasking the MMO were intending to enhance their land-based capacity. Key perceived risks included a prohibition on all non UK vessels fishing within the UK EEZ with no access to associated VMS data even though such vessels would still retain international rights of navigation within UK waters. DM queried whether UK maritime legislation could be strengthened to, for example, apply mandatory AIS across a wider range of vessels to cover the VMS gap. This wasn't considered a realistic possibility. A further risk might also include observed

disobedience within the UK fleet following 'Day 1' exit. Outside meeting increased enforcement demands associated with 'Day 1' exit the MMO were also planning to meet the demands of any future changes in trading arrangements with Europe including supporting a significant projected uplift in catch certification and potentially dealing with trade blockades.

The importance of capturing and mapping seasonal and spatial changes in UK fisheries was considered an important component of future operational planning and tasking supported by the developing joint intelligence gathering system. In terms of the joint intelligence gathering initiative PH advised that a 'fit for purpose', cost effective system operated by Durham Police had been jointly reviewed by IFCA's/MMO which may enhance current capabilities at a cost circa £30K.

### 3. JMOCC

In the absence of Gordon Scarratt, Director of the Joint Maritime Operational Command Centre (JMOCC), PH provided an update on the development of the centre, its command structure and emerging responsibilities including inter-agency joint planning and tasking of marine operations. Whilst IFCA's were considered a key partner within JMOCC at present they were represented through the 'sitting' MMO officer but opportunity existed for IFCA's to 'place' a dedicated rep within JMOCC. Several IFCA representatives highlighted a need for greater 'visibility' of IFCA assets within JMOCC, something that could be achieved through the active installation of iVMS units onboard IFCA patrol vessels. COG members agreed that Gordon Scarratt should be invited, as a matter of urgency, to the next meeting in April 2018 and offered the opportunity to visit one or two IFCA's in support of his understanding of their work and resourcing. **Action: DM/WW**

### 4. Defra

Rachel Mason provided an update from Defra. During December 2017 the UK agreed with the EU to move to the next phase of exit planning. The potential effects of the implementation period were being considered in detail including future trading arrangements, the UK's membership or otherwise, on relevant regional fisheries management organisations and the status of standing bilateral agreements. Domestically, Defra's 25 plan for the environment was expected to be published shortly followed by a Fisheries White Paper outlining short/medium and longer term goals in fisheries policy soon to be followed by a Fisheries Bill. The Fisheries Bill would carry provisions which would enable the modification of all European fisheries regulations enacted into UK legislation including arrangements relating to access in UK waters. In effect, the powers to reform and make standing EU legislation operable in a UK context. Defra would be actively consulting with IFCA's once the Fisheries Bill was published and would keep everyone informed throughout. Defra had a strong willingness to fully engage and a new team had been established to support communications. IFCA Chief Officer's raised the matter of IFCA centric funding and whether that would be a consideration within the Fisheries Bill. Rachel requested that things were moving at pace and IFCA's should lodge that point and any other detail as soon as possible via an email. **Action WW/RC/DM**

## 5. 'Day 1 Readiness' Operational Scenario Planning Workshop

WW opened the workshop session and outlined the format and objectives for the afternoon.

### IFCA Scenarios

TD presented a detailed scenario from Sussex IFCA, representative of a common incursion into an IFCA district breaching both national and local fisheries byelaw legislation, a likely scenario post exit from the EU.

An IFCA vessel asset had been jointly deployed with the MMO and neighbouring IFCAs following intelligence received. That asset intercepted a non UK fishing vessel and a full suite of evidence was gathered relating to the vessels identification, its position and activity. The vessel was subsequently detained by a naval asset and a successful conviction secured.

A general discussion followed, the scenario provided a demonstration that in the majority of situations involving incursions vessels didn't necessarily need to be boarded by officers and convictions could be secured through strong evidence gathering. If such a scenario was scaled up to multiple infringements JMOCC would be best placed to coordinate joint national deployment of assets. The need to ensure effective communication with the industry on the approach to 'Day 1' was also identified including the provision of guidance and advice. The MMO were working on taking the lead in supporting national communications with the fishing industry. A strengthening of the joint intelligence gathering work around potential non-compliance following 'Day 1' was also seen as a key component in 'Day 1' preparations.

### MMO Scenarios

IJ presented the MMO's considerations on operational planning for 'Day 1' readiness. The MMO were keen to understand the level of operational support that IFCA's could contribute against their individual priorities. Although all IFCA's highlighted a very strong willingness to support the national 'Day 1' effort several identified challenges in balancing local commitments which carried significant variation from region to region. One potential solution might be the development of regional enforcement plans tailored around the available assets. TD provided a summary graphic of the IFCA position which covered the challenges of supporting EU exit duties against IFCA duties alongside the local and national political drivers. IFCA's also recognised the potential challenges surrounding future trading arrangements and the impact this could have on the local fishing communities around the coast, a factor that might actually prove to be much more significant than organised non-compliance. DM advised those attending that NEIFCA, in partnership with the University of Hull, had established an EMFF funded project through the local FLAG to look at the implications of trade and market access within the local lobster fishery. DM agreed to provide updates on the project. **Action DM**

## 6. Next Steps

The importance of IFCAs working actively with and supporting JMOCC was highlighted. The Director of JMOCC to be invited as a matter of priority to the next

IFCA COG meeting in April 2018. Ensure active engagement with the MMO JMOCC representatives to strengthen knowledge and understanding of IFCA operational practices and resourcing. Ensure IFCA's are fully integrated and connected within JMOCC. As operational 'Day 1' readiness planning evolves joint collaborative contact to be maintained through the IFCA COG and the Joint Senior Managers Operational Group. Ensure development of proactive joint strategic planning mapping areas of seasonal and spatial risk. From the IFCA perspective any joint operational planning process needed to carry a high degree of flexibility to account for regional variances in asset availability.

The workshop session closed at 15:30 hours



## **IFCA COG Meeting**

**10 January 2018**

**Friends House, 173-177 Euston Road, London, NW1 2BJ**

### **Minutes**

**Start: 09:00**

**Attending:** Will Wright (WW), David McCandless (DM), Tim Dapling (TD), Mike Hardy (MH), Julian Gregory (JG), Rob Clarke (RC), Samantha Davies (SD).

From 12:30 Nick Greenwood (NG) MMO and Rebecca Mitchell (RM) MRAG

1. **Apologies:** Tim Robins (D&SIFCA), Stephen Atkins (NWIFCA) Stephen Bolt (AIFCA), Sally Standring (AIFCA), Mark Stafford (Welsh Government), Island Reps

Prior to commencing the main business on the agenda WW summarised the outputs from the workshop the previous day including:

Sending a formal invitation to the Director of JMOCC to attend the next COG meeting in April 2018.

IFCA JMOCC contact to go through Sean Ashworth Chair of NIMEG and Deputy Chief at Sussex IFCA. Consideration to Sean spending some active time in JMOCC to improve IFCA understanding of its day to day operations.

MMO JMOCC reps to spend some time with IFCA's to improve their understanding of IFCA duties, responsibilities and asset availability.

WW also raised the need for COG to discuss the current situation surrounding the formal resignation of Devon and Severn IFCA from the national Association. Although the group recognised the formal withdrawal of Devon & Severn IFCA from the national Association of IFCA's there was unanimous agreement that Devon and Severn IFCA should be invited to continue as an active member of COG, NIMEG and TAG. This was thought essential to maintaining the consistency of operational delivery across IFCA's. COG would inform the Association of its decision. **Action WW**

The group also considered the background and reasons provided by Devon and Severn IFCA for resigning from the Association. Some IFCA representatives expressed concerns over the current performance of the Association and others felt that much had changed since the Association had originally been established and it hadn't developed enough to meet those changing needs for a number of reasons including resourcing. There was a broad consensus within the group that an independent 'root and branch'

review of the Association, its functions and its resourcing was both overdue, timely and should be considered at the next Directors meeting.

2. **Minutes of the Previous Meeting**

Circulated minutes of the COG meeting held on 18 and 19 October 2017 were considered and agreed.

3. **Matters Arising & Actions**

*Fisheries White Paper*

Not yet released but IFCA's responded through AIFCA to an Environmental Food and Rural Affairs (EFRA) Select Committee fisheries enquiry seeking evidence in response to the proposed Fisheries Bill.

*National IFCA MPA Officer*

RC provided an update on progression with the national MPA officer project. RC confirmed that funding had finally come through and he had met with Stephen Bolt prior to the Christmas break to discuss moving the project forward. Southern would lead the project and advertise for a one year full time post which would be managed jointly by Simon Pengelly and Stephen Bolt with additional support from other Southern IFCA officers. RC intended that the new position would be established and running by April 2018. The group discussed and supported the proposal.

*Sussex IFCA Vessel Chartering Agreement*

Documentation had been circulated. TD provided an update. The group considered the value in standardising a charter agreement template which could be utilised across IFCAs with the caveat that it would accommodate local arrangements and agreements. It was agreed that the draft templates should be forwarded to Phil and Isobel at the MMO for review. **Action DM/TD**

All other actions from the previous meeting had been completed.

4. **MMO/IFCA Joint Workshop – 8<sup>th</sup> November 2017**

The group shared their collective thoughts on the joint workshop held with the MMO on 8 November 2017. The overwhelming view was one of positivity and a feeling that the MMO Board representatives were much more open to listening to IFCA representation and gaining a better understanding of IFCA duties and responsibilities. The consensus of the group was to continue the advancement of the collaborative work streams and maintain the current levels of national dialogue and interaction. It appeared that Defra remained comfortable with IFCA output and operational delivery. Several attendees highlighted the importance of positive marketing of IFCA outputs.

5. **Collaborative Workstreams**

WW provided an update from the first meeting of Senior Managers Joint Operational Group which was held between IFCA reps and the MMO on 15 December 2017. The meeting covered an appraisal of the joint working initiatives from around the coast. The South West appeared to be the most advanced. In the East relationships with the PMOs were very good but there was currently a lack of suitably training staff on the MMO side. RC felt that working on the metrics of joint patrolling, joint investigation and TCGs would foster positive improvements throughout. TD advised that whilst relationships



were very positive at lower levels within the MMO those at higher management levels could be stronger. JG felt that continued advancement of the joint intelligence work stream supported by active tasking and coordination would eventually drive joint working forward regardless of any current cultural issues. DM highlighted a recent issue that had arisen at his December IFCA Committee meeting and emphasised the need for more senior PMO representation on IFCA Committees. WW advised that that particular issue had been raised at the joint operational meeting on 15<sup>th</sup>. WW also highlighted discussions surrounding discrepancies between enforcement actions taken by IFCA's and the MMO with regard to certain offences such as undersize lobsters.

#### *Joint Intelligence Gathering Project*

JG provided an update on the project which was now moving into the next phase of active joint regional TCGs. The MMO officers currently supporting the project would shortly be attending accredited intelligence analyst training which would enhance the level of support. A first review of the project had just been completed and the volume and quality of intelligence remained generally very positive. The supporting national policy document had now been finalised following consultation with all the IFCA's and would be circulated soon. This simply provided a framework to support the project and ensure consistency of approach.

#### *Inshore Vessel Monitoring Project*

JG provided an update on progression with the national iVMS project. Three 'pathfinders' were currently underway in Poole, Devon & Severn and Eastern IFCA's which would inform wider national implementation. JG did express some concerns over the level of national resourcing currently supporting the project a factor which wasn't assisted by a lack of understanding of functioning within IFCA's. The development of the supporting national SI had faced issues prior to Christmas following IFCA representation that it should apply to over 12 m vessels as well as those under 12m. Despite those strong representations over 12m vessels will not be included within the planned scope of the SI and Defra felt that any further delays to its progression could place the entire SI at risk. Defra have suggested that a generic IFCA byelaw template could be drafted to cover the gap within each IFCA area. JG advised the group that he had been making strong representation to Defra that they consider incorporating AIS within the SI as a defined 'back up' system to iVMS during any periods of recorded malfunction etc. JG advised that Defra had very firmly rejected such a consideration. DM emphasised the potential benefits of utilising AIS and sought reaffirmation of COG support for NEIFCA's EMFF AIS bid. The group advised that the project still carried their collective support. The group expressed their thanks for the work and effort JG had put into advancing the project.

#### *Joint Accredited Training*

The active advancement of the joint accredited training course had stalled due in part to difficulties accessing funds through the EMFF programme and in particular a lack of resourcing to support the quality assessors. The school itself was functioning and delivering the courses and training as was the supporting on-line management learning system but the 'log jam' remained the quality assessment process. RC advised the group that if things couldn't be resolved he would 'step aside' at the end of the day the accredited NVQ was not critical for the delivery of his IFCA's statutory duties and responsibilities. This general sentiment was echoed but the group agreed that they

needed to push for a resolution and a meeting should be arranged with Michael Coyle, Gary Owen and Phil to agree a solution to move the project forward. **Action: WW**

MH provided an update on the IFCA Torquay residential training course which would be supported by Ian Jones, Dominic Bailey and Mat Mander. From COG TD and JG were planning to attend through the week. The course had been filled by a full complement of IFCA officers.

#### *IFCA Powers SI*

A draft SI was expected to be published next month, February 2018.

#### *BPSS*

DM raised the NIMEG BPSS work stream which had been instigated to develop a common standard for officer background checking which met the levels required by other governmental bodies and agencies. DM voiced strong concerns about using another partner organisation such as the MMO to support IFCA background checking. Such an arrangement could cause delays, create unnecessary risks to data security, prove more costly and cause further complications with new GDP regulations coming through in May 2018. DM advised COG that NEIFCA had opened dialogue with a government background checking agency who could provide a, cost effective, direct service for IFCA's at a charge of £91.26 + a standard fixed fee of £27 for the disclosure check within 8 days. DM advised it might be a personal choice for some IFCA's to utilise the route through the MMO but NEIFCA intended to obtain the checks directly and were happy to explore a national expansion of that on behalf of IFCA's. JG expressed concerns that such a move appeared to contradict an active NIMEG work stream and the officer exploring it had invested significant time in working with the MMO to support a solution for IFCA's. WW advised the group that there was national IFCA agreement that officers should be checked to BPSS standard and the considerations now simply rested on the mechanics of delivering that across the 10 IFCA's. It was agreed that DM should circulate further information on the process they were exploring **Action: DM** and that should be fed back to the NIMEG officer for further consideration **Action: JG**. At the end of the day IFCA's needed the most cost effective and efficient solution to support background checking.

#### 6. **Fisheries Bill (White Paper)**

COG noted that the Fisheries Bill (White Paper) had not yet been formally published but was expected sometime within the next two months of 2018.

#### 7. **IFCA Byelaw Making Process**

Nick Greenwood (NG) introduced Rebecca Mitchell (RM) from the consultancy group MRAG who had been engaged by the MMO to support a review of the MMO/Defra/IFCA byelaw making process. It was intended that the review would focus on the quality assurance and confirmation process providing a final report with recommendations by the end of March 2018. NG indicated that Defra strongly supported the review and would consider making changes to the formal guidance supporting the IFCA byelaw making process if thought necessary to improve the process. RM then provided an overview of the project which would involve a

questionnaire based survey seeking IFCA views on aspects of the process which work well, where problems are experienced most frequently and how the process might be improved. Depending on the output from the questionnaire process it might be followed up with 'one to one' telephone communication. The proposed timetable was presented as follows:

8 January 2018 – Discussions with the MMO and Defra

29 January to 19 February 2018 – IFCA Questionnaires circulated and collated

28 February 2018 – Draft Final report produced

21 March – Final report circulated

The group shared a wide range of experiences and views from around the coast on the current byelaw making process which included conflicting legal opinion, resourcing to support the process, the extent of the Q & A process and the structure of the supporting regulatory impact assessment documentation. NG and RM confirmed that the review would not focus, in any detail, on the current emergency byelaw making process. RM felt it would benefit the review if IFCA's provided one or two examples of problematic byelaws alongside reasons and implications including a prioritisation of perceived issues within the response. **Action: All.**

8. **MCZ Tranche 3 Sites**

WW advised that a briefing from Defra had been planned for the meeting but it hadn't been finalised in the end. It was expected that formal consultation would commence sometime during July/September 2018. WW to contact the team for an update. **Action: WW**

9. **General Data Protection Regulation**

DM advised the group that NEIFCA had received initial introductory training on the new General Data Protection Regulations, due to take effect at the end of May 2018, from a senior data protection officer in its lead Local Authority. DM took the group through an introductory presentation which summarised the main changes in data protection rules and the new requirements that IFCA's would need to put in place to ensure compliance with the revised regulations. NEIFCA had already commenced this work and DM agreed to circulate the presentation and other supporting information following the meeting. **Action: DM**

10. **Summary of Meetings and Actions**

WW recapped on the two days and thanked everyone for their collective input.

11. **AOB**

*Standing Environment Groups*

TD sought views on individual IFCA engagement within Standing Environment Groups which were led by the Environment Agency and provided a formal framework for relevant bodies and agencies to co-work when dealing with the impacts of major

pollution events. Although most IFCA maintained membership on one or more Standing Environment Groups the general picture around the coast was mixed.

### *Maritime Archaeological Protection*

WW outlined some preliminary IFCA engagement on the protection of marine archaeological sites and the management and enforcement of associated activities surrounding those sites.

### **Summary of actions**

- |  |          |
|--|----------|
| 1. Invitation to Gordon Scarratt to attend the next COG meeting                      | DM/WW    |
| 2. Email Rachel Hanbury with IFCA Fisheries Bill funding comments                    | WW/RC/DM |
| 3. Circulate information on NEIFCA FLAG lobster fishery project                      | DM       |
| 4. Inform AIFCA of COG's decision on Devon & Severn IFCA membership                  | WW       |
| 5. Send draft IFCA vessel charter agreement templates to MMO for review              | DM/TD    |
| 6. Arrange joint accredited training meeting/telecon with MMO reps                   | WW       |
| 7. Circulate additional information on NEIFCA led IFCA BPSS checking work            | DM       |
| 8. NIMEG BPSS lead to pick up and consider NEIFCA work                               | JG       |
| 9. IFCA's to respond and input into the national review of the byelaw making process | All      |
| 10. Seek an update from Defra on the T3 MCZ process                                  | WW       |
| 11. Circulate NEIFCA GDPR presentation & background information                      | DM       |

The meeting closed at 15:00

**David McCandless**

**January 2018**



**IFCA COG Meeting**  
**18 April 2018**  
**St Giles, 154 Southampton Row, Holborn, WC1B 5JX**

**Minutes**

**Start: 10:30**

**Attending:** Will Wright (WW), David McCandless (DM), Tim Dapling (TD), Mike Hardy (MH), Julian Gregory (JG), Rob Clark (RC), Samantha Davis (SD)  
**Defra:** Anne Freeman (AF), Rachel Mason (RM), Jen Ashworth (JA), Tim Robbins (TR)  
**MMO:** Michael Coyle (MC), John Doherty (JD)

**Apologies:** Tom Hooper, Mat Mander, Mark Stafford, Gordon Scarratt (JMOCC), Island representatives

**1. Defra Update:**

AF confirmed that following the implementation meeting in March an agreement had been reached, however is very aware of concerns that the industry has expressed. Michael Gove, had some difficult questions to answer from Parliament. Expectations at the coast had been high prior to the decision on the implementation period. The UK had already signaled that it would abide by the decisions of the 2018 December Council. In December 2019 we will be consulted by the Commission but have assurances that there won't be any detriment to us.

We will be negotiating as an independent coastal state in December 2020. During the parliamentary recess, there had been a bit of activity regarding protests with Plymouth seeing the largest, but this had since settled down. AF confirmed that there would be a debate today (18<sup>th</sup> April) on commercial fishing matters relating to East Anglia. In terms of the UK exit from the EU fisheries remained extremely sensitive. AF also reiterated the need for IFCAs to work together for the benefit of the fishing sector, particularly in terms of supporting the implementation of Inshore fleet, iVMS, catch reporting, and MPA work.

A number of concerns were raised regarding the iVMS project including potential financial and reputational impacts. Defra had considered the request to write a letter setting out the advantages of iVMS which would be presented to each of the IFCA's authorities but was not convinced one was necessary. RC stated that there were unlikely to be serious risks but putting it into context, having Defra's support could be beneficial because beyond 2019 there would be no further funding to support the project. AF reiterated the national importance of IFCA's successfully implementing iVMS. AF stated that the IFCA's were in a better position than Defra to present the case for supporting iVMS to their authorities.

AF continued with her update. AF updated the group on the future of 'new burdens' funding to IFCA's. She confirmed that the Chancellor's spring statement outlined a future spending review would take place. Defra and the IFCA's would have to work collectively on building a business case to support the continuation of the funding which would commence very soon. SB stated that this work needed to include an assessment of the potential impacts of the fairer funding review which would only add to the

uncertainties. MH added that the funding work would coincide with the four yearly review of IFCA's and sought advice on that process. Others sought advice around the current drive for cost recovery from the end user. AF advised that cost recovery could only relate to administration costs.

In terms of EU exit AF advised that a White Paper would be released soon 'Day 1 readiness' planning remained focused on the scenario of a deal not being agreed with the EU.

Discussions surrounding Brexit and the tensions in terms of communicating to multiple audiences were voiced. AF noted there was quite a bit of misunderstanding in the press about fisheries. AF agreed to circulate a recent newspaper article on the fisheries debate.

**Action: AF to send the article to all IFCA's [done]**

*Jen Ashworth (Defra) Update:*

JA advised the group that she had been seconded into Defra from NE to support a review of all current UK fisheries and marine research programmes and implications on such of future UK exit from the EU. The scope of this work currently covered a number of key areas including the future provision of fisheries monitoring and the provision of science and technical advice post exit and the status of existing contracts with both Cefas and external providers which could include IFCA involvement alongside the development of new projects. Her team were also looking at how climate change might affect fish stocks in the future, knowledge gaps and data deficient stocks, the significance of recreational sea angling, and how other countries managed their fisheries. Other work streams included economics projects examining beneficial ownership and the use of control and enforcement technologies to improve the remote monitoring of fisheries. In the future if the UK is to secure future export markets it will need better data but a strong business case would be needed to strengthen UK funding for fisheries monitoring projects. RC felt that there had been a chronic under-investment in UK fisheries monitoring and assessment work and the case for increased funding needed to be articulated. Other considerations included the future delivery of scientific advice and associated engagement with the industry. WW felt that data gathered directly by fishermen could be much better utilised.

*Rachel Mason (Defra) Update:*

RM confirmed that she wanted to discuss first day readiness and the progression of catch certification to meet a deadline of March 2019. She confirmed that every consignment of fish or shellfish would, post exit, have to carry a catch certificate. In relation to catch certification, RM advised that Defra viewed the implementation of the national iVMS as crucial to meeting the catch traceability requirements of the EU and the ability to trade. Potential issues surrounding mixed consignments were discussed but not thought to be a major issue for future shellfish consignments. RM agreed to circulate a catch certificate template to IFCA's for information. **Action: RM to send a catch certificate template to all IFCA's.**

RM provided an update on the progression of the IFCA powers SI. Consultation had closed and 18 responses had been received with a final response agreed to come from the AIFCA. In the main responses were positive and a provisional laying date of 11 July 2018 had been set following which, within two weeks the legislation would become law. RM agreed to keep SB fully informed. **Action: RM will forward any updates to SB**

RM provided an update on the IFCA Byelaw review supported by MRAG. Most of the issues, highlighted by IFCAs surrounding the byelaw making process had already been discussed and Defra were now assessing options to make improvements in the process.

RM updated the group on a 'fledgling' technical innovation project to develop innovative initiatives to improve effectiveness in fisheries monitoring and compliance. Phase one of the project had been completed and an external consultant, Nick Lambert Associates, had been appointed to support its progression. RM advised that IFCAs should be fully involved and WW had been invited to sit in on the first phase meeting along with a representative from the MMO board. RC advised that active implementation and application of the intelligence model had the potential to transform fisheries management.

### ***National iVMS project – Workshop:***

*For the purpose of those attending the meeting via tele conf. WW asked everyone to introduce themselves to the meeting.*

JG provided a brief update on the background of the project and how the IFCAs have been involved in this joint project with the MMO for the last five years. The MMO were asked by Defra to lead a project to co-ordinate the development of iVMS as a potential management solution for inshore fisheries and MPAs. RM provided an update on the progression of the supporting SI which would fall within legal scope during May 2018 to be followed by a period of formal consultation then laid before Parliament sometime during October 2018. RM advised that the supporting SI would largely replicate the current VMS legislation and the proposed timelines would enable access to EMFF support. The legislative gap in terms of application to 12m and over vessels could be filled by IFCA byelaws. JG stated that such byelaws would replicate the requirements of the SI. JG re-iterated that this was a joint project with the MMO and it would fail without the input of each IFCA. TR re-iterated the importance of IFCA support in delivering the project. Several IFCA representatives voiced concerns over the potential risks associated with the project. RM advised that she was fully aware of the IFCAs concerns over financial risk. JG advised that projects needed to be advanced by June 2018 to ensure access to funding. JG confirmed that two supporting Project Coordinators had been recruited within the MMO to assist with IFCA funding bids and support a potential 4 week turnaround in repayment. Funding would be applied for one lump sum across all ten IFCAs with implementation 'rolled-out' in three tranches over the next three years.

Tranche 1 (2018-19) – 9m to 12m vessel length – approximately 73 vessels

Tranche 2 (2019-20) – 6 to 9m vessel length – approximately 84 vessels

Tranche 3 (2020-21) – 6m vessel – approximately 55 vessels.

IFCAs would be expected to fund the full cost of the project and installation in advance and to then re-claim the associated costs back from EMFF. With a suggested cost of £1,300 per iVMS unit which included installation expenditure of c£279k this would take place over a three-year period. Various concerns were again raised from individual IFCAs regarding funding, risk and the implications that it may have on their districts.

The group then discussed potential issues surrounding the functioning of the system. At present there would be a zero tolerance approach to non-functioning devices. MMO reps advised that VMS currently carried a 15% failure rate but they expected iVMS to perform much better given more extensive testing of the system. MH raised concerns over 'cross

border' issues with Scotland. MMO reps advised that Marine Scotland were fully aware of the project but the supporting legislation would apply to Scottish and Northern Irish vessels operating in English waters. MMO reps advised that the system would transmit at ten minute intervals but could be polled at 3 minute intervals. DM sought advice on the cost of polling at a higher rate or amending or updating any 'geo fences' in place which wasn't currently known although a support contract would be agreed. In response to questions surrounding vessels falling outside the scheme through non-access to funding it was clarified that such vessels would likely not be able to trade their catches with the EU post exit. Advice was sought on ownership of the units post installation and commissioning. MMO reps advised that their legal team were looking into a formal transfer of ownership to the vessel owner post commissioning. DM sought advice on 'signal loss' and potential impact on continuity from an enforcement perspective. MMO reps did not feel that this would present too many issues and mobile network coverage appeared to be generally good from 'heat map' assessments.

It was agreed that IFCA's would seek formal endorsement to support the project in each of their districts before the end of June 2018 to be followed by the submission of a formal EMFF bid before the end of June 2018. This process would be supported through the sharing of draft reports and an application template. In response to concerns over the risks associated with non-endorsement by IFCA Committees it was considered that there were no contingency options and vessels operating within such areas would not be able to access EMFF support for the purchase and commissioning of their associated units and potentially lose access to future markets.

#### ***Michael Coyle (MMO) Update:***

MC provided a comprehensive update from the MMO which included information on the operational structure and responsibilities in the Compliance and Control Team. MMO priorities for the coming year was to deliver business and usual control measures; implement projects to modernise and improve fisheries management; and undertake operational planning for EU exit. The MMO remained fully committed to working in close partnership with IFCA's and working better jointly on the ground.

MMO hosted EC inspectors in May, and will continue to be audited in order to provide assurances that CFP Control Regulations are being complied with. Improvement measures, drawing from EMFF, include projects aimed to facilitate better catch reporting from <10m, digitising transport documentation, and strengthening mobile working solutions. MMO was conducting a trial with UK Border Force to assess the extent to which UKBF assets and resources could support fishery inspections. In terms of planning for EU exit, a range of scenarios were possible, and needed to be considered. MMO focus was on processes around exporting of fish, and future control and enforcement.

Meeting Closed at: 17:30





**IFCA COG Meeting  
19 April 2018  
St Giles, 154 Southampton Row, Holborn, WC1B 5JX**

**Minutes**

**Start: 09:30**

**Attending:** Will Wright (WW), David McCandless (DM), Tim Dapling (TD), Mike Hardy (MH), Julian Gregory (JG), Rob Clark (RC), Samantha Davis (SD)

**CEFAS:** Mark Etherton

**Apologies:** Tom Hooper, Mat Mander, Sally Stranding, Mark Stafford, Island representatives

**2. *Election of Chair, Vice-Chair and Secretary:***

Following consideration it was agreed that Will Wright would continue as Chairman of the Group and David McCandless, supported by Sally Stranding (AIFCA), as Secretary for a further year. Tim Dapling was appointed as Vice-Chair for the year ahead.

**3. *Minutes of previous meetings – 9<sup>th</sup> & 10<sup>th</sup> January 2018:***

Circulated minutes of the COG meetings held on 9 and 10 January 2018 were considered and agreed.

**4. *Matters arising and actions from minutes:***

*Invitation to Gordon Scarratt JMOCC*

DM confirmed Gordon Scarratt had been invited to the meeting but was unable to attend due to other commitments. DM to extend a further invitation to the next COG meeting. **Action DM**

*IFCA vessel charter agreement template*

TD provided an update on progression with the agreement template. The template had been sent to the MMO for review. The MMO rep had acknowledged receipt and indicated the intention to combine some further detail from a similar agreement with border force. TD to circulate the amended version once received. **Action TD**

*IFCA BPSS checking*

JG reported NIMEG work complete IFCA's responsible for ensuring BPSS checks are completed on their staff. SD reported Cornwall IFCA are using Cornwall CC to support their checking process.

*National Byelaw Review*

All IFCA reps reported that they had fed into the review and now await the outcome.

## GDPR

DM circulated information following a presentation to COG on 10 January 2018.  
Ongoing work to ensure IFCA compliance with GDPR provisions noted.

## 5. Collaborative Work Streams

### *Joint Accredited Training*

WW provided an overview and update on the progression of the joint accredited training programme from an IFCA perspective. A joint meeting with the MMO had been held on 17 April 2018 to discuss issues surrounding the project, Dom Bailey having previously circulated detailed supporting papers. It was agreed that IFCA should submit a funding bid to support the appointment of an Internal Quality assessor (IQA) to support the progression of IFCA officers through the programme. The group passed on their collective thanks to Dom for the supporting work he had put into the programme to date. Currently 24 to 25 MMO officers had entered the Learning Development system and 12 IFCA officers but only 1 officer had fully completed the accredited training. Each of the 4 modules of the programme required approximately 30 hours work outside the final verification process. The training programme had already been audited by Skills for Justice receiving very positive feedback. The current lack of trained Quality Assessors was hampering the pace of progression in terms of officers receiving the final accreditation. It was agreed that Dom Bailey should work on the development of a formal bid for EMFF funding, in partnership with AIFCA and SB, to support the recruitment of an IFCA centric IQA. **Action SB and DB** There was a consensus that IFCA should utilise the overarching umbrella of the accredited training programme on a more independent basis to further the training of IFCA officers.

### *Joint Intelligence Project*

JG provided an update on the joint intelligence project which was now entering the final phase of joint regional TCGs. Simon McCusker was currently working on a model to support joint regional TCGs which would be piloted in the Eastern district. JG reported that Stuart Katon was now moving back to his substantive role within CEFAS and Sarah Whitlaw had now taken over his position within the MMO. Each IFCA representative then provided an update on progression within their respective districts which varied region to region. JG advised the group that an 'in house' intelligence system, 'Red Sigma' developed by Durham Police had been identified which could provide a cost effective solution to supporting the project. Durham Police appeared keen to share the system but currently it wasn't clear whether the system could be purchased from Durham or it would be shared through them. The costs of the system were in the region of £30 to £40K with £15K running costs. JG offered to maintain engagement in the project. **Action JG**

WW updated the group on the joint senior managers meeting with the MMO. The last meeting had been held in December 2017 and he was trying to get the next meeting organised. The group supported the continuation of a joint COG/MMO/Defra meeting which was considered important to furthering the delivery of joint working initiatives such as the intelligence work and the accredited training, alongside an IFCA centric COG meeting. Following discussion it was agreed that three days should be set aside on 23, 24 and 25 July and the 15, 16 and 17 of October 2018 to accommodate the proposed schedule of joint and COG meetings. **Action DM**

SB raised the matter of national transformation post EU exit and ongoing supporting work streams and IFCA strategy of engagement. DM suggested there could be an opportunity to run another workshop to build on the IFCA futures document and push

a proactive agenda with Defra. This could incorporate NGOs and fishermen's organisations. There was agreement in principle to develop the scope of such a workshop to be provisionally held sometime during September/October 2018. **Action RC/SB/DM**

#### **6. MCZ Tranche 3 sites**

WW advised the group that he had spoken with Defra to identify someone to attend the meeting to provide an update on MPA related work streams. There had been some changes within the team. Consultation was still expected to commence on T3 sites sometime during June 2018 SB reported that the matter of 'highly protected marine sites' was back on the agenda with an apparent shift in policy to whole site management rather than feature management. SB felt that the MPA project board was likely to be re-invigorated in the not too distant future and the old 'Implementation Group' continued sporadically. WW and SB felt the current vacuum might offer an opportunity to encourage new MPA supporting structures going forward. SB reported that he had been invited to a meeting on proposed changes to the Habitats regulations although any future approach would still have to be consistent with EU policy.

#### **7. CEFAS Contracts**

Mark Etherton Nicholl (MEN) provided an overview of the planned MPA survey programme for 2018. Outside two IFCAs all the work would be supported through the Environment Agency in partnership with Briggs Marine, facilitated by a formal partnership agreement with Natural England. MEN felt that an opportunity existed to strengthen the active involvement of IFCAs in the programme going forward. SD provided a positive overview of Cornwall IFCA's involvement in the programme in the South West. The flexibility of IFCA assets and capabilities made them potentially an attractive option. The work in Cornwall was currently supported through a formal MOU which could potentially be extended across other IFCA areas. MEN advised that in considering the potential utilisation of IFCA assets a number of supporting procurement options had been considered and the best option appeared to be the formalisation of an MOU with the AIFCA with a 'call off agreement' to utilise assets of required. In response to a question from DM MEN confirmed that the proposal would offer opportunity to IFCAs not expectation, so where gaps in survey provision were identified the relevant IFCA would be contacted to see if they could meet that local need. MEN advised that preliminary survey plans were normally developed during October and November for the year ahead then 'firmed up' in January. There was a consensus of support from the group and MEN advised that he would circulate a template to capture IFCA vessel 'day rates' to enable a case to be developed to take the initiative forward **Action MEN.**

#### **8. AOB**

WW advised that he had been contacted by Amy Chadwick of 'Technology Consultants' seeking a group interview with UK fisheries representatives in relation to EU exiting work. RC agreed to respond on behalf of IFCAs. **Action RC**

Meeting Closed at: 14:30

### **Meeting Actions**

- |     |   |        |
|-----|---|--------|
| 1.  | Circulate UK fisheries article in press to IFCA COs           | AF     |
| 2.  | Circulate catch certification template to IFCA Cos            | RM     |
| 3.  | Update SB on progression with IFCA powers SI                  | RM     |
| 4.  | Durham Police intelligence system project                     | JG     |
| 5.  | Circulate revised IFCA vessel charter agreement               | TD     |
| 6.  | Extend invitation to Gordon Scarratt for next COG             | DM     |
| 7.  | Dates of next COG meetings set 23,24,25 July, 15,16,17 Oct    | DM/All |
| 8.  | Develop scope for an Autumn IFCA futures workshop<br>RC/SB/DM |        |
| 9.  | Complete and return template on IFCA vessel rates to CEFAS    | All    |
| 10. | Contact 'Technology Consultants' IFCA interview               | RC     |

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
14 June 2018

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**Fisheries Statutes and Regulations Prosecutions**

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Report of the Clerk of the Authority.

**A. Purpose of Report**

To provide information on prosecutions taken by the Authority during the period December to May 2018

**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 2017. In addition to the five administrative sanctions summarised within the schedule four further offences are currently proceeding to formal prosecution.
- 1.3 As an alternative to a prosecution, the Authority can also offer a Financial Administrative Penalty or FAP. The 2011 'Sea Fishing (Penalty Notices) England Order provides the mechanism for the Authority to issue fixed penalties for a range of infringements including breaches of byelaw regulations and national legislation relating to minimum landing sizes. Each offence is categorised to a fixed penalty which can be issued to the skipper and or owner of the respective vessel. The level of penalty issued must exceed the value of the respective catch.

**Contact Officer**

David McCandless  
Chief Officer  
Ext. 3690

Name(s)	Offence	Court	Date	Fined	Costs Awarded	Costs Requested
Mr A Page	15 undersize edible & 1 berried crab	Scarborough	28/11/2017	£1,500	£1,475	£1,475
Mr J Bycroft	21 pots without escape gaps	Hull	01/12/2018	£500	£710	£710
Mr J Pizzer	49 undersize edible crabs	Hull	01/12/2018	£750	£605	£605
Mr B Pearson	1 undersize lobster	N/A	04/12/2017	HOC	N/A	N/A
Mr K James	2 undersize lobsters	N/A	30/11/2017	HOC	N/A	N/A
Mr I Clarke	2 undersize lobsters	N/A	08/12/2017	HOC	N/A	N/A
Mr R Barras	3 undersize lobsters	Tyneside	27/02/2018	£500	£100	£605
Mr R Dunn	1 undersize lobster	N/A	30/04/2018	FAP £500	N/A	N/A
Mr J MaCalister	Non-functioning AIS	N/A	27/04/2018	FAP £1000	N/A	N/A
Mr P Watson	1 egg bearing & 1 clawless lobster	N/A	01/05/2018	HOC	N/A	N/A

**HOC – Home Office Caution**

**OCD – Conditional Discharge**

**FAP – Financial Administrative Penalty**

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

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Report to:** Authority Meeting  
14 June 2018

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**Fraisthorpe, Holderness Coast 'Wash Up' Event 2018**

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Report by the Chief Officer

**A. Purpose of Report**

To advise and update members of a significant 'wash up' event which occurred near Fraisthorpe on the Holderness Coast of East Yorkshire Coast during the first week of March 2018.

**B. Recommendation**

1. That members consider the report.

**1. Background**

- 1.1 Persistent spells of Easterly gales, at the beginning of March, combined with some of the lowest temperatures in a decade and Spring tides, to wash quantities of shellfish and other marine organisms onto beaches along the East coast of England from the Humber to the Scottish borders. The worst affected area was Fraisthorpe on the Holderness coast of East Yorkshire which attracted regional and national media interest. Upon receipt of the first reports of the incident on Saturday 3 March NEIFCA officers immediately mobilised to support an effort led by local fishermen and assisted by other partner organisations to recover quantities of live lobster from the beaches and return them back to the sea. Over a four day period approximately 3.5 tonnes of live lobster were recovered, refreshed in seawater tanks at Bridlington and returned back to the sea. The Authority's small ultra-terrain vehicle proved extremely effective in supporting the recovery operation. This work was followed by a beach 'clean up' operation which recovered over 10 tonnes of debris including a significant proportion of marine plastics. This operation was led and organised by the Yorkshire Wildlife Trust and supported by Authority Officers, East Riding of Yorkshire Council staff, the Marine Management Organisation and the local fishing industry.
- 1.2 Survey work undertaken by the Authority's officers during the event estimated that over 10.5 million marine organisms were washed up onto the beach including 814,000 lobsters and 108,000 edible crabs of varying size and a copy of the survey report is attached for members information.
- 1.3 Although such events are not uncommon, the last significant one occurring on 3 March 2013, the scale of this particular event was much greater than anything ever recorded previously and whilst it is impossible to predict the associated impact on the commercial fishery the efforts to return live lobster will have helped to minimise such.

Contact Officer

David McCandless,  
Chief Officer,  
Ext. 3690

Background Papers





## **Fraisthorpe 'Wash Up' Report 2018**



<b>Date submitted:</b>	27/04/2018
<b>Report compiled by:</b>	AB
<b>Quality control by:</b>	TS
<b>Approved by &amp; date:</b>	TS
<b>Version:</b>	1

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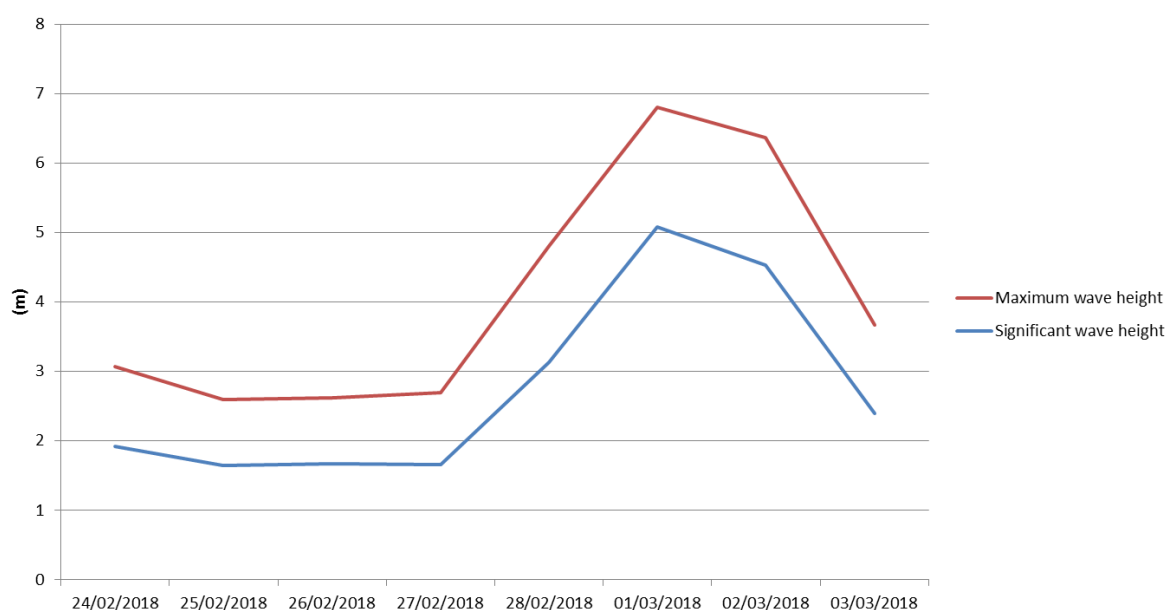
## Background

The inshore sub-tidal marine habitat of the Holderness coast consists primarily of rocky, mixed sediment with more extensive sandy areas around the Bridlington Bay area, south of Flamborough Head. These habitats support a wide diversity of species including commercially valuable shellfish including the edible crab (*Cancer pagurus*), European lobster (*Homarus gammarus*), and velvet swimming crab (*Necora puber*).

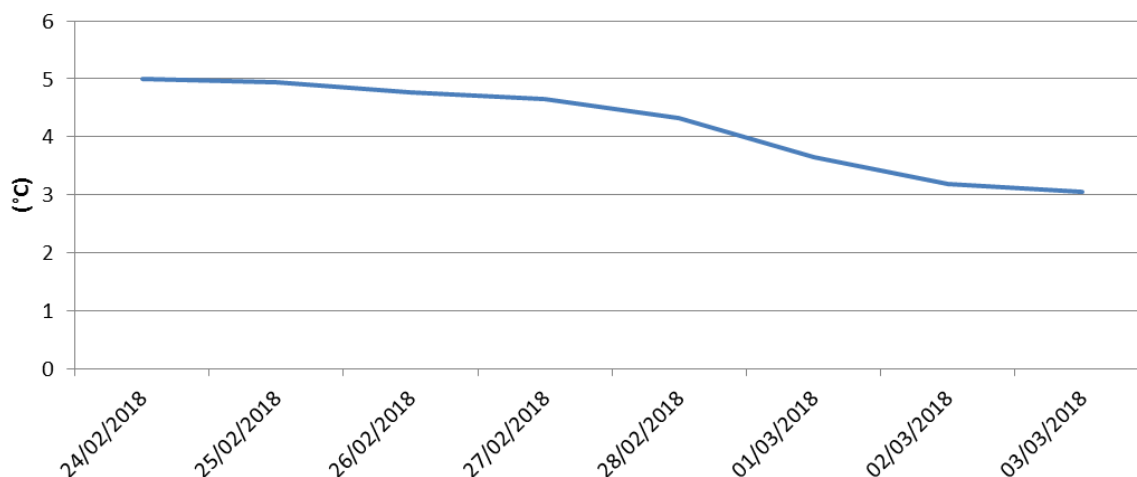
On the 4<sup>th</sup> of March 2018 a large quantity of marine fauna and flora was observed washed up on to the shoreline between Fraisthorpe and Barmston on the East Yorkshire coast. The 'wreck' event coincided with spring tides and a prolonged period of strong easterly winds with gusts reaching 45mph (Table 1). Data from the Hornsea Waverider buoy shows that maximum wave height reached almost 7m in the days before the wreck (Figure 1). Sea surface temperature was also observed to drop 2°C over the preceding week (Figure 2). Temperature is known to affect the metabolic rate of crustaceans such as lobsters and crabs. With lower temperatures, the ability of such mobile species to find adequate shelter or to move to deeper water to find refuge from storm conditions would be reduced.

**Table 1. Wind state and tidal conditions during the period of 28<sup>th</sup> February and 3<sup>rd</sup> March 2018.**

Date	Wind Direction	Wind Speed (mph)	Wind Gusts (mph)	Tidal Height (m)
24/02/18	Easterly	17	-	4.94
25/02/18	Easterly	14	-	4.78
26/02/18	Easterly	15	-	5.01
27/02/18	Easterly	21	-	5.37
28/02/18	Easterly	24	-	5.77
01/03/18	Easterly	30	45	6.09
02/03/18	Easterly	27	42	6.3
03/03/18	Easterly	15	-	6.39



**Figure 1. Average daily significant and maximum wave height recorded by the Hornsea Waverider Buoy for the the period 24<sup>th</sup> February to 3<sup>rd</sup> March 2018. Data after 3<sup>rd</sup> March was not available.**



**Figure 2. Average daily sea surface temperature recorded by the Hornsea Waverider Buoy for the period 24<sup>th</sup> February to 3<sup>rd</sup> March 2018. Data after 3<sup>rd</sup> March was not available.**

Local hydrographic and bathymetric conditions will have had an influence on where the wreck material was eventually deposited. Strong tidal currents combined with the influence of Flamborough headland and Smithic Sands within Bridlington Bay will likely have contributed to the deposition of material at this location. A smaller wreck in 2013 was observed at almost the same location.

## Method

The wreck area was surveyed by NEIFCA Officers on 6<sup>th</sup> March 2018 to quantify the number of deceased fauna. Bed areas within the wreck were delineated dependent on the predominant composition of fauna and/or flora present.

The perimeter of the main bed areas were mapped using a Garmin Oregon 550dGPS. 0.1m<sup>2</sup> quadrats were placed randomly within each bed area and then excavated until the original beach substrate was reached. The number of carapaces were counted for lobsters and crab species, whilst counts of hinges were used for bivalve species. Recorded numbers were converted to values per m<sup>2</sup> before being multiplied by the bed area. Estimates for each bed area were added to give a total estimate for each characteristic area of the wreck. Seaweed and bryozoan species were recorded as percentage cover and an average of these figures is presented for each characteristic area.

## Results

The wreck was observed to cover an area of 0.2km<sup>2</sup>, stretching for 2.7km along the shoreline between Fraithorpe and Barmston (Figure 3). Characteristic areas within the wreck were easily identified by the predominant species present. These ranged from a mussel dominated area in the north, a mussel and mobile fauna area, a bryozoan and mobile fauna area followed by a seaweed dominated area in the south. A total of 34 quadrats were surveyed across the whole wreck area.

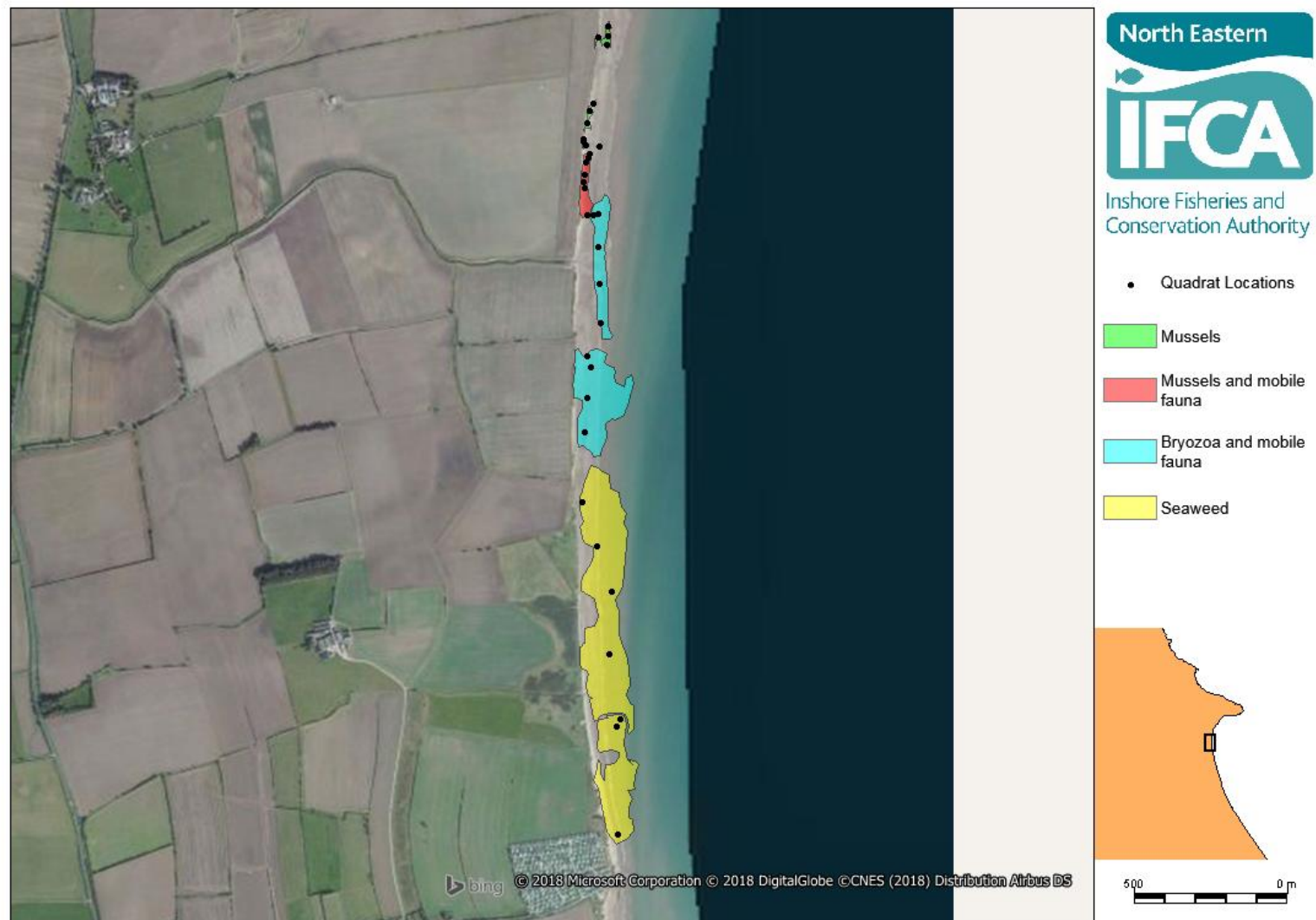


Figure 3. Map of the wreck area between Fraisthorpe and Barmston, highlighting the different bed areas and sample locations.



### Mussel Wreck

The mussel wreck comprised of 4 discrete beds totalling an area of 2,953m<sup>2</sup>. The estimated number of individuals for the major species observed is given in Table 2. An example of what was typically observed within the quadrats can be seen in Plate 1, with a section of the wreck shown in Plate 2.

**Table 2. Estimated number of individuals observed in the mussel wreck.**

Species	Estimated no. of individuals	
	Individuals per m <sup>2</sup>	Individuals per wreck area
Mussel	689.1	1,742,425
Razor clam	16.4	65,176
Cockle	4.5	19,235
Whelk	1.8	8,450
Velvet swimming crab	1.8	6,560
Edible crab	1.8	4,430
Green shore crab	0.9	4,225
Starfish	0.9	4,225



**Plate 1. A typical quadrat surveyed within the mussel wreck.**



**Plate 2. A section of the mussel wreck.**

### Mussel and Mobile Fauna

The mussel and mobile fauna wreck covered an area of 5,680m<sup>2</sup>. The estimated number of individuals for the major species observed is given in Table 3. An example of what was typically observed within the quadrats can be seen in Plate 3, with a section of the wreck shown in Plate 4.

**Table 3. Estimated number of individuals observed in the mussel and mobile fauna wreck.**

Species	Estimated no. of individuals	
	Individuals per m <sup>2</sup>	Individuals per wreck area
Mussel	202.9	1,152,229
Velvet swimming crab	48.6	275,886
Starfish	20.0	113,600
Lobster	7.1	40,571
Whelk	4.3	24,343
Razor clam	4.3	24,343
Cockle	2.9	16,229
Green shore crab	2.9	16,229



**Plate 3. A typical quadrat surveyed within the mussel and mobile fauna wreck.**



**Plate 4. A section of the mussel and mobile fauna wreck.**



### Bryozoan and mobile Fauna Wreck

The bryozoan and mobile fauna wreck comprised of 2 discrete beds totalling an area of 60,840m<sup>2</sup>. The estimated number of individuals for the major species observed is given in Table 4. In addition to this, the average percentage covers of bryozoans and algal species are shown in Table 5. An example of what was typically observed within the quadrats can be seen in Plate 5, with a section of the wreck shown in Plate 6.

**Table 4. Estimated number of individuals observed in the Flustra and mobile fauna wreck.**

Species	Estimated no. of individuals	
	Individuals per m <sup>2</sup>	Individuals per wreck area
Velvet swimming crab	31.1	2,256,550
Anemone	31.1	1,143,475
Starfish	5.6	454,400
Lobster	4.4	284,950
Edible crab	1.1	103,975
Green shore crab	2.2	77,000
Ballan wrasse	1.1	38,500
Lesser weever fish	1.1	38,500
Octopus	1.1	38,500
Mackerel	1.1	38,500
Butterfish	1.1	38,500

**Table 5. The average percentage cover of bryozoan and seaweed species found within the bryozoan and mobile fauna wreck.**

Species	Average percentage cover
<i>Flustra foliacea</i>	57%
<i>Fucus</i> spp.	5%
<i>Laminaria</i> spp.	2%
<i>Ceramium</i> spp.	7%



**Plate 5. A typical quadrat surveyed within the bryozoan and mobile fauna wreck.**





**Plate 6. A section of the bryozoan and mobile fauna wreck.**

#### **Seaweed Dominated Wreck**

The seaweed dominated wreck comprised of 2 discrete beds totalling an area of 134,770m<sup>2</sup>. The estimated number of individuals for the major species observed is given in Table 6. In addition to this, the average percentage covers of bryozoans and seaweed species are shown in Table 7. An example of what was typically observed within the quadrats can be seen in Plate 7, with a section of the wreck shown in Plate 8.

**Table 6. Estimated number of individuals observed in the seaweed dominated wreck.**

Species	Estimated no. of individuals	
	Individuals per m <sup>2</sup>	Individuals per wreck area
Velvet	4.3	733,125
Lobster	2.9	488,750
Anemone	7.1	1,221,875

**Table 7. The average percentage cover of bryozoan and seaweed species found within the seaweed dominated wreck.**

Species	Average percentage cover
<i>Flustra foliacea</i>	24%
<i>Fucus</i> spp.	17%
<i>Laminaria</i> spp.	16%
<i>Ceramium</i> spp.	31%



**Plate 7. A typical quadrat surveyed within the seaweed dominated wreck.**



**Plate 8. A section of the seaweed dominated wreck.**

### **Further Notes**

The majority of the material contained within the wrecks consisted of bryozoans (thought to be *Flustra foliacea*) with a smaller proportion of algal species, primarily *Laminaria* spp., *Ceramium* spp. and *Fucus* spp.. Apart from those identified above in Tables 2-7, other species observed included seals, a harbour porpoise, sea birds, plaice, sole, cod, whiting, herring, turbot, sea trout, wolffish, dogfish, rockling, various bivalves, molluscs, polychaetes and other crustaceans. Examples of some of these are given in Plates 9-12.





**Plate 9. Lesser spotted dogfish**



**Plate 10. Turbot**



**Plate 11. Wolffish**



**Plate 12. Octopus**

## Summary

A final estimate of the total mortality for the wreck event was produced using the average of the quadrat data for each individual wreck area (Table 8). The most abundant species recorded in the wreck were velvet swimming crabs, mussels and anemone species. The total number of individuals of species recorded is estimated at almost 10.5 million animals. Commercially important lobsters and edible crabs accounted for 814,271 and 108,405 individuals respectively.

**Table 8. Estimated total number of individuals within the 2018 faunal wreck area.**

Species	Total estimated number of individuals
Velvet swimming crab	3,272,121
Mussel	2,894,653
Anemone	2,365,350
Lobster	814,271
Starfish	572,225
Edible crab	108,405
Green shore crab	97,454
Razor clam	89,518
Ballan wrasse	38,500
Lesser weever fish	38,500
Octopus	38,500
Mackerel	38,500
Butterfish	38,500
Cockle	35,464
Whelk	32,793
<b>Total</b>	<b>10,474,754</b>

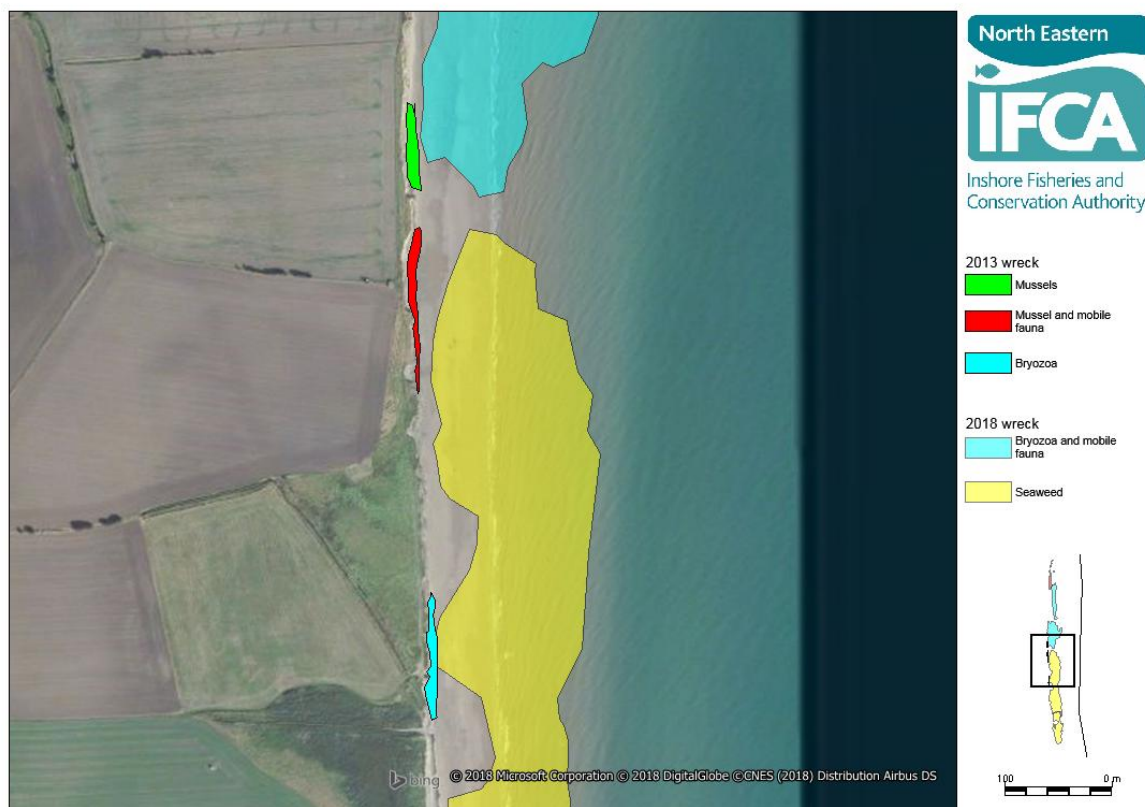
### Comparison with previous events

A similar wreck event was observed in 2013 during similar environmental conditions. This wreck occurred over a much smaller area (Figure 4) with similarly reduced estimated animal mortality (Table 9). A similar pattern of characteristic areas based on the predominant species deposited along the shore was observed in 2013 with a mussel area to the north, a mussel and mobile fauna area, and a bryozoan dominated area to the south.

While not uncommon then, these sort of natural events highlight the need to integrate resilience into the management of both commercially important species and the habitats on which they rely.

**Table 9. Estimated total number of individuals within the 2013 faunal wreck area.**

Species	Total estimated number of individuals
Mussel	1,905,427
Velvet swimming crab	450,620
Razor clam	49,237
Edible crab	31,530
Lobster	6,438



**Figure 4. Map of the 2013 wreck area in relation to the 2018 event.**

### Community spirit

Immediately following the wreck an effort to recover live lobsters washed up on the shore was carried out. Instigated by members of the fishing industry and aided by the Yorkshire Wildlife Trust and NEIFCA, an estimated 3 tonnes (approximately 72 boxes) of mostly juvenile lobsters were collected from the beach and transported to vivier tanks at Independent Shellfish Co-operative (ISC) in Bridlington Harbour. Industry vessels were then used to return the lobsters to the sea. It should be noted that this occurred before the survey work outlined in this report took place.

As well as marine life, the storm washed large quantities of litter onto the beach. On Friday 9<sup>th</sup> March, Yorkshire Wildlife Trust organised a beach clean in which over 170 people took part including members of the public, the fishing industry, as well as staff from the YWT, NEIFCA, MMO, ERYC, and the EA. The estimated 10 tonnes of rubbish from such a large area required both the IFCA gator and the local farmers tractor to transport it to the bin lorry kindly provided by ERYC.

The collective time, effort, and hard work of all those involved in reducing the impacts of the wash up and subsequent clean up operation should be commended



## NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

**Report to:** Quarterly Meeting  
14 June 2018

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### Partner Reports

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Report of the Chief IFC Officer.

A. **Purpose of Report**

To provide members information on partner organisations activities.

B. **Recommendation**

That Members note the report.

C. **Background**

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

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

### Contact Officer

David McCandless  
Chief Inshore Fisheries and Conservation Officer  
Ext. 3690







# Marine Management Organisation

## MMO Scarborough





## MMO Scarborough

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

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

### Enforcement:

Officers in the local area continue to conduct vessel and market inspections throughout the district to ensure compliance with legislation. Industry are still adapting to “The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017” which restricted the landing of berried hens. Scrubbing eggs from berried hens is an issue and IFCA and MMO are working towards a test which will identify animals which have been manipulated.

Gear conflicts between the nomadic scallop dredging fleet and the local potting fleet has been the cause of tensions in the area over the last quarter with static gear losses attracting media attention. Neither IFCA or MMO have any powers in law to address gear conflicts.

In the North of the NEIFCA Area at Hartlepool the winter Nephrop fishery has concluded with reasonable returns for the fleet and a highly compliant fishery. Hartlepool is also seeing significant quantities of scallops landings.

### European Maritime and Fisheries Fund:

Officers have been busy conducting appraisals for EMFF grant projects in the area to provide support for sustainable development within the local fishing industry. Funding has been provided to a number of projects including improving equipment at processing facilities and vessel modifications which promote safety and improve conditions for crew whilst at sea. We have also seen a number of applications to replace lobster pots for newer designs which reduce limb loss and damage to catches.

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

### Look Forward:

Looking forwards we are starting to see vessels arrive in the area to exploit the Silver Pit Nephrop fishery, historically this fishery brings vessel landings into Scarborough and an increased number of markets.

The MMO continues to work jointly with a number of organizations where we share interest and hopes to continue conducting joint work with NEIFCA where possible.

### Defra's revised approach to commercial fisheries:

Natural England will continue to support NEIFCA in relation to their assessments of bait collection activities on the Humber Estuary and Teesmouth and Cleveland Coast, assessments on the MCZ and Greater Wash SPA and the progress of monitoring and control plans.

### Designations:

The **Greater Wash SPA** was classified on 28<sup>th</sup> March 2018. Further information can be found at <https://consult.defra.gov.uk/natural-england-marine/greater-wash-potential-special-protection-area-com/>  
The **Flamborough and Filey Coast pSPA** is awaiting Ministerial approval.

### Marine Monitoring:

Natural England are currently working on producing monitoring plans for Flamborough and Humber Estuary designated sites to enable more effective collection of data and information across the sites. These plans will support the reporting process which is undertaken to determine the conservation status of designated sites. This work will progress over the course of the year and will comprise workshops and meetings with external partners.

Natural England and NEIFCA continue to hold regular discussions to look more closely at the evidence requirements of both organisations and to discuss future collaboration on survey work and monitoring projects.

Key areas of collaboration:

- **MSFD Partnership Project:** Natural England are currently working in partnership with North Eastern and Northumberland IFCAs and the University of Newcastle on a European Marine Fisheries Fund (core) project **which has now received funding**. The aim of the project is to inform collaborative and cost effective monitoring and management in the context of anthropogenic and natural variability.  
The anticipated outcomes will be:
  - Tested indicators that are valid to monitor Good Ecological Status (GES) under the Water Framework Directive (WFD) and other ecosystem services.
  - Tested monitoring methodology with multiple uses benefiting partners e.g. condition assessment, target and non-target spp. data, informing management.
  - Improvement of evidence base to inform adaptive management on an ongoing basis linked to condition [management and control plans].
  - Informing evidence-base for a 'well-managed, coherent network of MPAs'.
- **Humber Seagrass survey:** NEIFCA, NE and EA will be providing support on the Seagrass Survey which will be led by Yorkshire Wildlife Trust this summer.

## Marine Conservation Zones:

Natural England has now produced draft conservation advice packages for **Holderness Inshore MCZ** and **Runswick Bay MCZ** which are available to view at <https://designatedsites.naturalengland.org.uk/>

We are viewing these packages as an early draft and acknowledge that there are gaps in our evidence which we are working to address, with a number of surveys due to report this financial year. We will be updating our advice and are likely to consult on a further draft before we finalise our advice. We do not currently have any timescales as we are dependent on the outcome of survey work which has not yet taken place, but we will provide further detail in future updates.