

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

AUTHORITY MEETING 08 DECEMBER 2023

Present:

Prof Mike Elliott
Councillor Ceri Cawley
Councillor Mark Wilkes
Councillor Maria Bowtell
Councillor Ernest Gibson
Councillor Rhys Furley
Councillor David Chance
Councillor Neil Swannick
Councillor Rachel Creevy
Councillor Stephen Harness
Councillor Paul Stewart
Dr Stephen Axford
Mr Michael Montgomerie
Mr Gary Redshaw
Mr Andrew Wheeler
Miss Rachel Hanbury
Miss Rebecca Lynam
Mr Graham Collins
Mrs Clare Fitzsimmons

Representing:

Chair
Redcar & Cleveland Council
Durham County Council
East Riding of Yorkshire Council
South Tyneside Borough Council
Hull City Council
North Yorkshire County Council
North Yorkshire County Council
Hartlepool Borough Council
North East Lincolnshire Council
Sunderland City Council
MMO appointee
MMO appointee
MMO appointee
MMO appointee
MMO appointee
MMO appointee
MMO appointee

Mr Darren Stevens, Clerk, Mr David McCandless, Chief Officer, Mr Stephen Chandler, Treasurer, Dr Ralf Bublitz, Senior Environmental Officer also attended the meeting.

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

68.	APOLOGIES FOR ABSENSE
	Apologies of absence were received from MMO members Andrew Faichney, Will Jenkinson, Terry Pearson and Council Members McMaster & Poole. Members were also informed that the Clerk, Caroline Lacey had left her position in the East Riding of Yorkshire Council, Darren Stevens who was present at the meeting would take the role of acting Clerk of the Authority until further notice. The Chair requested that a letter be sent to Caroline Lacey on behalf of the Authority expressing a sincere appreciation for her time and the positive contributions she had made in her role as Clerk.
69.	DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS
	Resolved –The Clerk asked Members to declare any personal or prejudicial interests in items on the Agenda and the nature of such interests. Cllr Maria Bowtell declared an interest as an employee at a seafood production company.
70.	TO CONSIDER THE MINUTES OF THE AUTHORITY MEETING HELD ON 08 JUNE 2023

	Resolved – That the minutes of the Authority meeting held on 08 June 2023 be approved as a correct record and signed by the Chair.
71.	TO CONSIDER THE MINUTES OF THE SPECIAL AUTHORITY MEETING HELD ON 30 JUNE 2023
	Resolved – That the minutes of the Special Authority meeting held on 30 June 2023 be approved as a correct record and signed by the Chair.
72.	TO TAKE THE MINUTES OF THE EXECUTIVE COMMITTEE MEETINGS HELD ON 1 NOVEMBER 2023
	Resolved – That the minutes of the Executive meeting held on 01 November 2023 be approved as a correct record and signed by the Chair.
73.	BUDGET MONITORING 2023/2024
	The Treasurer presented a report to advise Members of the budget position at the end of month 06 (September) in 2023/24. At the end of September 2023, the Authority has net expenditure of £547,140 against an expected £621,256 underspending by £74,117. The forecast outturn underspend is £87,398, mainly due employee underspends from delaying recruiting to vacancies in the offshore team until the position on the patrol vessel replacement and sale of existing vessel is clearer.
	Resolved – a) That the budget monitoring position is noted. b) That the forecast underspend at outturn is transferred to Renewals Fund.
74.	LEVY 2024/2025
	The Treasurer presented a report to determine the levy on member local authorities for 2024/25 and to highlight the issues relating to the setting of the levy for 2025/26 and 2026/27. At its meeting on 1 December 2022, the Authority set a levy totalling £1,377,464 including £100,000 plus accrued interest transferred to the Renewals Fund and £10,000 transferred to the Vehicle Replacement Fund. The levy had been fixed at £1,139,521 from 2011/12 to 2016/17, meaning the 2017/18 increase was the first for 6 years. The 2022/23 levy was increased by 3% to cover the cost of increases in pay and inflation offset by savings within supplies and services budgets. The 2023/24 levy was also increased by 3% to cover the cost of increases in pay and inflationary pressures. Indicative increases of 2% for 2024/2025 and 2025/26 were proposed but not agreed. At a Special Authority Meeting on 30 June 2023, members approved the decision for the East Riding of Yorkshire Council Cabinet to award the contract for the build and commission of a new 24.5m Fisheries Patrol/Research vessel along with a proposed finance lease agreement with ERYC. Under the terms of the finance lease agreement NEIFCA will make a substantive payment towards the costs in year one utilising funds set aside in the Renewals Fund, capital receipts from the sale of the North-East Guardian III and any further additional funding that is subject to a bid to DEFRA. It was agreed that the remaining cost will be funded by ERYC borrowing from the

	<p>Public Works Loans Board and the costs will be met by the finance leasing arrangement between ERYC and NEIFCA, funded by an increase to the levy. The vessel build was now underway and it was anticipated that the new vessel would be commissioned in 2025. The indicative Worst-Case scenario for the build would require an annual finance lease repayment of £240,590 from 2025/26. The estimated increase on the levy in based on current assumptions and options for the timing of the increase were shown in Appendix A. The original proposal was for the full impact of the levy increase to take effect from 2025/26 increasing the levy by 18%. An alternative proposal phasing in the increase over 2024/25 and 2025/26 financial years was presented to Members. This would result in an 11.5% increase in 2024/25 and 11.5% increase in 2025/26. If the option to phase in the increase was taken the intention would be for the additional funds to be transferred to the Renewals Fund to increase the year one initial payment, potentially reducing the overall borrowing costs of the scheme and future levy increases.</p>
	<p>Resolved – a) Members voted in favour of option 2 – Appendix A for the levy increase for 2024/25, the Clerk was authorised to issue demands on the relevant local authorities (at the level approved) as presented at Appendix A, option 2. b) That the Authority acknowledges the issues affecting NEIFCA and their effect upon the levy for 2025/26 and 2026/27. c) That a detailed budget for 2024/25 be brought to the Authority for approval at the Executive meeting in March 2024.</p>
75.	NEIFCA BYELAWS UPDATE
	<p>The Chief Officer presented a report to inform members on progress with the following byelaws which were made at a meeting of the Authority held on the 1 December 2022:</p> <p>XXVIII Shellfish Permit Byelaw 2022 The key aims of the new byelaw are to establish a new flexible management framework which will more effectively cover the exploitation of listed shellfish species throughout the NEIFCA district, both offshore and onshore. The new proposed byelaw will also consolidate existing byelaw regulations and introduce an effort management system for commercial potting within the district. Since the making of the byelaw on 1 December 2022 it had been subject to further internal quality assurance checks and informal consultation with fishing groups prior to the commencement of the formal statutory consultation process. Internal comments were received back from NEIFCA legal advisors on 24 April 2023.</p> <p>XXIX Humber Estuary Fishing Byelaw 2022 At the Authority meeting held on 1 December 2022 members supported the making of a new byelaw XXIX Humber Estuary Fishing Byelaw 2022. Whilst retaining all existing management measures in relation to fishing activities within the boundaries of the Humber Estuary the new byelaw included a revision to the boundaries of an existing protected area to support the expansion of eel grass habitat.</p> <p>Officers opened formal consultation on both byelaws on 15 August 2023 via publication on the NEIFCA website, emailed alerts to both commercial and recreational permit holders, engagement with the Angling Trust, circulation of notices at ports and landing points and publication in the Fishing News. Officers also</p>

facilitated a number of 'drop in' sessions at key ports including Hornsea, Bridlington, Scarborough, Whitby, Redcar and Hartlepool to facilitate further 'face to face' engagement with those affected by the byelaw proposal. The formal consultation closed on Friday 27th October 2023. Following the completion of formal consultation on 27th October 2023 officers commenced the process of collating all the responses received relating to the XXVIII Shellfish Permit Byelaw 2022, which included 53 written submissions and one 74 signature response from Hartlepool stakeholders objecting to the proposed reduction in the number of permitted hobby pots from 10 to 5. A detailed written analysis of the consultation responses was provided for members information.

The Chief Officer provided a comprehensive breakdown and analysis of the comments and feedback received during the formal consultation in relation to the Shellfish Permit Byelaw. Predictably stakeholders were very split on where the maximum pot allowance should be set and a notable minority were concerned that the businesses that they had worked extremely hard to build up could fail as a direct result of the proposal, even given the increase from 800 to 1000 pots but a balance had to be struck between securing stock sustainability and keeping associated economic risk to businesses low. The other main item arising from the formal consultation process was the opposition from the hobby sector to the proposed reduction in the maximum number of permitted pots from 10 to 5. As anticipated, this was most evident at Hartlepool where a similar level of opposition was recorded back in 2015. Some hobby fishermen advocated maintaining the maximum number of permitted pots at 10 until the level of latent effort could be fully assessed following the introduction of the annual charge, then, if there remained a need to reduce the number of pots that could be implemented at a later date. It was important, however, that the overarching principles of the hobby scheme were not overlooked. It provided access for members of the public, on a 'not for profit' basis, to set a small number of pots, as a leisure activity, to catch a small amount of shellfish each day for personal consumption.

The Chief Officer informed members that having considered the outcome from the consultation process he did not intend to change the proposed 1000 pot limit but recognising the potential for impact on some businesses further transitional support would be provided through the implementation process. Such businesses could apply, with an evidenced case, for an additional pot allowance which would reduce each year until the maximum cap of 1000 pots was reached. Whilst Cllr Bowtell, East Riding of Yorkshire Council welcomed the additional consideration of economic impact on businesses she also raised concerns that the onus should not be on the industry to provide evidence to be considered for any transitional scheme. Cllr Bowtell felt there needed to be greater evidence and data presented on behalf of the Authority to demonstrate the effect effort limitation would have on stock levels to substantiate its potential impacts.

Members raised concerns surrounding the insufficient marking of gear, which the Chief Officer reassured members that the level of compliance across the district in terms of gear marking was a constant challenge and provisions had been included within the byelaw to address such. Members also stated that the ecological data needed to be assessed alongside the economic data when assessing the responses and potential impacts of any changes. The Chief Officer reassured members that the primary role of the byelaw was to maintain stock sustainability. Cllr Creevy, Hartlepool Borough Council raised concerns that some of the points raised in the drop-in event had not been accurately portrayed in the analysis of the consultation, and there was no reference to the 74 signature response from Hartlepool stakeholders objecting to the

	<p>proposed reduction in the number of permitted hobby pots from 10 to 5. At the Hartlepool ‘drop-in’ event, stakeholders had also put forward a suggestion that there should be a sunset provision for existing hobby fishermen to continue to work 10 pots whilst new entrants be restricted to 5. Cllr Swannick, North Yorkshire Council requested that further information be provided on the environmental impact the Tees and North Yorkshire shellfish mortality had alongside the potential impact the new byelaw regulation would have on stock levels. Cllr Cawley, Redcar and Cleveland Council highlighted concerns that the limited shellfish permit holders were being adversely affected by both the shellfish mortality and the reduction in the number of permitted pots they would be able to work under the new byelaw provisions. Cllr Cawley also raised concerns in the accuracy of the catch and effort data held by the MMO and stated the importance of NEIFCA capturing accurate catch and effort data from the industry first hand. Cllr Cawley advocated the development of a supporting app by NEIFCA.</p> <p>Following further in-depth discussions at the meeting, the Chief Officer advised members that, outside the transitional scheme, no significant changes were proposed to the byelaw. The Chief Officer also reassured members that the output, analysis and decision making resulting from the consultation would be formally published on the Authority’s website within the next few weeks.</p> <p>The Chief Officer also provided a further update on the making of the emergency byelaw which prohibited the use of beam trawls. This measure had been implemented on 18 July 2023 following consideration at the Authority meeting held on 30 June 2023. The temporary byelaw provided for the management of beam trawling specifically targeting king scallop under a scientific dispensation.</p> <p>Since the emergency byelaw was implemented six scientific dispensations had been issued to eligible vessel operators to support further investigation into the fishery. Those dispensations expired on 31 October 2023 and five had since been re-issued until the end of January 2024 when a further review will be undertaken by officers. To date, three vessels had engaged in the programme which would help to inform the development of a replacement byelaw regulation.</p> <p>Officers were now working on a more permanent byelaw regulation which would take effect once the emergency byelaw expired at the end of the maximum statutory 18 month period.</p>
	Resolved – That the report be noted.
76.	CHIEF OFFICERS OPERATIONAL REPORT
	<p>The Chief Officer presented a report to provide members with a comprehensive and detailed operational summary covering the period May 2023 to November 2023. The report included an update on the Tees and North Yorkshire Shellfish Mortalities. Council members Creevy, Hartlepool and Cawley, Redcar and Cleveland Council asked for greater clarification on the protocol for reporting further wash-up incidents and requested that such be circulated amongst the industry. Members also sought clarification from the Chief Officer on North Eastern IFCA’s remit and statutory role and responsibilities in terms of responding to the shellfish mortalities. The Chief Officer clarified that NEIFCA statutory role was confined solely to the sustainable</p>

	<p>management of fishing activity on sea fisheries resources and its wider conservation remit was restricted to marine protected area management which included Marine Conservation Zones. Statutory responsibility for discharging and marine pollution rested with the Environment Agency and the licensing and consent of marine projects such as port development with the Marine Management Organisation (MMO). In terms of the Teesside mortalities NEIFCA could only play a supporting role to those organisations as and when requested or appropriate.</p> <p>The Chief Officer also informed members that Defra had allocated funding to IFCA's in partnership with Cefas to examine the IFCA response to the Teesside events alongside other similar events that had occurred within other IFCA districts. This work was scheduled to commence in April 2024 and would support the development of a national process for responding to similar events in the future.</p> <p>The Chief Officer also updated members on the replacement patrol vessel project. Since members approved plans to replace its main patrol vessel, North Eastern Guardian III at a special authority meeting held on the 30 June 2023, NEIFCA officers had been working with ERYC leads to finalise contractual terms which were formally concluded on 6 October 2023 and a contract had now been officially sealed. Officers were now close to finalising the design and build components of the new vessel with the manufacturer, Parkol Marine Ltd of Whitby.</p>
	Resolved - That the report be noted.
77.	SCIENCE ADVISORY GROUP UPDATE
	The Senior Environmental Officer presented a report to update members on the most recent proceedings of the Science Advisory Group (SAG) following the meeting held on the 08 September 2023.
	Resolved - That the report be noted.
78.	FISHERIES STATUTES AND REGULATIONS
	The Clerk submitted a report to members on the fisheries enforcement activities taken by the Authority for the period 1 June 2023 to 30 November 2023.
	Resolved - That the notes be received.
79.	REPORTS FROM PARTNER AGENCIES AND BODIES
	Briefing papers from the Environment Agency, Marine Management Organisation and Natural England were unavailable at the time of printing.
80.	ANY OTHER BUSINESS

	Cllr Neil Swannick informed members that North Yorkshire Council had written to the secretary of state requesting a public enquiry into the Tees and North Yorkshire shellfish mortalities. The letter had been submitted approximately 6 months ago, to date, no response had been received.
	The meeting closed at 12:50