

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

AUTHORITY MEETING 06 DECEMBER 2018

Present:

Councillor Ron Allcock
 Dr Stephen Axford
 Councillor Edward Bell
 Mrs Kirsten Carter
 Councillor David Chance
 Councillor Stephen Harness
 Councillor Chris Matthews (Chair)
 Christian Proud
 Mr Nigel Proctor
 Councillor Tony Randerson
 Mr Gary Redshaw
 Mr Andrew Wheeler
 Mr Jon Whitton

Representing:

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

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief Officer, Mr Neal Beckett, Treasurer, Mr Tim Smith, Senior Environmental & Scientific Officer, Mr Steven Mallinson, Senior Inshore Fisheries & Conservation Officer, NEIFCA, Bex Lynam, YWT, Jeremy Wilcox, Hull University Peter Andrews, Hull University and David Harness, Hull University also attended the meeting.

The Committee met at the Double Tree by Hilton Monkbar Hotel, York. The meeting started at 12:00.

63.	APOLOGIES
	Apologies of absence were received from MMO member Elliot, Houghton, Macmullen, Montgomerie and Wood and Councillor Members Allen, Atkinson, Cranney and Owen, EA nominee Slater and Natural England appointee Brown.
64.	DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS
	Resolved – The Clerk asked Members to declare any personal or prejudicial interests with respect to items on the Agenda and the nature of such interests. No such interests were declared.
65.	MINUTES OF THE ANNUAL MEETING HELD ON 14 JUNE 2018
	(a) That the minutes of the Annual meeting held on 14 June 2018 be approved as a correct record and signed by the Chair.
66.	PRESENTATION BY HULL UNIVERSITY – EMFF FLAG PROJIECT – HOLDERNESS COAST LOBSTER FISHERY
	Jeremy Wilcox, Peter Andrews and David Harness from Hull University attended the meeting and provided a presentation to members on the Holderness Coast Lobster

	Project, 'Operation Pincer'. The presentation provided an update and progress report on phase one of the two phase project.
67.	LEVY 2019/20
	The Treasurer submitted a report to determine the levy on member local authorities for 2019/2020 and to highlight issues relating to the setting of the levy for 2020/21 and 2021/22. The Treasurer highlighted a number of factors which needed to be considered when determining the levy beyond 2019/20. The pay award for 2018/19 and 2019/20 was set at 2% (plus larger percentages for staff on lower grades to meet the National Living Wage). A 2% increase in pay would increase the cost of the employees' budget by over £24,000 per annum. There is currently a commitment to fund the replacement of the boat by £100,000 per annum which is a permanent commitment made from the levy. This was increased from £80,000 from 2018/19 but this may have to be increased further in future years. The next triennial valuation of the East Riding Pension Fund, due in 2020/21, may result in a budget pressure.
	Resolved – (a) That the levy for 2019/20 be set at £1,224,320 (an increase of 2% (£24,010) above the 2018/19 rate) and the Clerk be authorised to issue demands on the relevant local authorities as presented at Appendix A. (b) That the Board acknowledge the issues affecting NEIFCA and their effect upon the levy for 2020/21 and 2021/22. (c) That a detailed budget for 2019/20 be brought to the Authority for approval at the Executive meeting in March 2019.
68.	SCIENCE ADVISORY GROUP
	The Chair of the SAG and the Chief officer presented a report to update members on considerations and recommendations emanating from the most recent meeting of the Science Advisory Group (SAG) held on 6 September 2018. Members requested an update on discussions surrounding the McCain Wheatcroft Outfall and minewater discharge, it was agreed that the Chief Officer should seek to arrange some meetings with interested parties outside the main Authority and it's sub-groups to try and move things forward.
	Resolved – (a) That the report be noted. (b) The Chief Officer to arrange a meeting with the lead officers involved to discuss the McCain Outfall Pipe and the progress to date.
69.	CHIEF OFFICERS OPERATIONAL REPORT
	The Chief Officer presented a report to provide members with a comprehensive and detailed operational summary covering the period June to November 2018. The reporting period heralded a prolonged dry spell of settled weather with some of the warmest recorded air temperatures in over forty years. Landings of lobster, however, were generally lower than might have been expected compounded by reports of high levels of discarding of egg bearing females. Landings only started to improve during September and October as the numbers of egg bearing lobsters reduced in catches.

	Throughout the summer numerous breaches of legislation protecting egg bearing lobsters had been reported by Authority officers for further consideration. Two cases were successfully prosecuted in Court attracting fines and costs totalling £2,462, seven formal warning letters and five fixed penalty notices were issued and one formal caution. A further eleven cases were currently under investigation. Officers had also been undertaking trials of a chemical testing process to identify lobsters which have been manually scrubbed to remove eggs. The Chief Officer also advised members of the retirement of one of the Authority's longest serving officers, Iain Baxter who had given exemplary service stretching across a thirty year period. Officers and members wished Iain a long and happy retirement.
	Resolved – That the report be noted.
70.	BUDGET MONITORING 2018/2019
	The Treasurer of the Authority presented a report detailing the budget position at the end of month 7 (October) in 2018/19. At the end of October 2018, the Authority had net expenditure of £694,181 against an expected £698,014, underspending by £3,833. The projected outturn indicated a balanced budget. The major variances included Pay, NI and Superannuation expenses of £27,520, reflecting vacancies in the early months of the year, which had been offset by recruiting to vacant posts and an additional two temporary posts on a fixed term of 12 months. An overspend on supplies and services of £22,146, partially due to the need to replace ICT equipment to upgrade to Windows 10, the replacement of vehicles and on advertising expenses. Overall, it was anticipated that there would be a balanced budget. This allowed for a transfer of £100,000 plus accrued interest into the renewals fund and £10,000 into the vehicle replacement reserve.
	Resolved - That the report be noted.
71.	FISHERIES STATUTES AND REGULATIONS - PROSECUTIONS
	The Clerk submitted a report on the fisheries enforcement activities taken by the Authority since June 2018. Discussions focused on the level of penalties and sanctions imposed.
	Resolved – That the notes be received
72.	NEIFCA RESPONSE TO UK FISHERIES WHITE PAPER
	The Chief Officer presented a report to provide a copies of both the Authority's response and that of the national Association of IFCA's to the UK Fisheries White Paper which was published on 4 July 2018.
	Resolved - That the report be noted.
73.	UK FISHERIES BILL
	The Chief Officer presented a report to advise members on the recent publication of the

	UK Fisheries Bill.
	Resolved – That the report be noted.
74.	NEIFCA ANNUAL REPORT
	The Chief Officer presented a report to inform members of the publication of the Annual Report covering the period, 2017/2018, summarising the Authority’s outputs and activities during the year, a full copy of the Annual Report was circulated electronically on 22 November 2018.
	Resolved – That the notes be received.
75.	NEIFCA BYELAWS UPDATE
	<p>The Chief Officer presented a report to update members on all current fisheries byelaw work streams. A new byelaw regulation, Byelaw XXVIII Crustacea Conservation Byelaw 2018 was made by the Authority at its meeting on 14 June 2018, it retained, updated and rationalised existing management regulations covering the exploitation of lobster, edible crab, velvet crab and nephrops within the Authority’s district. Following a period of informal consultation with the MMO IFCA byelaws team, formal public consultation commenced on 15 October 2018 and was scheduled to terminate on 5 December 2018. At the time of writing the report, primary representation had focused on the new proposed vessel size length of 10m for shell fishing inside 3 nautical miles. The following four byelaws which were formally made by the Authority on 27 April 2016 remain in process:</p> <ul style="list-style-type: none"> • 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>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. Since July 2017 the byelaws had passed through two further reviews by the Marine Management Organisation (MMO) and at one point had been signed and formally submitted to Defra but were sent back into the quality assessment process overseen by the MMO. Further delays have resulted from issues surrounding the supporting Regulatory Impact Assessments (RIAs). Since the 25 May 2018 officers had made further submissions and representations, regarding the byelaws, to the MMO IFCA byelaw team via the Authority’s legal advisors. On 8 October 2018 the MMO advised officers that the quality assurance process had now been completed on three of the four byelaws with the exception of the AIS Byelaw which carried a recommendation that it should be subject to a further period of formal consultation. To that end officers commenced a second period of formal consultation on the AIS byelaw alongside the Crustacea Conservation Regulation on 15 October 2018. This consultation period was expected to close on 5 December 2018. At the time of writing the report primary objection to the proposed AIS byelaw had been received from representatives of the Hartlepool and Whitby charter angling vessel owners. These objections had reiterated</p>

	<p>concerns expressed previously following the first consultation process. Members raised concerns over the potential impact the mandatory AIS provision included in the proposed byelaw regulation would have on the charter angling fleet, stating it may put them at a distinct disadvantage to Charter Boats based at ports outside of the Authority's district, and that it may also have VAT implications for their businesses. The Chief Officer did highlight to members that the Authority had a statutory duty to ensure the sustainable management of all sea fisheries resources and at present, the Authority had very little data on exploitation levels by the Charter Angling fleet which might result in more precautionary management measures being taken. It was agreed that the Chief Officer would bring a further report with recommendations to the March Executive committee and the June Authority meeting once all of the comments received during the consultation period had been reviewed by the Authority's officers.</p>
	Resolved – That the notes be received.
76.	MINUTES OF THE EXECUTIVE MEETING HELD ON 06 SEPTEMBER 2018
	Notes of the meeting of the Executive Committee held on 06 September had been circulated for Members' information.
	Resolved – That the notes be received.
77.	REPORT FROM PARTNER ORGANISATIONS – MARINE MANAGEMENT ORGANISATION, ENVIRONMENT AGENCY & NATURAL ENGLAND
	The Marine Management Organisation and Environment Agency partner briefing papers had been circulated prior to the meeting, papers from Natural England were unavailable at the time of printing.
	Resolved – That the notes be received
78.	EXCLUSION OF THE PUBLIC
	That the public be excluded from the meeting for consideration of the following item (Minutes 79) on the grounds that it involves the likely disclosure of exempt information defined in Paragraphs 8 and 9 of part 1 of Schedule 12A of the Local Government Act 1972.
	Resolved – that the public be excluded from the meeting for consideration of the following item (minutes 78).
79.	STAFFING & ORGANISATION REVIEW
	The Chief Officer presented a report to seek the endorsement of members for the commencement of a review of staffing roles, duties and responsibilities and organisational structure to be led by the Chief Officer. The last comprehensive organisational review was initiated in 2012 to support the transition and development of the Sea Fisheries Committee into the IFCA. The findings of the review had been endorsed by the Executive Committee and implemented during 2013/2014. Since then, role of the Authority had continued to develop at pace alongside the day to day duties of

	the staff and the commencement of a new review was now considered timely. Such a review would re-examine the operational structure of the Authority and the roles, duties and responsibilities of the post holders within it. It would include a comprehensive assessment of all associated pay scales including comparisons with other IFCA's and equivalent employers.
	<p>Resolved – (a) That members note the report.</p> <p>(b) That members endorse the commencement of a staffing and organisational review to be led by the Chief Officer in consultation with the Chairman, Clerk and Human Resources.</p> <p>(c) That members' delegate authority to the Executive Committee to provide oversight on the review process and to consider the recommendations emanating from it.</p>
80.	ANY OTHER BUSINESS
	The Chief Officer provided an update on the NEIFCA Permitted Intertidal Netting Fishery and the process that would be followed.
	The meeting closed at 14:15