

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

Chief IFC Officer
David McCandless, BSc. MSc.
Town Hall, Quay Road, Bridlington
East Riding of Yorkshire, YO16 4LP



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Our ref: NEIFCA
Date: 05 March 2019

Dear Member

Executive Meeting of North Eastern Inshore Fisheries & Conservation Authority –
Thursday 14 March 2019

I hereby give you notice that the next Executive Meeting of North Eastern Inshore Fisheries and Conservation Authority will be held on **Thursday 14 March 2019**, at the following venue, **starting at 10:00am:**

Bridlington Business Centre
Enterprise Way
Bessingby Industrial Estate
Bridlington
YO16 4SF

On arrival please ask for David McCandless. Could members please send in any apologies by Friday 8 March 2019, please telephone 01482 393515 or email ne-ifca@eastriding.gov.uk. Thank you to members who have already given their apologies.

Please contact me if you have any queries.

Yours Faithfully

David McCandless
Chief IFC Officer

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

EXECUTIVE MEETING

**Bridlington Business Centre, Enterprise Way, Bessingby Industrial Estate, Bridlington
YO16 4SF**

Thursday 14 March 2019

COMMENCING 10:00am

AGENDA

1. Apologies for absence
2. To take the notes of the last meeting held on 6 September 2018 as a correct record (*page 1-4*)

Items for Decision

3. NEIFCA Annual Plan 2019/2020 - (*page 5-38*)
4. Revenue Budget 2019/2020 - (*page 39-44*)
5. Budget Report 2018/2019 – (*page 45-48*)
6. Risk Management Strategy & Strategic and Operational Risk Register Reviews - (*page 49-64*)
7. NEIFCA Health & Safety Policy & Safe Working Practices 2019/2020 - (*page 65-108*)
8. NEIFCA Byelaws Update - Crustacea Conservation & AIS Byelaws - (*page 109-198*)

Items for Discussion

9. Chief Officer Operational Update - (*page 199-202*)

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

MEETING OF THE EXECUTIVE COMMITTEE

06 DECEMBER 2018

Present

Councillor Ron Allcock
Dr Stephen 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 and the Clerk Caroline Lacey, East Riding of Yorkshire also attended the meeting.

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

72. APOLOGIES

Apologies for absence were received from Council Members Bell and MMO Appointee Elliot and Proctor.

73. 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.

74. TO TAKE NOTES OF THE MEETING HELD ON 06 SEPTEMBER 2018 AS A CORRECT RECORD

The Clerk informed members that she was currently in the process of filing an official complaint to Unison, which will highlight the stress and unacceptable reputational damage their unfounded allegations had placed on staff and the Authority.

Resolved – (a) That the minutes of the meeting held on 06 September 2018 be approved as a correct record and signed by the Chairman.

(b) The Clerk to obtain Legal advice if required following the outcome of the official complaint made to Unison.

75. NEIFCA STANDING ORDERS AND FINANCIAL REGULATIONS

The Clerk presented a report to seek members' approval to adopt amendments to the Standing Orders and Financial Regulations. The Standing Orders and Financial Regulations were reviewed on a periodic basis by the Clerk and the Treasurer through the Executive Committee. Following the most recent review a number of suggested amendments had been made to strengthen the governance and functioning surrounding

membership of both the Authority and its sub-groups. Members discussed how the attendance records and apologies were noted at Authority meetings and agreed that apologies should only be detailed in the minutes from members who had actually provided them by telephone, email etc prior to the meeting.

Resolved – (a) Members noted the report.

(b) The amendments to the Standing Orders and Financial Regulations were approved and adopted.

(c) That Apologies are only detailed within the Authority meeting minutes from members who sent their actual apologies prior to the meeting date, non-attendance would not automatically be noted as an apology for the meeting.

76. REPLACEMENT PATROL VESSEL PROJECT UPDATE

The Chief Officer presented a report to update members on progress with the project to replace the Authority's main patrol vessel.

Resolved – (a) Members noted the report.

77. EXCLUSION OF THE PUBLIC

That the public be excluded from the meeting for consideration of the following item (Minutes 77) 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).

78. NEIFCA STAFFING & OPERATIONAL POLICIES UPDATE

The Chief Officer presented a report to update members on the implementation of three staffing policies, considered at the last meeting of the Executive Committee held on 6 September 2018 and to seek endorsement for the commencement of a wider organisational review. At the last meeting of the Executive Committee held on 6 September 2018, prior to endorsing the proposed Salary Supplement Policy, members requested that further information be provided on the extent of the potential salary gap between key Authority posts and equivalent external posts. Some members voiced concern regarding the potential divisive nature of the policy. Although no representation was received from the Trade Union organisations on the proposed Salary Supplement Policy it was recommended that the policy was not taken forward for the reasons expressed previously by members. It was recommended, however, that members support the commencement of a wider organisational review to examine the operational structure of the Authority and the roles, duties and responsibilities of the post holders within it. Such a review would include a comprehensive assessment of all associated pay scales including comparisons with other IFCA's and equivalent employers. It was proposed that such a review would be led by the Chief Officer. Members supported the commencement of a wider organisational review, and requested that a report is brought to a special meeting of the Executive Committee prior to the June Authority meeting.

Resolved – (a) That members note the report and update

(b) That the Salary Supplement Policy is not implemented.

(c) That members endorse the commencement of a wider organisational review to be led by the Chief Officer in consultation with the Chair, Clerk and Human Resources.

(d) That upon completion of the review members consider any recommendations.

(e) The Chief Officer presents a report on the Organisational Review to a special meeting of the Executive Committee prior to the June Authority meeting.

79. NEIFCA PERMITTED INTERTIDAL NETTING FISHERY 2018/2019

The Chief Officer presented a report to update members on the current situation surrounding the issuing of intertidal fixed netting permits to target sea bass and ongoing legislative conflict with European Fisheries legislation. The Chief Officer informed members that he was in the process of reviewing the email in consultation with the Authority's legal team, the Chairman and Clerk and a response would be sent in due course. As part of that process, the Executive Committee would deal with any subsequent appeals.

Resolved – (a) Members noted the report.

80. MEMBERSHIP OF NATIONAL ASSOCIATION OF IFCAS

The Chief Officer provided a verbal report to advise members on ongoing concerns relating to the functioning and effectiveness of the National Association of IFCAs. The Chief Officer informed members that NEIFCA was one of several Authority's that had supported an independent review of the Association. That review had now been agreed and an organisation appointed to undertake it and was scheduled to commence in the New Year. The Chief Officer agreed to provide further updates to members.

Resolved – Members noted the report.

81. ANY OTHER BUSINESS

Nothing to report.

The meeting closed at 11:20am

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
14 March 2019

NEIFCA Annual Plan 2019/2020

Report by the Clerk & Chief Officer.

A. Purpose of Report

1. To review the Annual Plan for the year 2019/2020.
2. To authorise the drafting of an accompanying annual report, summarising the Authority's main activities and outputs during the 2018/2019 year.

B. Recommendation

1. That members endorse the plan for 2019/2020 for submission to Defra to meet the deadline of 1 April 2019.
2. That members authorise the drafting of an annual report, summarising the Authority's main activities and outputs during the 2018/2019 year for submission to the June 2019 meeting of the full Committee.

1. Background

- 1.1 Section 177 of the 2009 Marine and Coastal Access Act places a statutory duty on Inshore Fisheries and Conservation Authorities (IFCA's) to make and publish an annual plan which sets out the main objectives and priorities for the year ahead.
- 1.2 A draft copy of the plan covering the new 2019/2020 year is attached for members information and review. Central to the new plan, remains the shared national IFCA vision and revised set of national IFCA Success Criteria and indicators endorsed by members at the Authority meeting held on 3 December 2015 (Minute 23 refers). The new plan also provides a summary work programme for the year ahead which is reflective of national, regional and local priorities.

Contact Officer

David McCandless, Chief Officer,
Ext. 3690

North Eastern
Inshore Fisheries
and Conservation
Authority

ANNUAL PLAN

2019/2020



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North Eastern Inshore Fisheries and Conservation Authority

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www.ne-ifca.gov.uk



EXECUTIVE SUMMARY

This is the ninth Annual Plan released by North Eastern Inshore Fisheries & Conservation Authority (NEIFCA). The general format of the plan remains consistent with previous years, providing a guide for work streams during the forthcoming year. The plan links the national IFCA vision, high level objectives and success criteria to local strategic objectives and performance indicators. The plan also highlights how the training and development of the authority's officers and members is incorporated into the delivery of its own local performance indicators and objectives and ultimately the national vision.



VISION

“ To lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry. ”

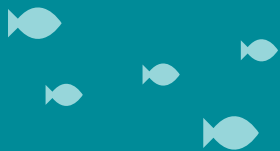
FOREWORD

Outside any agreed transitional arrangements the UK is expected to leave the European Union on 29 March 2019. Many uncertainties remain, particularly in terms of future trading arrangements and long term fisheries policy. Despite the national uncertainties North Eastern IFCA will continue to focus on developing the management and conservation of local fisheries and the wider marine environment. At the same time, it will remain fully engaged with its national partners during 2019, including Defra and the MMO and its member local authorities, in supporting as smooth a transition as possible through the EU exiting process.

Locally the Authority continues to make significant strides in protecting and sustaining both the marine environment and a wide range of commercial fisheries across its district. During 2018 Officers have been working hard to establish a regulatory framework that will significantly improve the Authority's understanding of the levels and patterns of fisheries exploitation occurring across the region and strengthen protection within Marine Protected Area sites. The conservation and management of important shellfish stocks will remain a key focus during 2019 with the further development of a scheme to improve the management of potting effort. Strengthening engagement with the recreational fishing sector is also considered a priority during the forthcoming year. This new plan sets out the Authority's main commitments for the year ahead.

Finally, I would like to encourage all members to become as actively involved as possible during the year ahead and support the important work being delivered by the Authority's officers and staff.

Caroline Lacey Clerk of North Eastern Inshore Fisheries and Conservation Authority



HUMBER BRIDGE

Humber Estuary



INTRODUCTION

PLAN CONTENT

This ninth Annual Plan for North Eastern Inshore Fisheries and Conservation Authority was developed through its main committee and internal working groups. The plan sets out the main performance targets and objectives for the year ahead, facilitating effective performance management and staff development. This plan will continue to be reviewed and updated annually to reflect improvements in performance brought about by achieved targets and any changes in national objectives and success criteria.

FUNCTIONS

The Authority is responsible for managing the exploitation of sea fisheries resources within its area of jurisdiction. This includes all animals and plants which habitually live or are cultivated in the sea. In delivering this function the Authority is required to ensure that all exploitation and development, taking place within its District, is sustainable and socio economic needs are balanced with marine environmental protection. The Authority is also required to balance the needs of all stakeholders exploiting resources within its District and further the conservation objectives of any Marine Conservation Zones (MCZs).

The Authority's principal enforcement functions relate to minimum landing sizes, net and fishing gear regulations, restricted fishing areas, the protection of European Marine Sites (EMSs) and Marine Conservation Zones. Apart from the enforcement of these regulations, the Authority's main fisheries vessel, North Eastern Guardian III (NEG III) also plays a central role in monitoring the impact of offshore activities through the digital recording of sightings information, water column sampling (including temperature, salinity, turbidity, dissolved oxygen), acoustical seabed assessment, underwater and remote camera assessment, grab sampling and wider fisheries stock assessment work using a range of trawls and dredges.

The Authority can make Byelaws (subject to final confirmation by the Department of Environment, Food and Rural Affairs) to address a wide range of local fisheries and marine environmental management issues. This also extends to emergency byelaw regulations which are time limited to a maximum period of eighteen months.

ENVIRONMENTAL RESPONSIBILITIES

The Authority's role in marine conservation and protection continues to develop. The 2009 Marine and Coastal Access Act provides clear duties to ensure that any exploitation of sea fisheries resources is carried out in a sustainable way and the conservation objectives of MCZs are furthered positively.

The Authority is also a statutory consultee for all marine licensing applications and consents occurring within its area of jurisdiction. These include applications relating to the discharge of effluents, marine water extraction, removal and deposition of dredged materials, harbour and coastal construction projects, scientific investigations and renewable energy projects. The Marine Management Organisation (MMO) acts as the primary consultative 'hub' for the majority of licensing applications and consents involving construction. The majority of consultations are now dealt with electronically via a national system operated by the MMO. Key Authority officers are registered on this system and receive electronic alerts when relevant licensing consents are opened for consultation, comments are then drafted and submitted electronically on behalf of the Authority. This work is currently led by the Authority's Environmental Officer. Any consents relating to discharge or extraction are managed by the Environment Agency and a similar electronic consultation process is in place to deal with those also.

In addition, the Authority is also a "Relevant and Competent Authority" under the Conservation (Natural Habitats, &c.) Regulations 1994. This means that the Authority, along with other partners, has a statutory duty to ensure that the conservation objectives of European marine sites are upheld. Currently three European Marine Sites are designated within the Authority's jurisdiction: Tees Mouth and Cleveland, Flamborough Head and the Humber Estuary. Each site is subject to a single scheme of management which is specifically tailored to protect and conserve its sensitive environmental features such as salt marsh areas or sub-tidal reef habitat. The delivery of the management schemes is overseen by a dedicated project officer who coordinates the work of the relevant Authorities, including IFCAs, through a formal management group. NEIFCA officers are actively involved in all three schemes of management and are currently playing a crucial role in ensuring positive delivery of the associated management schemes and appropriate protection and conservation of the three important sites.

During 2012 Defra commenced a project aimed at strengthening the assessment and management of fishing activities within European Marine Sites to ensure much greater compliance with Article 6 of the Habitats Directive. All UK sites and associated fishing activities have now been categorised according to their features and the level of risk presented by both current and potential fishing activities. The sites at highest risk have been designated as red risk with an expectation that associated designated features would be subject to formal protection by December 2013.

During 2013 two byelaws were developed to protect 'red risk' features within the Flamborough Head and Humber Estuary European Marine Sites. During 2017 four further byelaw regulations were made to strengthen the management of

'Amber risk' activities. This particular work stream has since been expanded to include other MPA sites such as Marine Conservation Zones and associated objectives and outputs have been incorporated within this plan.



AUTHORITY AREA

The District of the Authority extends six nautical miles seaward from the baselines, from the River Tyne to a point drawn True East from 'Haile Sand Fort' on the North East Lincolnshire Authority boundary, close to Humberston, on the South Bank of the Humber Estuary. The District also encompasses all estuarine areas, landward to tidal limits, occurring within the boundaries of member Local Authorities.



- | | | | |
|---|--------------|----|------------------|
| 1 | River Tyne | 1 | South Shields |
| 2 | River Wear | 2 | Sunderland |
| 3 | River Tees | 3 | Seaham |
| 4 | River Esk | 4 | Hartlepool |
| 5 | River Humber | 5 | South Gare |
| 6 | River Ouse | 6 | Redcar |
| 7 | River Trent | 7 | Marske |
| | | 8 | Saltburn |
| | | 9 | Skinningrove |
| | | 10 | Staithe |
| | | 11 | Port Mulgrave |
| | | 12 | Runswick Bay |
| | | 13 | Sandsend |
| | | 14 | Whitby |
| | | 15 | Robin Hoods Bay |
| | | 16 | Scarborough |
| | | 17 | Filey |
| | | 18 | Flamborough Head |
| | | 19 | Bridlington |
| | | 20 | Hornsea |
| | | 21 | Tunstall |
| | | 22 | Withernsea |
| | | 23 | Kilnsea |
| | | 24 | Stone Creek |
| | | 25 | Hull |
| | | 26 | Immingham |
| | | 27 | Grimsby |
| | | 28 | Cleethorpes |
| | | 29 | Humberston |

FUNDING

LEVY

The levy for the 2019/2020 financial year has been agreed and set by Authority members at £1,224,320. The Authority's budget has been reviewed by the Chief Officer and his senior management team, together with the Clerk and Treasurer, to identify the level of expenditure necessary to meet operational priorities through to 31 March 2020.

OVERALL BUDGET

The Authority's budget is spent in the following major areas:

CENTRAL MANAGEMENT BUDGET

Expenditure relating to the cost of corporate management and administrative support, including Human Resource, Legal, financial, administrative support

and training. The draft budget resources the main objectives and work priorities for the year ahead in order to deliver the strategic 'road map' towards the achievement of both the Authority's overarching national vision and local priorities. It has been produced in line with the Annual Plan and Strategic Risk Register.

OPERATIONS

Direct expenditure incurred in the performance of the Authority's objectives, comprising land-based, offshore and environmental activities, including salaries and asset running costs relating to vessel and vehicle fuel, maintenance, berthing fees, storage costs, leasing and hire costs and the purchase of equipment.

Proposed operational budget for the Authority for 2019/2020

Net Expenditure

Central Management **£402,420**

Operations

Land Based **£132,200**

Offshore Operations **£466,150**

Environment **£110,650**

Grant Funded **£ 0**

Net Cost of Service £1,111,420

Funding (Contribution)

Contribution to **£102,900**

Renewals Fund

Contribution to Vehicle **£10,000**

Replacement Reserve

Local Authority Levy £1,224,320

FINANCIAL RISKS

The Bank of England's inflation report for February 2019 shows that CPI has fallen to 2.1% and predicts the level of CPI to dip temporarily below its target of 2% in the coming months before rising back above the target in 2020. NEIFCA will experience this inflationary pressure as a significant amount of its budgeted costs such as fuel and other supplies are subject to the effect of a relatively weaker pound. The exit from the European Union is also anticipated to result in increased inflation. It is also recognised that the risk to NEIFCA's financial outlook has heightened including the specific grant Local Authorities receive for IFCAs and in relation to potential future pressures on resources from other agencies on NEIFCA to support national work streams.

Maintenance of the patrol vessel is usually cyclical in nature and can be planned. However a catastrophic event, such as engine failure, could potentially leave the Authority exposed to substantial additional expenditure. Whilst most such events would be insured, the Authority would likely be expected to incur the expenditure in the first instance. As the vessel ages the risk of higher maintenance requirements become ever more likely.

The next triennial valuation of the East Riding Pension Fund, due in 2020/21, may result in a budget pressure.

Reserves are held to manage the above risks. In the short-term the general reserve will be available to meet the ongoing known risks above.

RESERVES

Reserves are held to manage the above risks. In the short-term the general reserve will be available to meet the ongoing known pressures, but it is expected that proposed charges or additional income will eventually balance the budget. The Authority maintains a general reserve to meet unforeseen events and specific reserves to even out cash flow for individual projects or purchases. The Authority currently holds three specific reserves.

GENERAL RESERVE

The general reserve enables the Authority to demonstrate its financial standing as a 'going concern', to be in a position to meet unforeseen liabilities. The actual level of reserves is subjective, since any such liability is neither known nor anticipated. Setting the level of general reserves is just one of several related decisions in the formulation of the budget for a particular year. Account is taken of the key risks, stated above, that could impact on the financial assumptions underpinning the budget alongside a consideration of the Authority's financial management arrangements. A good track record for managing in-year budget pressures and operation of robust financial reporting arrangements is evident. At 31 March 2018, the balance on the general reserve was £228,449, which represents 19% of the annual levy for 2019/20. It is anticipated this can be maintained until 31 March 2020. This is a reasonable level of balances for the Authority to hold.

RESERVES

SPECIFIC RESERVES

In 2011/12 the Authority created an earmarked 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.

The Authority also holds a reserve to balance out cash flows in respect of externally funded projects. The balance on this reserve at 31 March 2018 was £81,057, however the balance on the Carnaby storage unit reserve is no longer required and it is proposed to transfer the balance of £8,936 into the external projects reserve, increasing it to £89,993. The regulatory impact of the Automatic Identification System (AIS) project is anticipated to cost £103,350 and it is anticipated that the shortfall of £13,357 can be met from within budget in 2019/20 and 2020/21.

£80,000 plus accrued interest had been set aside annually in order to plan for the replacement of the vessel and this was increased in 2018/19 to £100,000 plus accrued interest. The original amount of £80,000

was equal to the annual net depreciation charge assuming the vessel had a 12-year life and a residual value of approximately £1.2m, however estimates of the total cost of replacing the boat are between £3.5m and £4.5m and external funding is now very limited. The balance in the renewals fund is estimated to be £1,078,090 at 31 March 2020.

A vehicle replacement reserve has been set up to fund the maintenance and replacement of vehicles and the balance of this is estimated to stand at zero at 31 March 2019, with the replacement of two vehicles required before 31 March 2019. 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 utility vehicle. 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 and the annual set aside of £10,000 is proposed to be maintained at the same level.

ASSETS

The Authority's largest asset is a 26m-patrol boat, the 'North Eastern Guardian III' (built and delivered November 2007, capable of a top speed of 26 knots and equipped with the latest electronic navigation systems and marine survey and monitoring equipment. The vessel also carries a 6.4 metre RIB capable of speeds up to 30 knots. During the 2013/2014 year the Authority purchased a 4.7 m RIB specifically designed for launching and recovery from the shore. This RIB provides a small, flexible asset, easily deployed from a wide range of locations and capable of a top speed of 20 knots.

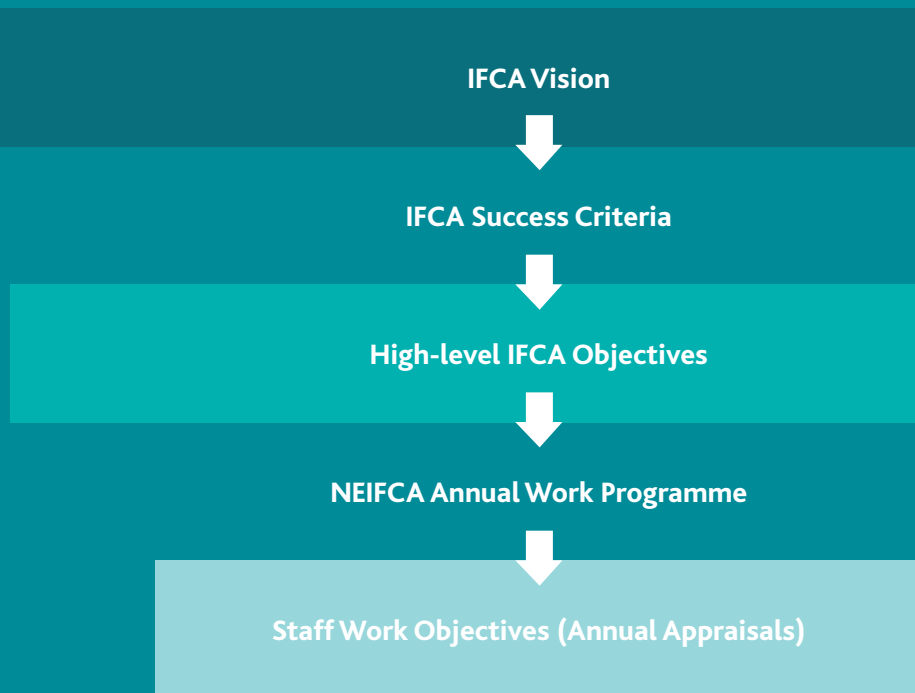
The Authority leases a number of vehicles including one 4x4 truck and four multi-purpose vans. In addition the Authority owns a further 'second-hand' 4x4 vehicle and a small all terrain vehicle. All The vehicles are used to transport and launch vessels, equipment and access coastal and estuarine areas.

The Authority employs sixteen dedicated staff members with a wide variety of expertise and high levels of competency.



CONSTITUTION

The Authority's work programme for the year ahead is reviewed and adopted annually, reflecting local, regional and national priorities for the year ahead. The relationship between the national IFCA vision, national objectives and the annual work programme is diagrammatically represented below:



North Eastern Inshore Fisheries and Conservation Authority is one of ten such Authorities established in October 2010 under provisions contained within the Marine and Coastal Access Act 2009.

On 1 April 2011 the Authority assumed full statutory responsibility for managing the exploitation of sea fisheries resources within its jurisdiction.

The Authority currently consists of representatives from the eleven coastal Local Authorities within its area, comprising 13 Local Authority members, together with 14 members appointed by the Marine Management Organisation and singular members representing Natural England, the Environment Agency and the Marine Management Organisation. The total membership of the Authority is 30 members.



HARBOUR

Scarborough, North Yorkshire



MEMBERSHIP OF THE AUTHORITY

APPOINTED BY CONSTITUENT AUTHORITIES:

EAST RIDING OF YORKSHIRE COUNCIL

Cllr. C Matthews, (C, E)
Cllr. J Owen

DURHAM COUNTY COUNCIL

Cllr. C Bell (E)

HARTLEPOOL BOROUGH COUNCIL Cllr.
K Cranney

HULL CITY COUNCIL

Cllr. P Allen

NORTH EAST LINCOLNSHIRE COUNCIL

Cllr. S Harness

NORTH LINCOLNSHIRE COUNCIL

Cllr. R Allcock (E)

NORTH YORKSHIRE COUNTY COUNCIL

Cllr. T Randerson (E)
Cllr. D Chance

REDCAR AND CLEVELAND BOROUGH COUNCIL

Cllr. R. Norton

SOUTH TYNESIDE METROPOLITAN BOROUGH COUNCIL

Cllr. E Gibson

STOCKTON-ON-TEES BOROUGH COUNCIL

Cllr. M Smith

SUNDERLAND CITY COUNCIL

Cllr. R. Atkinson

APPOINTED BY MARINE MANAGEMENT ORGANISATION

Dr S Axford (VC, E

Mr A Faichney

Mr M Montgomerie

Mr N Proctor (E

Mrs K T Carter (E

Professor Mike Elliott

Mr J Whitton

APPOINTED BY MARINE MANAGEMENT ORGANISATION

Mr R Houghton

Mr G Redshaw (E)

Mr S Wood

Mr R Acker

Mr P MacMullen

NOMINATED BY MARINE MANAGEMENT ORGANISATION

Mr A Newlands

APPOINTED BY THE ENVIRONMENT AGENCY

Mr M Christmas

APPOINTED BY NATURAL ENGLAND

Miss E Browne

(C) Chairman

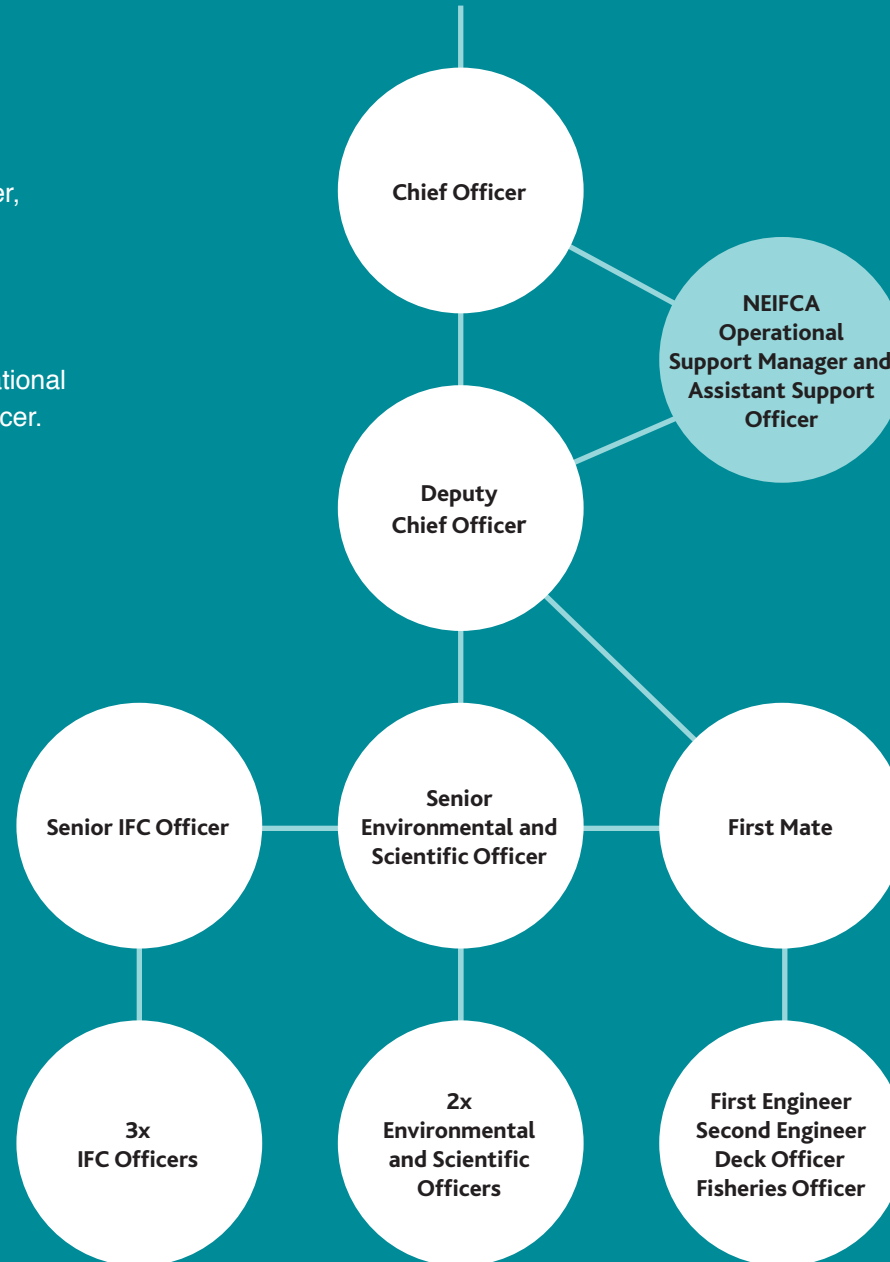
(VC) Vice Chairman

(E) Members of the Executive
Committee

STAFF & STRUCTURE

The Authority is a direct employer having an establishment currently comprising a Chief Officer, Deputy Chief Officer, Senior Inshore Fisheries and Conservation (IFC) Officer, three shore based IFC Officers, five offshore IFC Officers, a Senior Environmental and Scientific Officer, two Environmental and Scientific Officers, one Operational Support Manager and one Assistant Support Officer.

NEIFCA COMMITTEE



SERVICE STANDARDS

- 🐟 Staff will identify themselves when dealing with you
- 🐟 Aim to answer 95% of telephone calls within 7 rings in normal working hours
- 🐟 Respond to general correspondence within 5 working days
- 🐟 Respond to email correspondence within two working days (we will respond by email)
- 🐟 Deal with complaints in accordance with the feedback procedure
- 🐟 Be courteous and helpful
- 🐟 Provide information on our services and facilities
- 🐟 Consult on important issues and ask your views about our services
- 🐟 Greet you within 5 minutes when attending one of our offices
- 🐟 Provide confidential interview facilities
- 🐟 Provide an SF1 inspection record form at the end of any premise, vessel or vehicle inspection
- 🐟 Notify offenders against legislation whether a prosecution is to be undertaken within 6 months of detection of the offence

TRAINING AND DEVELOPMENT PLAN

North Eastern Inshore Fisheries and Conservation Authority is committed to the training and development of all its staff and members. It is accepted that, to match the changing requirements of the Authority's employees, training needs must be regularly reviewed and the opportunity to do this is provided through an Employee Development Review (EDR) mechanism. This procedure allows for strategic issues to be converted into personal objectives and assists in the achievement of the Authority's objectives and the national IFCA vision set out in this Annual Plan.

The Authority's Training and development Plan is compiled from the results of the EDR interviews and through consultation with individual staff and line managers.

It is important that training and development activities are focused on those areas which are relevant to the workplace and that there is the commitment from both the employee and manager. The Authority views training and development in a much wider and holistic sense, including not only specific formal 'class room' based training courses but also conferences, seminars, workshops, presentations to external groups and representing NEIFCA at relevant public events.

CORE STRATEGIES

The work of the Authority is guided by a number of core or 'key' strategies and policies which are integral to this plan and its successful implementation. These strategies are reviewed and updated regularly by the Authority. The Risk management policy and associated risk registers are reviewed and considered on a sixth monthly basis or quarterly if required. Other strategies, such as enforcement and compliance and research are reviewed on an annual basis. The core or key policies which inform the work of NEIFCA are summarised as follows:

ENFORCEMENT AND COMPLIANCE POLICY

This enforcement policy statement has been drafted in accordance with the Regulators' Compliance Code and the regulatory principles required under the Legislative Regulatory Reform Act 2006.

It sets out the general principles and approach which NEIFCA is expected to follow. The appropriate use of enforcement powers, including prosecution, is important both to secure compliance with the law and to ensure those who have duties under it may be held to account for harm caused to the marine ecosystem.

RESEARCH STRATEGIES

The Authority's research work includes fisheries stock assessment programmes, environmental research and monitoring work and occasional 'ad hoc' project initiatives. This work is supported and informed by an annual research strategy and and five year strategic plan. The content of the research strategy is agreed annually by the Authority's Science Advisory Group and reviewed throughout the year. The strategy can also be updated to support the planning and delivery of national work streams as and when they arise.

RISK MANAGEMENT STRATEGY

The aim of this strategy is to manage risk and to successfully integrate risk management into existing business and management processes. Risk management is a key part of this Authority's corporate governance arrangements providing assurance to meet the requirements of the Accounts and Audit Regulations 2003 and was reviewed and adopted by the Authority at its meeting held on 14 March 2019.

STRATEGIC ENVIRONMENTAL ASSESSMENT

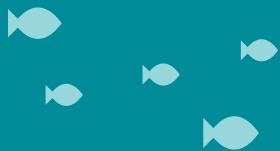
Is a statutory process which aims to provide high level protection of the environment and to ensure integration of environmental considerations in the preparation and adoption of plans and programmes with a view to promoting sustainable development. This methodology now forms the foundations of the Authority's fisheries management processes.

SUCCESS CRITERIA

To support the delivery of the national IFCA vision, IFCAs have agreed a revised set of success criteria matched with corresponding high-level objectives. The vision, success criteria and high level objectives are designed to assist in the creation of a shared understanding of the collective aims and objectives of IFCAs, and focus service delivery towards achievement of the national vision. These national IFCA performance criteria also link directly to the UK Marine Policy statement.

The following success criteria have been agreed and adopted nationally

- 1 IFCAs are recognised and heard, whilst working in partnership and engaging with stakeholders;
- 2 IFCAs implement a fair, effective and proportionate enforcement regime;
- 3 IFCAs use evidence based and appropriate measures to manage the sustainable exploitation of sea fisheries resources and deliver marine environmental protection within their districts;
- 4 IFCAs have appropriate governance in place and staff are trained and professional;
- 5 IFCAs make the best use of evidence to deliver their objectives;



DELIVERABLES

WORKING LEVEL OBJECTIVES

Maintain a database of stakeholder contacts updated annually.

Maintain and review a communication strategy annually.

Review and update website by end of each Month.

Review and update national MoUs annually.

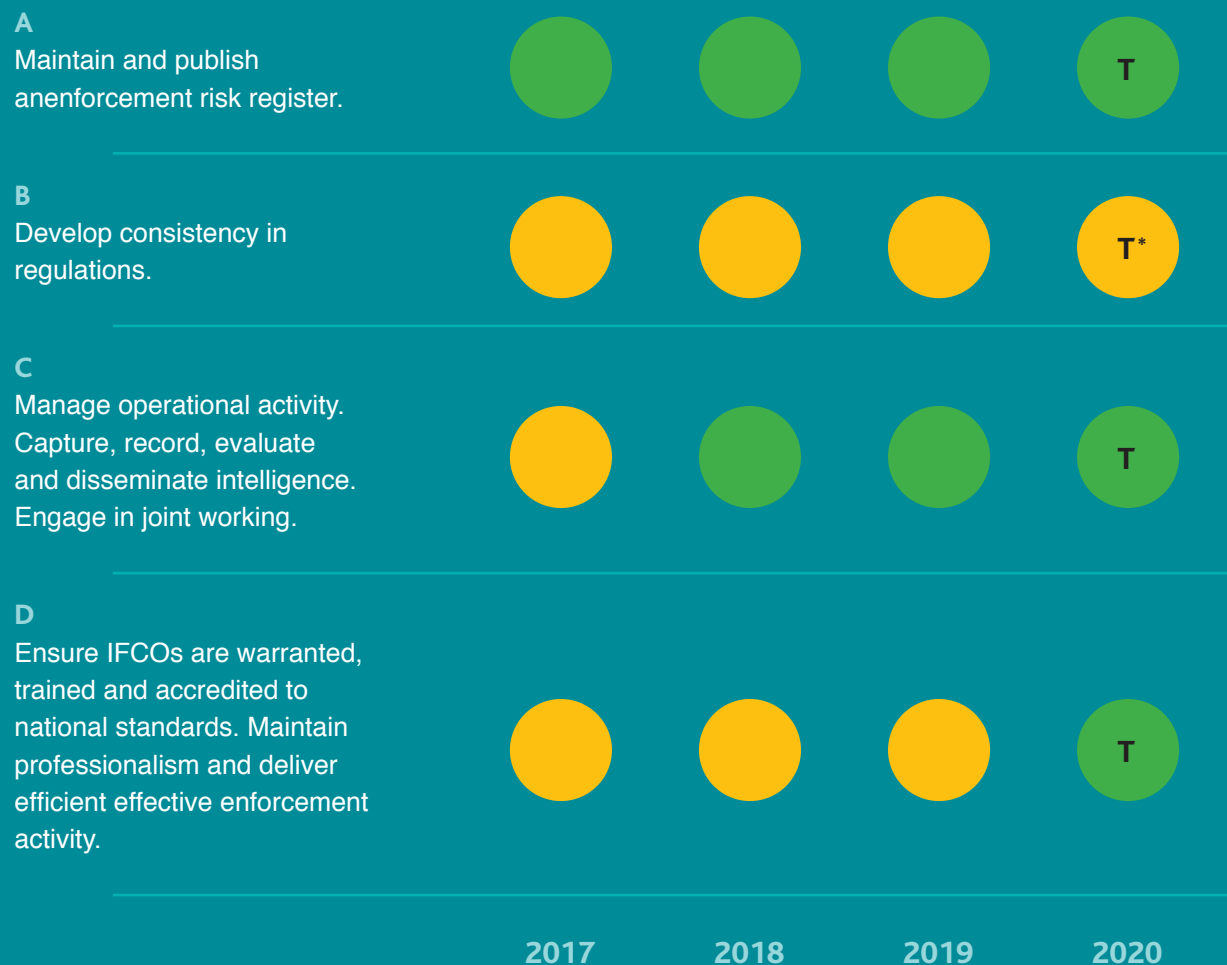
SUCCESS CRITERIA 1

IFCAs are recognised and heard, whilst working in partnership and engaging with stakeholders.

A Implement an effective communication strategy.				
B Maintain a website.				
C Maintain MoUs with the MMO, Natural England, Environment Agency & CEFAS and explore and implement opportunities for effective joint working.				
	2017	2018	2019	2020

SUCCESS CRITERIA 2

IFCAs implement a fair, effective and proportionate enforcement regime.



● Achieved / Delivered ● Partially Achieved / In Progress ● Not Achieved / Implemented T Target

* This is an ongoing national work stream in partnership with both Defra and the MMO.

DELIVERABLES

WORKING LEVEL OBJECTIVES

Enforcement strategy and risk register are published annually from 1 April each year.

Detail application and enforcement of management measures within Annual Report.

Compile and publish records of enforcement activity in standard format.

Adopt, review and publish national code of conduct for IFCOs & integrate with annual appraisal process.

Warranted officers attain national accreditation and continue professional development.

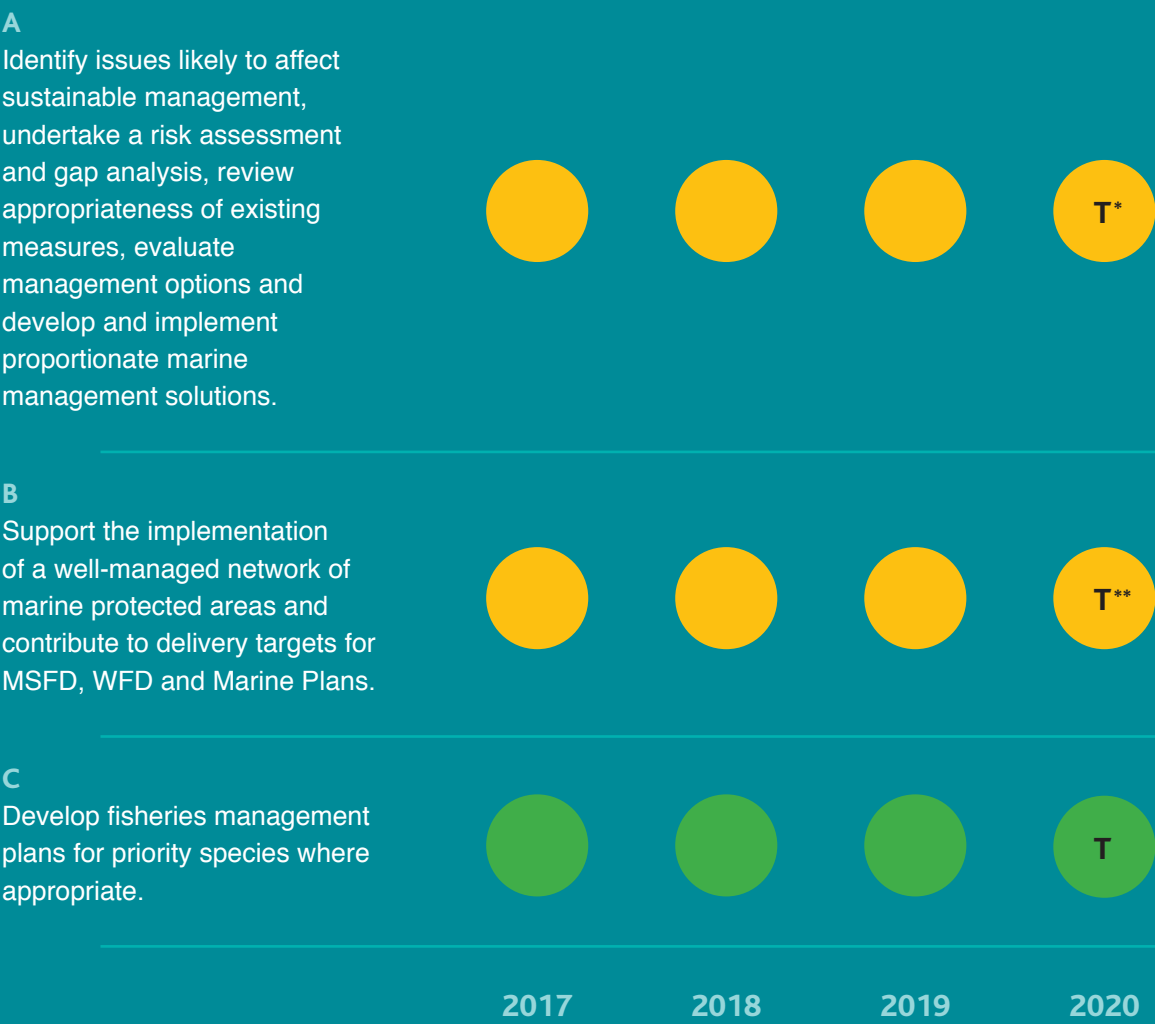
DELIVERABLES

WORKING LEVEL OBJECTIVES

- Record site-specific management considerations for MPAs and report progress.
- Publish data analysis and evidence supporting new management measures.
- Collect information to assess the effectiveness of new management measures.
- Develop of a range of criteria based management options which are reviewed and updated annually.
- Deliver new management measures within agreed timescales.
- Management plans published annually and progress noted in Annual Report including MSY commitments.

SUCCESS CRITERIA 1

IFCAs are recognised and heard, whilst working in partnership and engaging with stakeholders.



● Achieved / Delivered ● Partially Achieved / In Progress ● Not Achieved / Implemented T Target

* Due to the dynamics and complexities of assessing sustainable management this will remain an 'in progress' work stream for the Authority.

** Due to the dynamics and complexities of assessing well managed MPAs this will remain an 'in progress' work stream for the Authority.

SUCCESS CRITERIA 2

IFCAs implement a fair, effective and proportionate enforcement regime.

A

Demonstrate a long-term strategic approach to sustainable marine management.



B

Staff performance management systems are in place that link to IFCA success criteria. Induction procedure for new joiners. Staff training and development needs identified. Performance managed.



C

Efficient and effective secretariat in place to support the Authority. New members will receive an induction pack. There will be a 'rolling' twelve month schedule of Authority meetings. Notice of meetings and documentation will be made available in line with standing orders.



D

IFCA Committee meetings will be held in public unless material is either confidential or exempt.



2017

2018

2019

2020

DELIVERABLES

WORKING LEVEL OBJECTIVES

Annual plan published by 31 March each year and submitted to the Secretary of State.

Annual report produced and published by 30 November each year and submitted to the Secretary of State.

All staff have annual performance management plans in place and annual appraisals are completed by 31 May each year.

An efficient secretariat of IFCA staff support IFCA Authority meetings.

Annual report demonstrates how marine, land and water management mechanisms have worked responsively and effectively together.

All MMO appointees to the Authority complete an annual appraisal review.

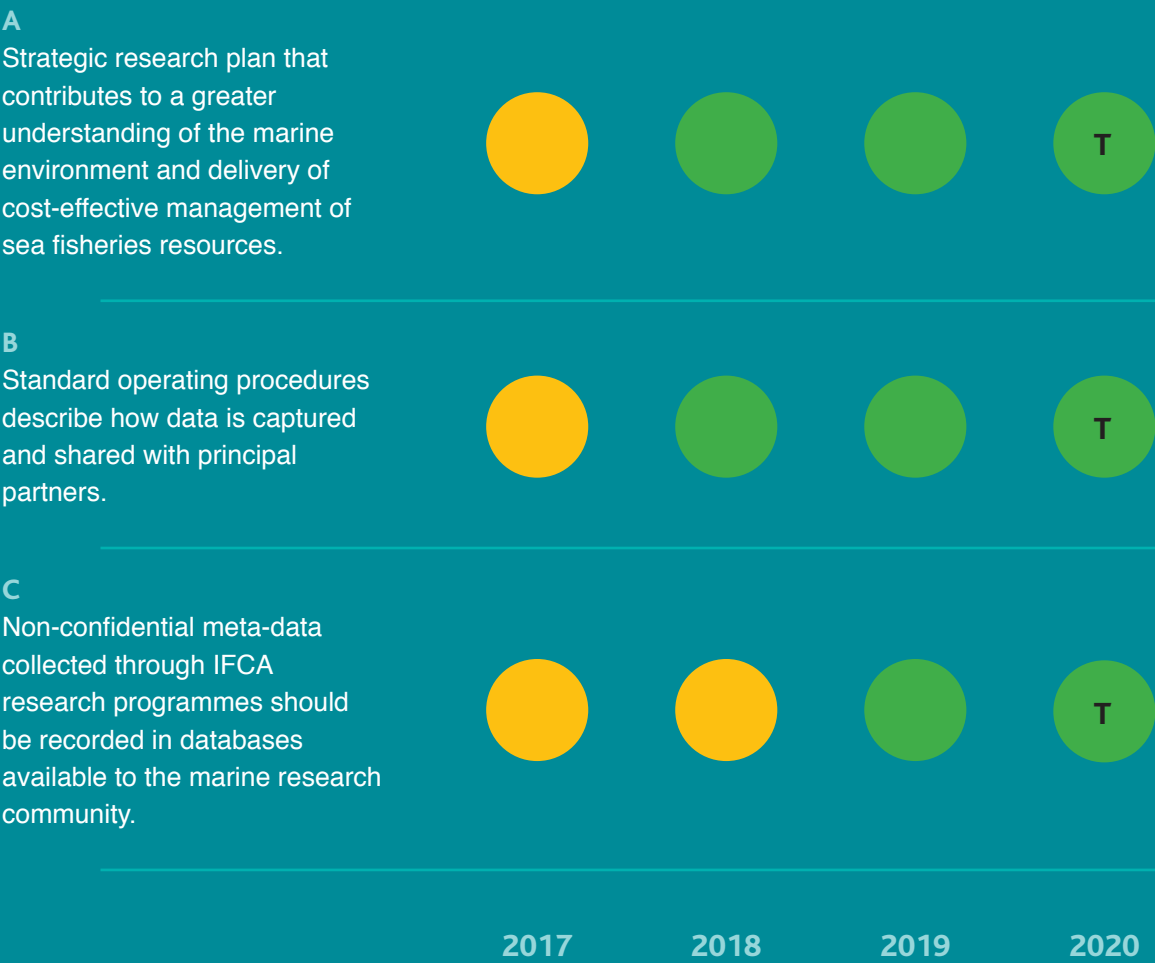
DELIVERABLES

WORKING LEVEL OBJECTIVES

- An annual research plan will be published each year.
- An annual research report will be published each year.
- The Authority’s contribution to TAG and progress towards a national evidence needs programme will be recorded within the Annual Report.

SUCCESS CRITERIA 1

IFCAs are recognised and heard, whilst working in partnership and engaging with stakeholders.



EUROPEAN PLAICE

Pleuronectes platessa



SUMMARY WORK PROGRAMME 2019 / 20

Authority Officers and members have developed the following summary work programme for the year ahead. The work programme covers a wide range of national and regional priorities and links to the delivery of the national IFCA Success Criteria.

FISHERIES ENFORCEMENT

Continue active engagement within the national collaborative fisheries intelligence gathering project including tasking and coordination.

Deliver a comprehensive fisheries patrol service throughout the NEIFCA district.

Actively support and engage in joint agency enforcement work throughout the year.

Ensure continuous development and training of all 'front line' enforcement staff.

FISHERIES REGULATIONS

Implement new byelaw regulations governing mandatory AIS, Catch and Effort returns, fixed netting, crustacea management and the management of trawling activities in the Humber.

Develop new byelaw regulations supporting the effective management of potting effort within the Authority's district.

Maintain an active and proactive educational programme providing regular information updates on both current and proposed fisheries regulations.

SUMMARY WORK PROGRAMME 2019/20

ENVIRONMENTAL & RESEARCH

Continue scrutiny and review of all marine licensing applications within the NEIFCA district with a focus on those relating to 'mine water' discharge, aggregate dredging, cabling and pipelines.

Continue stock and environmental monitoring programmes both onshore and offshore with a focus of scallops, crustaceans, nephrops, sea bass and eelgrass.

Continue MPA monitoring and assessment work with a focus on MCZ sites.

ADMINISTRATION

Continue to provide an efficient administrative support service to the Authority and its sub committees.

Commission and implement a new Authority website.

Provide an effective and efficient service to all fishing permit holders.

Ensure timely payment of invoices to suppliers.

Oversee and support an efficient payroll service.

TRAINING & DEVELOPMENT

Maintain all training and development programmes in line with the Authority's training plan.

Maintain an active training and development programme for all Authority members.

ORGANISATIONAL

Complete a detailed review of the organisation including structure, roles, duties, responsibilities and remuneration of staff with oversight provided by the Authority's Executive Committee.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Meeting
14 March 2019

DRAFT BUDGET 2019/20

Report of the Treasurer

A. Purpose of Report

To inform Members of the draft budget for 2019/20

B. Recommendations

- a) That the draft budget for 2019/20 be approved
- b) That the level of general reserves is maintained at £228,449 (19%) of the annual levy

1. Introduction

- 1.1 At its meeting on 6 December 2018, the Authority set the levy for the North Eastern Inshore Fisheries and Conservation Authority at £1,224,320 for 2019/20. The Authority resolved that a detailed budget be brought to the Executive for approval on 14 March 2019.
- 1.2 The Authority's budget has been reviewed in detail by the Chief Officer and his senior management team, together with the Treasurer, to identify the level of expenditure necessary to meet operational priorities through to 31 March 2020.

2. Overall Budget

- 2.1 The Authority's budget is spent in the following major areas –

Central Management Budget: Expenditure relating to the cost of Corporate Management and administrative support.

Operations: Direct expenditure incurred in the performance of the Authority's objectives, comprising land-based, offshore and environmental activities.

- 2.2 The draft budget resources the main objectives and work priorities for the year ahead in order to deliver the requirements of both the adopted national vision and the Authority's local priorities. It has been produced in line with the Annual Plan and Strategic Risk Register.

- 2.3 The following table summarises the proposed operational budget for the Authority for 2019/20. Further details are shown in Appendix A.

Net Expenditure	£
Central Management	402,420
Operations	
Land Based	132,200
Offshore Operations	466,150
Environment	110,650
Grant Funded	0
Net Cost of Service	1,111,420
Funding	
Contribution to Vehicle Replacement Reserve	10,000
Contribution to Renewals Fund	102,900
Local Authority Levy	1,224,320

3. Risk

- 3.1 The Bank of England's inflation report for February 2019 shows that CPI has fallen to 2.1% and predicts the level of CPI to dip temporarily below its target of 2% in the coming months before rising back above the target in 2020. NEIFCA will experience this inflationary pressure as a significant amount of its budgeted costs such as fuel and other supplies are subject to the effect of a relatively weaker pound. The exit from the European Union is also anticipated to result in increased inflation.
- 3.2 Maintenance of the patrol vessel is usually cyclical in nature and can be planned. However a catastrophic event, such as engine failure, could potentially leave the Authority exposed to substantial additional expenditure. Whilst most such events would be insured, the Authority would likely be expected to incur the expenditure in the first instance. As the vessel ages the risk of higher maintenance requirements become more likely.
- 3.3 The next triennial valuation of the East Riding Pension Fund, due in 2020/21, may result in a budget pressure.
- 3.4 Reserves are held to manage the above risks. In the short-term the general reserve will be available to meet the ongoing known risks above.

4. Reserves

- 4.1 The Authority maintains a general reserve to meet unforeseen events and specific reserves to even out cash flow for individual projects or purchases (Appendix B). The Authority currently holds five specific reserves.

5. General Reserve

- 5.1 The general reserve enables the Authority to demonstrate its financial standing as a 'going concern', to be in a position to meet unforeseen liabilities. The actual level of reserves is

subjective, since any such liability is neither known nor anticipated. Setting the level of general reserves is just one of several related decisions in the formulation of the budget for a particular year. Account is taken of the key risks, stated above, that could impact on the financial assumptions underpinning the budget alongside a consideration of the Authority's financial management arrangements. A good track record for managing in-year budget pressures and operation of robust financial reporting arrangements is evident.

- 5.2 At 31 March 2018, the balance on the general reserve was £228,449, which represents 19% of the annual levy for 2019/20. It is anticipated this can be maintained until 31 March 2020. This is a reasonable level of balances for the Authority to hold.

6. Specific Reserves

- 6.1 In 2011/12 the Authority created an earmarked 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.
- 6.2 The Authority also holds a reserve to balance out cash flows in respect of externally funded projects. The balance on this reserve at 31 March 2018 was £81,057, however the balance on the Carnaby storage unit reserve is no longer required and it is proposed to transfer the balance of £8,936 into the external projects reserve, increasing it to £89,993. The regulatory impact of the Automatic Identification System (AIS) project is anticipated to cost £103,350 and it is anticipated that the shortfall of £13,357 can be met from within budget in 2019/20 and 2020/21.
- 6.3 £80,000 plus accrued interest had been set aside annually in order to plan for the replacement of the vessel and this was increased in 2018/19 to £100,000 plus accrued interest. The original amount of £80,000 was equal to the annual net depreciation charge assuming the vessel had a 12-year life and a residual value of approximately £1.2m, however estimates of the total cost of replacing the boat are between £3.5m and £4.5m and external funding is now very limited. The balance in the renewals fund is estimated to be £1,078,090 at 31 March 2020.
- 6.4 A vehicle replacement reserve has been set up to fund the maintenance and replacement of vehicles and the balance of this is estimated to stand at zero at 31 March 2019, with the replacement of two vehicles required before 31 March 2019. 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 utility vehicle. 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 and the annual set aside of £10,000 is proposed to be maintained at the same level.

Contact Officer

Stephen Chandler (Tel 01482 394270)
Finance Manager, East Riding of Yorkshire Council

Stephen Chandler
Treasurer

Background Papers

NEIFCA Budget File

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Appendix A

2019/20 DRAFT BUDGET

	Central Management	Land Based Operations	Offshore Operations	Environment	Funded Projects	2019/20 Draft Budget	2018/19 Budget
	£	£	£	£	£	£	£
EXPENDITURE							
Employee Expenses							
Pay, NI and Superannuation	137,370	123,590	278,220	104,200	0	643,380	625,550
Other Employee Costs	28,740	860	1,300	650	35,000	66,550	177,230
Premises	9,720	0	20,710	0	0	30,430	30,430
Transport							
Patrol Vessel Running Costs	0	0	166,120	0	0	166,120	166,120
Vehicle Running Costs	32,340	0	0	0	0	32,340	33,790
Travel and Subsistence	31,700	150	2,800	1,100	0	35,750	35,750
Supplies and Services	78,100	7,600	9,000	4,700	0	99,400	95,400
Support Services	93,230	0	0	0	0	93,230	91,500
	411,200	132,200	478,150	110,650	35,000	1,167,200	1,255,770
INCOME							
Grants and Contributions	0	0	0	0	-35,000	-35,000	-144,580
Other Income	-8,780	0	-12,000	0	0	-20,780	-23,780
	-8,780	0	-12,000	0	-35,000	-55,780	-168,360
NET EXPENDITURE	402,420	132,200	466,150	110,650	0	1,111,420	1,087,410
REPRESENTED BY							
Annual levy on Local Authorities						1,224,320	1,200,310
Contribution to Vehicle Replacement Reserve						-10,000	-10,000
Contribution to Renewals Fund						-102,900	-102,900
						1,111,420	1,087,410

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 five specific reserves.

The actual opening balances at 1 April 2019 will be known once the 2018/19 accounts for NEIFCA have been completed. The following tables project the latest budget monitoring position for 2018/19, together with the proposals contained in the draft budget for 2019/20

	2018/19	2019/20
General Reserve	£	£
Balance brought forward	228,449	228,449
Transfer from Revenue	0	0
Balance carried forward	228,449	228,449
Patrol Vessel Maintenance	£	£
Balance brought forward	50,000	50,000
Transfer from Revenue	0	0
Balance carried forward	50,000	50,000
External Projects	£	£
Balance brought forward	81,057	89,993
Transfer from Carnaby Storage Unit	8,936	0
Balance carried forward	89,993	89,993
Carnaby Storage Unit	£	£
Balance brought forward	8,936	0
Transfer to External Projects	-8,936	0
Balance carried forward	0	0
Renewals Fund	£	£
Balance brought forward	872,290	975,190
Transfer from Revenue	102,900	102,900
Balance carried forward	975,190	1,078,090
Vehicle Replacement	£	£
Balance brought forward	20,000	10,000
Usage	-20,000	0
Transfer from Revenue	10,000	10,000
Balance carried forward	10,000	20,000
TOTAL USEABLE RESERVES	1,353,632	1,466,532

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Meeting
14 March 2019

BUDGET MONITORING 2018/19

Report by the Treasurer

A. Purpose of Report

To advise Members of the budget position at the end of month 10 (January) in 2018/19

B. Recommendation

That the budget monitoring position is noted

1. Introduction

- 1.1 A detailed budget monitoring exercise is undertaken monthly by the Treasurer in consultation with the Chief Officer. This analyses individual budget lines in terms of the current expenditure and allows for projections to the end of the financial year.
- 1.2 This report provides the overall position and any areas whereby an explanation is required of any notable variance on the Authority's spending to the end of January 2019.
- 1.3 At its meeting on 7 December 2017, the Authority set a levy totalling £1,200,310 for the current financial year, including £100,000 plus accrued interest transferred to the renewals fund and £10,000 transferred to the vehicle replacement reserve.
- 1.4 At the Executive meeting on 6 September 2018 and the Authority meeting held on 6 December 2018, a projected balanced budget was reported.

2. Spending to 31 January 2019

- 2.1 Appendix A summarises the expenditure and income for the Authority for the ten months to January of the financial year and compares it with the budget. The appendix shows both subjective and objective net expenditure for the period.

- 2.2 At the end of January 2019, the Authority has net expenditure of £876,717 against an expected £883,168, underspending by £6,451. The projected outturn shows a balanced budget. The major variances in the projected outturn are as follows:
- An underspend on Pay, NI and Superannuation of £26,050, reflecting vacancies in the early months of the year, which has 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 £17,566, partially due to the need to replace ICT equipment to upgrade to Windows 10 and on advertising expenses.
 - A minor shortfall in income from court costs is anticipated.
- 2.3 Overall, it is anticipated that there will be a balanced budget. This allows for a transfer of £100,000 plus accrued interest into the renewals fund and £10,000 into the vehicle replacement reserve.
- 2.4 As at 31 March 2018, the vehicle replacement reserve stands at £20,000. This will be required before 31 March to replace two vehicles in the Authority's fleet.

Contact Officer

Stephen Chandler (Tel 01482 394270)
Finance Manager, East Riding of Yorkshire Council

Stephen Chandler
Treasurer

Background Papers: NEIFCA Monitoring File

NEIFCA Budget Monitoring Report as at January 2019

	<i>Approved Budget</i>	<i>Profiled Budget to Month 10</i>	<i>Actual to Month 10</i>	<i>Variance to Profile</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£	£	£	£
EXPENDITURE						
Employee Expenses						
Pay, NI and Superannuation	625,550	521,292	499,045	-22,247	599,500	-26,050
Other Employee Costs	177,230	159,369	157,321	-2,048	176,354	-876
Premises	30,430	30,447	32,643	2,196	33,320	2,890
Transport						
Patrol Vessel Running Costs	166,120	93,193	88,472	-4,721	166,120	0
Vehicle Running Costs	33,790	27,875	26,207	-1,668	30,410	-3,380
Travel and Subsistence	35,750	24,971	20,652	-4,319	36,750	1,000
Supplies and Services	95,400	75,017	93,154	18,137	112,966	17,566
Support Services	91,500	86,820	89,999	3,179	93,500	2,000
	1,255,770	1,018,984	1,007,493	-11,491	1,248,920	-6,850
INCOME						
Grants and Contributions	-144,580	-119,147	-117,861	1,286	-144,580	0
Other Income	-23,780	-16,669	-12,915	3,754	-16,930	6,850
	-168,360	-135,816	-130,776	5,040	-161,510	6,850
NET EXPENDITURE	1,087,410	883,168	876,717	-6,451	1,087,410	0

	<i>Approved Budget</i>	<i>Profiled Budget to Month 10</i>	<i>Actual to Month 10</i>	<i>Variance</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£		£	
NET EXPENDITURE						
Central / Headquarters	385,080	324,453	357,530	33,077	413,006	27,926
Land Based Operations	142,010	113,510	98,409	-15,101	117,910	-24,100
Offshore Operations	448,740	336,576	313,183	-23,393	445,240	-3,500
Environment	111,580	92,093	90,835	-1,258	111,030	-550
Grant Aided Projects	0	16,536	16,760	224	224	224
	1,087,410	883,168	876,717	-6,451	1,087,410	0

	<i>Approved Budget</i>	<i>Profiled Budget to Month 10</i>	<i>Actual to Month 10</i>	<i>Variance</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£		£	
REPRESENTED BY						
Annual levy on Local Authorities	-1,200,310	-1,200,310	-1,200,310	0	-1,200,310	0
Contribution to Vehicle Replacement	10,000	0	0	0	10,000	0
Contribution to Renewals Fund	102,900	0	0	0	102,900	0
	-1,087,410	-1,200,310	-1,200,310	0	-1,087,410	0

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
14 March 2019

Risk Management Strategy & Strategic & Operational Risk Register – Six Monthly Reviews

Report of the Clerk.

A. Purpose of Report

To present a revised Risk Management Strategy for adoption and inform members of the Executive Committee that in accordance with the Strategy, a six monthly review of the Strategic and Operational Risk Registers has also been undertaken and is reported for approval.

B. Recommendation

That the revised Risk Management Strategy be adopted and the revised Strategic and Operational Risk Register be approved and reviewed in six months' time.

1. Background

- 1.1 The Risk Management Strategy and associated Strategic and Operational Risk Registers were first approved by the shadow Authority at its quarterly meeting held on 25 January 2011 (Minute 17 refers).
- 1.2 The Authority agreed that the Risk Management Strategy be reviewed on an annual basis and that the Strategic and Operational Risk Registers be reviewed every six months and reported to the Authority (Minute 17 refers). In accordance with these recommendations the Operational Risk Registers were reviewed and updated on 6 September 2018 (Minuted item 62 refers).

2. Strategic & Operational Risk Register Reviews

- 2.1 The Strategic and Operational Risk Registers have been reviewed to consider any potential changes which have occurred over the last six months and affected the key risks identified within the Registers. The risks have been reviewed and the changes are highlighted in bold within the attached registers. An updated position for each of the key indicators is also included in the Register. The next review of the Strategic Risk Register is scheduled for September 2019. The identified risks have also been ranked in order of significance (highest residual risk score).
- 2.2 In the main, identified strategic and operational risk have largely remained unchanged since September 2018, although there have been some changes in operational risk relating to staff vacancies, funding for a replacement patrol vessel and implications surrounding the 2019 Organisational Review.
- 2.3 The revised Risk Management Strategy is attached as Appendix 1, the revised Strategic Risk Register is attached as Appendix 2, the Operational Risk Register as Appendix 3 and the risk based enforcement matrix, a sub register of the Operational Risk Register, as Appendix 4 for members information.

Contact Officer

Caroline Lacey, Clerk of the Authority
Ext 3000

Background Papers

Revised Risk Management Strategy
Strategic Risk Register
Operational Risk Register

Risk Management Strategy

1. Introduction

- 1.1 North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) recognises its responsibility to manage risk in order to successfully achieve the Authority's objectives, maximise opportunity and minimise threats. This is also reflected in national guidance advice to Inshore Fisheries and Conservation Authorities.
- 1.2 Risk cannot always be eliminated and this strategy provides a structured approach to enable the Authority to identify, manage and monitor the most significant risks it faces. From an operational perspective it also provides a framework for applying a more 'risk based' approach to its activities.
- 1.3 The aim of this strategy is to manage risk and to successfully integrate risk management into existing business and management processes. Risk management is a key part of the Authority's corporate governance arrangements and also provides assurance to meet the requirements of the Accounts and Audit Regulations 2003.

2. Objectives

- 2.1 The objectives of the risk management strategy are to –
- Embed risk management in the culture of NEIFCA including the Authority's decision making, strategic planning, policy, project and service delivery arrangements.
 - Manage risk in accordance with best practice, ensuring key strategic and operational risks are identified, monitored and controlled.
 - Raise awareness of the need for risk management both within the Authority and with key partners and suppliers of goods and services.
 - Enable the Authority to anticipate and respond to change.
 - Prevent injury, damage and loss, thus reducing the cost of risk.

3. Roles and Responsibilities

- 3.1 All Members and employees should have regard to risk when carrying out their duties. Risk management is part of all decisions at both manager and Member level and all Authority processes. The key roles within the risk management process are -

NEIFCA	To oversee the effective management of risk by Authority officers
Clerk	To champion risk management and ensure it is embedded throughout the Authority. To develop the Authority's risk management policy and strategy To report to Members on risk management
Senior Management Team	To ensure the Authority manages risk effectively through the development and implementation of the strategy. To identify, manage and monitor the strategic risks faced by the Authority.

IFC Officers	To manage risk effectively in their particular areas of service delivery.
Clerk and Treasurer	To support the Authority and its services in the effective development, implementation and review of the risk management strategy

3.2 Responsibilities and reporting requirements are set out in more detail in Annex A.

4. Risk Definitions

4.1 Risk is the chance of something happening that will have an impact on objectives.

4.2 Risks can be divided into two main categories –

Strategic risks – that need to be taken account of in judgements about the Authority's medium to long term goals.

Operational risks – day to day risks in the delivery of a service.

4.3 Examples of strategic and operational risks are listed at Annex B. The two are interlinked with the potential for operational risks to become a strategic risk for the Authority.

5. Risk Management Process

5.1 There are four key stages to the risk management process, which will be recorded and monitored through the use of risk registers –

- **Identification**

The Authority will identify both strategic and operational risks that can affect achievement of its strategic and service objectives.

- **Assessment**

Risks will be assessed for impact and likelihood using a scoring matrix. Both the gross risk (before controls) and the net risk (following the implementation of controls) will be assessed.

- **Control**

Mitigating controls will be identified for all medium and high scoring risks and action plans developed where controls need to be improved. Consideration must be given to the anticipated benefits in relation to the estimated costs in deciding whether it is cost effective to introduce the proposed controls/initiatives. Risks and controls will be allocated to a risk owner for monitoring and review.

- **Monitoring and Review**

Strategic and operational risk will be reviewed and reported at least every 6 months by the risk owners.

5.2 Strategic Risk Process

Identification and assessment of strategic risks will form part of the corporate business planning process. A full review of the strategic risk register will be undertaken every six months by the Clerk, Chief & Deputy Chief Officers and the Authority to ensure all risks associated with the delivery of strategic objectives have been identified and assessed.

Risks will be allocated a risk owner and will be reviewed every six months together with any outstanding actions required. This review will be reported to the Authority.

The Clerk and Chief Officer will be responsible for identifying any new risks and providing the link with any changes in operational risk that need to be reflected in the strategic risk register.

5.3 Operational Risk Process

The identification, assessment and control of operational risks will form part of the service planning process.

The Chief & Deputy Chief Officers will be responsible for reviewing registers and controls on a six monthly basis through management teams and updating registers accordingly.

The Authority will gain an understanding of key operational risks through the performance monitoring process and will monitor that the operational risk register is updated.

5.4 Risk Analysis & Risk Evaluation Process

5.4.1 Risk are measured in two ways:

- The likelihood of the risk event occurring
- The impact on the Authority should the risk event occur

The likelihood of the risk event occurring will be given a score from 1 to 5 using the following criteria:

Likelihood	Score	Description	Criteria
Almost certain	5	The event is expected to occur in most circumstances	Probability of occurring in the next year >90%
Likely	4	The event will probably occur in most circumstances	Probability of occurring in the next year 60 to 90%
Possible	3	The event will occur at some time	Probability of occurring in the next year 30 to 60%
Unlikely	2	The event is not expected to occur	Probability of occurring in the next year 10 to 30%
Remote	1	The event may only occur in exceptional circumstances	Probability of occurring in the next year <10%

5.4.2 The potential impact of an event on the Authority will also be given a score of 1 to 4 as follows:

- 1 Insignificant – Minimal disruption, no long-term consequences to service delivery or marine conservation and management. No stakeholder concern. Minor negative publicity
- 2 Minor – Short-term consequences to both service delivery and or marine conservation and management. Potential for stakeholder concern. Some adverse publicity in local media.
- 3 Moderate – Medium long term consequences to both service delivery and or marine conservation and management, impact absorbed with significant intervention. Extensive stakeholder concern. Extended adverse publicity in both local and national media.
- 4 Major – Significant long-term consequences, formal intervention from central government departments or Executive Agencies, significant stakeholder concern and pro-longed loss of confidence. Sustained adverse publicity both locally and nationally.

The gross risk score = likelihood x potential impact

The residual risk score includes the application of appropriate control actions

The application of appropriate control actions may not necessarily reduce the gross risk score

The table below provides a visual ‘heat chart’ of the relationship between the levels of potential impact and likelihood of certain risk occurring and provides a general guide to the overall risk assessment process.

LIKELIHOOD		IMPACT			
		Insignificant 1	Minor 2	Moderate 3	Major 4
	Almost Certain 5	Green 5	Green 10	Amber 15	Red 20
	Likely 4	Green 4	Green 8	Amber 12	Red 16
	Possible 3	Green 3	Green 6	Amber 9	Red 12
	Unlikely 2	Green 2	Green 4	Green 6	Amber 8
	Remote 1	Green 1	Green 2	Green 3	Amber 4

5.5 Project and Procurement Risk Process

Projects will be managed using appropriate methodology. Project managers will identify and assess the risks associated with the project and mitigating controls and document these in a risk register. The register will be maintained and updated throughout the life of the project and be reported to the Chief Officer on a regular basis.

The risks associated with a particular procurement will be considered and documented.

6. Corporate Business Processes

6.1 Risk management will continue to be embedded in all the Authority's key business processes including –

- Long term financial planning and annual budget setting processes.
- Authority Performance planning processes.
- Policy and decision making processes.
- Strategic planning processes.
- Operational delivery

7. Training and Communication

7.1 Risk management training will be provided to officers identified in Annex A.

7.2 The Clerk and Treasurer will provide support and advice on risk management throughout the Authority.

8. Measuring Effectiveness

8.1 The effectiveness of this process will be reported through the Statement of Intent Control.

9. Monitoring and Reporting

9.1 Assurance on the effectiveness of controls over key strategic and operational risks will also be provided by the Audit Section.

9.2 The strategy and action plan will be reviewed annually.

10. Links to other policies and strategies

10.1 Insurable retained risk will be managed by the Treasurer in accordance with the risk financing strategy.

NORTH EASTERN INSHORE AND CONSERVATION AUTHORITY - STRATEGIC RISK REGISTER

Risk No	Performance Plan Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner
NEIFCA 1	An Authority which attracts and keeps the best staff.	Customer/ Staff	Specialist staff and skills shortages. Sickness absence. Triggers include:- (i) Inability to recruit and retain staff. (ii) Inadequate succession planning. (iii) The Authority has a small but dedicated workforce. (iv) Private sector competition	9 (3x3)	Recruitment, retention policies, training and development, surveys of existing staff, analysis at exits interviews and managing sickness absence.	6 (2x3)	Recruitment processes expedited to fill vacancies when they arise.	NEIFCA currently carrying three operational vacancies. Organisational review commenced January 2019 to review and benchmark job roles, duties, responsibilities and remuneration levels.	Chief Officer & Deputy Chief Officer
NEIFCA 2	A reputation for smart and prudent stewardship.	Disaster Planning	Major incident, i.e. patrol vessel collides with another vessel or runs aground.	4 (1x4)	The appropriate qualifications/licences/tickets are held by the crew. Train staff with skills in marine environment. Adequate Insurance.	4 (1x4)	Continue to keep up to date with training and appropriate qualifications		Chief Officer & Deputy Chief Officer
NEIFCA 3	A reputation for smart and prudent stewardship.	Financial Reputation	Failure to manage the Authority's assets, caused by:- <ul style="list-style-type: none">• Lack of funding• Service failures/poor maintenance• Poor risk assessments and controls• Inaction on behalf of the Chief Officer and his assistants.• Age and deterioration of vessels & vehicles	6 (2x3)	Asset Management Plans - including audit and survey result to target investment and maintenance at high priority areas. Patrol Vessel renewal fund. Maintenance programme. Risk assessments. Inspections and surveys. Insurance.	4 (2x2)	Review and define inspection survey programme. Ensure compliance with the programme. Review health and safety arrangements. Review adequacy of sums insured and compliance with insurance policy conditions. Operating a close monitoring regime on investment priority criteria. Strengthen asset management and control.	Allocation of funds to the Renewals Fund made as part of the annual budget setting increased to £100K pa Sixth monthly review of asset registers. Vessel and vehicle replacement plans in place.	Chief Officer Deputy Chief Officer

Risk No	Performance Plan Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner
NEIFCA 4	A reputation for smart and prudent stewardship. Statutory responsibilities.	Reputation Legal	Failure to meet statutory responsibilities set out by legislation. Main causes of risk are:- (i) Poor leadership/ judgement by managers. (ii) Inadequate monitoring review. (iii) Lack of professional staff. (iv) Legal challenge. (v) Lack of trained, experienced staff.	6 (2x3)	Series of performance targets set and measured to meet the requirements. Reported on quarterly basis to the Authority. Understanding and adherence to all governing legislation	4 (2x2)	Reviewed on a quarterly basis by reporting to the Authority.	NEIFCA currently carrying three operational vacancies.	Chief Officer
NEIFCA 5	A reputation for smart and prudent stewardship.	Financial/Economic	Cuts to service, balance budget. Triggers include:- <ul style="list-style-type: none"> Reduction in Government funding Budget over spends, insufficient reserves. Precept set too low. Lack of compliance with financial regulations Increased pressure on resources from other agencies 	6 (2x3)	Three year financial plan in place based on prudent projections and sensitivity analysis. Budget process flexible enough to deal with changes in funding e.g. savings plans. Lobbying with other Authority's to get better deals. Government assumptions used in the planning exercise. Formal considerations of reserves. Monthly revenue and capital budget monitoring. Demonstrating the ability to manage in-year budget pressures. Early closure of accounts. Attraction of EU and other grants for project works.	3 (1x3)	Ensure sound business cases are made to Authority funders for continued financial support. Continue to apply for EU and other grants for project work.	Board agreed that the levy for 2019-20 be increased by 2% to meet identified pressures alongside the continuation of the IFCA 'New Burdens' funding support until March 2020. The national Association of IFCAs is developing a strong case for increased national funding as part of CSR 19	Clerk/ Treasurer/ Chief IFC Officer

Risk No	Performance Plan Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner
NEIFCA 6	A reputation for smart and prudent stewardship	Reputation	Loss or damage to reputation through poor press and public relations	6 (2x3)	Good internal communications, PR, reports to Authority, Press releases approved by the Chief Officer and Clerk/Chairman where necessary. Members and key managers to have received media training. Members receive detailed briefings on sensitive issues and confidentiality requirements supported by Standards Committee and procedures. Back up arrangements through the national Association and partner IFCA's.	3 (1x3)	Reviewed on a quarterly basis		Chief Officer
NEIFCA 7	A reputation for smart and prudent stewardship. Strategic objectives	Reputation	Failure to achieve policies, aims and objectives.	6 (2x3)	Annual Plan produced each year outlining strategic objectives. Performance measured against number of targets. Reviewed in March. Exceptions reported to Authority. Constitution, Standing Orders Schemes of Delegation. The Authority has put in place structures and processes to govern decision making.	3 (1x3)	Reviewed on a quarterly basis by the Authority.		Chief Officer
NEIFCA 8	A reputation for smart and prudent stewardship.	Reputation/ Legal	Officers acting beyond their statutory remit through inexperience. Legal challenge. Potential incident. Adverse publicity.	6 (2x3)	Full training in role. Qualifications. Performance monitoring, target setting, recruitment procedures.	3 (1x3)	As roles develop, change, continuous training and development. EDP process to be utilised for this.	Training strengthened through induction, national IFCA residential course.	Chief Officer

Risk No	Performance Plan Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner
NEIFCA 9	A reputation for smart and prudent stewardship	Reputation/legal	<p>Failure to deliver revised fisheries management policies within Marine Protected Area Sites which fall within the Authority's jurisdiction.</p> <p>Procedural delays in the formal making of regulations.</p>	6 (2x3)	Full engagement with Defra, MMO, national working groups and local management groups.	3 (1x3)	Regular updates and progress reports to Science Advisory Group, Executive and full Committee.	Five outstanding byelaw regulations have now been moved to final confirmation stage with a revised national byelaw making process under consideration.	Chief, Deputy Chief Officers. Senior Environmental & Scientific Officer Environmental & Scientific Officers.

APPENDIX 3

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY - OPERATIONAL RISK REGISTER

Risk Number	Process	Risk Identification	Risk Analysis	Risk Control	Residual Risk	Monitoring		
	Risk Category	Risk	1-8 = Low 8-10 = Medium 10-20 = High	Control Action	1-8 = Low 8-10 = Medium 10-20 = High	By Whom	Review Frequency	Triggers for Action
1	Financial reputation, technical.	Insufficient funding to replace main fisheries vessel, North Eastern Guardian III. Access to European Funding has now been ruled out with no current prospect of securing any additional external funding support.	9 (3x3)	Maintenance of current funding levels to the vessel renewal account including allocating an additional £20K pa. Continued investment in current vessel as a saleable asset. Monitoring and utilisation of all appropriate external funding avenues. One off appropriation of funds to the Renewals Fund considered. Officers continue to explore all external funding options to support vessel replacement.	9 (3x3)	Chairman, Clerk, Chief Officer and Deputy Chief Officer	Quarterly	Budget financial review & reporting to Committees and internal working groups.
2	Staffing	Lack of staffing resources to deliver service and that staff have adequate skills training to achieve performance requirements. Increasing pressures from partner agencies to support their front-line services and primary service delivery could have a negative impact on the delivery of IFCA statutory duties and responsibilities.	9 (3x3)	Communication networks. Staff flexibility. Monitoring of workloads. Workforce Development. Vacancy Management. Adhere to Sickness Policy. Implement Training Plans. Health and Safety. Recruitment processes expedited to fill vacancies. Active participation in the MMO/IFCA joint working project and maintenance of active dialogue with all key partner agencies. AIFCA, NIMEG & TAG. Organisational review commenced January 2019	6 (2x3)	Clerk and Chief IFC Officer.	Quarterly.	Reports to Authority. Team meetings/ EDRs. Sickness Review Meetings. Vacancy/sickness. Performance monitoring results. Proactive training programmes.

Risk Number	Process	Risk Identification	Risk Analysis	Risk Control	Residual Risk	Monitoring		
	Risk Category	Risk	1-8 = Low 8-10 = Medium 10-20 = High	Control Action	1-8 = Low 8-10 = Medium 10-20 = High	By Whom	Review Frequency	Triggers for Action
3	Financial and contractual.	Unexpected budget demands and variances and failure to achieve agreed budget Income generation is expected to remain low during 2019/2020. Outcome of 2019 organisational review	6 (3x2)	Increase of 2% in 2019/2020 levy. Monitoring systems. Systems to capture spend. Regular budget holder meetings. Internal Audit. Regular reviews of the appropriate level of reserves. Scrutiny and oversight of the 2019 organisational review by Executive Committee.	6 (3x2)	Treasurer, Clerk and Chief Officer.	Monthly.	Budget financial reporting.
4	Financial and reputational	Breaches of new General Data Protection Regulations which came into force at the end of May 2018 could lead to fines and reputational impacts.	9 (3x3)	Key staffed trained and familiar with new GDP regulations. Data Protection Officer role agreed, creation of a register of data processing activities, utilisation of impact assessments when required, creation of public and internal privacy statements and active management of all data processing activities. Advice from ICO.	4 (2x2)	DPO Clerk Chief Officer Support Officer	Monthly	Formal complaint or report to ICO
5	Financial reputation, technical.	Volatility of global oil/fuel markets and national tax changes. Markets remain unstable	4 (2x2)	Regular monitoring of fuel spends included within quarterly reports to Authority. Additional provision made within annual precept.	4 (2x2)	Chairman, Clerk, Deputy Clerk, Chief Officer and Deputy Chief	Monthly.	Budget financial review & reporting
6	Legal/ reputation.	Legal challenge resulting from failure to undertake statutory responsibilities in terms of enforcement, poorly drafted Authority bye-laws or national legislation including national prohibition on landing egg bearing lobsters.	6 (3x2)	Performance monitoring in terms of enforcement targets. Drafting of bye-laws in consultation with Legal Services. Proper consultation processes followed in accordance with statutory requirements. Involvement of NEIFCA Legal team, MMO, DEFRA in final approval of bye-laws. Strengthening enforcement practices and techniques.	4 (2x2)	Clerk, Legal Advisor and Chief Officer.	Monthly and quarterly reports to Authority.	Performance monitoring reports. Legal challenges.

Risk Number	Process	Risk Identification	Risk Analysis	Risk Control	Residual Risk	Monitoring		
	Risk Category	Risk	1-8 = Low 8-10 = Medium 10-20 = High	Control Action	1-8 = Low 8-10 = Medium 10-20 = High	By Whom	Review Frequency	Triggers for Action
7	Financial reputation.	Failure to deliver projects through lack of resources or investment. Loss of funding and grants resulting in inability to proceed with projects. Change in legislation resulting in inability to generate funds. Reputation for inability to utilise grants awarded. Continued risk level due to ongoing national MPA management programme. Future funding implications of the UK exit from the EU.	3 (1x3)	Budget setting and monitoring process. Procurement policy followed. Appropriate resources available to undertake the project. Skills and knowledge of staff. With regard to supporting national projects ensure maintenance of dialogue and a proactive approach. Business Cases considered with full whole life costs of projects made	3 (1x3)	Clerk and Chief Officer.	Monthly	Performance monitoring reports. Budget reports. Legislative changes. Government funding initiatives. Authority decisions. Contract variation slippage.
8	Customer Service/ reputation	Failure to provide agreed service. Failure to establish and achieve performance targets therefore having a detrimental impact on the delivery of service to the customer and achievement of performance objectives.	3 (1x3)	Performance Indicators. Inspections audit. Workload monitoring. Policy and procedure compliance. Staff training. Communication with customers.	3 (1x3)	Clerk and Chief IFC Officer.	Quarterly	Annual reports. Performance monitoring reports. Feedback from staff and customers.
9	Professional, contractual, legal reputation.	Failure to effectively support projects, poor contract documentation, failure to meet contract deadlines, failure to meet legal requirements and procurement legislation Provider fails to deliver the contract.	3 (1x3)	Use of internal/external experts/consultants. Robust specifications. Risk Assessments. Strong contract management. Financial, technical and legal vetting of all providers. Procurement policy followed. Monitoring and reporting processes. Meet statutory requirements. With regard to supporting national projects ensure maintenance of dialogue and a proactive approach.	3 (1x3)	Chairman, Clerk and Chief IFC Officer.	Monthly.	Procurement processes. Legislative changes. Contract variations. Timetable slippage.

OPERATIONAL RISK REGISTER – RISK BASED ENFORCEMENT MATRIX

Risk Number	Process	Risk Identification	Risk Analysis	Risk Control	Residual Risk	Monitoring		
	Risk Category	Risk	1-8 = Low 8-10 = Medium 10-20 = High	Control Action	1-8 = Low 8-10 = Medium 10-20 = High	By Whom	Review Frequency	Triggers for Action
1	Environmental	Impacts on fish and shellfish stocks through non-compliance with regulations. Prohibition on landing egg bearing lobsters.	8 (2x4)	Targeted approach to enforcement at ports and areas of known high non-compliance at peak season. Focus on ports of high volume landings out of season. New intelligence gathering system established to better inform targeted enforcement activity. Strengthening enforcement procedures and techniques.	6 (2x3)	Chief, Deputy Chief and IFC Officers	Monthly	Intelligence reports. Surveillance. Routine observations and complaints
2	Environmental	Impacts on fish and shellfish stocks through over-exploitation Pressures on stocks, particularly crustacea remain high although work is continuing on revised management measures. Over-exploitation of the Farne Deep's nephrop fishery by large pair and multi-rig trawlers leading to associated economic impacts on smaller scale local fleet	8 (2x4)	Detailed monitoring of stock health. Development of dedicated management plans and strategies. Tailored management provisions. Sound enforcement. Fisheries accreditation schemes. National coordination Working closely with MMO, CEFAS, DEFRA and NIFCA colleagues to support more effective national management of nephrop stocks Consultation processes continuing during 2019 in the development of a potting effort management regime.	6 (2x3)	Chief & Deputy Chief Officers and Environmental & Scientific Officers	Quarterly & monthly	Non achievement of stock indicators. Declining catches and fleets. Complaints and comments.

Risk Number	Process	Risk Identification	Risk Analysis	Risk Control	Residual Risk	Monitoring		
	Risk Category	Risk	1-8 = Low 8-10 = Medium 10-20 = High	Control Action	1-8 = Low 8-10 = Medium 10-20 = High	By Whom	Review Frequency	Triggers for Action
3	Environmental	Habitat damage caused by invasive fishing methods. Damage to protected features of European Marine Sites or Marine Conservation Zones Significant increases in nomadic scallop dredging activity surrounding the NEIFCA area	8 (2x4)	Ongoing monitoring of activities. Active participation in associated schemes of management. Introduction of emergency and long-term Byelaw regulations and codes of conduct governing activities. Enforcement of existing regulations. Timely use of emergency byelaw making procedures when necessary. Working closely with the MMO and Defra to ensure adequate protection remains in place. New byelaw regulation confirmed on 17 December 2015 to strengthen the management of scallop dredging within the Authority's district. 5 new regulations submitted for formal confirmation February 2019.	4 (1x4)	Chief Officer, Deputy Chief Officer Environmental & Scientific Officers	Quarterly to Authority and associated working groups	Significant increases in related activity. Evidence of damage and impact. Complaints
4	Environmental	Impacts on other marine species such as sea birds, cetaceans and other organisms associated with fishing activities	4 (1x4)	Monitoring through fishing permit and catch and effort schemes. One off studies and assessments. Timely use of emergency byelaw making procedures when required.	4 (1x4)	Chief Officer, Deputy Chief Officer Environmental & Scientific Officers	Quarterly to Authority and associated working groups	Negative feedback from catch reporting schemes and or studies. Complaints

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
14 March 2019

Health & Safety Policy & Safe Working Practices 2019/2020 - Review

Report by the Chief Officer.

A. Purpose of Report

To inform members of the completion of the six monthly review of the Authority's Health & Safety provisions.

B. Recommendation

That Members note the report.

1. Background

- 1.1 The Health and Safety at Work Act 1974 and the management of Health and Safety at Work Regulations 1999 and other associated legislation impose duties on all of us, both of a general and specific nature to ensure as far as is reasonable and practicable, health and safety at work. North Eastern Inshore Fisheries and Conservation Authority wishes, through the preparation and issue of this policy to convey the importance that it places on all measures that promote the health and safety of its employees
- 1.2 This policy and its provisions are reviewed continuously throughout the year both at senior management level and at regular staffing Health and Safety meetings. If appropriate, changes to safe working practice guidelines are made and risk assessments reviewed, including where necessary, the provision of additional safety equipment for officers. Such changes are reported to the Executive Committee on a six monthly basis.
- 1.3 Since the last review in September 2018 there have been no notable incidents to report and as part of this standard six-monthly review all the Safe Working Practices and supporting risk assessments have been fully reviewed and updated. New provisions have been added to the 2019 Safe Working Practices document to cover the use of drones (page 20).
- 1.4 The updated safe working practice document and revised risk assessments are shared with all operational staff and subject to continuous review by both the senior operational management team and as part of the general staffing health and safety meetings. The entire health & safety regime is underpinned by regular health and safety training and 'refresher' courses undertaken by all operational staff.

Contact Officer

David McCandless
Chief Officer
Ext. 3690



HEALTH AND SAFETY POLICY

2019/2020

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- 3.17 Driving at Work
- 3.18 Patrol Vessels Emergency Procedures
- 3.19 Health and Safety Committee

Part 4 HEALTH AND SAFETY TRAINING

The North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) recognises its responsibilities for making appropriate provisions and sufficient funds for the health and safety of its employees. It is therefore the policy of the Authority to conduct its operations in such a manner as to secure health and safety for its employees and to protect members of the public who may be affected.

It is the responsibility of the Authority, through its employees to provide and maintain measures which will ensure that every employee can carry out their duties in a safe environment without risk to health. Equally it is the duty of each employee to co-operate with the management in regard to health and safety matters. The Authority expects each employee to take reasonable care for their own safety and that of others who may be affected by their acts or omissions, to prevent accidents and avoid hazards to health.

This Safety Policy and accompanying organisational arrangements, will contribute to the Authority's overall ability to fulfil their duties and responsibilities, by reducing injuries and ill health at work, both to employees and to any other persons who may be affected by their employees acts or omissions. These measures will protect the environment and reduce unnecessary losses and liabilities.

To achieve this, the Authority will;

- i) Set and maintain high standards for Health and Safety by controlling workplace hazards by assessing risks and establishing risk control measures which are suitable and sufficient;
- ii) Ensure that all employees are informed of these standards, by providing adequate and appropriate facilities for communication and consultation;
- iii) Ensure that employees understand their responsibilities at whatever level they operate and discharge them with care;
- iv) Provide adequate levels of training and instruction to ensure that employees are competent to carry out their duties;

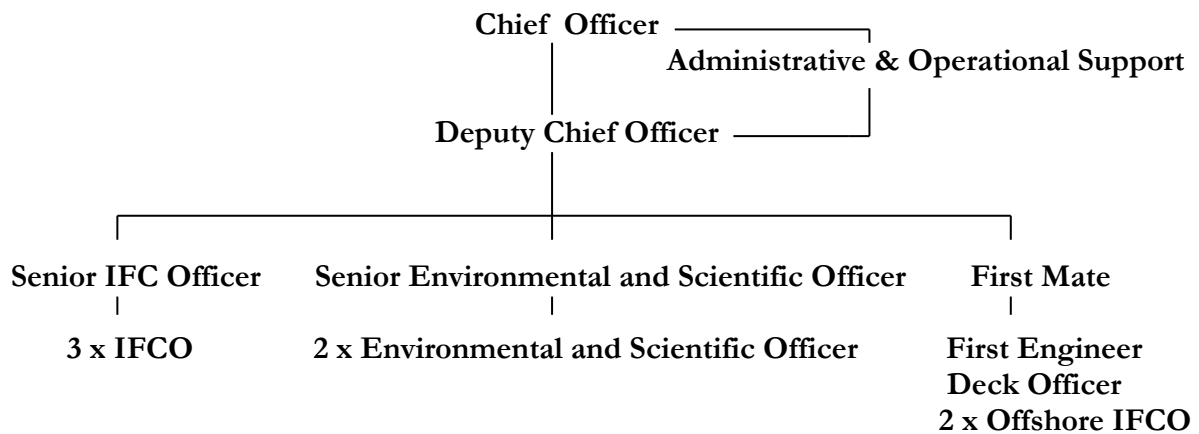
A copy of this Statement of Policy will be issued to all employees. It will be reviewed and modified as necessary and will be supplemented in appropriate cases by further statements relating to the work of individual employees or groups of employees.

Signature_____Date_____

Clerk of the Authority

Part 2: ORGANISATION FOR SAFETY

2.1: STRUCTURE OF ORGANISATION



2.2 Clerk (Deputy Clerk) of the Authority

The Clerk bears responsibility for the overall arrangements, and for ensuring that the operations of the Authority are executed at all times in such a manner as to ensure, so far as is reasonably practicable, the health and safety at work of all employees and all persons likely to be affected by its operations.

In particular the Clerk will:-

- (a) Advise the Authority on safety, health and welfare matters including the Safety Policy.
- (b) Agree and authorise the implementation of the Safety Policy.
- (c) Monitor progress of the Health and Safety Policy, initiate any changes necessary, and issue an annual report to the Authority.
- (d) Ensure all employees understand and fulfil their responsibilities for safety, health and welfare.

2.3 Chief Officer:-

- (a) Ensure that Risk Assessments are carried out for all operations undertaken by employees and ensure employees are informed of the findings of the Risk Assessments.
- (b) Ensure that methods and systems of work are safe, and that the necessary procedures, rules and regulations designed to achieve this are formulated, and applied.
- (c) Ensure all employees are aware of and fulfil their safety responsibilities and arrange for the relevant training.
- (d) Provide adequate equipment, tools and protective clothing and equipment to enable work to be carried out safely.
- (e) Ensure that all equipment, tools, facilities etc, are maintained in a safe condition, and remain suitable for the function for which they were intended, arrange for inspections to monitor and record this.

- (f) Act as **Responsible Officer** to receive check and verify accident reports, and ensure remedial action is taken.
- (g) Ensure that all necessary health and safety checks and inspections are completed as scheduled.
- (h) Set a personal example.

2.4 Deputy Chief Officer

- (a) Ensure that all personnel know their responsibilities under the Policy and that they are equipped and trained to carry out their duties.
- (b) Implement within their designated area of work, the Health and Safety Policy & Safe Working practices protocol.
- (c) Ensure that safety receives full consideration in: -
 - Current working programmes.
 - Planning of new operations and or duties.
 - In introducing new plant or equipment.
- (d) Act as **Responsible Officers** to receive accident reports, and implement appropriate remedial action.
- (e) Ensure that all investigations and reporting procedures are carried out.

2.5 All Employees

The Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999, and other associated legislation including, The Merchant Shipping and Fishing Vessel (Health and Safety at Work) regulation 1997, place responsibilities on employer and employee alike. In this connection NEIFCA reminds its employees of their duties under Section 7 of the Health and Safety at Work Act 1974 to take reasonable care for their own safety and that of others, and to co-operate with the Authority so as to enable it to carry out its own responsibilities successfully.

Furthermore the following requirements are expected of every employee: -

- (a) Carry out assigned tasks and duties in a safe manner in accordance with the instructions, methods and procedures contained in the Safety Policy.
- (b) If aware of any unsafe practice, operation, or condition, or if in any doubt about the safety of any situation consult with a senior officer.
- (c) Obtain and use the correct tools, equipment, or materials, for all tasks and duties, and not use any that are in an unsafe condition.
- (d) Use all guards, safety devices, safety equipment, and personal protective clothing or equipment provided.
- (e) Take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions.
- (f) Co-operate with the employer or any other person so far as is necessary to enable any statutory duty or requirement to be performed or complied with.
- (g) Not to intentionally or recklessly interfere with or misuse anything provided in the interests of safety, health or welfare, or do anything likely to endanger themselves or others.
- (h) Report all accidents and near misses.
- (i) To set an example.

3.1 Distribution of Health and Safety Information

- (a) Copies of the Authority's Health and Safety Policy will be issued to all employees on appointment and copies are available at the Bridlington & Whitby Offices and Patrol Vessel.
- (b) A copy of the Councils Corporate Resources Directorate Health and Safety Policy will be made available to all employees whose place of work is based in ERYC accommodation. Within the Bridlington Office a specific area has been dedicated to displaying Health and Safety Information. It is the responsibility of the Chief Officer to ensure these are updated.
- (c) It is the responsibility of the Chief Officer to ensure that employees receive all necessary Health and Safety information regarding the maintenance of a safe and healthy working environment and work processes. This should include the whereabouts of risk assessments, assessments required under the COSHH regulations, manual handling assessments and any other information that may be necessary for them to undertake their work activities safely.

3.2 Inspections

- (a) It is the responsibility of the Chief Officer to ensure that inspections of all procedures and equipment, which contribute to the Health and Safety and Welfare of employees, are inspected and reviewed at regular intervals. This interval shall be no more than 3 months.
- (b) It is the responsibility of the Deputy CO to ensure that inspections of all procedures and equipment, which contribute to the Health and Safety and Welfare of employees, engaged in both offshore and land-based activities, including duties involving North Eastern Guardian III are inspected and reviewed at regular intervals.

3.3 Statutory Inspections

- (a) Electrical Inspections shall be carried out on an annual basis, with regard to all portable electrical equipment contained within ERYC accommodation, in accordance with the ERYC Policy and The Electricity at Work Act 1989.
- (b) Inspections of office accommodation provided by ERYC shall be conducted according to the ERYC Health and Safety Policy.

3.4 Routine Examinations/Maintenance of Equipment

- a) The Chief Officer is responsible for ensuring that delegated managers fulfil their obligations to routinely examine and maintain work equipment within their designated area of responsibility.
- b) The Deputy CO is responsible for overall maintenance of the Patrol Vessel and RIB, including any other vessels owned and operated by the Authority and all associated equipment. The Mate and Engineers shall assist the Deputy CO as required to ensure that maintenance schedules as specified by manufacturers and supplied with equipment /machinery, are followed at all times. In addition to the manufacturer's recommendations Daily, Weekly, and Monthly checks and inspections shall be undertaken which shall include all systems, machinery and equipment on both the Patrol Vessel and RIB and all

associated equipment. These inspections shall include all items, which are detailed on the pre-printed checklists supplied for the recording of this information. In respect to any land-based vessels it is the responsibility of all staff using any vessel to ensure that all routine mandatory inspections and checks are adhered to.

- c) It is the responsibility of all staff who have been issued work equipment/PPE to ensure they are maintained in a safe working condition and that basic maintenance schedules are followed correctly.

3.5 Safe Systems and Methods of Work

- (a) The Chief Officer and Line Managers are in the best position to ensure that procedures are in place for all working practices and systems. It is the responsibility of all Managers to ensure that Health and Safety rules are observed. The reviewing, and where appropriate, amending of work practices and risk assessments will be undertaken where a need for improvement is identified ensuring that the health and safety of all employees and any others who may be affected by the work activity are maintained.
- (b) Such procedures must be brought to the attention of employees and it is best practice to ensure that employees sign to say that they have been informed and agree to them. The Chief Officer shall keep these records.

A detailed list of all safe working practices and procedures for work activities are contained within the 'NEIFCA Safe Working Practices Booklet'.

3.6 Management of Health and Safety at Work Regulations 1999

- (a) In satisfying its responsibilities to provide and maintain a safe and healthy working environment the NEIFCA will seek to identify potential hazards. The CO and line managers will carry out Risk Assessments of known hazards and activities and discuss them with relevant employees before work commences. Copies of Risk Assessments will be supplied to each employee upon appointment.
- (b) Legislation requires the NEIFCA to carry out assessments on all tasks, operations and work practices and environmental factors where there is a risk to the Health and Safety of employees and members of the public. In this exercise particular attention should be paid to young persons, women of childbearing age, new and expectant mothers and work related stress.
- (c) The NEIFCA will also analyse reports of incidents and take remedial action to ensure that similar occurrences are avoided in the future. Risk Assessments will be reviewed after any accident or incident and revised as necessary.

A detailed list of all Risk Assessments are maintained.

3.7 Manual Handling Regulations

The Chief Officer will ensure that managers carry out risk assessments on all employees who undertake manual handling and that appropriate action is taken to address any identified hazards. All staff will be trained in manual handling procedures.

Where the general assessment of risk indicates the possibility of risk to employees from the manual handling of loads the NEIFCA will follow the present regulations to ensure:

- 1) Avoid hazardous manual handling operations so far as is reasonably practicable by re-designing the task or mechanising the process.
- 2) Assessing any hazardous manual handling operations that cannot be avoided
- 3) Reduce the risk – making improvements to the task, load and working environment
- 4) Ensure that the introduction of control measures to reduce the risk does not present any new risks.

3.8 Control of Substances Hazardous to Health (COSHH)

Prior to any substance being purchased and supplied for use the NEIFCA will ensure that an adequate assessment is made of the risks to health connected with the use of that substance. Such steps are necessary to safeguard the health of employees and others that may be affected. Copies of COSHH assessments will be kept readily available at work locations.

Where there is no assessment in place on a substance, such measures should be taken to ensure the isolation of that substance before any intended use. All substances will be assessed using the material safety data sheet supplied with the specific substance.

The Deputy CO will be the nominated COSHH officer for the use of all substances pertaining to the operation of NEG III and any other vessel owned and operated by the Authority. As such he will be responsible for ensuring that all substances used on board such vessels are subject to a COSHH assessment before use and that all control measures put in place are adhered to at all times.

3.9 Violence, Challenging Behavior and Working Alone in Safety.

The Chief Officer will ensure that managers carry out risk assessments for all employees who may be subject to violent and challenging behaviour, and those who are required to work alone, and that appropriate action is taken to address any identified hazards.

Further information and operating procedures are contained within the 'NEIFCA Safe Working Practices Booklet'.

3.10 First Aid at Work Regulations

- (a) It is NEIFCA policy in accordance with the Health and Safety (First Aid) Regulations and current maritime regulations to provide suitable persons as adequate and appropriate for rendering first aid.
- (b) All staff must undertake a basic One Day First Aid Course. In addition to this all seagoing staff will be trained in Emergency First Aid at Work (HSE and or STCW Approved).
- (c) All shore based staff shall have access to First Aid kits and the patrol vessels will carry a First Aid kit in line with current maritime legislation requirements.
- (d) The ERYC Corporate Resources Directorate Health and Safety Policy provides adequate provision for NEIFCA personnel located in ERYC accommodation.

3.11 Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR)

In order for the NEIFCA to discharge its statutory duties of keeping the Health and Safety Executive informed of accidents and dangerous occurrences, the Chief Officer will ensure that adequate records are maintained in accordance with the NEIFCA Policy on accident and incident reporting.

Further information on the NEIFCA Accident Reporting Procedure is contained within the 'NEIFCA Safe Working Practices Booklet'.

3.12 Personal Protective Equipment at Work Regulations

The main requirement of the PPE at Work Regulations is that personal protective equipment is to be supplied by the employer and used by the employee wherever there are risks to health and safety that cannot be adequately controlled in other ways.

The Chief Officer will ensure that risk assessments are carried out on all activities and that appropriate PPE is issued. The Chief Officer will also ensure that such equipment is properly assessed to its suitability, is maintained and stored properly and sufficient training is given to employees on its correct use.

Employees must ensure that PPE issued to them is maintained and kept in good working order. The manufacturers maintenance schedule should be followed as instructed and training/instruction will be given for this. For more intricate repairs, items will be returned to specialists.

3.13 Display Screen Equipment Regulations

The Chief Officer will ensure that risk assessments are carried out with all employees who use display screen equipment, and that appropriate action is taken to address any identified hazards.

Further information on DSE assessments is contained within the 'NEIFCA Safe Working Practices Booklet'.

3.14 Provision and Use of Work Equipment Regulations

The manufacturer and supplier bear the responsibility to ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risk to health when properly used. They must provide instructions to the purchaser as to the way in which the article may be used safely.

The Chief Officer will ensure that all machinery, plant, tools and equipment are used according to the manufacturers recommendations and in line with any other statutory requirements/guidelines. It is the responsibility of line managers to address any shortcomings in that area.

3.15 Lifting Operations and Lifting Equipment Regulations

The Chief Officer will ensure that all equipment falling within the scope of these regulations is purchased, used and maintained in accordance with the schedules detailed within these regulations.

3.16 The Working at Height Regulations

The Chief Officer will ensure that all work activities falling within the scope of these regulations is properly assessed and appropriate measures taken to ensure the risk and threat to any employee is adequately controlled.

3.17 Driving at Work

NEIFCA has a responsibility under the Health and Safety at Work Act 1974 to ensure so far as is reasonably practicable, the health and safety of employees while at work. There is also a requirement that others are not put at risk by your work-related driving activities. The Management of Health and Safety at Work Regulations 1999 state that the NEIFCA has a responsibility to carry out an assessment of the risks from driving to the health and safety of employees, while they are at work and to other people who may be affected by their activities. To this end, the Chief Officer will ensure that adequate assessments are made on all aspects of work related driving activities.

A detailed list of all safe working practices and procedures for use of Authority and Officers vehicles are contained within the 'NEIFCA Safe Working practices Booklet'.

3.18 Patrol Vessels Emergency Procedures

- a) All employees are to undertake training in sea survival, fire fighting and first aid.
- b) All the locations of fire extinguishers and other safety equipment on board the vessels are to be noted and each officer and visitor will be inducted as to the safety systems and equipment on board NEG III and any other vessel owned and operated by the Authority. Staff must have access to instructions for use of equipment such as pyrotechnics.

3.19 Health and Safety Committee

- (a) In recognition of its own Safety Policy, the NEIFCA shall institute a system designed to facilitate employer/employee consultation to take place regarding all aspects of Health and Safety at work. To this end the NEIFCA has formulated a structure for dealing with matters relating to Health and Safety.
- (b) Staff team meetings will be held every six weeks.
- (c) There will be a Health and Safety meeting held after each staff meeting. Any member of the team may forward items for the agenda. All employees will be regarded as being members of the Health and safety Committee. In addition, Health and Safety provisions will be reviewed at regular senior management team meetings held throughout the year.
- (d) The Chief Officer will ensure that an accurate written record of proceedings is kept.

Part 4 Health and Safety Training

- (a) All employees shall be instructed as to possible hazards in their areas of work, and shall receive necessary training to enable them to carry out their duties safely and efficiently.

- (b) It is essential that all officers responsible for health and safety issues discharge their duties to the best of their ability. With this in mind, a training programme has been set up and it is essential that line managers through the Employee Development Review process identify and ensure that all relevant officers receive adequate training.
- (c) All general health and safety training shall be booked through the Authority's Operational Support Manager who shall arrange such training with the central training unit (ERYC) or through external providers and keep a central record of all training.
- (d) It shall be the responsibility of line managers to ensure that health and safety induction training is undertaken on the new starters first day.
- (e) Employees shall be provided with adequate and appropriate health and safety training and instruction on being exposed to new or increased risks because of:-
 - Being transferred or given a change in responsibilities
 - The introduction of new equipment or change to equipment already in use
 - The introduction of new technology
 - The introduction of new practices, or a new system of work, or changes to an existing system

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NEIFCA

SAFE WORKING
PRACTICES

2019/2020

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SSB 1 – Safe Systems/Procedures of Work

SSB1.1 Quayside Working

- 1) Officers must always have in their possession a work issued operational mobile phone. That phone must be fully charged and all associated operational software, such as tracking and lone working facilities, must be activated.
- 2) When working outside of normal work times 2200 – 0400 Officers working alone must implement the Lone Working Procedure.
- 3) Officers must wear appropriate non-slip, safety footwear.
- 4) Where the possibility of falling into the water exists officers must wear a buoyancy device.
- 5) Any objects such as trawl nets, fish boxes, containers and other heavy objects should be lifted in accordance with manual handling techniques.
- 6) Beware at all times of forklifts, trolleys, derricks or any other type of mechanised fish handling/weighing equipment. Inspections should be carried out in safe areas away from such equipment/machinery.
- 7) When walking/moving along the quay be aware of any spillages/fish slime/ice and the slipping threat they pose. Be aware of any loose ropes/wires.
- 8) Protective vests are provided to all officers as a standard item of personal protective equipment. The active use of the vest remains at the discretion of the officer and should be based on a risk assessment made at the time.

SSB1.2 Handling Catch/Fishing Gear

- 1) When measuring shellfish or whitefish ensure standard handling practices are followed at all times.
- 2) When handling fishing gear always wear non-slip, safety footwear.
- 3) Any objects such as trawl nets, fish boxes, containers and other heavy objects should be lifted in accordance with manual handling techniques
- 4) Some areas inspected can be subject to contamination by rats (Weils Disease), all employees are advised to cover any cuts and abrasions and wear protective gloves in such situations. Hands must be washed or sanitised at the earliest opportunity following such inspections.

SSB1.3 Boarding/Disembarking Vessels in Harbour

- 1) The employees own discretion must dictate whether or not it is safe to board a fishing vessel from the quay, having regard to the fact that, in doubtful circumstances, the skipper or crew should be invited to assist and facilitate a safe boarding. Slack mooring ropes, which may allow the boat to move away from the quay, should be particularly noted.
- 2) Where practicable, an employee should tell a fellow employee when they are about to board a vessel moored alongside a quayside.
- 3) When boarding or crossing from vessel to vessel, extreme care must be taken. Officers must wear non-slip footwear and a lifejacket/ buoyancy aid.
- 4) Quayside ladders are frequently in a dilapidated state, so therefore can be unsafe. Visual and physical checks should be carried out before descending any harbour ladder.

- 5) When using ladders, it can be very dangerous to carry any gear one-handed. Gear and equipment should be hung safely around the shoulders or lowered by rope.
- 6) Do not board vessels when derricks are being raised or lowered, or when a weight is being swung.
- 7) Sharp, pointed equipment and knives can be dangerous items when clambering over vessels or up and down ladders. All such items should be placed in a strong bag or safe pockets.
- 8) Particular care must be exercised when fishing gear is being handled on the vessel, or fish boxes are being loaded/unloaded.

SSB1.4 Boarding/Disembarking Vessels at Sea

Equipment and Clothing

- 1) Whenever an employee is operating in a RIB, they must wear an automatic lifejacket.
- 2) Suitable waterproof clothing.
- 3) Non-slip footwear.
- 4) Body belts are provided to all employees, operating in a RIB, as part of standard issue PPE.
- 5) Helmets must be worn at all times when embarking and disembarking from a RIB.
- 6) A portable radio should always be taken by the boarding officer.
- 7) The coxswain should ensure that kill cords are connected and operational at all times.

Use of RIB

- 1) The RIB coxswain should be fully aware that the safety of himself and the crew are paramount.
- 2) The coxswain is in charge of the vessel and must ensure that at all times when travelling at speed or manoeuvring the crew are not in danger of falling and must be seated safely.
- 3) The coxswain must make it clear to everyone their intended manoeuvres.
- 4) The coxswain and crew must maintain an effective lookout at all times.
- 5) Regard must be given to the location of boarding in shallow inshore areas which may result in grounding of the RIB.
- 6) Regard must be given to the type of vessel being boarded, its gear and likely manoeuvres during the approach. Particular care should be paid to pair team operations.
- 7) Whether or not gear is being worked from the side you wish to board should be assessed before boarding.
- 8) On larger fishing vessels, the large freeboard and awkward access may dictate that good communications with the skipper are paramount, so that he may instruct his crew to help the boarding officer to embark and disembark.
- 9) Access and pilot ladders must be used with extreme caution. They may not be adequately maintained or secured.
- 10) If deemed prudent by the boarding officer, the boarding phase is to be delayed until the fishing vessel has completed its hauling or shooting operation and is stopped in the water.

- 11) As far as possible, the boarding position must be away from propellers, discharges, moving machinery and running gear secured outboard and other obstructions.
- 12) When using any stand-alone RIB the lone working policy must be implemented
- 13) When using a stand-alone RIB reliable weather forecasts should be obtained prior to the patrol commencing.

Weather Conditions

After discussion between the patrol boat skipper, the coxswain, crew or designated person in charge, it will be mutually decided, if the prevailing weather, visibility, and sea conditions are acceptable, to undertake boardings. The possibility of further weather deterioration must be borne in mind. Generally, if there is any doubt about the transfer, it should be aborted. The safety of all staff is paramount at all times.

SSB1.5 Launching Vessels with Vehicles

General

- 1) All drivers of any Authority vehicles must hold full DVLA licences and be 25 years of age
- 2) All drivers of Authority vehicles for the purposes of launching any vessel must be fully conversant with 4 x 4 vehicles, competent in towing a trailer and hold the necessary licence endorsements, if required, or be authorised by the CO or Deputy CO.
- 3) All staff must be trained in and follow correct manual handling techniques.
- 4) All staff must wear protective footwear whilst launching and recovering any vessel.

Launching and Recovery of Vessels from the Shore

Launching and recovery of vessels from the shore must only be undertaken upon the authorisation and instruction of the senior officer present on the day.

Authority vessels must not be launched or recovered at any site except under specific authorisation of the Senior Management Team.

- 1) Launching must only take place following a full risk assessment of the site. This should also include a full assessment of prevailing and projected weather conditions and the state of the tide. Such assessments will form part of a standardised 'check sheet' and the senior officer must be able to demonstrate that they have taken place.
- 2) The final decision to launch will be taken by the senior officer. If any crew member has concerns or queries these must be brought to the attention of the senior officer prior to launching. **If there is any doubt the launch must be aborted.**
- 3) Prior to launching and recovery of any vessel, staff must be fully briefed and if necessary de-briefed. The senior officer must be able to demonstrate that such briefings have taken place.

- 4) Operation of any vehicle during launching and recovery must only be undertaken by trained personnel.
- 5) Where any launch is conducted the officer responsible for releasing the RIB from the trailer will be in charge of the launch procedure, he must ensure verbal communication is maintained with all staff during the launch procedure.
- 6) The vessel must remain secured to the trailer until it is launched.

Towing

Whenever the towing of the trailer is undertaken the following checks must be completed:

- 1) Brakes Operational
- 2) Tyres correctly inflated and turning freely
- 3) Light board operational and secure
- 4) Number plate mounted and correct
- 5) Boat adequately secured to trailer and ancillary equipment safely stored
- 6) Bilge water removed
- 7) Propellers guarded where necessary
- 8) No additional equipment loose or stored in boat that would cause instability or overloading
- 9) Brake activation cord attached to vehicle and 'deadman's' chain secured

Maintenance

It is the responsibility of senior management to ensure the vehicle and trailer are serviced in line with the manufacturer's recommendations. It is the employee's responsibility to ensure all maintenance and equipment checks are carried out prior to any launching procedure.

Safety Equipment

All mandatory pre-launch and post-launch checks must be completed for each trip detailed on respective lists. These lists contain detailed checklists on towing and maintaining the RIB and associated equipment, as well as detailed lists of all safety equipment and items to be carried on board the vessel for all operations. All safety equipment must, as a minimum, be checked and inspected on a monthly basis. It is the responsibility of the senior officer to ensure that such checks have taken place prior to launching.

SSB1.6 Launching & Recovering the RIB (NEG III)

Launching RIB from NEG III

- 1) Key personnel involved in launching and recovery operations are skipper, RIB coxswain and winch operator, both RIB coxswain and winch operator to be nominated by the skipper of NEG III and both to be fully trained and competent in the correct procedures.
- 2) RIB is only to be launched when skipper and RIB coxswain are satisfied as to the suitability of prevailing sea conditions.
- 3) All personnel must follow instructions given by the winch operator.

- 4) Before beginning launching operations, RIB coxswain and his/her crew must be fully dressed in all safety clothing and equipment and to have taken up their positions aboard the RIB, RIB engine must be checked and ready to start
- 5) When coxswain and crew are ready to launch, coxswain makes clear signal to winch operator to release safety clip.
- 6) When winch operator has received instructions to release RIB, he must use a bar to release pin, keeping well clear of quick release mechanism.
- 7) All clips, cables and shackles etc must be regularly inspected for wear and damage.

Recovering RIB from NEG III

- 1) When recovering, RIB to stand off astern of NEG III and await heaving line attachment.
- 2) Designated crew member to connect winch cable.
- 3) Winch cable to be made taught by winch operator and all personnel to be cleared of winching area (ramp)
- 4) RIB engine to be stopped at winch operators signal.
- 5) RIB occupants must stay aboard RIB until the RIB is fully secured on the NEGIII stern ramp.

SSB1.7 Patrol Vessels General Deck Work

- 1) When approaching the vessel from a pontoon care and consideration must be given in any conditions.
- 2) Quayside ladders are often in a neglected state, visual and physical checks should be carried out before descending or ascending any ladder.
- 3) There is to be no-smoking on the patrol vessel or RIB at any time.
- 4) Employees are not to venture onto the fore deck whilst the vessel is underway during inclement weather conditions, except in an emergency situation and under the authority of the skipper
- 5) Whenever underway or making way a lifejacket must be worn whilst working on deck.
- 6) Items of equipment and ropes should be made secure at all times when operational.
- 7) All visitors to the vessel/s must undergo a Health and Safety briefing.
- 8) The radar and any other forms of radiation must be switched to standby when any person is aloft or entering a harbour or marina area.
- 9) When general maintenance work is to be undertaken on the wheelhouse roof, the vessel must be within the confines of any harbour or port, or where possible, anchored. Where working aloft is necessary at sea, a safety harness must be used to arrest any possibility of a fall from the roof.
- 10) During mooring/berthing operations staff must always ensure that they have on their person a fully functioning portable radio to enable full communication with the wheelhouse and follow the instructions of the skipper and do not make any ropes fast until instructed to do so by the skipper.
- 11) When disembarking the vessel, staff must ensure they do not jump/leap from the vessel at any time. Always use the access ladders provided.
- 12) All deck machinery including winches and haulers must only be operated by trained experienced staff in accordance with agreed operating procedures. A deck officer will be designated to oversee the safe operation of all equipment.

- 13) All staff and personnel including visitors must follow and comply with all guidance and instruction provided by the designated deck officer.

SSB1.7.1 Patrol Vessels Deck Machinery

ALL WINCHES MUST BE DE-CLUTCHED AT THE END OF EACH OPERATION.

ALL OPERATORS MUST BE AWARE THAT ANY SIMULTANEOUS OPERATION OF OTHER HYDRAULIC EQUIPMENT MAY REDUCE OR INCREASE THE SPEED OF THE MACHINERY THEY ARE OPERATING.

GENERAL SAFETY CONSIDERATIONS RELEVANT TO ALL HYDRAULIC WINCHES AND DECK MACHINERY

All winches and deck machinery are to be operated by trained, confident personnel only, is that you?

Are you fully conversant with this particular winch?

If you are not sure of the operation do not touch any winch controls

Never leave a winch running unattended

Never use the winch from a position where you are stretching to reach the controls.

Have someone else on the controls if necessary

Avoid loose clothing when in area of operation, be careful if using gloves to handle warp or chain

When winches are to be left under load for anytime both clutch and brake should be applied

A visual check should be made of all wires, chains, shackles and running gear before any operation, replace any frayed, stranded or worn equipment

If in doubt seek advice or do not proceed, do not take risks, this is dangerous machinery if not operated correctly in safe conditions

During winch operations particular attention must be given to the load on your winch and to the positions of other personnel onboard the vessel, follow the instructions of the skipper at all times

Use of pot/ Net hauler on board the NEGIII RIB.

Only trained and competent employees are permitted to operate the pot/net hauler onboard the NEG III RIB using the following operating instructions and they must ensure that all safety and cut-off devices are identified, working and activated:

- 1) Hauler only to be used when weather conditions allow safe operations.
- 2) Pump clutch only to be engaged when RIB engine is on tick over.
- 3) Care to be used when engaging pump clutch-no loose clothing around hands/ wrists etc.
- 4) Pump clutch to be disengaged as soon as hauling operations are ended.
- 5) When working pots, nets etc crew members are to be aware of hazards that come with retrieving or shooting of the said gear. **SSB1.2 Handling catch/fishing gear.**

- 6) RIB coxswain and crew must pay particular attention to the stability of their vessel during winch operations in strong tides and whilst hauling heavy objects, if in any doubt as to the safety of the operation then this must be aborted.

Use of HIAB on board NEG III.

Only trained and competent employees are permitted to operate the HIAB onboard NEG III using the following operating instructions and they must ensure that all safety and cut-off devices are identified, working and activated:

- 1) The HIAB onboard the NEG III will be tested in line with the certification of lifting equipment regulations and any ancillary equipment has also been fully tested and certified.
- 2) Under no circumstances should the crane be subjected to loads that exceed the limitations shown on the capacity chart supplied with the crane.
- 3) In various places around the crane there are labels to remind of the restrictions, operating instructions, information and technical data. The location of each is shown for familiarisation purposes. Pay attention to the information on the plates.
- 4) Wear proper personal protective equipment. Wearing of a safety helmet is mandatory
- 5) Carry out a visual check of crane before starting work.
- 6) Stop the crane immediately if any unusual noise is heard, or it functions incorrectly.
- 7) When operations are being carried out using a crew member to secure the load for lifting, it should be this person who gives the signals to be carried out by the operator. As soon as the task of securing the load has been completed, the assistant should move away from the operating area before the load is lifted.
- 8) At the end of crane operations make sure that the crane is stowed in its folded position.
- 9) Operators must always be mindful of the stability and safety of the vessel during any lifting operations.
- 10) Never walk or work under a suspended load.

Operation of trawl winches on board NEG III.

Only trained and competent employees are permitted to operate the trawl winches onboard NEG III using the following operating instructions and they must ensure that all safety and cut-off devices are identified, working and activated:

- 1) **Dog clutch.** This is not to be engaged whilst the main shaft or drum are rotating; the clutch is inched round using the controls and can be easily slid into engagement once the dogs are correctly aligned. For disengagement it is necessary to first apply the brake, and then separate the dog-faces using the reverse controls. The dogs will then easily slide out of the engagement. You will find it virtually impossible to disengage the clutch whilst the dog faces are under load.
- 2) **Manual brake.** This is used to hold any load whilst the winch is stopped. It is also used to pay off wire when shooting the gear, having first disengaged the dog clutch.

- 3) **Limit of travel.** There is no provision for limiting the extent of travel of the winch. Therefore the operator must stop the winch before the load contacts the winch frame. Serious damage may occur if this happens. Also when the load is fully paid out, at least six turns must remain on the winch drum.
- 4) **Guiding-on-gear.** Spool the wire evenly across the drums, trying to build up even layers. When the shackles arrive at the drums endeavour to place them where they will easily come off again. Do not use shackles too large for your gear as this may damage the rollers on the guiding-on-gear.

Anchor winch on board the NEGIII

Only trained and competent employees are permitted to operate the anchor winch onboard NEG III using the following operating instructions and they must ensure that all safety and cut-off devices are identified, working and activated:

- 1) **Safety Notes.** The anchor should not be deployed until clear instruction has been received from the skipper to do so. Operation of this winch must only be undertaken by two personnel. The second person is to be utilised only for observations and communications.
- 2) **Dog clutches.** These are not to be engaged whilst the main shaft or gypsy are rotating, the clutches are inched round using the control valve and can be easily slid into engagement once the dogs are correctly aligned. For disengagement it is necessary to first apply the brake, and then separate the dog faces using the control valve. The dogs will then easily slide out of engagement. You will find it virtually impossible to disengage the clutch whilst the faces are under load.
- 3) **Brakes.** These are used to hold any load whilst the winch is stopped. They are also used to pay off chain when using the anchor, having first disengaged the dog clutches.

Sounder winch on board the NEGIII

Only trained and competent employees are permitted to operate the sounder winch onboard NEG III using the following operating instructions and they must ensure that all safety and cut-off devices are identified, working and activated:

- 1) **Safety Notes.** The operation of this winch must only be undertaken by two personnel the second person is to be utilised only for observations and communications. The operator must ensure that the deck area is clear of all personnel and any potential hazards prior to commencing any operations.

This winch is not clutched and is therefore permanently engaged any movement of the control will result in movement of the winch. There is no mechanical brake on this winch, it is braked hydraulically. The guide on gear is fully automatic on this winch and will move each time the main control is operated.

- 2) The winch control is variable speed in both forward and reverse.

- 3) The wire is slacked away by reversing the winch, do not reverse at excessive speed as this will result in the wire becoming fouled on the drum
- 4) Tension must be kept on the wire at all times to eliminate the gear going fouled.
- 5) This winch has by far greater pulling capacity than the wire has breaking strain so attention must be given to load at all times
- 6) This winch has a hydraulic brake. When the winch is in stop position it will be braked automatically.
- 7) Extreme care must be taken not to damage the cable during operation.

Use of pot/ Net hauler on board the NEGIII

Only trained and competent employees are permitted to operate the pot/net hauler onboard NEG III using the following operating instructions and they must ensure that all safety and cut-off devices are identified, working and activated:

- 1) Do not rely on the hauler to hold a suspended load for any length of time; these must be tied off securely to a strong point.
- 2) Great care should be taken if fouled equipment is hauled to the surface.
- 3) Reversing the hauler may cause the rope to release suddenly from the vee wheels, this operation should be only be done at slow speed.
- 4) Ensure any rope on deck is well away from the operator and cannot snag a foot on sudden release.
- 5) When working pots, nets etc crew members are to be aware of hazards that come with retrieving or shooting of the said gear and where practicable observe safe manual handling techniques and practices.
- 6) Avoid the use of gloves where practicable whilst using the hauler.
- 7) Do not use loose clothing when operating the hauler.

SSB1.8 Patrol Vessel Engine Room

- 1) The engine room vents should be opened before entry into the engine room is permitted.
- 2) Machinery is not to be operated unless manufacturer's safeguards are in place. Machinery (engines) should be allowed to cool before any work is undertaken and safety gloves worn, except in emergency circumstances.
- 3) Equipment (electrical or mechanical) should be isolated and power turned off before any work is undertaken.
- 4) Employees must ensure they have no loose clothing, when in the vicinity of machinery.
- 5) Ear defenders are to be worn in the engine room when the engines are running.
- 6) Non-slip safety footwear is worn at all times.
- 7) A regular maintenance regime is in place and is followed to ensure valves/machinery/engines are working correctly and all alarms are tested.
- 8) Only trained and competent staff members as determined by the skipper should undertake any maintenance work within the engine room.
- 9) The engine room should be kept clean and tidy and free from any oil/fuel spillages which should be immediately cleaned up.

SSB1.9 Working on board vessels

- 1) Beware of sudden unexpected vessel movements when derricks are raised or lowered, or when a weight is being swung.
- 2) Sharp, pointed net gauges and knives can be dangerous items when clambering over vessels. All such items should be placed in a strong bag or safe pockets.
- 3) Particular care must be exercised when fishing gear is being handled on the vessel, or fish boxes are being loaded/unloaded.
- 4) Once aboard, always stand well clear of all gear and machinery on deck, whether or not it is working - it may start up unexpectedly.
- 5) Never straddle a rope or wire - it may unexpectedly come under tension. Never stand in a bight of any rope, wire and chain. Always avoid slack wires laid on deck between two bollards, sheaves or blocks. (If the wire should come under sudden tension, a person's legs can be whipped from beneath them with possible severe injuries).
- 6) Beware of the dangers of walking on slippery hatch covers or on hatch boards which may not be properly secured over a deck opening. Always check that hatch covers are clipped back or otherwise secured, before descending into a fish or net hold.
- 7) When inspecting any hold, always have a member of the crew to assist you.
- 8) Trawl nets, fish boxes, containers, and other heavy objects should, where possible, be lifted in such a manner which conforms to manual handling techniques and where possible assistance should be sought.
- 9) Be aware of fire hazards and always ensure that a quick exit route from the vessel is available.

SSB1.10 Driving at Work

Employees have a duty to ensure that the activities they undertake whilst driving are safe and do not pose a danger to other road users. Where at all possible and/or practicable Officers should seek to 'car share'.

Use of Authority Vehicles

- 1) The Chief and Deputy Chief Officers are responsible for ensuring that all Authority vehicles are serviced and maintained in line with the manufacturer's recommendations.
- 2) Any employee using the vehicle shall be responsible for ensuring that before use a relevant Weekly Inspection Sheet has been completed.
- 3) All use of the vehicle is to be authorised by a senior manager.
- 4) Any employee using any Authority vehicle, is required to complete all necessary documentation in full. Any faults suspected or detected by an employee must be reported to the senior manager immediately. An entry must be made in the vehicle log book, **and where any fault may affect safety, then the vehicle must not be used.**
- 5) Any employee involved in a traffic offence or accident, either in their personal vehicle or Authority vehicles, or suffering any illness which may affect the ability to drive, or having been prescribed any medication, which may affect the ability to drive, must advise the CO, Deputy CO or line manager as soon as is practical.

- 6) Before using the four wheel drive capability of the Vehicle, or taking the vehicle into an off road situation, employees must be conversant with the correct and safe handling of the vehicle in that situation.
- 7) All drivers must be 25 years of age or over unless given express consent to operate that vehicle by the Chief or Deputy Chief Officer.
- 8) Employee's will abide by the provisions of the Highway Code at all times.

Use of All Terrain Vehicles

Only officers that have received the appropriate training in the operation and use of ATVs are authorised to use them to support NEIFCA operations and must observe the following safe working practices:

- 1) When using ATVs suitable head protection must be worn at all times (with the exception of vehicles fitted with a fully enclosed cab). A motorcycle helmet which meets BS6658 should be worn. The helmet should be comfortable and not restrict breathing. All straps should be intact and undamaged. The helmet should be checked for any visible signs of damage. On detection, damage should be reported to the relevant line manager.
- 2) Ear defenders must be worn at all times when the ATV is operational.
- 3) Eye Protection consisting of a visor or safety glasses to EN 166 should be worn to protect against dust particles and flying insects (with the exception of vehicles fitted with a fully enclosed cab).
- 4) Protective boots must be worn with grip and ankle support which complies with EN345-1 during loading/unloading of the ATV (with the exception of vehicles fitted with a fully enclosed cab).
- 5) Ensure gloves are available to protect against wind chill in cold weather
- 6) Ensure suitable outer garments are worn appropriate to the weather conditions on the day, suitable waterproof clothing should be carried at all times.
- 7) Ensure drinking water is available to prevent dehydration.
- 8) A first aid kit should be carried at all times. The user should be trained in first aid in line with NEIFCA safe working practices document.
- 9) A VHF Radio, PLB, mobile phone, foot pump, puncture repair kit and extra fuel must be present on the ATV when working intertidally.
- 10) A folding shovel and boards are provided in case of bogging.
- 11) A check list must be completed prior to each occasion the ATV is used. For multi operator vehicles a means of stopping use by other riders when a check has revealed a fault is useful, eg DO NOT USE tag for over key slot
- 12) When leaving the ATV on the foreshore officers must ensure that it is parked beyond the high water mark and should not be left in idle for prolonged periods.
- 13) Any ATV operations invoke the Authority's lone working procedures. **Officers must use ATV's in pairs only, there must be no single officer use.** The lead Officer responsible for the operation of the ATV must supply the following information to the designated Lone Working contact:
 - Start time
 - Journey Plan, to include detailed location and passage information
 - Estimated Time of return
 - Purpose

Information must be of sufficient detail to enable emergency services to initiate a search.

Use of Officers Vehicles

- 1) Employees will abide by the provisions of the Highway Code at all times.
- 2) Vehicles must have a current MOT certificate, current Road Tax, Business Use Insurance and be roadworthy at all times.
- 3) Any employee will be responsible for checking and ensuring the safe operation of their vehicle before use.

Excessive Mileage and Fatigue

- 1) When undertaking long journeys, employees should, when practicable follow the guidance contained within the Highway Code.
- 2) Where normal work patterns are disrupted i.e for shore officers attending NEGIII. If the expected working day exceeds 12 hours and 250 miles travelled, then officers should make alternative accommodation arrangements, by either travelling up the previous day and staying in accommodation overnight or seeking accommodation following the working shift.

Weather Conditions

Consideration should be given when making any journey as to the weather conditions. If any concern exists then this should be relayed to the relevant senior manager. i.e attending NEG III in winter then seek advice from Patrol Boat Skipper on the day in question.

SSB1.11 Surveying Shellfish Beds

- 1) Prior to surveying on any shellfish bed, the Lone Working Procedure must be implemented irrespective of the number of people engaged in sampling.
- 2) There will be a designated officer in charge of the sampling and a minimum of 2 people are required for any survey. When engaged in sampling employees should ensure that they work in pairs as a minimum requirement. The designated officer should ensure that all necessary safe working practices and equipment are in place.
- 3) Access to and from beds must be taken using established tracks/exit routes. Avoid areas of unstable substrate when moving across the beds.
- 4) The designated officer should assess the likely weather conditions to ensure no severe weather is expected that could increase the risks highlighted in the risk assessment i.e Fog/Precipitation.
- 5) The tide times should be verified and work/surveying should only **occur 4 hours before LOW WATER.**
- 6) Each person engaged in surveying should have a work issue mobile phone and coverage from the network verified. The phone must be fully charged and all associated operational software, such as tracking and lone working facilities, must be fully activated.
- 7) The following safety equipment must be taken:
 - First Aid Kit

- ❑ Fully functioning mobile phone
- ❑ 1 Handheld GPS
- ❑ Life jacket
- ❑ Waterproof/warm clothing for each person.
- ❑ Hand held compass
- ❑ Hand-held VHF

SSB1.12 Operation of Vessels at Sea

NEG III Manning Requirements/Qualifications

In Harbour Movements:

- 1) When the vessel requires moving within the boundaries of any harbour, for example to take fuel, or re-mooring, there must be a **MINIMUM CREW OF 3**.

Vessel movement outside any harbour boundaries

- 1) This will include routine sea patrols, sea trials, passage voyages etc. There must be a **MINIMUM CREW OF 3 – which must include the skipper, 1 full time crew member and a competent other**.
- 2) When there is a requirement to carry out boardings of other vessels there must be a **MINIMUM CREW OF 4**

The Patrol Boat Skipper or relief skipper must be suitably experienced and qualified to coding requirements.

Stand Alone Vessel Manning Requirements/Qualifications

Stand Alone Vessels

Only vessels certificated under the Workboat Code can be used as Stand Alone Vessels.

For any activity undertaken by the vessel there will be a **MINIMUM CREW OF 2, 1 during boarding operations.**

All coxswains of stand-alone vessels must be qualified to RYA advanced powerboat certification unless under the supervision of a member of staff holding an advanced power boat certificate.

When RIBs are engaged in ‘mother/daughter’ operations with NEG III a minimum crew of 1 is permitted.

Maintaining a Navigational Watch

The skipper of each vessel (NEG III/RIB) will ensure that watch keeping arrangements are adequate for maintaining a safe navigational watch.

Watch Arrangements/Look Out

The composition of the watch shall at all times be adequate and appropriate to the prevailing circumstances and conditions and shall take into account the need for maintaining a proper lookout.

Fitness for Duty

The watch system shall be such that the efficiency of watch keeping officers is not impaired by fatigue.

Navigational Duties and Responsibilities

- 1) The helmsman shall keep his watch on the bridge which he shall under no circumstances leave until properly relieved.
- 2) The helmsman will continue to be responsible for the safe navigation of the ship, despite the presence of the skipper, until the skipper informs him that he has assumed responsibility and this is mutually understood.
- 3) The helmsman will notify the skipper when in any doubt as to what action to take in the interests of safe navigation or vessel safety.

Safety Equipment

- 1) All employees must be trained in the use of safety equipment. Once trained they must use all items of safety equipment and protective clothing relevant to their duties.
- 2) They must identify all safety gear stowage points aboard the patrol boats, to enable a quick and concerted action in the event of an unexpected emergency.
- 3) It is the employees own responsibility to ensure that he/she is adequately equipped for particular duties. They must also ensure that official equipment in their care is regularly serviced and maintained, e.g. automatic lifejackets.
- 4) If any equipment is found to be defective in any way, it must immediately be reported to the Patrol Boat Skipper/ Deputy CO or CO for renewal or repair.

Maintenance

It is the responsibility of senior management to ensure all maintenance regimes are followed in their respective work area. Additionally, it is the responsibility of all staff to ensure all items of equipment/machinery are in working order prior to any activity being undertaken. Any defects must be reported immediately and if necessary operation of vessels should be aborted until such problems are rectified.

Weather Conditions

The skipper shall assess the weather conditions before any planned voyage/trip, to ensure the safety of the vessel and crew.

SSB1.13 Discard Surveys

- 1) Prior to undertaking any surveying, the Lone Working Procedure must be implemented irrespective of the number of people engaged in sampling.
- 2) Officers must wear non-slip footwear and a lifejacket.
- 3) Each person engaged in surveying should have a work issue mobile phone. The phone must be fully charged and all associated operational software, such as tracking and lone working facilities, must be fully activated.
- 4) Officer(s) should satisfy him/her/themselves that the vessel being used to survey from is in good sea worthy condition, has a reliable and well known skipper and has the necessary safety equipment on-board and a relevant MCA Code of Safety Inspection.
- 5) Officers should satisfy themselves that the vessel chosen is going to sea in weather/conditions that are suitable. **If there is any doubts on any safety related issues and or conditions the survey should be aborted immediately.**
- 6) The following equipment must be taken:
 - ❑ Personal EPIRB
 - ❑ Warm/waterproof clothing

SSB1.14 Inspecting Premises

- 1) When inspecting any new premises officers must identify themselves and fully explain to the manager/owner the purpose of the inspection and powers under which the inspection is being undertaken
- 2) Officers must always have in their possession a fully operational work issue mobile phone. The phone must be fully charged and all associated operational software, such as tracking and lone working facilities, must be fully activated.
- 3) When working outside of normal work times 2200- 0400 Officers must implement the Lone Working Procedure.
- 4) Officers must wear non-slip, safety footwear and protective clothing appropriate for the premises being inspected.
- 5) When inspecting cooked/uncooked products officers must take suitable precautions as advised by the owner in order to prevent cross-contamination of food products.
- 6) When measuring shellfish or whitefish ensure the correct handling procedure is followed,
- 7) Any objects such as trawl nets, fish boxes, containers and other heavy objects should be lifted in accordance with manual handling techniques.
- 8) Be aware at all times of any machinery operating such as forklifts, always conduct inspection of fish in safe location.
- 9) Employees must familiarise themselves with the premises emergency procedures in case of fire etc.

- 10) Never enter a cold room or freezer unattended and always ensure the door cannot be closed behind you.

SSB1.15 Inspection of Person/s

All officers will at sometime during the course of their duties inspect person/s unknown to them. In such circumstances Officers must follow the procedure below:

- 1) Officers must always have in their possession a fully operational work issue mobile phone. The phone must be fully charged and all associated operational software, such as tracking and lone working facilities, must be fully activated.
- 2) When working outside of normal work times 2200 – 0400 Officers must implement the Lone Working Procedure (LWP).
- 3) When operating in any location, officers must risk assess the potential for any violence and implement the LWP (SSB4), where any doubt exists the LWP must be invoked and standard issue protective vest worn.
- 4) When operating against person/s who are known to the Authority as being a threat to officers safety the LWP must be invoked.
- 5) Where a new person is inspected by officers and any concerns are raised, the officer must liaise with senior management who will liaise with the Police to obtain any relevant information on the threat this person may pose.
- 6) WHERE ANY THREAT OF VIOLENCE EXISTS OFFICERS MUST LEAVE THE AREA IMMEDIATELY, SAFETY OF STAFF IS PARAMOUNT.

SSB1.16 Inspection of Vehicles

- 1) Officers must always have in their possession a fully operational mobile phone. The phone must be fully charged and all associated operational software, such as tracking and lone working facilities, must be fully activated.
- 2) When working outside of normal work times 2200 – 0400 Officers must implement the Lone Working Procedure (LWP).
- 3) If officers are unsure about the nature of the person being inspected they must implement the LWP for the course of the inspection.
- 4) When inspecting any vehicle ensure the engine is switched off and request that the key is removed.
- 5) Before commencing any inspection request that the handbrake to the vehicle is engaged.
- 6) Always request the driver to accompany you during the inspection.
- 7) When inspecting refrigeration units always ensure the door is locked open and that the driver accompanies you at all times. Ensure you have warm clothing.
- 8) When accessing a vivier lorry/van ensure the threat of fall is removed by using suitable access provisions.
- 9) Be aware at all times of the environment surrounding you, conduct the inspection in a quiet location away from the threat of other traffic/vehicles.
- 10) If following a vehicle, officers must ensure they abide by the Highway Code at all times.
- 11) Do not use your vehicle to block any vehicle in.
- 12) Do not follow vehicles into remote locations where the threat of isolation exists.

SSB1.17 Use of Mobile Phones

General Use

- 1) When working, all officers must ensure that their work issue mobile telephones are switched ON, fully charged, operational and all associated operational software, such as tracking and lone working facilities, fully activated. During work time phones should only be switched off during the following circumstances (Paragraphs (2) to (4)).
- 2) When using a mobile telephone, Officers must ensure that they conform to the Road Vehicles [Construction and Use] [Amendment] [No 4] 2003, which prohibits the use of hand held devices whilst driving. A copy of this regulation and its guidelines is available to all staff
- 3) At all other times Officers shall assess whether the use of a Mobile Telephone could cause distraction which may affect the officer's safety or that of any other person or property. If the officer feels that any such risk is possible then the Mobile Telephone should not be used or switched off.
- 4) When attending Staff/Authority Meeting's, Magistrates Court, Crown Court or Training Sessions etc. Mobile Telephones should be switched OFF. If a possibility of accidental connection exists then the battery of the Mobile Telephone should also be removed.

Message Service

- 1) Officers must ensure that during working hours if their Mobile Telephone is switched OFF a voice mail or message service is functional on their phone.
- 2) During the course of a normal working week (Monday-Sunday) whilst not on duty and the officers Mobile Telephone is switched OFF, provision must be made for a voice mail message service to be functional on their Mobile Telephone.

SSB1.18 Operation of Drones

Pre-Flight Checks

- 1) Environmental conditions must be assessed before any drone activity is undertaken. Check the local weather forecasts before travelling to site and reassessing once at the site and during flight operations.
- 2) Where possible check for any known aircraft that might be operating in the area.
- 3) Only the 'Splash Drone 3+' model should be operated from a vessel.
- 4) Ensure drone and controller batteries are fully charged before flying using battery tester if necessary. It is dangerous to fly the drone with low power. This could result in damage to the battery and risk of the drone crashing.
- 5) Make sure all electrical fittings are fully connected and secured.
- 6) Take care when installing or removing propellers to prevent cutting or scratches to hands.
- 7) Check all propellers to ensure that there is no damage, they are correctly installed and securely fastened.
- 8) Ensure the drone camera is properly secured before each flight. If calibration is required make sure you have sufficient space before completing the process with reference to the appropriate manual.

- 9) Prior to take-off ensure that the drone has a minimum connection to at least 9 satellites
- 10) It is strictly forbidden for any operator to handle a drone whilst under the influence of alcohol or drugs.

Take Off

- 1) During take-off, when operating from land, any drone should be placed in GPS mode and on the ground.
- 2) Ensure due care and attention is paid to sea state and vessel manoeuvres when operating a drone in an offshore environment. The operator must be safely positioned on the boat away from open sides or hazards.
- 3) When powering on the controller make sure all switches are in the upwards position. Test and ensure the controller has a good connection with the drone before take-off.
- 4) Whilst the drone is completing the power on auto check the operator should keep the drone stationary and when operating from land, ensure it is positioned in an open space away from the operator and others.
- 5) The operator should stand upwind and to the side of the drone during take-off and landing or when operating from a vessel, ensure the vessel is positioned upwind of the drone's location.
- 6) During take-off, flying and landing the operator should take note of wind direction and speed in relation to the vessel or location at all times and then plan and proceed accordingly.
- 7) The option of take-off or landing from hand should be generally avoided with other safer options taking preference. Where take-off or landing from hand is carried out the correct PPE including a helmet with face shield and suitable gloves must be worn by the handler. The handler should use an outstretched arm and be cautious to keep to drone away from the body until motors have come to a full stop

Flight

- 1) During flight it is important to constantly monitor the battery voltage as flying conditions like strong winds and fast movements can deplete the battery rapidly. If the battery power falls below 14v the drone should be safely landed and recovered.
- 2) The operator should follow the rules of the UK Drone Code at all times whilst flying.
- 3) In an emergency crash landing the operator should stop the motors by pushing both joysticks down and outwards. This will reduce chance of damage or injury.
- 4) The operator must maintain eye contact with the drone at all times and should not operate the drone in low light or low visibility conditions.

Landing & Post Flight

- 1) When operating offshore the drone should be landed against the wind.
- 2) After landing the operator must ensure the motors have fully come to a stop before handling the drone.

- 3) When operating offshore and retrieving the drone from the sea the operator and or assistant must ensure safe footing is maintained and correct equipment is used (boat hook). Follow Safe Systems of Work Boarding/Disembarking Vessels at Sea (SSB1.4)
- 4) Following any use the drone and camera should be rinsed in fresh water to prevent corrosion paying special attention to the motors, gimbal parts and mounting brackets of the landing gear.

Storage

- 1) If drone is out of action for an extended period the operator should store the drone in dry and ventilated environment in a temperature of 20-28C.

SSB1.19 Medications at Sea

- 1) In certain circumstances, such as chronic illnesses, a duplicate medication should be carried at all times. (E.g. Relief medication such as inhalers that relieve the symptoms of an asthma attack are needed on an ad-hoc basis with little warning) In relation to such medications:-
- 2) (a) One set should be carried in a waterproof container stowed in a secure compartment on satellite and shore launched vessels *and/or*-
(b) In the case of NEGIII duties, a mutually agreed safe place known to the individual requiring the medicine and the master of the vessel.
(c) Depending on the medication, a duplicate must be carried on the person requiring the medication at all times. Particularly, if the individual is onboard the land based rib or NEG III satellite vessels undertaking patrols/boardings.
- 3) The Master of NEGIII and/or lead officer in the case of shore launched vessels/NEGIII satellite vessels must be made aware of any medication carried, whether duplicate or not. No sea going duties are to be undertaken unless essential medication is present and in the case of mechanical administering devices (such as an inhaler) are in full working order. Details given should include frequency of self administration and any special requirements pertaining to the medication.
- 4) It is the responsibility of the individual to ensure that he or she has the appropriate medication when undertaking sea going duties and that the master or lead officer is informed.

SSB 2 – Risk Assessments

The following generic risk assessments have been conducted for work activities undertaken by NEIFCA staff. These assessments are held electronically and are detailed in Annex 1 for information. Furthermore the electronic risk assessment is designed to be flexible and as new work activities are undertaken staff, in conjunction with senior managers, are responsible for ensuring any new task is risk assessed before work activity commences.

RA1	Surveying Shellfish Beds	RA11	Patrol Vessels Launching/Recovering RIB
RA2	Inspection of vessels/catch	RA12	Operation of RIB at sea
RA3	Inspection of Premises	RA13	Operation of NEG III at Sea

RA4	Inspection of Person/s	RA14	Driving at Work
RA5	Inspection of Vehicles	RA15	Intertidal Survey Work
RA6	Lone Working	RA16	Operations of Drones
RA7	Discard Surveys	RA17	
RA8	Launching of RIB with Vehicle and Trailer	RA18	
RA9	Patrol Vessels General deck Work	RA19	
RA10	Patrol Vessel Engine Room	RA20	

SSB3 – COSHH Assessments

Any substances used in day to day operations are detailed within the NEIFCA COSHH Assessments Files which are held centrally at the Town Hall, on the Patrol Vessel NEG III and at storage facilities. Officers must ensure that before using any substances, they must refer to the COSHH Assessment Files and take any necessary precautions as identified within each substances assessment. All new substances must be assessed before use, and the assessment retained in the relevant file.

SSB4- Violence, Challenging Behaviour and Working Alone in Safety

Verbal Abuse and Threats

- 1) All Staff will receive appropriate training on how to deal with difficult situations.
- 2) Any cases of verbal abuse and or threat to any employee must be reported to their Senior Officer and a detailed record will be kept and monitored using a specific report sheet held electronically in the Health and Safety File.
- 3) Where a pattern of threats or abuse is revealed, the Chief/ Deputy Chief will seek the advice of and assistance from appropriate agencies, and take any necessary action.

Physical Assault

The Authority will adopt the following procedure as appropriate where:-

- A physical attack can be reasonably foreseen in the future from a potential aggressor:
- A physical attack has taken place:
 - ❑ Call the Police [Ambulance if required]
 - ❑ Report the incident to a Senior Officer verbally.
 - ❑ Liaise with the police, be prepared to make a Statement, and obtain a crime number.
 - ❑ The Senior Officer will decide on any other immediate action thought necessary in the interests of safety.
 - ❑ Complete written report regarding the incident.

- ❑ Liaise with Hospital or GP, if appropriate obtaining written evidence of injuries if possible.
- ❑ Counselling will be offered to Staff where necessary.

Lone Working Procedure

This procedure has been developed in order to improve communications and provide support to employees who are engaged in lone working. Although there may be occasions when employees other than lone workers would benefit from using this system, for example, employees working outside normal office hours (2200 – 0400).

Lone working is an integral part of NEIFCA officers/employees operations and, as an employer, NEIFCA recognises that lone workers face particular problems due to the nature of their work and will not require officers/employees to work alone where this results in unacceptable risks. Management must therefore assess the risks its lone workers face and wherever possible should strive to remove or reduce risks to an acceptable level.

To ensure success of this procedure and thus maximise the safety of all NEIFCA officers/employees there needs to be full co-operation of all staff in the implementation of the procedure.

Identifying Lone Workers

NEIFCA management has undertaken a risk assessment of all work activities and identified areas/tasks undertaken in the course of officers duties which pose possible hazards, the consequences of those hazards, the risk factors and the control measures to be implemented in order to reduce the risk to Authority employees.

As part of that risk assessment areas have been identified which pose a possible risk in terms of lone working/workers. It is important to be aware that the risks associated with lone working are not associated only with individuals. Small groups working in remote locations can experience some of the risks associated with lone working- for example, If during a survey on a shellfish bed one of them suffers injury and the group needs to divide to get assistance.

Below is a table, which identifies through the NEIFCA Risk Assessment, areas which are classified as lone working.

Identified Lone Working Activities

LW1 - Surveys on Shellfish Beds
LW2 - Working in Identified locations
LW3 - Working outside of normal office hours 2200-0400
LW4 - Discard surveys
LW5 - Use of Stand Alone Vessels
LW6 – Any situation/location suitably assessed by officer

Shore Based Lone Working Procedure

- 1) Officers/employees must ensure that they carry a reliable means of communication at all times (work issue mobile telephone). All phones must be fully charged, operational and all associated operational software, such as tracking and lone working facilities, fully activated.
- 2) Officers/employees must ensure that before undertaking any lone working procedure (as identified) they have read the relevant NEIFCA Risk Assessment/Safety Services Booklet. Officers/employees must also ensure they have all the relevant equipment identified for the task they are to undertake.
- 3) Lone workers must log on at the beginning of the identified work activity and log off when the activity ends. The procedure laid out below must be used for logging on and off.

Logging On/Off

- 1) During all hours, officers should must log on verbally with their respective senior manager or the Deputy Chief Officer using one of the following numbers:
 - Deputy Chief Officer 07879815464
 - Senior IFCO 077787859736
 - Senior Environmental & Scientific Officer 07810637297
 - First Mate 07790556679
- 2) Once contact has been made then they should be informed of the following information:
 - ☐ Location
 - ☐ Expected activity
 - ☐ Expected finish times
 - ☐ Intended frequency of contact
- 3) The officer must agree the frequency of contact with the contact officer covering the duration of the lone working period.
- 4) Once logged on, lone workers must make contact at the agreed times. FAILURE TO DO SO MAY RESULT IN THE SEARCH PROCEDURE BEING ACTIVATED.

SSB5 – Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR)

Accident and Incident Reporting

All accidents, or incidents involving dangerous occurrences and/or near misses shall be reported. The Operational Support Manager shall ensure that systems and procedures are in place to monitor and record all incidents.

The procedures to be followed for reporting and recording such events are contained within the 2 flow charts:

- 1) Accident Reporting Procedure (HSE)
- 2) Accident Reporting Procedure (MAIB)

These procedures are set down by law for reporting and recording all accidents and incidents either terrestrially (HSE) or at sea (MAIB).

Accident Reporting Procedure (HSE)

NEIFCA accepts that the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999 and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 and other statutes place a duty on it to ensure that accidents and incidents are recorded and investigated.

All accidents and incidents should be investigated and recorded to ensure future work activities are modified accordingly to ensure a safe working environment. The 'Accident Reporting Procedure (HSE) Flow Chart' contains the relevant procedures to be followed in reporting and recording all accidents and incidents within the terrestrial work environment.

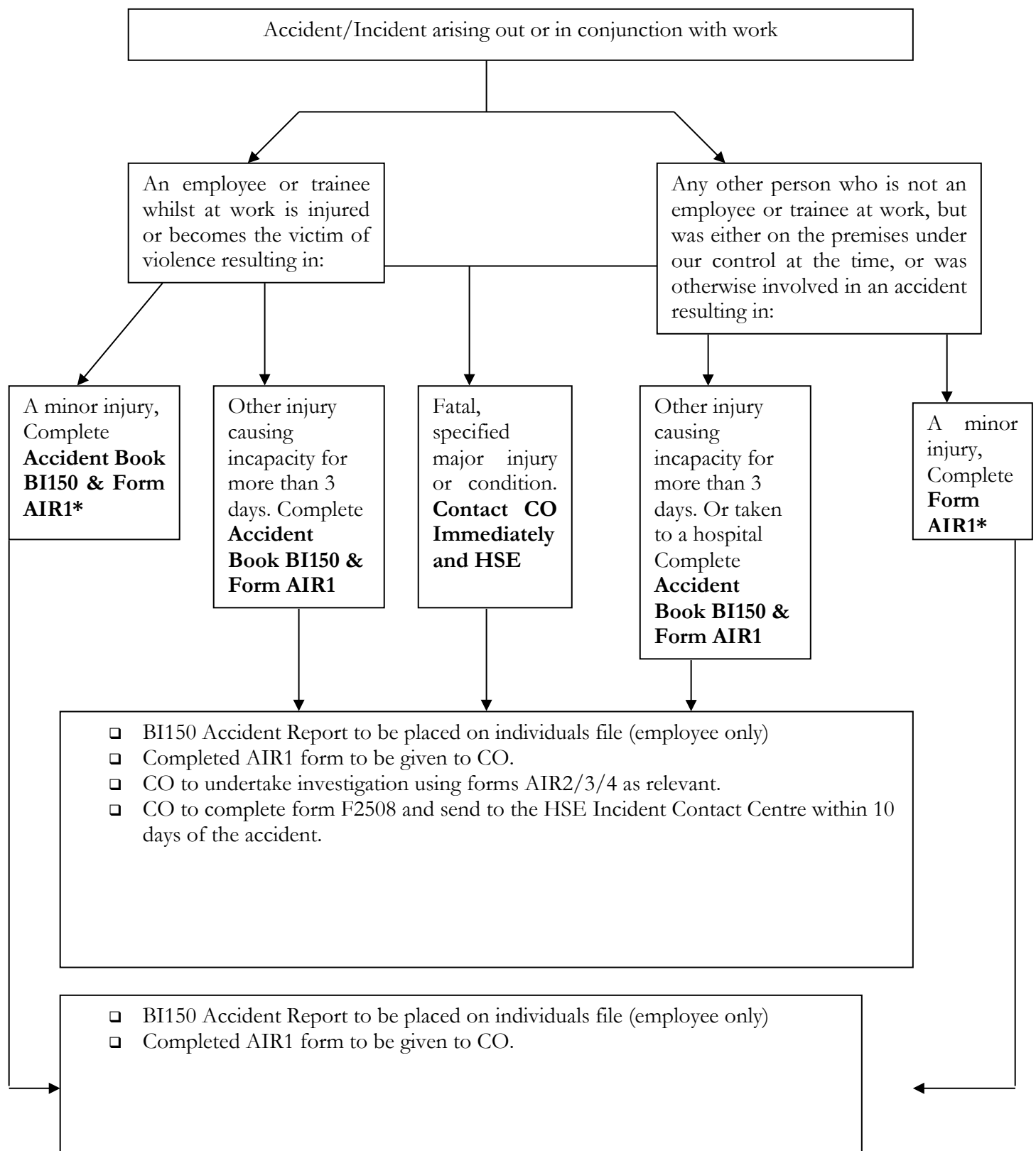
Accident Reporting Procedure (MAIB)

NEIFCA accepts that the Merchant Shipping Act 1995, and the Merchant Shipping (Accident and Reporting Regulations) 2005, place a duty on it to ensure that accidents and incidents are recorded, reported and investigated.

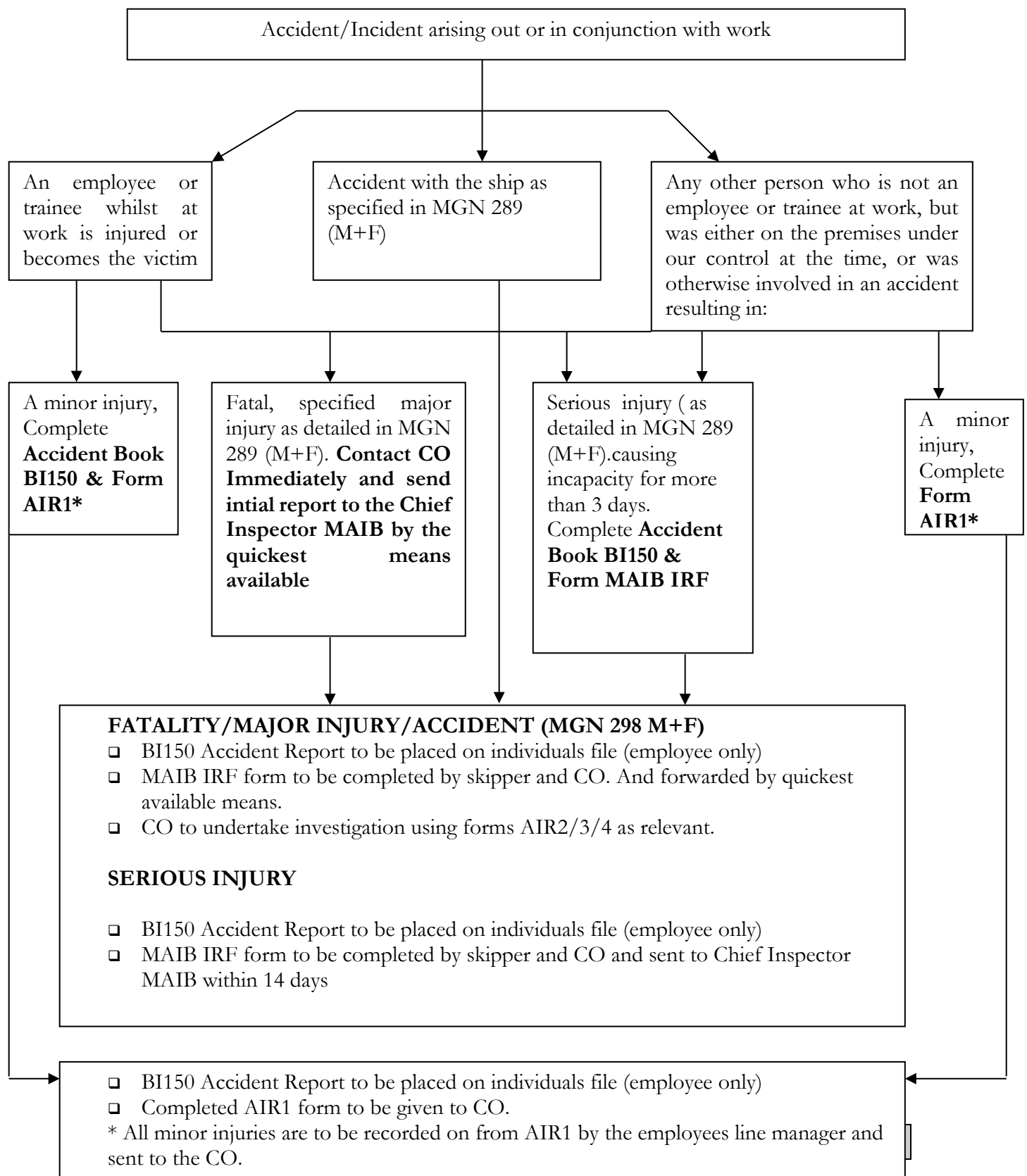
All accidents and incidents should be investigated and recorded to ensure future work activities are modified accordingly to ensure a safe working environment. The 'Accident Reporting Procedure (MAIB) Flow Chart' contains the relevant procedures to be followed in reporting and recording all accidents and incidents within the marine work environment.

ALL RELEVANT REPORTING FORMS ARE HELD ELECTRONICALLY AND WILL BE SUPPLIED TO LINE MANAGERS.

Accident Reporting Procedure (HSE) Flow Chart



Accident Reporting Procedure (MAIB) Flow Chart



Procedure for Assessments

STEP 1

All staff who use a computer are to complete a **'User Assessment Form'**. This is to ascertain if the member of staff is classed as a 'habitual user', and thus falling into the scope of the regulations. 'Non users' need not proceed any further.

STEP 2

If the member of staff is clearly classed as a 'user' then he or she must complete the **'Workplace and Display Screen Assessment Form'**. Once this has been completed it should be returned to the CO.

STEP 3

As CO it is your responsibility to analyse the responses, and as far as is reasonably practicable, address any areas of concern. All assessment forms and details of actions should be retained and kept in the electronic 'Health and Safety' File.

STEP 4

The assessment process must be repeated when any of the following circumstances occur:

- A major change in hardware and/or software
- A major change in furniture, office environment, and/or relocation of the workstation
- A substantial increase in the users time spent at their workstation

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
14 March 2019

NEIFCA Byelaws Update - XXVIII Crustacea Conservation 2018 & XXX Automatic Identification System (AIS) 2016

Report by the Clerk and Chief Officer of the Authority.

A. Purpose of Report

To update members on all current fisheries byelaw work streams.

B. Recommendation

1. That members note the report and endorse the submission of both draft byelaws to Defra for final confirmation.

1. Background

1.1 Byelaw XXVIII Crustacea Conservation Byelaw 2018

- 1.1.1 This new byelaw regulation was made by the Authority at its meeting on 14 June 2018 (minute record 52 refers). 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 shell fishing 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 Following a period of informal consultation with the MMO IFCA byelaws team, formal public consultation commenced on 15 October 2018 and concluded on 7 December 2018. In total the Authority received ten objections to the proposal, primarily in relation to the new maximum vessel length size for shell fishing of 10 m within the 3 nautical mile limit and the prohibitions on taking soft and mutilated lobsters. Copies of all the objections received and responses are attached for additional information. Prior to responding to the objections the Chief Officer contacted all members via email on 24 January 2019 outlining his intentions to strengthen some of the definitions contained within the byelaw, particularly relating to 'soft' lobsters and submit the byelaw proposal for formal confirmation. Whilst two members raised

some concerns regarding the potential economic impacts that the new proposed vessel size limit might cause, the majority of members indicated their support for progressing the regulation. Progression of the byelaw remains critical to ensuring the same level of continued protection for egg bearing lobsters, given that the Authority's emergency byelaw will expire on 16 April 2019. Following further consideration by the Chair and Chief Officer a decision was taken to continue progression with the process with a full report coming back to the Executive Committee on 14 March 2019.

- 1.1.3 The definition of 'soft lobster' was strengthened within the draft byelaw and it was submitted for formal confirmation on 8 February 2019. Following a preliminary review of the submission some minor changes were recommended to the wording of the draft regulation including removal of 'transporting' within the prohibitions. It was also suggested that consideration should be given to removing the deeming clause. Whilst the act of transporting prohibited shellfish was been removed from the draft the deeming clause has been retained as it is considered an important component of the regulation. A revised draft of both the regulation and supporting Regulatory Impact assessment were re-submitted for confirmation on 18 February 2019 and copies are attached to this report for member's information.

1.2 **XXXI Automatic Identification System (AIS) Byelaw 2016**

- 1.2.1 The proposed AIS byelaw was one of five regulations which were formally made by the Authority on 27 April 2016 which also included the following:

- XVIII Method and Area of Fishing (Netting) Byelaw 2016
- XXIX Humber Estuary Fishing Byelaw 2016
- XXXI Catch Returns Byelaw 2016
- XXII Shellfish Permit Byelaw 2016

- 1.2.2 Following informal 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 with the exception of the Shellfish Permit regulation which needed further consideration.

- 1.2.3 Since July 2017 the byelaws have 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). 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.

- 1.2.4 Since the 25 May 2018 officers have 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 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. The MMO considered that given the significant development of the national IVMS project since the original byelaw was made in 2016, necessitating subsequent changes to the supporting RIA, a further period of consultation was felt appropriate. 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 closed on 7 December 2018.

- 1.2.5 During the second period of formal consultation on the AIS byelaw proposal the Authority received eighteen objections and two letters of support for the measure. Sixteen of the eighteen objections came from representatives of the recreational rod fishing sector and two from the commercial fishing industry.
- 1.2.6 The objections from the recreational rod fishing sector raised a number of complex issues relating to the commercial classification of recreational charter fishing businesses many of which carried no clear or immediate answer. Copies of all the objections received and responses are attached for additional information. Prior to responding to the objections the Chief Officer contacted all members via email on 21 December 2018 indicating his intention to remove the recreational fishing sector from the scope of the byelaw provisions and re-submit the regulation for formal confirmation. All members were supportive and the AIS byelaw was re-submitted for formal confirmation on 24 January 2019 and alongside the three other outstanding byelaws, is now, finally, being considered by senior Defra officials.

Contact Officer

David McCandless, Chief Fishery Officer
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Yorkshire Wildlife Trust is registered
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Chief Executive Officer
North Eastern Inshore Fisheries & Conservation Authority,
Town Hall
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Tuesday 4th December, 2018

RE: Byelaw changes – formal consultation

Yorkshire Wildlife Trust works across the Yorkshire and Humber region managing more than 100 nature reserves and with a membership of over 42,000. YWT is the second oldest of the 46 Wildlife Trusts which work in partnership to cover the whole of the UK. The Trust's principal vision is to work for a Yorkshire rich in wildlife, valued and enjoyed by people.

Yorkshire Wildlife Trust **welcomes and supports** the overall intent of the revisions of the byelaw proposed by North Eastern Inshore Fisheries and Conservation Authority and welcome this as an *interim* measure before development of a full potting effort limitation scheme is completed.

In order for the national Statutory Instrument (implemented in October 2017) banning the landing of egg bearing lobsters to be effective the legislation should be applied to *all* those licensed and unlicensed operators targeting this sea fisheries resource. This will create a level playing field across the sector and ensure egg bearing lobsters are fully protected within the District. We are further pleased to see and support the introduction of a mandatory standard sized pot to prevent technological creep which affects fishing capacity.

We understand from your Strategic Research and Evidence plan 2018-2022 that your intention is to develop an effort control scheme for potting activity and that informal consultation with stakeholders has been undertaken. Therefore, this is a management measure that will be later introduced, presumably through the Shellfish Permitting Byelaw. We question whether it would be more appropriate to develop and consult on the Crustacea Conservation Byelaw and the Shellfish Permitting Byelaw simultaneously in order for stakeholders to fully understand the effect that both of these instruments will have. However, we understand that the Authority does not wish to delay the process any further given the considerable time already taken to develop this byelaw. As the current available data (Cefas, 2016) suggests the North Sea stock status for both edible crab and European lobster is poor we would urge the Authority to prioritise implementation of management measures which regulate potting effort as soon as possible in order to promote sustainability of this fishery.

We would recommend a number of changes relating to the definitions provided. For example, the terms 'pot', 'escape gap', 'soft shelled lobster' and 'mutilated' should all be defined within the 'Interpretation' section of the byelaw both to aid stakeholder understanding and to provide a solid legal basis should any enforcement measures



Yorkshire Wildlife Trust

be necessary.

I hope you find these comments useful. Please do not hesitate to contact me if you require any additional information.

Yours sincerely,

Bex Lynam
North Sea Marine Advocacy Officer
North Sea Wildlife Trusts
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All enquiries should be directed to:

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Your ref:

Our ref: neifca

08 February 2019

Bex Lynam
North Sea Marine Advocacy Officer
Yorkshire Wildlife Trust
1 St George's Place
York
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Dear Bex,

RE: Byelaw XXVIII: Crustacea Conservation Byelaw 2018

Further to your letter dated 4 December 2018 commenting on provisions contained within the above draft byelaw regulation, I am writing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the Crustacea Conservation byelaw proposal concluded on 7 December 2018. In total the Authority received 10 objections to the proposal.

Having considered the content of your letter very carefully I would like to make the following points in response:

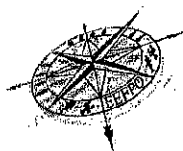
The support of the Yorkshire Wildlife Trust for the proposed byelaw regulation is very much welcomed. In terms of the development and future implementation of a potting effort management scheme, the intention is to advance that work this year through revisions to the existing shellfish permit byelaw regulation. During the last few years considerable work has already been completed in terms of scoping and identifying the mechanics of a suitable scheme that might work effectively across the industry so a good deal of progress has been made. Also to reassure it is a high priority work stream given the fact that crab and lobster stocks are not currently meeting MSY targets and effort continues to increase with no notable associated uplift in catches. To date we have prioritised the implementation of technical measures such as mandatory escape gaps and a larger minimum landing size for edible crab. This byelaw proposal represents the final phase of technical measures and also includes new provisions standardising the maximum size for potting vessels inside the 3 nautical mile limit, protections for soft lobster, a maximum pot size and further provisions to restrict the practice of manually stripping eggs from lobsters.

The comments relating to improving the definitions within the byelaw proposal are very welcome. Having considered them a revision has been made to the definition of soft lobsters as follows: *'Soft shelled lobster means a lobster that has recently cast its shell and is malleable under manual pressure'* this means that if the shell can be manipulated manually without breaking or cracking it would be considered soft for the purpose of the regulation. Other definitions are now considered long-standing and generally well understood by the fishing industry.

Following a careful review of all the submissions received during the consultation process, including those contained within your letter and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification other than that relating to the definition of 'soft shelled lobster'.

Yours Sincerely,

David Thomas McCandless
Chief Officer



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04 12 18

The Eastern England Fish Producers' Organisation has been contacted by a number of its members expressing their concern over the proposed Crustacea Conservation Byelaw 2018.

Their concerns relate to the restrictions on vessel length within the 3nm area and the provisions relating to mutilated lobster.

Vessel Length Restrictions

The proposed Byelaw would restrict activities within the 3nm area to vessels of 10m or less, forcing vessels of more than 10m to confine their activities to areas beyond the 3nm area. Whilst it would appear that the provision regarding a "sunset list" for vessels of between 10m and 14 m would enable them to keep fishing, it in fact eventually results in a number of unintended consequences – both for vessels of more than 10m and less than 10m.

The present state of regulation enables all vessels to manage their activities flexibly within the margins of safety and stock conservation – activity by the slightly larger vessels may take place outside the 3nm limit but within reasonable safety parameters thus allowing the pressure on the inshore stocks to be dissipated. If the intention is to reduce the pressure on inshore stocks by limiting activity to existing levels these factors should be taken into account, otherwise the Byelaw risks creating a displacement of effort onto the inshore stocks – effectively defeating the conservation objective of the proposed Byelaw and at the same time threatening the continued activity of the larger vessels with economic and social consequences for the area.

Furthermore, as it stands the proposed vessel length restrictions amount to a de-commissioning scheme without compensation for over 10m vessel owners approaching retirement age: their vessels will no

longer be eligible to fish within the 3nm limit thus drastically reducing their economic sale value. The vessels concerned would be rendered virtually worthless to any potential buyer in the area.

My information is that there are 220 commercial shellfish permit holders and 649 limited shellfish permit holders within the NEIFCA district. 22 vessels would need to place themselves on the 'sunset list'. Our member vessels have both been potting in the area for approximately 40 years and it seems manifestly unfair to discriminate against them whilst new under 10 m applicants appear to be welcomed.

This restriction, in its current state, should be withdrawn.

Mutilated lobsters

The provisions relating to damaged/absent flaps in lobster tails, or missing pleopods, appear to be based upon a presumption of intentional non-compliance. The imposition of blanket bans without allowing time for any analysis of the impact of previous measures appears wrongheaded and is probably unenforceable given the resources that would be required to effectively police them. All berried hens are returned to the sea in any case. Checking the pleopods of each animal would be time consuming and vulnerable to human error.

The aggressive behaviour of lobsters, and their frequent fights, mean that there are other possible explanations for the damage than wilful concealment of V notches. In addition, whilst the desire to protect stocks is commendable, it risks creating a gender imbalance within the population which is likely to harm stock levels in the long run.

In the light of these objections, the Eastern England Fish Producers' Organisation, calls upon the NEIFCA to reconsider these provisions in its proposed Crustacea Byelaw.

Yours faithfully

David Winspear CEO

All enquiries should be directed to:

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Your ref:

Our ref: neifca

08 February 2019

Mr D Winspear
Chief Executive Officer
Eastern England Fish Producers
Room F11
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Dear Mr Winspear,

RE: Byelaw XXVIII: Crustacea Conservation Byelaw 2018

Further to your letter dated 4 December 2018, objecting to provisions contained within the above draft byelaw regulation, I am writing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the Crustacea Conservation byelaw proposal concluded on 7 December 2018. In total the Authority received 10 objections to the proposal.

Having considered the content of your objection very carefully I would like to make the following points in response:

The proposed vessel length restrictions for potting within the 3 nautical mile limit are designed to standardise the fleet structure across the NEIFCA district at a size and scale deemed appropriate to ensure the long terms sustainability of shellfish stocks. Grounds within the 3 nautical mile limit are considered more sensitive containing higher proportions of juveniles and more at risk from spikes in fishing effort during seasonal 'new shelling' in many areas. The structure of the current potting fleet has also been carefully considered in setting the proposed vessel size. The 'sunset' mechanism has been written into the proposed regulation to protect existing historical rights for operators to continue fishing up until the point of sale of the respective vessel. The inclusion of the 'sunset' mechanism allows for a prolonged re-adjustment of the fleet structure minimising economic impact. If a continuation of such rights were to be permitted beyond the first sale of the affected vessel this would completely negate the intentions of the proposed regulation.

The proposed length restrictions only apply to potting so other fishing activities would not be affected even after a vessel sale.

There are currently a number of vessel length restrictions in force throughout the NEIFCA district relating to trawling, dredging and potting which have been implemented over a number of years and which to my knowledge, have not impacted on the saleable value of the affected vessels.

The provisions contained within the proposed byelaw carry a number of long standing measures supporting the conservation of lobsters which include prohibitions on landing lobsters with mutilated tails. These were first introduced in 1999 and updated in 2012 and are clearly defined and understood by the local fishing industry. The provision relating to mutilated pleopods is a new addition but one considered necessary given existing levels of non-compliance experienced in relation to the egg bearing lobster prohibition. Since the beginning of 2018 the Authority's officers have reported over 30 offences resulting in 4 prosecutions, 8 fixed penalties, 13 cautions and 8 warning letters being issued with no sign of improvement in compliance. On occasions officers have found female lobsters which have had all their pleopods removed. It is hoped that the mutilated pleopod provision will improve the Authority's ability to enforce the existing legislation and significantly discourage the practice of manually stripping eggs from female lobsters.

Maximising the natural release of eggs back into the lobster fishery combined with protecting the brood stock and the survival rate of pre-recruits is key to ensuring the long term sustainability of the fishery.

Following a careful review of all the objections, including those contained within your letter and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification.

Yours Sincerely,

David Thomas McCandless
Chief Officer



STATEMENT OF OBJECTIONS TO THE NEIFCA'S PROPOSED CRUSTACEA CONSERVATION BYELAW

Introduction

The North East Inshore Fisheries and Conservation Authority, NEIFCA, has given notice of its intention to introduce a new Crustacea Conservation Byelaw and has invited those wishing to register objections to do so by midnight on the 5th. December 2018.

The NFFO, on behalf of its North East Coast Committee and individual members, wishes to register a number of objections to the byelaws as they currently stand and to raise a number of more general issues that underlie the management of shellfish in the North East. Nonetheless, it should be clear that both the NFFO and the NFFO's Committees believe that these fisheries should be managed sustainably and that it is the responsibility of all stakeholders to ensure that this is the case.

Policy Objectives

According to the Impact Assessment, the policy objectives are summarised as follows:

- 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 the Authority's 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 three 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 within a new regulation*

NFFO's Specific Objections

The NFFO objects to the portrayal of a reduction in the vessel size limit from 14 or 12.5 metres to 10 metres within the 3 nautical mile zone as pro-active management on the following grounds:

- The reduction in vessel size serves to increase pressure on the inshore zone since in the future vessels will inevitably concentrate their activities round the inshore zone – the displacement effect.
- There is a safety dimension which will mean that vessels will have less flexibility in their fishing activities (forcing them to concentrate activities outside the 3nm means that, apart from weather, there is potential conflict with navigation channels, large scallopers and more generalised gear conflict)
- Although there is provision for a “sunset list” that would allow vessels of up to 14 metres that currently fish within the 3nm zone to continue their activities, the Impact Assessment mistakenly assumes that there would be no costs involved in the way this provision is currently structured. Unfortunately, since the sunset permits are vested in the current owners, the right to continue activities within the 3nm zone would be lost when the vessel is sold on retirement thus considerably devaluing the vessel and reducing pension provision.

This clause should definitely be revisited.

The NFFO is puzzled by the reference to technological creep as a justification for restricting the maximum size of lobster pots and finds it unconvincing.

- Whilst there have been a number of studies of technological creep, it is noteworthy that they have chiefly been concerned with mobile gear and netting. In fact, the

concept appears to be singularly inappropriate for static gears¹ where there seems to be no relationship between technological creep and vessel capacity or size.

- In fact, it is difficult to find convincing examples of technological creep in the potting industry since the last major innovation occurred in the 1970s and 1980s when wooden pots began to give way to steel wire and plastic pots that required lower maintenance. If anything, recent requirements for escape hatches should, in principle, have rendered them less effective.
- Currently, the largest pots tend to pose a problem in inshore fisheries since their weight, and the time and manpower required to haul them, renders operations less productive and encourages a return to smaller pots.

The pre-occupation with technological creep would appear to be misplaced. There is definitely no justification for associating it with vessel size.

Although the ban on the landing of soft shelled lobsters may be chiefly directed at unlicensed and unregistered fishermen, the NFFO objects on the grounds that it is both unenforceable and also does nothing to improve conservation.

- The difficulty in establishing that a lobster is to be regarded as soft shelled (the pressure required to pierce the carapace) means that the lobster will die if it is returned to the sea.
- The enforcement resources necessary to effectively police the 2,000 limited permits and the unregistered fishermen would require a substantial increase in NEIFCA costs – which is not reflected in the Impact Assessment.

The NFFO therefore believes that this measure should be withdrawn.

NFFO's General Comments

The Impact Assessment blithely assumes that the new Byelaw will involve no new costs. Such an outcome appears unlikely given its objectives which involve greater enforcement activities and their extension to unlicensed and unregistered vessels. Yet at the same time, it would appear that there is a potential problem with compliance.

¹ <http://archimer.ifremer.fr>. *Technological Development and Fisheries Management*. Eigaard Ole Ritzau 1, *, Marchal Paul 2, Gislason Henrik 1, Rijnsdorp Adriaan ...

Introducing regulations where there is likely to be a compliance problem without the necessary means to enforce them is not really a viable solution.

Summary

The NFFO believes that the Crustacea Conservation Byelaw as it currently stands should be reconsidered and that, at a minimum, Article 2 Prohibitions (a) Vessel Length Restrictions should be revised.

In addition, the NFFO would suggest that introducing measures, such as Article 2 Prohibitions (h) Soft Shelled Lobsters, that are likely to be ineffective are counter-productive and only bring the enforcement authorities into disrepute.

03/12/2018

The National Federation of Fishermen's Organisations

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Your ref:

Our ref: neifca

07 February 2019

National Federation of Fishermen's Organisations
30 Monkgate
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Dear Sirs,

RE: Byelaw XXVIII: Crustacea Conservation Byelaw 2018

Further to your letter received via email on 3 December 2018, objecting to provisions contained within the above draft byelaw regulation, I am writing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the Crustacea Conservation byelaw proposal concluded on 7 December 2018. In total the Authority received 10 objections to the proposal.

Having considered the content of your objection very carefully I would like to make the following points in response:

The proposed vessel length restrictions for potting within the 3 nautical mile limit are designed to standardise the fleet structure across the NEIFCA district at a size and scale deemed appropriate to ensure the long terms sustainability of shellfish stocks. Grounds within the 3 nautical mile limit are considered more sensitive containing higher proportions of juveniles and more at risk from spikes in fishing effort during seasonal 'new shelling' in many areas. The structure of the current potting fleet has also been carefully considered in setting the proposed vessel size. The 'sunset' mechanism has been written into the proposed regulation to protect existing historical rights for operators to continue fishing up until the point of sale of the respective vessel. The inclusion of the 'sunset' mechanism allows for a prolonged re-adjustment of the fleet structure minimising economic impact. If a continuation of such rights were to be permitted beyond the first sale of the affected vessel this would completely negate the intentions of the proposed regulation.

The proposed length restrictions only apply to potting so other fishing activities would not be affected even after a vessel sale. There are currently a number of vessel length restrictions in force throughout the NEIFCA district relating to trawling, dredging and potting which have been implemented over a number of years and which to my knowledge, have not impacted on the saleable value of the affected vessels.

The Authority contains collective local fisheries management experience spanning over forty years and during that time there have been very clear and notable advances in technologies associated with potting. The fleet itself has rapidly modernised from wooden cobs to purpose built GRP

cats and mono hull displacement vessels capable of working larger volumes of gear in shorter time periods and much more efficiently with associated developments in electronics including seabed mapping capabilities and satellite positioning. Alongside that pot designed has changed from single chambered to multi chambered steel framed parlours and frame sizes have notable increased, all increasing fishing capacity and fishing related mortality on associated stocks. Even in the short time that the Authority has been developing the proposed byelaw the maximum frame size has had to be increased to accommodate developing gear types so it is completely inaccurate to suggest that technological creep is not a major consideration in the effective management of the regions lobster fishery. Locally, alongside the technological creep, annual inshore 'shelling' of lobsters, has encouraged larger vessels to work heavy gear causing notable 'spikes' in fishing effort and significant gear conflict with smaller inshore fleet. Effective management of this activity can only be delivered by mandatory vessel size restrictions.

Throughout the region, particularly during the summer months, there are significant issues with the landing of soft shelled lobsters. These landings impact on both catch quality and price and offer no benefit to the local industry. To claim that this issue relates solely to the unlicensed sector is completely inaccurate, it relates primarily to licensed operators. For many years the Authority has considered a formal prohibition on landing soft lobsters and has now taken that step following the introduction of a similar measure in the Northumberland IFCA area. The enforcement issues raised within your letter are wholly recognised and do present some challenges. To that end the definition has been strengthened and now states '*Soft shelled lobster means a lobster which has recently cast its shell and is malleable under manual pressure*' meaning that the shell can be manually manipulated without cracking or breaking. Since 1967 a similar national measure has been in place to protect soft shelled edible crab and experienced fishermen can identify such crabs at the point of capture and return them immediately back to the sea.

All new regulatory measures are considered very carefully alongside the ability to enforce them effectively. The effective enforcement of the provisions presented within this new byelaw regulation will be accommodated into existing offshore and land-based inspection regimes and no additional resourcing is expected to be required.

Following a careful review of all the objections, including those contained within your letter and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification other than the revised definition of a soft shelled lobster.

Yours Sincerely,

David Thomas McCandless
Chief Officer



[REDACTED]
[REDACTED]
[REDACTED]
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28 October 2018

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XXVIII CRUSTACEA CONSERVATION BYELAW 2018

I writing to object to the above proposed byelaw, as it stands.

Firstly, the stated intention if the byelaw is to conserve crustacea stocks within the District. From personal experience over many years, I know that stocks of crab and lobster within the District are not being depleted – in fact numbers are rising steadily, under current fishing regulations - which makes additional prohibitions (vessel length restrictions) unnecessary.

In any case, my own boat, Dominator A, is 10.29m in length – a mere 30cm longer than the 9.99m boats which would be permitted to fish within the 3-mile limit. How can a boat which is 30 cm longer be a threat to stocks? I accept that bigger boats, in future, might be such a threat. For the purposes of determining which boats propose a threat and which do not, I suggest that the length of permitted boats be **rounded to the nearest metre** -so that a vessel 10.29m is no more of a threat to stocks than a more modern, more powerful one of 9.99m.

I accept that current measures pertaining to such things as escape gaps, minimum sizes, v-notched; mutilated and berried lobsters, mutilated pleopods etc. are effective in maintaining stocks.

I understand that as long as I continue as owner of Dominator A, I would be permitted to carry on fishing within the 3-mile limit, once I had applied to be placed onto the 'sunset list'. However, I am 66 years old and have been potting from the port of Whitby for over forty years, as I approach retirement, and consider selling up, imposition of vessel length restrictions **upon change of ownership**, would render my boat almost worthless after years of maintenance and investment in it.

Please, therefore, note that I seriously object to point (v) of Prohibitions, Vessel length restrictions – that *there is no change of ownership affecting the major shareholding in the vessel concerned*. Surely a vessel that has been operating in these waters for over 40 years should be permitted to carry on doing so until it is decommissioned – regardless of ownership. Point (v) should therefore be deleted from your proposed byelaw, in my view.

I would also point out that pushing smaller boats, such as my own, out beyond 3-miles would be pushing them into the main, very busy, shipping lane – between 3 and 4 miles offshore – from Robin Hoods Bay to the Tees, putting crew and vessel in very real danger. In addition, large scallopers – of the order of 26m to 34m in length – operate beyond the 6-mile mark and any gear in this area would be in constant danger of being towed away by them.

I have a young crew, aged 30, 21 and 20 – all recently trained at Whitby Fishing School – who would be forced out of work should I find it impossible to sell my boat locally - as a result of your proposed restrictions.

I trust that my serious concerns about these proposed restrictions will be given due consideration and my recommendations for modifications to the same be acted upon.

Yours faithfully,

A handwritten signature, possibly "G. H. H.", written in dark ink. The signature is somewhat stylized and appears to be written on a piece of paper that is slightly tilted.A handwritten signature, possibly "G. H. H.", written in dark ink. The signature is somewhat stylized and appears to be written on a piece of paper that is slightly tilted.

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Your ref:

Our ref: neifca

08 February 2019

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~~Mr. [redacted]~~

~~Mr. [redacted]~~

RE: Byelaw XXVIII: Crustacea Conservation Byelaw 2018

Further to your letter dated 28 October 2018, objecting to provisions contained within the above draft byelaw regulation, I am writing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the Crustacea Conservation byelaw proposal concluded on 7 December 2018. In total the Authority received 10 objections to the proposal.

Having considered the content of your objection very carefully I would like to make the following points in response:

The current status of crab and lobsters stocks within the NEIFCA district is subject to detailed assessment and monitoring by both the Authority's officers and scientists from the Centre for Environment, Fisheries and Aquaculture Science (CEFAS). That collective monitoring work continues to indicate that neither edible crab or lobster stocks are currently meeting Maximum Sustainable Yield (MSY) targets which are set at 35% of spawning stock biomass left on fishing grounds to support replenishment of stocks. In addition to the health of both stocks monthly catch and effort data continues to indicate a picture of increasing potting effort with no corresponding increase in landings.

The proposed vessel length restrictions for potting within the 3 nautical mile limit are designed to standardise the fleet structure across the NEIFCA district at a size and scale appropriate to ensure the long terms sustainability of shellfish stocks. Grounds within the 3 nautical mile limit are considered more sensitive containing higher proportions of juveniles and more at risk from spikes in fishing effort during seasonal 'new shelling' in many areas. The structure of the current potting fleet has also been considered in setting the proposed size. Although I fully accept the fact that your vessel just exceeds the proposed maximum overall length, this will always be the case for some individual regardless of where the 'line is drawn'.

In recognition of that, a 'sunset' mechanism has been written into the proposed regulation to protect existing historical rights for operators such as yourself to continue fishing as you have done, up until the point of the sale of your vessel. The inclusion of the 'sunset' mechanism allows for a prolonged re-adjustment of the fleet structure minimising economic impact but permitting a continuation of such rights beyond the first sale of the affected vessel would completely negate the intentions of the proposed regulation.

The proposed length restrictions only apply to potting so other fishing activities would not be affected even after your vessel was sold. There are currently a number of vessel length restrictions in force throughout the NEIFCA district regarding trawling, dredging and potting which to my knowledge have not impacted on the saleable value of vessels.

Following a careful review of all the objections, including those contained within your letter and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification.

Yours Sincerely,

David Thomas McCandless
Chief Officer



(In Archive) Fw: Byelaw consultation response
NEIFCA to: David McCandless
Sent by: Yvonne Collinson

03/12/2018 14:19

History: This message has been replied to.
Archive: This message is being viewed in an archive.

North Eastern Inshore Fisheries and Conservation Authority Support Services
Town Hall
Bridlington
YO16 4LP
Telephone - 01482 393515

----- Forwarded by Yvonne Collinson/CR/ERC on 03/12/2018 14:19 -----

From: ~~"Monica Blomfield" <M.Blomfield@neifca.gov.uk>~~
To: "ne-ifca@eastriding.gov.uk" <ne-ifca@eastriding.gov.uk>
Cc: ~~"James Robertson" <J.Robertson@neifca.gov.uk>~~
Date: 03/12/2018 11:26
Subject: Byelaw consultation response

Good afternoon,

Please see below our response from the Holderness Fishing Industry Group (HFIG) with regards to the Automatic Identification System and Crustacea Conservation Byelaws.

Automatic Identification System

Mandatory AIS within the district will enhance safety within the fleet and also allow a more accurate estimation of effort of the fishery for more accurate stock assessments. However HFIG would recommend that the unit SUCCORFISH is not considered for this role (if it is under consideration) as the reliability and accuracy of the units we have purchased for our fishery in the past is not up to standard.

Crustacea Conservation

HFIG supports the extension of the national legislation with regards to berried lobsters, to prevent retention and landing by unlicensed vessels, ensuring that recreational fishers adhere to the same legislations as the commercial fleet.

Vessel length restrictions

The proposed maximum size of vessel permissible to fish inside of 3nm to 10m overall length has raised concern from our members. HFIG recognises this as a way to cap effort in the inshore zone at its current levels, and the allowance of current fishers to apply to be on the sunset list providing they meet the requirements of such does allow for fishers to still operate in the zone.

However there is no provision for transfer of this allowance between vessels of the same owner. For example if a fisher had to sell their vessel that is on the sunset list or a vessel was lost/damaged and they wanted to replace with a vessel of the same size they would not be able to put the new vessel on the sunset list. This could lead to a future economic loss to the fisher and displacement of effort to other regions in the district. This proposal also limits the inshore fleet in their capacity for growth,

it would prevent, for example a 7m boat upgrading to a 10m boat. HFIG would support a provision for the allowance to transfer 'sunset allowance' from vessels of the same owner providing the new vessel meets the same criteria of the sunset list. This would allow for growth within the inshore fleet and also prevent economic loss and effort displacement in the event of having to sell/damage/loss of a current vessel.

Clawless lobsters

The prohibition of landing clawless lobsters allows for an increase in biomass returned to the sea and also aids in the market value of the catch, maintaining quality.

Soft shelled lobsters

HFIG members have expressed concern with regards to the soft shelled lobster provision. The landing companies already screen their landings for soft shelled lobsters and return such to the sea (Huntress is involved in this process). The definition of 'soft shelled' is only defined as 'recently cast its shell'. This is interpretive by the individual testing the lobsters. HFIG would support a quantifiable methodology that accurately defined a soft shelled lobster. This should not be subjective to the individual sampling the catch. In the event of a breach of the provision, having a quantifiable methodology would be needed for further action. The definition provided within the byelaw would need clarification prior to coming into force.

Mutilated pleopods

There is no justification for this provision, a mutilated pleopod does not impact either the market value of the catch or the ecology of the lobsters once returned to the sea. If this is to aid in the detection of scrubbing lobsters and the enforcement of the berried ban it needs to be stated and part of that specific provision and this would be only applicable to female lobsters. Additionally this need to be quantified that the mutilation hasn't occurred during handling/transportation/storage of the lobster.

Maximum pot size

HFIG recognises this as a provision to cap effort inshore at its current level. Has any consideration been given to pot limitations? This received general consensus (although not unanimous) at a discussion between NEIFCA and HFIG members in 2017.

Deeming

This provision appears to be an attempt to enforce beyond the NEIFCA district. There needs to be a list of suitable evidence that NEIFCA would accept a fisher to present to show whether they have removed the resource within the district or not.

Your consideration of our responses is greatly appreciated,

Kind regards,

Mike Roach

Scientific Officer

t: 07794542066 | e: m.roach@hfig.org.uk | w: www.hfig.org.uk

Holderness Fishing Industry Group

The Former Harbour Master's Office | Harbour Road | Bridlington | YO15 2NR.



The Holderness Fishing Industry Group is a company registered in England and Wales, company number 08336875. All information contained in this email and any files transmitted with it is confidential and intended solely for the use of the individual or organisation to whom it is addressed

All enquiries should be directed to:

David McCandless BSc. MSc.
Chief Officer
Tel: 01482 393690
Fax: 01482 393699
E-Mail: david.mccandless@eastriding.gov.uk
Web Site www.ne-ifca.gov.uk
Your ref:

Our ref: neifca
08 February 2019

Mike Roach
Scientific Officer
Holderness Fishing Industry Group
The Former Harbour Masters Office
Harbour Road
Bridlington
YO15 2NR

Dear Mike,

RE: Byelaw XXVIII: Crustacea Conservation Byelaw 2018

Further to your email received on 3 December 2018, providing comment on the above draft byelaw regulation, I am writing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the Crustacea Conservation byelaw proposal concluded on 7 December 2018. In total the Authority received 10 objections to the proposal.

Having considered the content of your comments very carefully I would like to make the following points in response:

Your support for the proposed mandatory introduction of an Automatic Identification System within the Authority's district is welcomed and the comments on the issues surrounding the SUCCORFISH system have also been noted.

Your support for the formal inclusion of provisions within the byelaw proposal which will provide further protection for egg bearing lobsters is also very much welcomed.

The proposed vessel length restrictions for potting within the 3 nautical mile limit are designed to standardise the fleet structure across the NEIFCA district at a size and scale deemed appropriate to ensure the long terms sustainability of shellfish stocks. Grounds within the 3 nautical mile limit are considered more sensitive containing higher proportions of juveniles and more at risk from spikes in fishing effort during seasonal 'new shelling' in many areas. The structure of the current potting fleet has also been carefully considered in setting the proposed vessel size. The 'sunset' mechanism has been written into the proposed regulation to protect existing historical rights for operators to continue fishing up until the point of sale of the respective vessel.

The inclusion of the 'sunset' mechanism allows for a prolonged re-adjustment of the fleet structure minimising economic impact. If a continuation of such rights were to be permitted beyond the first sale of the affected vessel this would completely negate the intentions of the proposed regulation.

The proposed length restrictions will only apply to potting so other fishing activities would not be affected even after a vessel sale.

Once again your support for the continued prohibition on taking and landing clawless lobsters is also very welcome and as you state within your response, it will strengthen spawning stock biomass and improve catch quality.

As you will be very aware, throughout the region, particularly during the summer months, there are significant issues with the landing of soft shelled lobsters. These landings impact on both catch quality and price and offer no benefit to the local industry. For many years the Authority has considered a formal prohibition on landing soft lobsters and has now taken that step following the recent introduction of a similar measure in the Northumberland IFCA area. The enforcement issues raised within your email response are wholly recognised and do present some challenges. To that end the definition has been strengthened and now states *'Soft shelled lobster means a lobster which has recently cast its shell and is malleable under manual pressure'* meaning that the shell can be manually manipulated without cracking or breaking. Since 1967 a similar national measure has been in place to protect soft shelled edible crab and experienced fishermen can easily identify such crabs at the point of capture and return them immediately back to the sea.

The proposed provision relating to mutilated pleopods is a new addition but one considered necessary given existing levels of non-compliance experienced in relation to the egg bearing lobster prohibition. Since the beginning of 2018 the Authority's officers have reported over 30 offences resulting in 4 prosecutions, 8 fixed penalties, 13 cautions and 8 warning letters being issued with no sign of improvement in compliance. On occasions officers have found female lobsters which have had all their pleopods removed. It is hoped that the mutilated pleopod provision will improve the Authority's ability to enforce the existing legislation and significantly discourage the practice of manually stripping eggs from female lobsters. The current provision contained within the proposed byelaw, as you have quite rightly identified, is non-gender specific, this is deliberate and will support both stock conservation and improvements in catch quality. The broad principles around non-gender specific measures are to try and minimise the risks of measures actually increasing the pressures on one particular gender. An example of this is protection for 'V' notched lobsters.

HFIGs recognition of a need for greater control on potting effort is very much welcomed. In terms of the development and future implementation of a potting effort management scheme, the intention is to advance that work this year through revisions to the existing shellfish permit byelaw regulation. During the last few years considerable work has already been completed in terms of scoping and identifying the mechanics of a suitable scheme that might work effectively across the industry so a good deal of progress has been made. Also to reassure it is a high priority work stream given the fact that crab and lobster stocks are not currently meeting MSY targets and effort continues to increase with no notable associated uplift in catches.

The deeming clause has been in force in the same format as that contained within the proposal since 2015 and actually provides some protection for vessels working exclusively outside the six mile limit of the NEIFCA district, whilst still enabling officers to take enforcement action against those vessels that are not but might claim to be to circumvent the byelaw provisions.



{In Archive} Fw: Statement of Objection to Byelaw Revisions
NEIFCA to: David McCandless
Sent by: Yvonne Collinson

26/11/2018 16:50

History: This message has been replied to.
Archive: This message is being viewed in an archive.

North Eastern Inshore Fisheries and Conservation Authority Support Services
Town Hall
Bridlington
YO16 4LP
Telephone - 01482 393515

----- Forwarded by Yvonne Collinson/CR/ERC on 26/11/2018 16:50 -----

From: "NEIFCA" <ne-ifca@eastriding.gov.uk>
To: "IFCByelaws@marinemanagement.org" <IFCByelaws@marinemanagement.org>
Cc: "ne-ifca@eastriding.gov.uk" <ne-ifca@eastriding.gov.uk>
Date: 26/11/2018 16:35
Subject: Statement of Objection to Byelaw Revisions

A.I.S. BYELAW

If the NEIFCA requires all commercial fishing vessels within its area to be fitted with A.I.S., is the NEIFCA prepared to fund the cost of fitting this equipment?

Crustacea Conservation

2(a) Vessel Length Restriction

Having waited five years for a commercial fishing mooring to become available at Seaham, one became available this month and I put my charter boat up for sale. A commercial boat I am looking at is over 10m overall length, as the boat is outside the NEIFCA area it does not have track record and will therefore be unable to fish within three mile. I think this is unfair and would suggest a transition period to invoke this restriction.

2(h) Soft Shelled Lobster

The definition of this "a lobster which has recently cast it's shell" is pretty vague. How recent is recently and how soft is soft?

2(i) Maximum Pot Size

Does the NEIFCA expect fisherman with pots above this maximum size to just dump their pots and spend thousands replacing them?
Or will they be compensated?

~~NEIFCA~~
~~Statement of Objection to Byelaw Revisions~~

Following a careful review of all the objections, including the content of your email response and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification other than the revised definition of a soft shelled lobster.

Yours Sincerely,

David Thomas McCandless

Chief Officer



NEIFCA Crustacea Conservation Byelaw Consultation
David McCandless to: ~~XXXXXXXXXXXX~~

08/02/2019 13:31

Dear ~~XXXXXXXXXXXX~~,

Further to your email received on 26 November 2018 objecting to the byelaw proposals I am emailing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on both the AIS and Crustacea byelaw proposals concluded on 7 December. In total the Authority received 9 objections and 1 submission supporting the measures.

In terms of the AIS byelaw it is the Authority intention to provide units for affected vessels following the confirmation of the byelaw but this would be time limited. Vessel operators would be expected to meet the costs of installation.

The proposed vessel length restrictions for potting within the 3 nautical mile limit are designed to standardise the fleet structure across the NEIFCA district at a size and scale deemed appropriate to ensure the long terms sustainability of shellfish stocks. Grounds within the 3 nautical mile limit are considered more sensitive containing higher proportions of juveniles and more at risk from spikes in fishing effort during seasonal 'new shelling' in many areas. The proposed 10m restriction inside 3 miles would only apply to vessels working pots and other types of fishing activity such as netting and trawling would not be affected. Any new over 10m vessels wishing to enter the pot fishery and work inside 3 miles would need to do so prior to the confirmation of the byelaw proposal otherwise they would be excluded and would have to operate outside the 3 mile limit.

As you will be very aware, throughout the region, particularly during the summer months, there are significant issues with the landing of soft shelled lobsters. These landings impact on both catch quality and price and offer no benefit to the local industry. For many years the Authority has considered a formal prohibition on landing soft lobsters and has now taken that step following the recent introduction of a similar measure in the Northumberland IFCA area. The enforcement issues raised within your email response are wholly recognised and do present some challenges. To that end the definition has been strengthened and now states '*Soft shelled lobster means a lobster which has recently cast its shell and is malleable under manual pressure*' meaning that the shell can be manually manipulated without cracking or breaking. Since 1967 a similar national measure has been in place to protect soft shelled edible crab and experienced fishermen can easily identify such crabs at the point of capture and return them immediately back to the sea.

The maximum pot size has been set at an appropriate size to cover the use of all current steel pot frames within the Authority's district and should not currently cause any significant issues for commercial fishermen.

Following a careful review of all the objections, including the content of your email response and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification other than the revised definition of a soft shelled lobster.

Kind regards,

David McCandless

Chief Inshore Fisheries & Conservation Officer
North Eastern Inshore Fisheries & Conservation Authority
Town Hall
Quay Road
Bridlington
YO16 4LP
Tel: 01482 393 690
Web: www.ne-ifca.gov.uk



{In Archive} Fw: Neifca Bylaws consultation

NEIFCA to: David McCandless

Sent by: Yvonne Collinson

05/12/2018 09:00

History: This message has been replied to.
Archive: This message is being viewed in an archive.

North Eastern Inshore Fisheries and Conservation Authority Support Services
Town Hall
Bridlington
YO16 4LP
Telephone - 01482 393515

----- Forwarded by Yvonne Collinson/CR/ERC on 05/12/2018 09:00 -----

From: ~~"David McCandless" <david.mccandless@ne-ifca.org.uk>~~
To: "ne-ifca@eastriding.gov.uk" <ne-ifca@eastriding.gov.uk>
Date: 04/12/2018 16:02
Subject: Neifca Bylaws consultation

Good afternoon

In respect of the latest round of consultations i must express my concerns on some matters:

The banning of over 10m vessels from inside 3 mile limit. Whilst I appreciate that if you have always fished in this area, have written so on your returns, and are under 12m you can be put on the "sunset" list, my concern is that this will not be transferable if you wish to change your vessel for one of the same size. If you wish to upgrade your vessel then your place on the "sunset" list should be transferred to the new vessel.

By not allowing it to be transferred it means that vessels cannot be upgraded without surrendering your place on the list, as the alternative would be to keep older and older vessels on the fleet instead of being able to change to more modern, efficient and safer boats, Or to change to a smaller boat that falls within the under 10m category but then shed jobs? Surely neither of these is beneficial to the harbour or its economy? I strongly hope that if you are on the sunset list but wish to change your vessel for one of equal size there will be a provision in place that means your place on the sunset list is retained.

Soft Shelled lobsters - How is this to be policed and defined? What is soft to one person is not soft to another. Is every vessel going to be provided with some kind of "tool", eg pliers with a pressure gauge on? If it doesn't crack under x amount of pressure then its ok? This is a huge grey area that is going to vary from person to person depending on who is handling the lobsters, How is this going to be implemented so that everyone (everyone not only on the boats, but also on the pier checking) is working to the same grade and standard? Surely it should be down to the landing companys to decide if its soft or not?

Lobsters with mutilated pleopods - whilst i applaud this as a possible way to reduce the "scrubbing" of eggs (more policing is desperately needed of this as it would appear far too many boats are scrubbing eggs on a daily basis and getting away with it), how can it be proved, eg what if they become damaged in the holding tanks/ transit? Sometimes they do become damaged this way. Also surely it should just apply to females if its purpose is to stop "scrubbing"?

VMS/AIS - if there are other methods of tracking vessels - succorfish as one example, why

can this not be used instead of ais/vms which broadcasts your position to the world and also your fishing areas and patterns to the rest of the fleet!! If a vessel is willing to invest in other types of monitoring systems that are more private but still provide the information you require, then why can this not be supported by yourselves?

Lastly, I raise this point at almost every consultation, you are not giving the fleet time to recover from one round of bylaws before you are bringing in another, first it was the financial and time aspect of the escape gaps followed by the increase of crab size, then the banning of berried lobsters. With this constant battering of new regulations year after year the fishermen haven't recovered financially from one set of changes before another set are introduced, more time is needed between the introduction of new bylaws to allow the industry to recover. Perhaps more policing of the existing policies is needed before bringing in more.

Regards

~~Jonny Price~~



NEIFCA Crustacea Conservation Byelaw Consultation

David McCandless to: [REDACTED]

08/02/2019 13:59

Dear [REDACTED],

Further to your email received on 4 December 2018 objecting to the byelaw proposals I am emailing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the Crustacea byelaw proposals concluded on 7 December. In total the Authority received 9 objections and 1 submission supporting the measures.

The proposed vessel length restrictions for potting within the 3 nautical mile limit are designed to standardise the fleet structure across the NEIFCA district at a size and scale deemed appropriate to ensure the long terms sustainability of shellfish stocks. Grounds within the 3 nautical mile limit are considered more sensitive containing higher proportions of juveniles and more at risk from spikes in fishing effort during seasonal 'new shelling' in many areas. The structure of the current potting fleet has also been carefully considered in setting the proposed vessel size. The 'sunset' mechanism has been written into the proposed regulation to protect existing historical rights for operators to continue fishing up until the point of sale of the respective vessel. The inclusion of the 'sunset' mechanism allows for a prolonged re-adjustment of the fleet structure minimising economic impact. If a continuation of such rights were to be permitted beyond the first sale of the affected vessel this would completely negate the intentions of the proposed regulation. The proposed length restrictions will only apply to potting so other fishing activities would not be affected even after a vessel sale.

As you will be very aware, throughout the region, particularly during the summer months, there are significant issues with the landing of soft shelled lobsters. These landings impact on both catch quality and price and offer no benefit to the local industry. For many years the Authority has considered a formal prohibition on landing soft lobsters and has now taken that step following the recent introduction of a similar measure in the Northumberland IFCA area. The enforcement issues raised within your email response are wholly recognised and do present some challenges. To that end the definition has been strengthened and now states '*Soft shelled lobster means a lobster which has recently cast its shell and is malleable under manual pressure*' meaning that the shell can be manually manipulated without cracking or breaking. Since 1967 a similar national measure has been in place to protect soft shelled edible crab and experienced fishermen can easily identify such crabs at the point of capture and return them immediately back to the sea.

The proposed provision relating to mutilated pleopods is a new addition but one considered necessary given existing levels of non-compliance experienced in relation to the egg bearing lobster prohibition. Since the beginning of 2018 the Authority's officers have reported over 30 offences resulting in 4 prosecutions, 8 fixed penalties, 13 cautions and 8 warning letters being issued with no sign of improvement in compliance. On occasions officers have found female lobsters which have had all their pleopods removed. It is hoped that the mutilated pleopod provision will improve the Authority's ability to enforce the existing legislation and significantly discourage the practice of manually stripping eggs from female lobsters. The current provision contained within the proposed byelaw is non-gender specific, this is deliberate and will support both stock conservation and improvements in catch quality. The broad principles around non-gender specific measures are to try and minimise the risks of measures actually increasing the pressures on one particular gender. An example of this is protection for 'V' notched lobsters.

The decision to proceed with proposed mandatory AIS across the NEIFCA district has been very carefully considered alongside the development of the national IVMS scheme. The Authority considers that the IVMS scheme will not provide the necessary required coverage of monitoring across its district and in particular, within existing MPA sites. The national system also has other weaknesses in terms of 'real time' offshore monitoring and across the smaller vessel fleet.

The majority of regulations contained within the crustacea byelaw proposal are now well established across the industry and it is the Authority's view that the additional provisions including the pot frame size, soft lobster, mutilated pleopods and the new 10m vessel size inside 3nm, supported by the 'sunset' provision, will not have significant economic impact but will add significant stock conservation

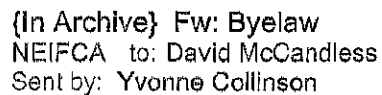
benefit and raise the quality of lobster landed across the area.

Following a careful review of all the objections, including the content of your email response and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification other than the revised definition of a soft shelled lobster.

Many thanks,

David McCandless

Chief Inshore Fisheries & Conservation Officer
North Eastern Inshore Fisheries & Conservation Authority
Town Hall
Quay Road
Bridlington
YO16 4LP
Tel: 01482 393 690
Web: www.ne-ifca.gov.uk



History: This message has been replied to.

Archive: This message is being viewed in an archive.

----- Forwarded by Yvonne Collinson/CR/ERC on 05/12/2018 08:59 -----

From: "EAST RIDING OF YORSHIRE COUNCIL" [mailto:ne-ifca@eastriding.gov.uk]
To: ne-ifca@eastriding.gov.uk
Date: 04/12/2018 21:22
Subject: Byelaw

I object to the proposed bylaw about the damage to the underside of a lobster as this can happen by numerous means not just by scrubbing of the lobster and will yet again hurt the inshore boats financially due to loss of earnings. If it comes in that will mean me throwing back undersize/v notched/ soft / berried/ mutilated / underside damage so a 1 in 7 chance of having one to keep

Sent from my iPhone



NEIFCA Crustacea Conservation Byelaw Consultation

David McCandless to: [redacted]

08/02/2019 14:09

Dear [redacted],

Further to your email received on 4 December 2018 objecting to the byelaw proposals I am emailing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the Crustacea byelaw proposals concluded on 7 December. In total the Authority received 9 objections and 1 submission supporting the measures.

The current status of crab and lobsters stocks within the NEIFCA district is subject to detailed assessment and monitoring by both the Authority's officers and scientists from the Centre for Environment, Fisheries and Aquaculture Science (CEFAS). That collective monitoring work continues to indicate that neither edible crab or lobster stocks are currently meeting Maximum Sustainable Yield (MSY) targets which are set at 35% of spawning stock biomass left on fishing grounds to support replenishment of stocks. In addition to the health of both stocks monthly catch and effort data continues to indicate a picture of increasing potting effort with no corresponding increase in landings.

Maximising the natural release of eggs back into the lobster fishery combined with protecting the brood stock and the survival rate of pre-recruits remains key to ensuring the long term sustainability of the fishery.

The proposed provision relating to mutilated pleopods is a new addition but one considered necessary given existing levels of non-compliance experienced in relation to the egg bearing lobster prohibition. Since the beginning of 2018 the Authority's officers have reported over 30 offences resulting in 4 prosecutions, 8 fixed penalties, 13 cautions and 8 warning letters being issued with no sign of improvement in compliance. On occasions officers have found female lobsters which have had all their pleopods removed. It is hoped that the mutilated pleopod provision will improve the Authority's ability to enforce the existing legislation, significantly discourage the practice of manually stripping eggs from female lobsters and strengthen the quality of lobster landed locally.

The majority of regulations contained within the crustacea byelaw proposal are now well established across the industry and it is the Authority's view that the additional provisions including the pot frame size, soft lobster, mutilated pleopods and the new 10m vessel size inside 3nm, supported by the 'sunset' provision, will not have significant economic impact but will add significant stock conservation benefit.

Following a careful review of all the objections, including the content of your email response and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification other than the revised definition of a soft shelled lobster.

Kind regards,

David McCandless

Chief Inshore Fisheries & Conservation Officer
North Eastern Inshore Fisheries & Conservation Authority
Town Hall
Quay Road
Bridlington
YO16 4LP
Tel: 01482 393 690
Web: www.ne-ifca.gov.uk



(In Archive) Fw: Proposed Byelaw
NEIFCA to: David McCandless
Sent by: Yvonne Collinson

03/12/2018 16:56

Archive: This message is being viewed in an archive.

North Eastern Inshore Fisheries and Conservation Authority Support Services
Town Hall
Bridlington
YO16 4LP
Telephone - 01482 393515

----- Forwarded by Yvonne Collinson/CR/ERC on 03/12/2018 16:56 -----

From: ~~"David McCandless" <david.mccandless@neifca.gov.uk>~~
To: IFCAbyelaws@marlinmanagement.org.uk, ne-ifca@eastriding.gov.uk
Cc: holdernesscoastfig@live.co.uk
Date: 03/12/2018 16:46
Subject: Proposed Byelaw

To whom it may concern,

Please find below my following views regarding byelaw proposals made by the NEIFCA.

NO GEAR TO BE WORKED INSIDE 3 NM BY VESSELS EXCEEDING 10M OVERALL LENGTH.

As I operate a vessel registered under 10M but slightly over 10M overall this proposal troubles me greatly. I had my vessel built over twenty years ago specifically to fish inshore waters and the introduction of such a rule would severely negatively impact my earnings. Being placed on a "sunset list", permitted to fish inside three miles for the duration of my ownership of the vessel would be of little compensation as I intend to sell the vessel and retire within the next five years, if I could not pass the "sunset" listing on it will wipe thousands of pounds off the value of my boat. I presume the ban will include the shooting of fixed nets inside three miles, this would finish our ability to catch white fish as virtually all netting takes place close to the shore. If I could no longer fish for white fish I will have to concentrate on pots all year thus increasing effort on shellfish. My major concern however is SAFETY. Many vessels, like mine, were built to fit the 10M registered length legislation specifically to fish inshore waters and the proposal will force these boats further out to sea and away from the sheltered coastal waters. This will inevitably lead to more accidents, injuries and possibly deaths. If such a byelaw were passed, and I strongly believe it should not, the cut of length should be 10M registered length and not overall.

NO CHANGE TO ESCAPE GAP PROVISIONS.

I am very much in favour of the enforcement of escape gaps in the parlour end of pots, however the continued insistence on having an escape gap in the non-parlour end seems unnecessary. Fishermen have given anecdotal evidence to the NEIFCA officers showing that the gap in the non-parlour end of the pot is not used and this has been backed up by studies conducted by CEFAS and HFIG. The provision of two escape gaps per pot gaps increases work and expense for fishermen but provides no advantage to conservation.



{In Archive} Fw: Proposed Byelaw
NEIFCA to: David McCandless
Sent by: Yvonne Collinson

03/12/2018 16:56

Archive: This message is being viewed in an archive.

North Eastern Inshore Fisheries and Conservation Authority Support Services
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----- Forwarded by Yvonne Collinson/CR/ERC on 03/12/2018 16:56 -----

From: Yvonne Collinson
To: David McCandless
Cc: Yvonne Collinson
Date: 03/12/2018 16:56
Subject: Proposed Byelaw

To whom it may concern,

Please find below my following views regarding byelaw proposals made by the NEIFCA.

NO GEAR TO BE WORKED INSIDE 3 NM BY VESSELS EXCEEDING 10M OVERALL LENGTH.

As I operate a vessel registered under 10M but slightly over 10M overall this proposal troubles me greatly. I had my vessel built over twenty years ago specifically to fish inshore waters and the introduction of such a rule would severely negatively impact my earnings. Being placed on a "sunset list", permitted to fish inside three miles for the duration of my ownership of the vessel would be of little compensation as I intend to sell the vessel and retire within the next five years, if I could not pass the "sunset" listing on it will wipe thousands of pounds off the value of my boat. I presume the ban will include the shooting of fixed nets inside three miles, this would finish our ability to catch white fish as virtually all netting takes place close to the shore. If I could no longer fish for white fish I will have to concentrate on pots all year thus increasing effort on shellfish. My major concern however is SAFETY. Many vessels, like mine, were built to fit the 10M registered length legislation specifically to fish inshore waters and the proposal will force these boats further out to sea and away from the sheltered coastal waters. This will inevitably lead to more accidents, injuries and possibly deaths. If such a byelaw were passed, and I strongly believe it should not, the cut of length should be 10M registered length and not overall.

NO CHANGE TO ESCAPE GAP PROVISIONS.

I am very much in favour of the enforcement of escape gaps in the parlour end of pots, however the continued insistence on having an escape gap in the non-parlour end seems unnecessary. Fishermen have given anecdotal evidence to the NEIFCA officers showing that the gap in the non-parlour end of the pot is not used and this has been backed up by studies conducted by CEFAS and HFIG. The provision of two escape gaps per pot increases work and expense for fishermen but provides no advantage to conservation.

THE LANDING OF CLAWLESS LOBSTERS TO BE PROHIBITED

Though I do not see this as a major issue such a byelaw seems unnecessary. I am not aware of any commercial market for such lobsters, so all this byelaw will do, is prevent us from taking an otherwise worthless lobster home for our tea. It is also worth noting that lobsters sometimes shed claws during the landing and weighing process, are we to be prosecuted if this happens?

THE LANDING OF SOFT SHELLED LOBSTERS

It is regrettable that some fishermen resort to landing soft shelled lobsters though from my experience it is only a very small minority and the quantities involved are very small. If such a ban was introduced who decides what is a soft lobster? The buyers, both local and continental vary on how soft a lobster they will accept depending on supply and demand. Some lobsters have weak parts of their shell that never hardens or can be hard on one side of their shell but not so hard on the other, these are readily accepted as hard by the buyers but will a fishery officer deem them to be soft? If only the hardest of lobsters were acceptable we would be forced to return over 90% of our catch during the summer months, not only would this lead to bankruptcy for fishermen but it would devastate the whole European lobster market infrastructure.

THE CONTINUATION OF THE PROHIBITION OF LANDING V NOTCHED LOBSTERS

I have supported the V notch scheme from the start and have voluntarily V notched hundreds of buried lobsters over the years but since the introduction of the ban on the landing of buried lobsters this bylaw seems to be redundant. The fact that it prevents us landing lobsters with damaged tails leads to us having to return a lot of lobsters, mostly male, that have fighting damage to their tails. This is nothing to do with V notching and as no one is now releasing freshly V notched lobsters the bylaw should be repealed.

LANDING OF LOBSTERS WITH MISSING OR MUTILATED PLEOPODS

I presume this is a measure to discourage buried lobster scrubbing though it appears to be taking a "sledge hammer to crack a nut" approach. The NEIFCA officers tell me that they already have the means to tell if a lobster has been scrubbed so why do we need another more draconian byelaw for the same purpose? It will take a lot of time to check every lobster for pleopod damage and there is every possibility that such damage could occur during the onboard storage, packing, landing and weighing process. The proposal doesn't specify that this would only relate to female lobsters, returning me to my earlier argument about fighting damage particularly among males, taking more lobsters out of the "OK to land" category.

I believe NEIFCA and its byelaw are essential to protect the fishing industry and the marine environment though it must be remembered that every new byelaw has a negative financial impact on fishermen. If the byelaw is sensible the negative impact will be small and short lived but the cumulative effect of a barrage of legislation we have experienced over the last few years, predominantly aimed at small vessels operating within six miles of the shore is becoming too much, too fast. If all the proposals are ratified into bylaws I will have to consider reducing crew size though this seems ridiculous if I also have to work further offshore!

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~



Further to your email received on 3 December 2018 objecting to the byelaw proposals I am emailing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the Crustacea byelaw proposals concluded on 7 December. In total the Authority received 9 objections and 1 submission supporting the measures.

The proposed vessel length restrictions for potting within the 3 nautical mile limit are designed to standardise the fleet structure across the NEIFCA district at a size and scale deemed appropriate to ensure the long terms sustainability of shellfish stocks. Grounds within the 3 nautical mile limit are considered more sensitive containing higher proportions of juveniles and more at risk from spikes in fishing effort during seasonal 'new shelling' in many areas. The structure of the current potting fleet has also been carefully considered in setting the proposed vessel size. The 'sunset' mechanism has been written into the proposed regulation to protect existing historical rights for operators such as yourself to continue fishing up until the point of sale of the respective vessel. The inclusion of the 'sunset' mechanism allows for a prolonged re-adjustment of the fleet structure minimising economic impact. If a continuation of such rights were to be permitted beyond the first sale of the affected vessel this would completely negate the intentions of the proposed regulation. The proposed length restrictions only apply to potting so other fishing activities such as netting inside 3 nautical miles would not be affected even after your vessel was sold. There are currently a number of vessel length restrictions in force throughout the NEIFCA district regarding trawling, dredging and potting which have been implemented during the years and which, to my knowledge, have not impacted on the saleable value of the affected vessels.

In terms of escape gaps, given that the measure is now well established, it is not the Authority's intention to modify the existing provision at this point in time.

In terms of clawless lobster such animals will survive and establish new claws, so given that they carry no economic value it would seem to make sense to return them and support the established brood stock of lobsters on the ground.

As you will be very aware, throughout the region, particularly during the summer months, there are significant issues with the landing of soft shelled lobsters. These landings impact on both catch quality and price and offer no benefit to the local industry. For many years the Authority has considered a formal prohibition on landing soft lobsters and has now taken that step following the recent introduction of a similar measure in the Northumberland IFCA area. The enforcement issues raised within your email response are wholly recognised and do present some challenges. To that end the definition has been strengthened and now states '*Soft shelled lobster means a lobster which has recently cast its shell and is malleable under manual pressure*' meaning that the shell can be manually manipulated without cracking or breaking. Since 1967 a similar national measure has been in place to protect soft shelled edible crab and experienced fishermen can easily identify such crabs at the point of capture and return them immediately back to the sea.

Despite the prohibition on landing egg bearing lobsters 'V' notching still plays a crucial role in the conservation of lobster stocks. Since the measure was first introduced in 1999 the definitions of mutilation have been strengthened to provide clarity and in terms of the mutilation of lobster tails protection is only applied to the two flaps located either side of the telson. It should also be borne in mind that 'V' notching also protects both male and female stock in supporting the breeding population of lobsters.

The proposed provision relating to mutilated pleopods is a new addition but one considered necessary given existing levels of non-compliance experienced in relation to the egg bearing lobster prohibition. Since the beginning of 2018 the Authority's officers have reported over 30 offences resulting in 4 prosecutions, 8 fixed penalties, 13 cautions and 8 warning letters being issued with no sign of improvement in compliance. On occasions officers have found female lobsters which have had all

their pleopods removed. It is hoped that the mutilated pleopod provision will improve the Authority's ability to enforce the existing legislation and significantly discourage the practice of manually stripping eggs from female lobsters. The current provision contained within the proposed byelaw is non-gender specific, this is deliberate and will support both stock conservation and improvements in catch quality. The broad principles around non-gender specific measures are to try and minimise the risks of measures actually increasing the pressures on one particular gender. An example of this is, as already stated within this response, the protection for 'V' notched lobsters.

The majority of regulations contained within the crustacea byelaw proposal are now well established across the industry and it is the Authority's view that the additional provisions including the pot frame size, soft lobster, mutilated pleopods and the new 10m vessel size inside 3nm, supported by the 'sunset' provision, will not have significant economic impact but will add significant stock conservation benefit and raise the quality of lobster landed across the area.

Following a careful review of all the objections, including the content of your email response and in full consultation with the Authority members, it remains the Authority's intention to progress the byelaw proposal to formal confirmation without modification other than the revised definition of a soft shelled lobster.

Kind regards,

David McCandless

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North Eastern Inshore Fisheries and Conservation Authority

Marine and Coastal Access Act 2009 (c. 23)

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 for that District.

1. Interpretation

In this byelaw:

- (a) 'Area A', 'Area B' and 'Area C' are defined in the schedule;
- (b) '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 (S.I. 2010 No. 2193);
- (c) 'the baselines' means the 1983 baselines as defined in S.I 2010;;
- (d) 'berried lobster' means a lobster with eggs or spawn attached to the tail or other exterior part of the lobster, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;
- (e) 'carapace width' means the width of the carapace measured across the widest point;
- (f) '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;
- (g) 'cooked crab offal' means edible crab which has been cooked;
- (h) all coordinates are derived from World Geodetic System 1984 datum;
- (i) 'crab' means either edible crab or velvet crab;
- (j) 'crustacea' means any species of lobster, edible crab, velvet crab or Norway lobster;
- (k) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of S.I 2010;
- (l) 'edible crab' means a 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 on board;
- (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 of the tail fan either side of the main tail flap. Any other damage or mutilation to, or absence of, any other tail flap, excluding the two inner flaps, is not classed as mutilation for the purpose of this byelaw regulation;
- (r) 'mutilated pleopod' means any visible damage, abrasion, mutilation or absence of any pleopods;
- (s) 'Norway lobster' means a lobster of the species *Nephrops norvegicus*
- (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 and is malleable under manual pressure;
- (y) 'sunset list' means a list of vessels who possess a track record of fishing for crustacea using pots in 'Area A' or 'Area B' since January 2016 and have registered catches of lobster and crab with the Authority;
- (z) 'v' notched lobster' means a lobster with a notch in the shape of the letter 'V' with a depth of at least 5 mm in at least one of the inner flaps of the tail fan either side of the main tail flap. The depth of the 'v' notch is measured vertically from the distal edge of the flap (not including the setae) to the apex of the 'v';
- (aa) 'Velvet crab' means a crab of the species *Necora puber*.

2. Prohibitions

(a) Vessel length restrictions

A person must not use a pot from a vessel exceeding 10 meters overall length in Area A or Area B unless the following criteria have been met:

- (i) the vessel is on a 'sunset list' maintained by the Authority;

- (ii) the vessel does not exceed 14 metres overall length;
- (iii) the vessel owner has applied to be placed onto the 'sunset list' within six months of the confirmation of this byelaw;
- (iv) there is no change of ownership affecting the major share holding in the vessel concerned.

(b) **Escape gaps**

A person must not use a pot within Areas A and C for the purpose of fishing for crustacea unless the following criteria have been met:

- (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.

(c) **Minimum size for edible crab**

A person must not remove, take, retain, store, carry or land any edible crab which has not attained a carapace width of 140 mm but shall return the same to the sea immediately in a position as near as possible to that part of the sea from which it was taken.

(d) **Parts of edible crab**

A person must not remove, take, retain, store, carry, 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 unless the following criteria have been met:

- (i) the total of such parts is not more than 10% of the total weight of all species subject to a statutory minimum landing size other than crustacea, landed by the same person on one occasion; and

- (ii) the edible 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.

(e) **Use of edible and velvet crab for bait**

A person must not use any edible crab or velvet crab for bait with the exception of the following:

- (i) the use of any cooked crab offal as bait; and
- (ii) The use of edible crab, above the statutory minimum landing size as bait for recreational rod fishing.
- (iii) The use of velvet crab, above the statutory minimum landing size as bait.

(f) **Parts of lobster (*Homarus gammarus*)**

A person must not remove, take, retain, store, carry, or land, the tail, claw or any other detached part of a lobster.

(g) **Clawless lobsters (*Homarus gammarus*)**

A person must not remove, take, retain, store, carry, or land any clawless lobster. Any clawless lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(h) **Soft shelled lobsters (*Homarus gammarus*)**

A person must not remove, take, retain, store, carry, or land any soft shelled lobster. Any soft shelled lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.

(i) **'V' notched or mutilated lobsters (*Homarus gammarus*)**

A person must not remove, take, retain, store, carry, or land any 'V' notched lobster or mutilated lobster. 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.

(j) **Berried lobsters (*Homarus gammarus*)**

A person must not remove, take, retain, store, carry, or land any berried lobster. 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.

(k) **Mutilated pleopods (*Homarus gammarus*)**

A person must not remove, take, retain, store, carry, or land any lobsters displaying mutilated pleopods. 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.

(l) **Maximum pot size**

A person must not use any pot with a size exceeding 50 cm high x 60 cm wide x 110 cm long.

3. **Deeming**

(a) With the exception of the provisions contained within paragraphs 2(f), 2(i) and 2(j) during each singular fishing trip, vessels fishing exclusively outside the District and transiting through the district will not be subject to the provisions of this byelaw.

(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. Such evidence must include electronic charting information or vessel positional data.

4. **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 and confirmed by the Secretary of State on 12 October 2012, 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 and confirmed by the Secretary of State on 17 November 2015, 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.

I hereby certify that the above Byelaw was made by the Authority at its meeting on 14 June 2018.

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 14 June 2018.

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

Date:

Schedule
Definition of areas

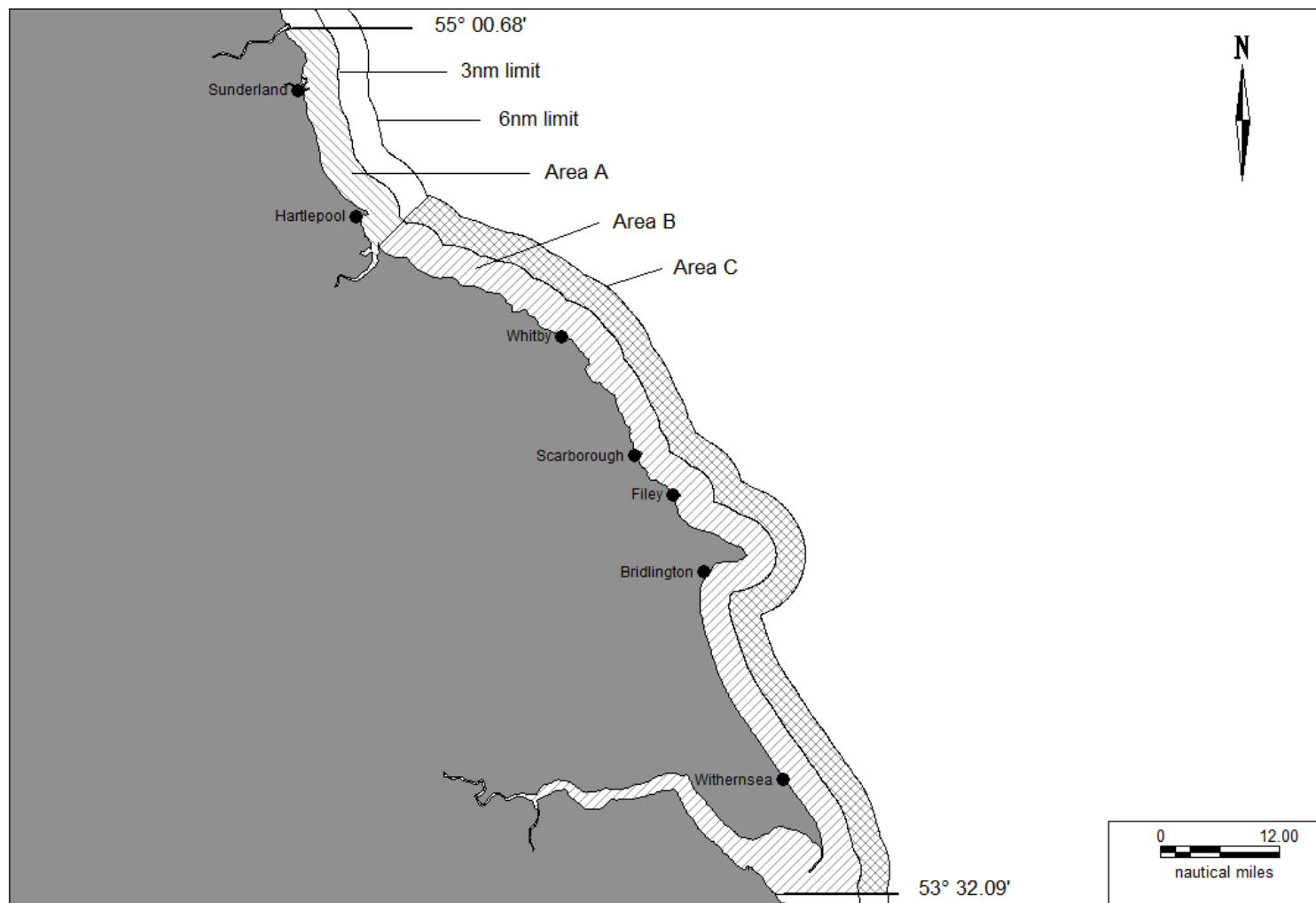
1. Area A means those tidal waters and parts of the sea bounded by the following:
 - (a) to the North by the boundary of the District, to the South by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the three nautical mile limit and to the East by the three nautical mile limit;
2. Area B means those tidal waters and parts of the sea bounded by the following:
 - (a) to the South by the boundary of the District, to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the three nautical mile limit and to the East by the three nautical mile limit;
3. Area C means those tidal waters and parts of the sea bounded by the following:
 - (a) to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54°38.847'N Long 001°08.251'W) to the boundary of the District, to the East by the boundary of the District and to the South by the boundary of the District;

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', 'soft shelled', 'V' notched, clawless lobster, lobsters displaying mutilated pleopods and the use of edible as bait.

‘Area A’, ‘Area B’ and ‘Area C’.



Title: Byelaw XXVIII: Crustacea Conservation Byelaw 2018 IA No: NEIFCA_18_1 Lead department or agency: North Eastern Inshore Fisheries & Conservation Authority (NEIFCA) Other departments or agencies: N/A	Impact Assessment (IA)
	Date: 18/02/2019
	Stage: Final
	Source of intervention: Domestic
	Type of measure: Secondary legislation
Summary: Intervention and Options	
RPC Opinion: 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 2018 prices)	In scope of One-In, Three-Out?	Measure qualifies as
£0	£0	£0	Not in scope	Non-qualifying regulatory provision

What is the problem under consideration?

On 1 October 2017, 'The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017' (SI 2017 No 899) 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 individuals taking egg bearing lobsters who are not using vessels. Under its shellfish permitting schemes, during 2018, NEIFCA issued 1464 permissions to individuals to take two lobsters per day from the shore. During 2018 over thirty offences were detected relating to the taking and landing of egg bearing lobsters across the NEIFC District. Four of these offences were successfully prosecuted and eight financial administrative penalties, thirteen formal cautions and eight warning letters were issued in response.

Why is government intervention necessary?

Without intervention NEIFCA could not apply the national legislation protecting egg bearing lobsters to individuals working without vessels within its District. Intervention also provides an opportunity to amend existing vessel size restrictions within three nautical miles, introduce a maximum pot size, prohibit the taking of lobsters which have recently cast their shells and rationalise the existing number of NEIFCA byelaws by consolidating 'v' notched lobster provisions within a new regulation.

What are the policy objectives and the intended effects?

To ensure that the catching, retention and landing of all egg bearing lobsters by unlicensed and unregistered vessels and operators is prohibited throughout the NEIFC District and that the Authority's 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 three 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 within a new regulation.

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 individuals under a weaker regulatory framework.

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 crustacean stocks exploited within the NEIFC District.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date** 12/2023

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.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A		Non-traded: 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: 18/02/2019

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2018	PV Base Year 2018	Time Period Years 10	Net Benefit (Present Value (PV))		
			Low: Optional	High: Optional	Best Estimate: £0
COSTS	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant	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 four 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	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant	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				Discount rate	3.5%
Assumes 100% compliance.					

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual):			In scope of OI30?	Score for business impact target:
Costs: £0	Benefits: £0	Net: £0	Not in scope	N/A

Evidence Base (for summary sheets)

1. Introduction

- 1.1. 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 relating 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 three nautical miles, the introduction of a maximum pot size and a prohibition on taking lobsters which have recently cast their shells are seen as proactive, forward thinking measures to ensure the continued sustainability of lobster and crab stocks within the NEIFC District.
- 1.3. In addition to the introduction of the new conservation measures detailed in 1.2 the proposed regulation also incorporates a number of measures which have been transferred and updated from the existing Crustacea Conservation byelaw XXVIII confirmed in 2015. 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 three nautical mile fisheries limit of the NEIFC 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 introduce a prohibition of taking of lobsters with mutilated pleopods to restrict the practice of mechanical stripping of eggs.
- To rationalise the number of NEIFCA byelaws by incorporating provisions for 'v' notched lobsters within this byelaw.
- To rationalise the number of NEIFCA byelaws by incorporating provisions contained within the 2015 crustacea byelaw.
- To retain a deeming clause which strengthens the Authority's ability to effectively enforce those provisions which are specific to the NEIFC District but permits vessel working exclusively outside that District to legitimately transit through and land their catch.

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

4. *Background*

4.1. Egg bearing lobsters

- 4.1.1. On 1st October 2017, 'The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017' (SI 2017 No 899) 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 individuals working without vessels.
- 4.1.2. The capture and removal of lobsters by recreational fishers within the NEIFC 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 fishers to take no more than two lobsters per day. In 2018 NEIFCA issued over 1,464 LSPs. It is considered critical to support the application of the new SI that enforcement provisions can be applied to all sectors including individuals operating without vessels, 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, there is also significant concern over retention 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. The additional inclusion of protection for egg bearing lobsters with the byelaw regulation will significantly strengthen enforcement capabilities at sea.

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

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 NEIFC District are 14 meters overall length between the north of the District and the River Tees, and 12.5 meters overall length 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 three nautical miles within the District to 10 meters overall length.

4.3.2. Of the 211 commercial permit holders active in 2018, 29 have an overall length above 10 meters. Many of these vessels operate beyond the three 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 up to the point of sale of the vessel.

4.4. Maximum pot size

4.4.1. Observations from the Authority's 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 four 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.

4.6. Mutilated pleopods

4.6.1 Since the beginning of 2018 the Authority's officers have reported over 30 offences resulting in 4 prosecutions, 8 fixed penalties, 13 cautions and 8 warning letters being issued with no sign of improvement in compliance. On occasions officers have found female lobsters which have had all their pleopods removed. It is hoped that the mutilated pleopod provision will improve the Authority's ability to enforce the existing legislation and significantly discourage the practice of manually stripping eggs from female lobsters.

4.7. Deeming clause

4.7.1 Given that a significant proportion of the commercial shell fishing fleet operates on grounds both within and beyond the 6 nm limit and a number of conservation measures only apply within the NEIFC District, the inclusion of a 'Deeming' clause within the current XXVIII Crustacea Conservation byelaw regulation was agreed with Defra in 2015. At the time it was considered essential in supporting the effective application and enforcement of the District specific measures whilst at the same time, still enabling vessels operating exclusively outside the District to transit through and legitimately land their catches. The

same issues identified in 2015 remain and therefore the retention of such a clause within a new regulation is still considered extremely important.

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, the continuation of current vessel size restrictions within three nautical miles, continued creep in terms of increasing pot frame sizes and the continued landing of soft shelled lobsters, all increasing fishing related mortality on stock and negative impacts on spawning stock biomass.
- 5.2. Option 1: Regulatory management – The proposed byelaw would provide comprehensive protection for berried lobsters within the NEIFC District and support the application of the SI. It will also limit the size of vessel capable of operating pots within three nautical miles to 10 meters 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.

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 crustacean stocks within the NEIFC 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 crustacean stocks within the NEIFC District and ensure their long term sustainability

Annex A: Policy and Planning

One in Three Out (OI3O)

OI3O is not applicable for byelaws implemented for the management of sea fisheries resources within IFC Districts as they are local government byelaws introducing local regulation and therefore not subject to central government processes.

Small firms impact test and competition assessment

No firms are exempt from this byelaw. It applies to all firms who use the area. This measure does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.

Which marine plan area is the MPA and management measure in?

The proposed byelaw will include management areas in the East inshore plan area and the North East inshore plan area.

Have you assessed whether the decision on this MPA management measure is in accordance with the Marine Policy Statement and any relevant marine plan?

- Yes

If so, please give details of the assessments completed:

- In the East inshore plan area the byelaw is in accordance with the following objectives and policies from the East Marine Plans:
 - Objective 6: To have a healthy, resilient and adaptable marine ecosystem in the East marine plan areas.
 - Objective 7: To protect, conserve and, where appropriate, recover biodiversity that is in or dependent upon the East marine plan areas.
 - Policy BIO1: Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).
 - Policy MPA1: Any impacts on the overall marine protected area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network.
- In the North East inshore plan area no marine plan is currently in place. Therefore for management areas in this plan area consideration has been given to the Marine Policy Statement. 3.8.3 Decision makers must therefore have regard to the provisions of the CFP in developing any plans or proposals affecting fisheries. The CFP is currently being reviewed. The view of the UK Administrations is that the overall aim of the reformed CFP should be to attain ecological sustainability whilst optimising the wealth generation of marine fish resources and their long term prospects

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5th December 2018

Dear Sir or Madam,

Byelaw XXX: Automatic Identification System Byelaw Consultation

The following is offered in response to a consultation on the above byelaw requiring all vessels in the NEIFCA district to carry and operate an AIS system outside of port. In light of wider proposals to require all <12m vessels in England to carry IVMS the proposal is presented as having additional marginal benefits described as:

- Providing real-time information when IVMS units are not in range of the GPRS network and so not transmitting for the operational purposes to initiate responses to potential non-compliance issues.
- Providing a means of detection for the North Eastern Guardian III that currently does not have an offshore internet connection.
- Covering vessels such as charter angling vessels that would unlikely be covered under the IVMS proposals.

The original concept of VMS and by connection IVMS that is aimed at fisheries management and enforcement purposes was predicated on the principle that businesses had the right to commercial confidentiality over personal identification. Given that AIS is an open public data transmission system in effect its use for management and enforcement purposes rides a coach and horses through that principle. It also risks encouraging an undesirable "vigilantism" by third party actors not involved in fisheries regulation.

AIS was intended as a navigational safety tool, not a tool for fisheries enforcement. The appropriate authority on safety matters, the MCA, has not recommended that it should be used beyond the purposes for which it is assigned and not for fishing vessels below 15m in length. It is not under the jurisdiction of NEIFCA to implement measures

for safety applications. While the impact assessment argues that safety would be improved on account of many more vessels operating AIS, it will still, in our view, undermine good safety practice by encouraging the switching off of units by those wishing to transcend regulations, and by creating confusion over the primary purpose of AIS. Furthermore, there are inherent practical difficulties in policing whether or not malpractice is occurring due to switching off a unit. How would NEIFCA be able to determine whether or not an operator has stitched off its AIS unit as opposed to some other form of communication outage or lapse?

We consider that in implementing this proposal there are also a number of negative impacts that have been overlooked. These include:

- There are practical considerations over whether it is feasible to fit such a device on small craft, in addition to the IVMS device.
- Aside from the installation costs, once introduced there is an ongoing cost of replacing units that have not been accounted for.
- The requirement will capture vessels that may need only to transit through the NEIFCA district.
- Vessels will be vulnerable to being tied up in port awaiting repairs or replacement not only if the IVMS equipment stops functioning but also on account of the AIS device.

Against all of these issues, the marginal benefits of requiring AIS for enforcement purposes over above the IVMS system are also diminished by the fact that NE Guardian presumably carries a radar to detect vessels, which negates the purpose of utilising AIS. If it does not have radar then that option would come at considerably less cost than the costs associated with the whole fleet adopting AIS. If indeed access to IVMS data is a practical advantage then it would undoubtedly be more cost effective to have an offshore internet connection installed on the vessel.

Furthermore, the advantages of AIS rest on assumption that the district does not have good coverage of GPRS – has GPRS range and coverage in the district been determined in informing the proposal? In contrast and particularly for land based enforcement, as AIS is a line of site communication system from vessel to vessel, it is also likely that shore side reception will be limited.

For all of these reasons we consider the proposal to be inappropriate and accordingly object to the introduction of the byelaw.

Yours faithfully,



Dale Rodmell
Assistant Chief Executive

All enquiries should be directed to:

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Web Site www.ne-ifca.gov.uk

Your ref:

Our ref: neifca
23 January 2019

Mr D Rodmell
Assistant Chief Executive
NFFO
30 Monkgate
York
YO31 7PF

Dear Dale,

RE: Byelaw XXX: Automatic Identification System Byelaw Consultation

Further to your letter dated 5 December 2018 and submitted on behalf of your members, commenting on proposals for the mandatory introduction of AIS on board commercial fishing vessels operating within the Authority's district, I am writing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the AIS byelaw proposal concluded on 7 December 2018. In total the Authority received 18 objections and 2 submissions supporting the proposed byelaw regulation. 16 of the 18 objections were received from representatives of the recreational rod fishing sector and 2 from the commercial fishing sector including your response submitted on behalf of the NFFO. This is the second time that this particular byelaw proposal has been subject to formal consultation and extensive informal consultation across the commercial fishing fleet within the Authority's district has previously drawn broad support for the measure.

Having considered the content of your objection very carefully I would like to make the following points in response:

When officers were originally examining the concept of utilising the AIS framework to monitor fishing activities they sought the views of both the MCA and the ICO on the potential implications for both maritime safety and the transmission of personal data. No concerns or issues were raised by either national regulator and options exist to offer encrypted AIS units if requested.

Your concerns surrounding potential 'vigilantism' are unclear but one of our current byelaw regulations carries a mandatory AIS requirement for all vessel's engaged in scallop dredging activity which has encouraged 'positive' behaviours particularly in relation to reducing fishing gear conflict.

Although development work is ongoing, currently only an AIS vessel monitoring device offers a tried and tested solution for small unpowered or low-powered vessels with minimal interventions required.

Unlike IVMS devices, which carry an ongoing operational fee, functioning AIS units do not carry such charges other than the 'one off' capital cost for purchase and installation. NEIFCA is committed to supporting this burden on all affected vessel operators. The anticipated life span of an AIS unit is fifteen years.

In potentially carrying both an AIS and IVMS system on board within the Authority's District the likelihood of mandatory tie up should actually be much more reduced.

NEIFCA has extensive historical experience of utilising a wide and varied range of mobile networks and suppliers across its District both onshore and at sea. Particular issues exist at a number of MPA sites and locations along the Holderness Coast of East Yorkshire, Flamborough Head and the North Yorkshire coast. We know from experience that a mandatory AIS system will alleviate these issues in terms of GPRS coverage. As you have stated the principles of AIS work on 'line of sight' coverage but there is a network of elevated receiving masts located across the NEIFCA District which provide comprehensive signal coverage.

The Authority's main patrol vessel North Eastern Guardian III (NEG III) carries the latest radar and electronic charting systems available. Radar will detect vessels and provide positional information but no identification information over limited distances. AIS transmissions provide both positional, identification and further vessel information over a much greater distance and would be captured directly onto existing on board systems. NEIFCA could utilise its existing on board satellite communication systems to access IVMS data, subject to sufficient download speeds, but this would cost in the region of £1000s per month on an ongoing basis.

In summary, utilising the existing AIS platform to strengthen the remote monitoring of vessel activity across the Authority's District represents a 'tried and tested' method in fisheries management globally. Locally it has proven to be an effective tool in monitoring scallop dredging activity. It is cost effective with no ongoing charges for the industry and can capture the whole spectrum of the fleet without significant modifications for smaller craft. Based on comments received during two formal periods of consultation there appears to be broad support for the measure across the commercial fishing industry and over 30% of operators are already utilising the system within the Authority's District.

For all of the above reasons it is the Authority's intention to seek final Ministerial confirmation of the AIS byelaw proposal.

Yours Sincerely,

David Thomas McCandless
Chief Officer

RESPONSE

I would like to register an objection to the mandatory AIS proposed bylaw.

1. INTERPRETATION OF COMMERCIAL GAIN

My strongest objection is your interpretation of Commercial Gain. You stated in your email of 30th November that your interpretation of Commercial gain is only IFCA perspective. That is not true; that is NE-IFCA perspective. Is that legally accepted? Has NE-IFCA taken legal advice on this interpretation, or is it, as you say your own perspective? And under what authority can IFCA classify boats? If a legal precedent is set by your interpretation, this would have wide reaching ramifications for our business.

We would be excluded from no-take zones as we are taking a commercial gain, we may have to collect VAT, and pay back VAT that we have not collected over a number of years, as it has previously been accepted by HMRC that we are engaged in public transport which is zero-rated. The reason I point out this distinction between IFCA and NE-IFCA interpretations is that I have approached other IFCAs, through the PBA, for their opinion and the feedback is that this would not fall within their interpretation of commercial gain.

Furthermore, your hypothetical analogy in paragraph 4 of the email you sent on Friday, is a poor analogy indeed. I certainly understand the working in joint enterprise laws, but your analogy has no bearing on your interpretation. The better analogy is lots of businesses get a commercial gain from Fish stocks, Fish transporters, Fish Market auctioneers, Fishing vessel agents, Fish and Chip Shops, Sea food Restaurants, Fish processors (including Whitby Scampi Factory). Under your interpretation, they get a commercial gain from Fish stocks, so you would have some jurisdiction over them!

I could half accept that we get a *secondary* commercial gain from Fish stocks, in the exactly same way as the other businesses mentioned above, but I cannot accept your interpretation that we are getting a primary direct commercial gain from Fish stocks. We get paid whether the passengers on board catch fish or not.

In the event that anyone does catch any fish, that catch is their property and it is entirely up to them what they do with it; I have no control over that whatever.

As an experienced Chief Officer, you are well-placed to know that this interpretation is inaccurate, but for the benefit of your Executive Committee members, in the early days most of what you refer to as Charter Angling Boats were registered at Cardiff, with an RSS number and Fishing Vessel Port numbers painted on the side.

They were dual purpose, and they were permitted to land fish caught by rod at Whitby Fish Market for commercial gain. Dual purpose boats; all but one have disappeared. There is one I know of in Whitby that has Port numbers and holds a pressure stock license. There was nothing in law at the time to stop what you refer to as Charter Boat owners selling off their pressure stock license when they became valuable and

resulted in them not being able to fish commercially but could continue as what you refer to as a Charter Boat. So why wasn't that stopped at the time?

There was another boat in the Whitby Fleet that was dual purpose, up until maybe 3/4 yrs ago, and this was operating as an under 10m fishing boat as well as a Charter Angling Boat. During that time, I was owner of the Fishing vessel *Crimond H*. For a number of months in the year, the under 10m were not permitted to catch Cod commercially. But the boat I refer to was allowed to continue catching Cod with no commercial gain whilst Chartered for angling. If your interpretation was valid, then this would have been illegal and would have resulted in prosecution.

2. BASIC HUMAN RIGHTS

Has NE-IFCA considered or taken any legal advice regards our Human Rights? I am certain we must have a right to privacy. These kinds of vessels are not under any License or permit agreement with NE-IFCA which wavers these rights as a permit or license condition. We have no business with NE-IFCA whatsoever. We are licensed by the MCA and agreed to the terms of their License from the up-take of the license. Had it stated in the License that we would be monitored by Government agencies, then by taking up the license we would have been agreeing to waiver our rights.

But we have no such licensing or permit terms with NE-IFCA.

3. DATA PROTECTION

Has NE-IFCA considered or taken any legal advice on the Data Protection Act 1998 and the General Data Processing Regulation August 2018. I strongly object that an amendment has not been made to the original by-law proposal, which was drafted in 2016, in relation to the August 2018 General Data Processing Regulation when the whole by-law is set out to make it mandatory to broadcast Personal Data about my location, position and whereabouts to a world-wide audience.

More importantly, to broadcast what is commercially sensitive data about our position to our competitors.

You mention encrypting of data in your email of Friday 30th November, as an option, then surely an amendment to the proposal should be made in respect of this, too. The statement relating to safety as a benefit in the proposal would need excising, as an encrypted system would offer no safety benefits, and would be a 'big brother' surveillance device only.

4. PSYCHOLOGY

Has NE-IFCA considered or taken any legal advice regarding the psychological effect on individuals who are placed under state surveillance?

5. PROBLEM UNDER CONSIDERATION - DATA DEFICITS

You claim to have data deficits. If that is the case, what has the regulatory decision-making process been based on historically? On the MMO's website, under data collection, the MMO proclaims that its data gathering is accurate. This data, proclaimed to be accurate, is reported to the EU on a monthly basis. How can one Government agency recognise or admit they have data deficiencies when another Government agency is proclaiming accuracy?

It also effectively states that this deficiency is hampering the effective assessment and management of Fish stocks within IFCA jurisdiction. Again, this can not be accurate because, of all the wide-reaching regulations that IFCA has already brought into effect, unless other regulations were passed and based on prior source data that contained inaccuracies, gaps and were incomplete. The two independent reviews (referred to in the document) were, in part, conducted before the Marine & Coastal Access Act 2009, and relate mainly to shellfish. Charter Boats have no impact on shellfish. Although I have this report in my possession, I only received it 1 and 1 part working day before the close of the public consultation. As it comprises over 600 pages, I will have no time to read (never mind digest) them before the closing date. (Supply of information and engaging with industry will be mentioned later).

6. POLICY OBJECTIVES AND THE INTENDED EFFECTS

I strongly object to this. You refer to identifying the accurate location of all commercial fishing activities. It is not legally proven that commercial fishing applies to our activity, which you name as Charter Boats. Thus, there is no rationale or justification to remotely monitor, in real time, Charter Boat fishing activities in your district. Let me assure, you AIS does not do that. It only records your track and position automatically, and if information such as fishing activities were required to be monitored in real time, then it would have to be constantly monitored manually, as this information is not collated or broadcast automatically.

It goes onto say it is to quantify all seasonal fishing intensity across all gear types. The same objection refers to this, AIS does not do this automatically. Item 4 - to support safe navigation - is no longer valid if AIS is encrypted to get round the data protection laws. Furthermore, I would estimate that 90% of Charter Fishing activity of boats that are operated from Ports within the jurisdiction is carried out outside the 6-mile IFCA jurisdiction and to the North and South of the jurisdiction. No information of any value would be gained from these vessels. Despite your safety benefit claims, I think it would have a negative impact on safety because operators would head beyond the 6-mile jurisdiction, to avoid the regulations.

7. POLICY OPTIONS

You chose Option 1: to make AIS mandatory on all commercial fishing vessels. Let me reiterate that what you refer to as Charter Boats are not commercial fishing vessels, they are small coded commercial vessels, licensed by the MCA or there agents, to carry 12 passengers for Sports & Leisure purposes; that is there class and distinction. Most long term operators (to my knowledge, barring 1) have sold off their commercial fishing status sometime ago, but have being allowed to continue as what you refer to as

Charter operations without commercial status. People who have entered the industry more recently (like me) have had no requirement to comply with fishing vessel regulations which I know a good deal about, having been a commercial fishing vessel owner previously, and it is what the most recent addition to the fleet in Whitby did last February.

I must vehemently oppose Option 1, as it is an authoritarian measure. Option 2 is just as good a measure, more friendly, workable in partnership with the authorities.

8. THE FULL ECONOMIC ASSESSMENT

I must voice my opposition to these details as they can only be 'ball park' figures. I know there are lots of people who never replied to what you refer to as a Consultation with Operators. This was certainly not a Consultation. This was a 'choose what type of AIS you want before a certain date' letter or you will have to pay for it yourself. I think you have grossly under-estimated £103,350; this could grow very rapidly. The cost of installation to the operator would be well in excess of £100, as it is specialised work. I know an operator who recently had a GPS chart plotter fitted to his boat, which involves the exact same work (mount the equipment, connect it to the ships electrics, mount a VHF aerial, route the cable to the equipment and connect it and install the MMSI number). This cost £300.

As you are probably aware, the MMO are proposing mandatory vessel monitoring through a dedicated VMS on all boats, surely your/our money that you are spending on AIS would be better spent on equipment for your patrol boat to receive VMS, which is going to be paid for by the MMO. In other key non-mentioned benefits, you claim that the by-law will be sufficient to deliver a statutory responsibility. If this is a statutory responsibility under the 2009 Marine and Coastal Access Act, then why has it taken so long to implement, nearly 10 yrs, and why is NE-IFCA the only IFCA introducing this bylaw? Is it that the other IFCA's are not delivering on their statutory responsibilities or consider it not necessary for the purpose of performing its duties under section 153 of the Act to which you refer?

9. RATIONAL FOR INTERVENTION

I am sure the Charter fleet are well aware of negative outcomes from fishing activities that you refer to in this section, after having to watch the unique reefs and habitats off the Yorkshire Coast be destroyed by Nomadic Scallopers, and other activities in the commercial sector recently. You make a generalisation in this section saying *"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"*.

So for the benefit of your Executive Committee, or anyone else further up the line who will be reading this proposal, this is not the intention of anybody involved in Charter Fishing. As we are only mentioned once in this whole report, section 7.2 third paragraph, it constitutes a generalisation. I will reiterate that it is not our intention. This is a damaging and dangerous comment.

I would just like to take this opportunity to express my concern regarding the estimates that have been peddled regarding the amount of fish you refer to as being caught by Charter Fishing vessels. 50 to 150 tons has been mentioned to my parliamentary representative Robert Goodwill MP and to my Borough and County local authority representative Councillor Tony Randerson. Again this is damaging, dangerous and a 'ball park' figure. It is scaremongering, to say the least.

Let us get the 3rd equation involved here. We keep getting this 46 Charter Boats catch estimated amount peddled, which is wrong. The thousands of anglers who visit our coast should also be in the equation.

Take my own boat, for instance. My peak operations are for around 12 weeks per year. I can get up to 4 trips a day in 6 weeks of that, weather and available clientele permitting. If each and every angler caught 2kg of fish, which doesn't sound a lot, it adds up to 96 kg a day. So let us round that off, for ease, to 100kg a day. So every 10 days, my anglers would have caught a ton of fish. In the 12 weeks, that would be 8.4 ton x by 46 vessels in your area. This equals 386 ton in the 12 week peak. This is ridiculous; anyone can juggle figures. In reality, it would be nowhere near a ton in the whole year that anglers catch on my boat. However many Kgs are caught, each Kg is worth a 100 time more per Kg to the community than a commercially caught fish.

Industrial fishing off NE Coast of Scotland and Shetland in the North Sea, where catches have been in excess of 750,000 ton in 2017 landed at Lerwick, Peterhead and Scrabster, the amount that fish anglers catch should not even be questioned. It is infinitesimal. The landings at the 3 Scottish Ports mentioned would last the Charter boat industry in the NE-IFCA district 7,500 years if you take an average of your estimate 100 ton.

This is for the benefit of your Executive Committee. If the amount of Fish anglers catch is of any concern, the value to the community of an angler-caught fish must be considered, fishing effort should be redistributed but I think we are a long way off that, considering the fact that Cod have been put on the sustainable list and have made a recovery. What is the problem? Is it just regulation for regulation's sake? The hot air and rhetoric is worrying. This misinformation is not fair. NE-IFCA has a duty to fairness.

It is my opinion that there has been a deliberate attempt to villainise the Charter Boat operations in order to create and justify some regulatory powers over them. One size does not fit all on this occasion, there is no need to regulate our industry alongside commercial fishing regulations. We have a completely different attitude to that of the commercial fishing industry. I have no worries with voluntary work with NE-IFCA and I do not think anyone in the industry has. But it is generally felt, across the Charter Boat industry, that if this was passed it would be the thin end of the wedge; we would be regulated out of our sustainable business in the same manner that I have already experienced with my under 10 m fishing business, for no environmental reason or benefit whatsoever.

I do not like calling anyone a liar or dishonest, but I do think that in order for people who give their time up on Councils, Executive Committees and people who work as civil servants, put themselves up at elections to represent others, need to be armed with the correct information in order to make the right decisions. I think this by-law proposal has been drafted with a predetermination, just going by the hot air and rhetoric that has been peddled, the 150-ton scaremongering comment to my elected representatives, and the

villainisation of us in your generalised comment which makes us sound like desperadoes wrecking the North Sea.

10. ECONOMIC IMPACT ON OUR INDUSTRY

If this bylaw is passed and administered to our industry it would put Charter Boats in the NE-IFCA area at a significant commercial disadvantage as compared with the rest of the country. When anglers are choosing there destination to go fishing, there is no doubt they would choose a unregulated area. Particularly if catch restrictions were ever introduced as a result of the information gathered. Has this been considered?

I know I have seen somewhere in the documentation that you claim no commercial disadvantage because the by-law would be administered across the district, but again on this occasion one size does not fit all.

We are in competition with all the ports around the British Coast line, including the Islands of Scotland, and further afield including Ireland and Norway. It is my opinion that within 5 years of this by-law being introduced there will be no anglers or charter boats on the NE COAST. A survey some 15 years ago found that this industry was worth 5 million to the community in Whitby alone. Has the economic impact on the Charter fishing fleet being assessed individually, or have we just being rounded up and lumped in with the commercial fishing industry?

My final comment is that the Charter Boat fleet should be removed from the proposal because you will not get much information from them. As I said, one size does not fit all in this case. I know most of the people involved in the Charter Boat industry are very environmentally aware, and take offence that they have been included in a by-law proposal along with commercial fishing . I have no doubt that the industry would be more than willing to voluntarily work with IFCA and form a better relationship with them and it would squash all the hearsay, estimates, allegations, villainisation etc of our businesses. You could come out on my boat anytime to see what is going on but I do not want to be subject to an inappropriate by-law.

Please accept this as my formal response to the public consultation and make sure that it is passed to the Executive Committee. Where I have posed questions, answers would be much appreciated.

I will send a copy each to Robert Goodwill MP and County Councillor Tony Randerson.

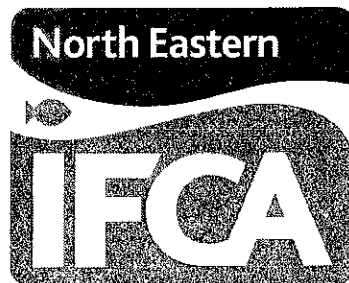
~~Antony Randerson~~

Joint owner of vessel ~~Antony Randerson~~
Signed:- ~~Antony Randerson~~
DATE:- 4/12/18

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

Chief Fishery Officer
David McCandless, BSc, MSc
Town Hall, Bridlington
East Riding of Yorkshire, YO16 4LP

Website: www.ne-ifca.gov.uk



Inshore Fisheries and
Conservation Authority

All enquiries should be directed to

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Tel: 01482 393690
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E.Mail: david.mccandless@eastriding.gov.uk
Web Site www.ne-ifca.gov.uk
Your ref:

Our ref: neifca
23 January 2019

~~XXXXXXXXXX~~
Via email

Dear ~~XXXXXXXXXX~~,

RE: Byelaw XXX: Automatic Identification System Byelaw Consultation

Further to your letter dated 4 December 2018 and objecting to proposals for the mandatory introduction of AIS within the Authority's district, I am writing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the AIS byelaw proposal concluded on 7 December 2018. In total the Authority received 18 objections and 2 submissions supporting the proposed byelaw regulation. 16 of the 18 objections were received from representatives of the recreational rod fishing sector and 2 from the commercial fishing sector.

Your very detailed objection raises a number of complex issues and concerns, particularly surrounding the potential application of the byelaw proposal on the unlicensed recreational fishing sector and the commercial classification of such, many of which I have no full answer to and have caused me to re-consider the position.

Having further consulted Authority members there is collective agreement that the recreational rod fishing sector will not now be subject to the formal provisions of this particular byelaw regulation. There still remains, however, a need for the regulation to strengthen the Authority's ability to monitor commercial fishing vessel movements throughout its district and on that basis the byelaw will still be recommended for formal ministerial confirmation.

Outside the decision to remove the recreational fishing sector from the application of this byelaw proposal your objection also highlights the challenges of assessing the levels of catch taken by the sector and presently only broad average guesstimates can be made and as you stated 'anyone can jiggle figures'. We still need some way of improving our knowledge and understanding of levels of exploitation within the recreational fishing sector. To that end I would like to approach this informally and will be seeking to arrange a series of meetings later this spring to discuss further options and solutions.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "David Thomas McCandless".

David Thomas McCandless
Chief Officer



INVESTORS
IN PEOPLE

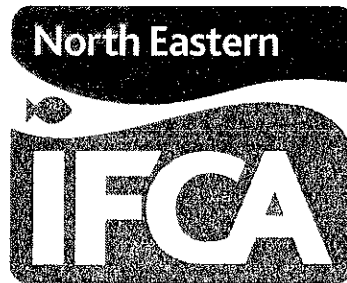
Clerk

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Web Site www.ne-ifca.gov.uk

Your ref:

Our ref: neifca

23 January 2019

~~Mr. [Name]~~

Via email

Dear ~~Mr. [Name]~~

RE: Byelaw XXX: Automatic Identification System Byelaw Consultation

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David Thomas McCandless
Chief Officer



AIS

Professional Boatman's Association

Objection to Mandatory compliance of AIS in the NE IFCA area to passenger carrying vessels operating under the MCA MGN280 certification guidelines.

To start with I wish to point out that the MGN 280 is the operational guideline to which small passenger carrying vessels operate too.

This is taken from the RYA Commercial Craft regulations and is a defining statement = Commercial broadly means engaged in activities on a commercial basis, even if not for payment, carrying passengers or cargo. It does not define operations or mention fishing.

Section 1 in the MGN280 states the operational guidelines to which coded (licensed) 12 or less passenger carrying vessels must adhere to and the relevant authorities that can impose regulations upon them and further within the MGN it states what mandatory equipment they must carry and to date it does not include Radar or AIS. NE IFCA are not included within the recognized authorities within the MGN either.

The MCA certification allows for the transportation of passengers without designating what purpose they are transported for so if the AIS proposal was to be implemented it would have to include ALL CODED VESSELS as they all have the ability to carry the general public out angling for pleasure and would then have to be rolled out throughout the UK and anywhere a UK Coded vessel operated to avoid discrimination. Nowhere in any documents can I find where it states that an IFCA has any remit for Safety or Navigational issues.

Data collected would be so flawed it would be impossible to identify who is doing what and the time involved be meaningless.

Comments to the Proposed AIS Bye Law by NE IFCA -

Explanation Notes

Passenger carrying vessels operating under the MCA are by law not allowed to sell any fish unless they have a registered boat of which if it were a commercial operation everyone onboard would have to have attended compulsory training sessions for Sea Survival, 1st Aid, Fire Fighting as required on a commercial fishing boat this training only applies to the captain and crew of a passenger carrying vessel not his passengers. Throughout the document it refers to commercial fishing for gain yet no mention is made to platforms where the public angler pays a fee to the owner / operator to fish from it exactly the same as a boat taking the public fishing these platforms would include piers/ jetties etc. These piers can have over 100 anglers on each pursuing their hobby of angling far in excess of the 12 a boat can carry.

It does not mention how any data will be collected or who will be expected to collect it. GDPR dictates privacy agreements so if data were to be recorded on people, catches etc it would have to be with their written permission and who would store this safely - paperwork nightmare.

It is not the responsibility of the passenger boat captain / operator to record fish, sizes weights etc as unlike IFCA officers we by law do not have powers to search any personnel equipment, bags etc onboard. The responsibility of the passenger boat captain / operator is Safety, Navigational duties and the safety of his passengers.

Interpretation

Commercial fishing vessel as registered with the Merchant Shipping act that holds a current fishing license - Passenger carrying vessels coded under the MCA licensing scheme are not required by law to hold a fishing license whilst carrying out their duties of taking the public to sea to allow them to fish for their own gains not the boat as it is an offence to sell fish without the appropriate license.

Impact Assessment

What is the problem under consideration = *improved information on vessel activity* / AIS is designed to show a vessel on the water not what it is doing at sea (diving, pleasure, survey, workboat, etc) so much of the data collected would be inaccurate anyway and NO mention of how the data will be collected or by whom.

What are the policy objectives and intended effects = *commercial fishing* / Charter boats are not recognised by the MMO as commercial fishing boats (boats who sell fish for profit) they are passenger and light work boats as classified by the MGN280 who transport people angling just like every shore, pier and pleasure boat angler who also take common resources from the seas around the UK.

To support navigation / AIS is not a navigational tool and does not come under IFCA remits, it could only be workable if EVERY vessel and we mean EVERY vessel were to be AIS compliant and fully visible which if it were encrypted as the NE IFCA are offering this would not be possible so the argument challenges itself within the proposal.

Full Economic Assessment

The assessment shows a value of £100 to fit and set up the unit does this include all the added extras (2 x aerial mounts, cable glands wiring, fuses, switches etc or are they in the original costing per unit), this seems to be an averaged out figure not reflecting the variety of boats that could be caught up in this (yachts, large pleasure craft who charter etc) and it assumes there is no further ongoing maintenance costs yet further on in section 6.1 it states the owner would be expected to cover any further costs = I operate AIS and have had to replace my aerial and I know of at least 4 other boats locally that have had issues.

Evidence Base

1.2 = AIS shows a boat at sea not what it is doing unless you re programmed the unit every time and many operators are not capable of that.

2.2 = I am surprised at the statement were you state 'each individual to catch as much as possible as quickly as possible so that competitors do not take all the benefits' it can only be made as a reference to commercial fishery operations as that style of angling went out in the dark ages, but to a committee / council members who do not understand it can be very misleading and totally out of context in today's angling culture, it shows how far away you are from understanding what today's angling is all about. It is a very dangerous comment to make and TOTALLY UNSUPPORTED by any data shown in the proposal.

3 = Policy Objectives = *remotely monitor in real time* / Implementation of AIS would not achieve this unless programmable from the dash not a computer daily depending on the operation of the vessel.

4 = Policy objectives and intended purposes = *identify commercial activities* – VMS already does this and if AIS were to be introduced it would also mean that every MCA coded passenger carrying vessel that could fish ie yachts, dive boats just to name a few that transit your area would have to have AIS fitted at who's expense, this would corrupt any data gathered on locations of boats etc as AIS does not distinguish unless preset what it is doing on a daily basis.

To support navigation / Good watch keeping is mandatory and if all and I mean EVERY vessels were to be AIS compliant then it could support an argument towards aiding navigation, **navigation is not within the NE IFCA remit.**

6.2 = This will lead to any boat with AIS in operation being classed as a fishing vessel not reflecting its true operation unless it is programmed for another role and then could be fishing without the data being captured.

8 = Conclusion = will only be valuable if AIS were to reflect the actual purpose of the vessel on the day. Funding conclusions are inaccurate as many more boats will be captured under the scheme if it were not to

be discriminatory ,if passed it will have to be copied across every IFCA creating an absolute funding nightmare, I do not know how many MCA compliant passenger carrying boats there are that would be affected but it would not be cheap and as NEIFCA could set a precedent by 'funding it' then it would be expected to be free by all other IFCA's.

Overview = The feeling of the Professional Boatman's Association is that we are against the Bye Law for the reasons listed above and would like to see a better communication line with all those working in the NE IFCA area. We as an association have worked very hard with our local IFCA's to build what was from a very difficult start to what we have now an excellent working relationship including supporting officers in their work, something I think would help in the NE IFCA area.

Philip Higgins

Director

Professional Boatman's Association

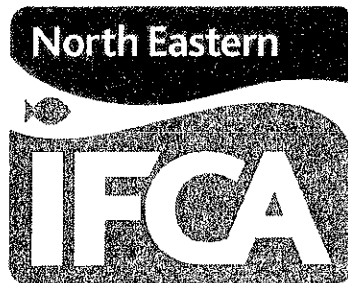
Clerk

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Chief Fishery Officer

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Web Site www.ne-ifca.gov.uk

Your ref:

Our ref: neifca

23 January 2019

Mr P Higgins
Professional Boatman's Association
Via email

Dear Mr Higgins,

RE: Byelaw XXX: Automatic Identification System Byelaw Consultation

Further to your letter dated 3 December 2018 and objecting to proposals for the mandatory introduction of AIS within the Authority's district, I am writing to update you on the outcome of the consultation process and proposed next steps.

The formal consultation process on the AIS byelaw proposal concluded on 7 December 2018. In total the Authority received 18 objections and 2 submissions supporting the proposed byelaw regulation. 16 of the 18 objections were received from representatives of the recreational rod fishing sector and 2 from the commercial fishing sector.

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Outside the decision to remove the recreational fishing sector from the application of this byelaw challenges remain in terms of assessing the levels of catch taken by the sector and presently only broad average guesstimates can be made. We still need some way of improving our knowledge and understanding of levels of exploitation within the recreational fishing sector. To that end it is my intention to approach this informally and will be seeking to arrange a series of meetings later this spring to discuss further options and solutions with the sector in my IFCA region. You would be very welcome to attend those

Yours Sincerely,

A handwritten signature in black ink, appearing to read "David Thomas McCandless".

David Thomas McCandless
Chief Officer



INVESTORS
IN PEOPLE



HOUSE OF COMMONS

LONDON SW1A 0AA

Mr David McCandless
Chief Inshore Fisheries & Conservation Officer
North East Inshore Fisheries & Conservation Authority
Town Hall
Quay Road
Bridlington
YO16 4LP

7 November 2018

Dear Mr McCandless

Re: NEIFCA AIS Byelaw,

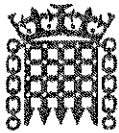
I have been approached by one of my constituent's Mr ~~XXXXXX~~, who has informed me that NEIFCA are currently engaged in a public consultation over a proposed byelaw for the introduction of an automatic identification system for all vessels currently exploiting sea fisheries resources for commercial purposes.

I am aware that you have been in correspondence with Mr ~~XXXXXX~~, and are therefore familiar with his argument that the byelaw should not apply to charter boats as they are not commercial fishing vessels by definition.

There are eight registered charter boats in Hartlepool and dozens more throughout the North East operating within a 6 mile radius out to sea. The concerns these small businesses have is that, even though the amount of fishing by charter boat passengers will have a minimal environmental impact on stock etc. the introduction of compulsory IAS on fishing grounds could in fact mean that the impact could be made far worse.

This is because unlicensed recreational fishing could increase in areas of high stock density, because IAS would allow recreational vessels to track the movement of the charter boats. To put this into perspective there are 500 private boats in Hartlepool, meaning that the charter fleet represents 1.6% of vessels capable of being used for fishing purposes.

Mr ~~XXXXXX~~ is unaware of the scope of your current consultation, which I understand will end on 4th December 2018. He informs me that few charter boat providers are even aware of it.



Could you please therefore let me know who you have engaged with and what measures you are taking to ensure the opinions of these small businesses are taken into account.

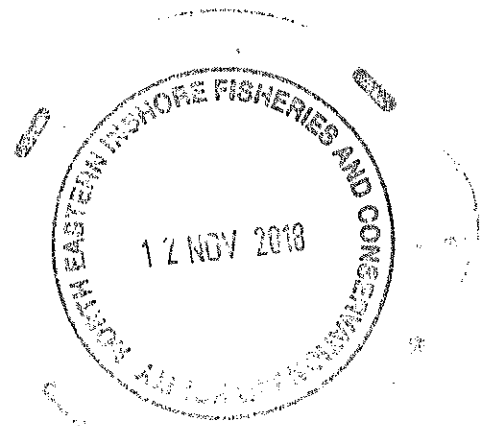
I also understand that such a byelaw is exclusive to our region, and that no other byelaw's of a similar nature exist elsewhere. Can you therefore please advise me whether or not this is a pilot scheme sponsored or supported by the government.

For information purposes it would be also useful to have a list of your board members, as that information is not readily available on your website. I look forward to your reply.

Yours sincerely,

Mike Hill
Member of Parliament for Hartlepool

Cc: Mr Mike Hill



All enquiries should be directed to:

David McCandless BSc. MSc.
Chief Officer
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Fax: 01482 393699
E.Mail: david.mccandless@eastriding.gov.uk
Web Site www.ne-ifca.gov.uk
Your ref:

Our ref: neifca
23 January 2019

Rt Hon Mike Hill MP
Member of Parliament for Hartlepool
House of Commons
SW1A 0AA

Dear Mr Hill,

RE: NEIFCA AIS Byelaw

Further to my letter dated 30 November 2018 I am writing to update you on the current position regarding the above byelaw proposal.

The formal consultation process on the AIS byelaw proposal concluded on 7 December 2018. In total the Authority received 18 objections and 2 submissions supporting the proposed byelaw regulation. 16 of the 18 objections were received from representatives of the recreational rod fishing sector and 2 from the commercial fishing sector.

Most of those objections raised a number of complex technical issues and concerns, particularly surrounding the potential application of the byelaw proposal on the unlicensed recreational fishing sector and the commercial classification of such, many of which I had no full answer to and have given me cause now to re-consider the position.

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Outside the decision to remove the recreational fishing sector from the application of this byelaw challenges and concerns still remain in terms of assessing the levels of catch taken by the sector and presently only broad average guesstimates can be made. We still need some way of improving our knowledge and understanding of levels of exploitation within the recreational fishing sector.

5th November 2018

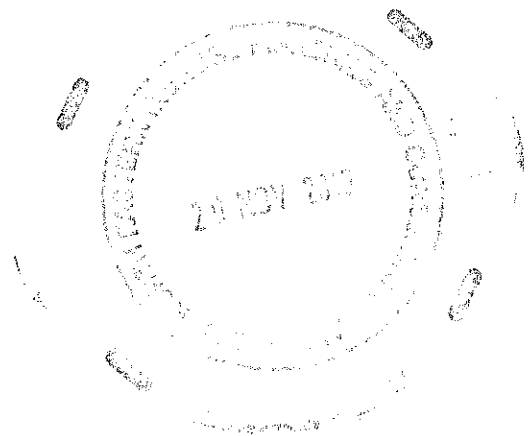
**Chief Inshore Fisheries & Conservation Officer
North Eastern Inshore Fisheries & Conservation
Authority**

Town Hall

Quay Road

Bridlington

YO16 4LP



Dear Mr Mcandless,

**I am writing to you on behalf of all the charter boat
skippers in Sunderland and would like to take this
opportunity**

**To lodge our objections to charter boats being included
in your AIS byelaw 2016.**

**I would like to point out that charter boats DO NOT
exploit sea fisheries resources we are actually a
transport facility for passengers. It is the passengers
who exploit the resources in the same way that they can
do from a pier, beach cliff or pleasure boat – completely
unregulated. Beside the commercial trawlers this is
where the majority of the fish is caught.**

The actual positions that we go to during our days at sea are specific to each skipper and are the result of the development of local knowledge over decades. This cannot be shared! It is our unique selling point and is key to our business. This may even be construed as an act of industrial espionage. Any vessel could follow us. Some computer programmer could track and collate the data making it available to everyone owning a boat. This would not only make our businesses obsolete and put us out of business. This would increase the amount of pleasure boats at the same positions and therefore as a direct result of your byelaw - more fish would be caught. Furthermore if the areas we use become more congested the risk of collision will be greater which would have the exact reverse affect of your said increased safety in your impact assessment section 3.1 (point 4).

If it is better safety you require then what is wrong with using an epib.

There are approximately 200 private vessels just in Sunderland which can have an impact on exploitation of your resources and targeting 4 charter vessels which is just 8% of the total vessels seems to be a very low resolution of data which you are to achieve.

Then take into account all the shore/pier fishing activities which happen on a daily basis and an activity which is ongoing over 24 hours probably presents a bigger impact on resources than any vessel could ever

do as this activity isn't affected by weather in fact is increased by bad weather when vessel cannot even go to sea. This can be seen by simply looking at the social media sites.

This makes your efforts to include charter vessels seem expensive, fruitless and unfounded

Perhaps the data you require to give an improvement to the resolution you require on your resources could be gained by having formal regular meetings with vessels and asking all vessels and shore type anglers to volunteer information in the assistance of securing a sustainable future for all users of this resource.

Please could you inform me of any outcomes that arise during or after the consultation of this byelaw.

Yours Sincerely



SR53BS

Singed



All enquiries should be directed to:

David McCandless BSc. MSc.
Chief Officer

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E.Mail: david.mccandless@eastriding.gov.uk

Web Site www.ne-ifca.gov.uk

Your ref:

Our ref: neifca
23 January 2019

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

RE: Objections to AIS Byelaw 2016

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Yours Sincerely,

David Thomas McCandless
Chief Officer

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Our ref: neifca

23 January 2019

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. [REDACTED]

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Web Site www.ne-ifca.gov.uk

Your ref:

Our ref:

24 January 2019

Rt Hon Robert Goodwill MP
Constituency Office
6 Albermarle Crescent
Scarborough
North Yorkshire
YO11 1XS

Dear Robert,

RE: NEIFCA Vessel Monitoring (AIS) Byelaw proposal

I hope you are keeping well. I am writing to update you on the above byelaw proposal.

Since my last letter, dated 25 October 2017 and following advice and guidance from the Marine Management Organisation, the above byelaw was subjected to another period of formal consultation. That formal consultation process concluded on 7 December 2018. In total the Authority received 18 objections and 2 submissions supporting the proposed byelaw regulation. 16 of the 18 objections were received from representatives of the recreational rod fishing sector and 2 from the commercial fishing sector.

Most of those objections raised a number of complex technical issues and concerns, particularly surrounding the potential application of the byelaw proposal on the unlicensed recreational fishing sector and the commercial classification of such, many of which I had no full answer to and have given me cause now to re-consider the position.

Having further consulted Authority members there is collective agreement that the recreational rod fishing sector will not now be subject to the formal provisions of this particular byelaw regulation. There still remains, however, a need for the regulation to strengthen the Authority's ability to monitor wider commercial fishing vessel movements throughout its district and on that basis the byelaw will still be recommended for formal ministerial confirmation.

Outside the decision to remove the recreational fishing sector from the application of this byelaw challenges and concerns still remain in terms of assessing the levels of catch taken by the sector and presently only broad average guesstimates can be made. We still need some way of improving our knowledge and understanding of levels of exploitation within the recreational fishing sector.

To that end it is my intention to now approach this informally and will be seeking to arrange a series of meetings later this spring to discuss further options and solutions with the recreational fishing sector in my IFCA region. You would be very welcome to attend those

Yours Sincerely,

David Thomas McCandless
Chief Officer

North Eastern Inshore Fisheries & Conservation Authority

Email responses to AIS byelaw Consultation.

Consultation summary – 13 email objections, 5 written objections & 2 emails outlining support – Of the 18 objections received 16 came from recreational charter fishing interests and 2 from commercial fishing interests.

The following response was sent out to each of the respondents below:

I am writing to update you on the outcome of the consultation process regarding the AIS byelaw proposal. Formal consultation concluded on 7 December 2018. In total the Authority received 18 objections and two letters of support for the proposal. 16 of the 18 objections were submitted by the recreational fishing sector and 2 from the commercial fishing industry. Having considered the content of the objections and in consultation with Authority members there is collective agreement that the recreational rod fishing sector will not now be subject to the formal provisions of this byelaw regulation. There still remains, however, a lack of information on the levels of exploitation within the sector and I will be looking at how we might improve that on an informal basis during the spring of this year.

Many thanks for taking the time to respond to the consultation.

Kind regards,

David McCandless

~~XXXXXXXXXX~~ - I am writing to object about your proposal for ais on all pleasure boats. It's very rare I fish inside of 6 mile so ais would only be switched on while steaming to and from grounds. I would also like to know how you would be able to police us as I would object to the north east guardian boarding us if I had my 12+2 on board, you would be breaking our licence and insurance. I have spoken to all other skippers in Hartlepool and everybody agrees with my opinion.

~~XXXXXXXXXX~~ - Dear mr McCandless I am writing to you to object to the AIS proposal you have put forward to the charter boats in the north eastern district. Also i am not a charter angling vessel am a public transport. I dont make any profit on fish stocks.

~~XXXXXXXXXX~~ - Could you please add this email to the list of objections to the proposed AIS. Being a keen angler both shore and boats I cannot understand how a charter boat, which in essence is, by the role it undertakes is for the want of a better word a bus/taxi for transporting paying anglers to fishing grounds. The anglers themselves are the ones physically catching the fish. Once on the grounds the skipper of the charter boat then takes on a second and possibly third role.

1. Safety officer. Ensuring that all under his/her supervision are operating in safe conditions and not rendering themselves to danger or endangering other paying anglers.
2. The gatekeeper acting on behalf of the fishing industry, the fisheries agencies and IFCA by overseeing what fish are being kept by the anglers and ensuring any undersized are returned.

Having used many different charter boats from all around the country for pleasure for well over 10 years I have never seen any actions by either the skipper or the crew that would in my opinion render themselves to be included under the commercial fishing banner. Non have caught fish, kept fish or even sold fish. The boat duties are purely a means of transportation.

Having recently retired from 30 years as a police officer, my retirement goal was to become a charter boat skipper. Therefore I am going through many boat courses and boat related courses to allow me to join the ranks of the charter boat skippers. On hearing of the planned AIS introduction and on reading all the issues surrounding it, I'm now wondering if I am making the right choice in career? I understand the need to follow rules and regulations and the laws of this land but I would hope that better publicity and advertising of the AIS introduction be made public and get the opinions of all anglers. There are many media routes that this could be done through. Let's get the general publics opinions first.

I also understand that at the recent meeting a vote was taken and one member voted for AIS. How can someone who is personally involved in IFCA actually vote? Sure there is a conflict of interests. All involved in the process should be open and transparent in their position and if clear conflicts of interest are uncovered then they should and I hope would abstain from voting.

~~Peter Rose~~ - from peter rose [sea fishing 5 whitty] i have just returned from a weeks holliday 12.30 today to be informed that some charter boats have been aproached about fitment of ais systems i thought that this had been cleared up in the past as we do not conply for this as we are part of the leisure industry and dont require this because we are not in it for comercial gain only for transport of anglers .

~~Michael Jordan~~ - I would like to oject to this proposal first and foremost i must complain to the lack of engagement and consultation with the industry.Ihave only just found out about this today 6th december, from a colleague who is in the same charter boat industry. I don't think it has being in an open and transparent manner,andwe have bundled up with regulations mainly aimed at the fishing industry.Imust object to your interpretation of commercial gain,as i havebeing in the charterboat industry for 50 years working under the DTI and MCA as public transport providers.Onno occasion have we made any commercial gain from fish stocks,any fishcaught remain the property of the passengers. Imust also as i have being aware our personnel data protection has not being considered,we matbe forced bylaw to broadcast this personnel data in the public domain and to other competitors.Which is commercially sensitive data.I think we should be taken out of the proposal and treated as a completely separably.

Sea Fishing Scarborough Group - I would like to express my corncerns over the new bylaws which include angling vessels as commercial boats which they are not. This would be hugly damaging to a allready declining industry where they teach young anglers to fish and get them away from games consoles or other issues with youngster nowadays. Tackle shops would see a massive hit in sales and they are allready struggling in this industry. Concentrate on the damage and carnage scallerpers and beam trawlers do this should be banned

~~Walter Cough~~ - i am part owner of ~~skylink~~ a passenger vessel from scarborough. i would like to object against the new proposed ais bylaw, as it has no purpose for charter vessels as you call them.

~~XXXXXXXXXX~~ - Hi chief officer I own and operate ~~skiff~~ a passenger vessel out of Scarborough. We run angling, wildlife trips and safty boat cover as well as many other trips for our customers. My business activity is public transport. The catching of fish has no bearing on the money we get, we get paid anyway. So i dont see why we are included in the bylaw which is under consultation which is very hidden. When i first saw the bylaw i didnt think it had anything to do with me as im not a commercial

~~XXXXXXXXXX~~ - I ~~am the skipper~~ of the angling vessel ~~XXXXXX~~ based in Bridlington, would like to register an objection to the mandatory AIS and catch return forms proposed bylaw for which you refer to as Charter Angling Boats.

I would not be happy to have my location made available to other charter boats and all the hundreds of small private boats that fish on the East coast.

As a charter skipper I can make sure all fish retained by my anglers meet minimum landing sizes, can be caught and released where appropriate and bans on retaining fish such as bass can be enforced. Who is enforcing these rules on all the private boats all carrying at least two anglers plus the growing number of kyaker's.

We are not commercial fishing vessels. We are small coded commercial vessels licenced by the MCA for sports and leisure purposes, so why are we included in documents aimed at the commercial fishing sector.

I would have thought any measures aimed at charter boats carrying AIS and catch return forms should be aimed at all boats around the country not just in our area. A lot of anglers are based inland and could easily opt to fish the south and west coast potentially putting the East coast fleet out of business particularly if catch restrictions were ever introduced.

Thank you for taking the time to read this email,

~~XXXXXXXXXX~~ - Morning,

I would just like to make an objection to your proposed AIS bylaw. Which I was unaware of until my Father informed me. My Father is ~~XXXXXX~~ and runs a Charter Fishing business in Whitby. He is expanding his business to a 2 boat operation which I and my 2 brothers will be helping with and will take over the business in later life.

So I have an interest in our Family business, and strongly object to the proposed bylaw. In particular the commercial gain interpretation. Prior to my Father buying his second boat Sea Mist, the plan was to buy a commercial fishing boat and make it dual purpose for carrying passengers, the idea was to take advantage of the quite generous and lucrative Mackerel quota. We were told by the MCA that if it was a commercial proposition ie; landing Mackerel on Whitby Fish Quay, then anybody engaged in commercial fishing would need to be adequately trained to the Sea Fish standard.

So having said that your interpretation cannot be right , this is from MCA advice. Everybody on board a commercial vessal has to be trained.

I have read my fathers response and agree entirely with it.

Please acknowledge receipt.

~~Signature~~

Skipper for vessal ~~Friday Street~~

~~Allan Skinner~~ - charterboats ~~and other fishing boats and blueys~~

we would like to register are objection to the proposed mandatory ais byelaw.

we haven't even heard of these proposals until 5 days ago when we got a phone call from a Hartlepool

skipper. as there has been nothing. in any local newspapers no letters, not eve to individuals or even the marina.

leaving us no time for a decent response. we object to you trying to reclassify our boats as we dont operate as vessels of fishing for commercial gain all other authority's class us as water transport. we get paid even if we catch no fish.

surely mandatory ais is against the data protection laws. brought in to protect both individuals and business alike.

as we would soon be out of business. if all our top marks. were made public, even encrypted ais can be compromised and would offer nothing towards boat safty [as encrypted ais cant be seen by other boats]

there's no doubt charterboats take very little fish. even on your own figures the 40 to 50 charterboats working in your area take less than 2 to 4 under 10 meter trawlers do with there 20boxs of cod 60 boxs whiting unlimited mackrel etc every month

yet we have no impact on the seabed, we dont kill all the small fish and seabed life in the area

yet we bring in large amounts of anglers to the area.who spend money whilst here.contributing greatly to local econmyns as several reports have concluded.

is not one of your mandates to help small business. we are very enviornmentally aware and want or business to succeed by doing all we can to look after fish stocks. but not by compulsory legislation.

i am sure if you dropped this propsal we would be happy to voluntary work with ne-ifca same as we do with or local northhumberland ifca

could you please see that this letter is passed onto the excecutive commitee

many thanks allan skinner on behalf of charterboats ~~and other fishing boats and blueys~~

~~Signature~~

~~Signature~~

~~_____~~
Well done on organising and chairing a pleasantly civilised meeting yesterday.

I am writing to clarify my stance on the proposed introduction of the AIS bylaw and the catch and effort returns bylaw, both approved by the full NE-IFCA back in 2016.

I would be opposed to any other management measures targeting recreational sea angling such as bag limits without overwhelming evidence to prove that they were essential for the survival of finfish stocks.

At present, unlike commercial fisheries, recreational sea angling is not monitored and the two proposed bylaws are an attempt to capture data so that any problems with declining fish stocks are foreseen and appropriate management measures implemented.

As you are already aware the sustainable exploitation of all stocks within the NE-IFCA district is mandatory under the 2009 marine act.

Regarding the suggestion that bag limits would be imposed on sea anglers, that idea is still preferable to a complete closure which would be essential if there was a complete collapse of the cod stock. Bag limits and catch and release are common place on inland fisheries and not unknown to sea anglers (bass, tope, shark)

Catch returns are mandatory for anyone purchasing an environment agency migratory fish rod licence and are routinely used on trout fisheries.

Before I would support restrictions on recreational boat angling there would have to be overwhelming evidence that they were necessary.

I would also want to see a seal management policy introduced together with an immediate and sizeable reduction in the current population by the use of humane methods. Seals are now the biggest cause of fish mortality, particularly gadoids and salmonids, within the district.

The UK has the second largest grey seal population in the world!

The grey seal is also host to the adult stage of the cod worm which ultimately causes muscle wastage and premature death. How many 20lb. plus cod are caught these days?

Additionally I would like the trawling bylaw updated. At present it is permissible for a pair team with a combined engine power in excess of 1000hp. to tow a huge trawl right up to the shoreline throughout a large part of the district. This needs to be amended restricting mobile gear use to vessels under 10m. overall length with a grandfather clause to allow any larger inshore prawn trawlers to continue operating in the north of the district.

To conclude, restrictions on sea anglers, because of their very low impact, would have to be a final and desperate course of action but in the absence of robust data you are inviting the introduction of management measures purely as a precautionary approach.

Best regards and good luck with your objection.

~~_____~~
(Whitby charter skippers association secretary)

PS. The above is my personal opinion and not necessarily the opinion of the association. The majority were not present at the meeting.

Contact: David McCandless
Chief Officer

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NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
14 March 2019

Chief Officer's Operational Update

Report of the Chief Officer

A. Purpose of Report

To provide an operational update for members information

B. Recommendation

That Members note the report.

1. Overview

1.1 NEIFCA

Since December, thankfully, weather patterns have been reasonably settled and the area hasn't experienced the severe conditions which took hold this time last year.

Those vessels working pots typically landed between 10 and 20 kg of lobster and up to 80 kg of edible crab per day. First sale prices peaked through the period at £28 per kg for lobster and £2.30 per kg for edible crab. One Whitby based vessel worked lines periodically during the period with average landings of 200 kg of codling per trip. The three permitted scallop dredgers operated throughout the period reporting total landings of 105 tonnes of king scallops between December and January, an increase of 40 tonnes when compared with the same period last year. Reports from recreational sea anglers indicated some good fishing for codling throughout the District particularly during December and January.

At the time of writing this report the situation surrounding the permitted intertidal sea bass fishery has remained unchanged. Given the continuing EU prohibition on commercial sea bass fishing from the shore, the final issue of NEIFCA permits for the 2018/2019 season had been withheld. At the last meeting of the Executive Committee, held on 6 December 2018, members were updated on communications received from the netsmen who were requesting that they be permitted to work sole nets for the remainder of the season which would have run until the end of April 2019. A response to that request was sent to the fishermen's legal representative on 10 December 2018 and to date no formal reply had been received.

In terms of wider fisheries enforcement, compliance with the national prohibition on the landing of egg bearing lobsters remains an ongoing concern for the Authority's officers.

Since the measure was introduced towards the end of 2017 the Authority's officers have reported over 30 offences resulting in 4 prosecutions, 8 fixed penalties, 13 cautions and 8 warning letters being issued with no sign of improvement in compliance.

Since the last meeting was held in December 2018, work has continued on all the outstanding byelaw regulations including completing the latest rounds of formal consultation, responding to submissions, consulting with members and submitting for formal confirmation. Some of those byelaws have been in process since 2016 but are now awaiting final consideration and 'sign off' by Defra.

Following endorsement at the last Authority meeting, held on 6 December 2018, preliminary work has now commenced on the organisational review. This first stage involves collating information from all the other IFCA's, companies and equivalent organisations including the MMO and the EA. The next stage will involve 'one to one' staff engagement throughout the organisation followed by the drafting of a report and consideration of any resulting recommendations.

At officer level, work is also continuing on the replacement of the Authority's main patrol vessel with the primary objective of establishing an accurate project budget. Several parallel work streams are well underway or have been completed including visiting UK based RIB manufacturers and engaging with electronic suppliers. The next phase will commence this month and will include officer visits to the main shipyards both in the UK and Europe who carry a track record of building and commissioning equivalent vessels. This phase is expected to be completed by late spring, early summer. The outcome of this work will culminate in an initial report back to the Executive Committee for consideration before the end of this calendar year.

1.2 National

National work continues to focus strongly on preparations for the future exit of the European Union and given the approaching date of exit of 29 March 2019 much of that focus has shifted towards planning for a 'no deal' scenario. At present, regardless of the process, there should be no major implications for the Authority other than being called in to support national interest work such as offshore patrolling. If a need arises to further discuss any unforeseen consequences of the UK EU exit programme, consideration will be given to calling a special meeting.

The independent review of the national Association of IFCA's is well advanced and a 'summit' has been arranged on 4 and 5 March 2019 to discuss the findings and recommendations of the review team. I will be attending these meetings with the Vice Chairman and a further update on this work will be provided at the meeting.

On Tuesday 12 February 2019 I attended a reception in the Houses of Parliament with the Vice Chairman, hosted by the Cornish MP Scott Mann. The reception had been organised to showcase the extent of the marine conservation work delivered by IFCA's across the marine protected area sites located in English waters. A detailed report summarising this work was also released at the reception and copies will be circulated to members attending the meeting.

1.3 **Priority Work streams for the next three months:**

- Continuation of specification and procurement work on the replacement fisheries vessel.
- Completion and reporting on the NEIFCA organisational review.
- Confirmation and implementation of all five outstanding byelaw regulations submitted during February 2019.
- Collation, analysis and reporting on data gathered from the 2018/2019 permitted scallop fishery.

Contact Officer:
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NEIFCA Chief Officer
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