

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

AUTHORITY MEETING 02 DECEMBER 2021

Present:

Councillor Ron Allcock
Dr Stephen Axford
Mr Mark Cole
Mr Graham Collins
Councillor David Chance
Councillor John Copsey
Prof Mike Elliott
Dr Clare Fitzsimmons
Councillor Stephen Harness
Miss Rebecca Lynam
Councillor Chris Matthews
Mrs Donna-Marie Mear
Mr Michael Montgomerie
Mr Christian Proud
Mr Gary Redshaw
Councillor Tony Randerson
Mr Paul Slater
Mr Andrew Wheeler
Mr Kevin Woodcock

Representing:

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

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief Officer, Mr Stephen Chandler, Treasurer, Mr Tim Smith, Senior Environmental & Scientific Officer, Ms Emma Jones, NEIFCA Operational Support Assistant, Miss Samira Anand, NEIFCA Environmental & Scientific Officer, Mr Ralf Bublitz, NEIFCA Environmental & Scientific Officer and Mr Chris Evans, CEFAS also attended the meeting.

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

01. APOLOGIES FOR ABSENSE

Apologies of absence were received from Councillor Members Dick, Wilkies, Stewart and Webster and NE representative Brown.

02. DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS

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

03. MINUTES OF THE AUTHORITY MEETING HELD ON 14 JULY 2021

Resolved – That the minutes of the Quarterly meeting held on 14 July 2021 be approved as a correct record and signed by the Chair.

04. MINUTES OF THE EXECUTIVE MEETING HELD ON 2 SEPTEMBER 2021

Resolved – That the minutes of the Executive meeting held on 2 September 2021 be approved as a correct record and signed by the Chair.

05. NEW WHITBY STORAGE FACILITY

The Chief Officer presented a report seeking members approval to formally complete on the lease of a new storage facility at Whitby, North Yorkshire. Securing suitable storage close to the Authority's vessel assets had been an ongoing challenge since 2016. The proposed new unit, no 2, Discovery Way, Whitby Business Park, would provide 2,615ft² of storage space, dedicated parking, access and security and ensure that all equipment could be stored and managed securely, effectively and efficiently from one site. The proposed new unit would also cover any future needs. The terms of the lease were being offered for ten years with a five-year break clause. The annual rent of £20k and estimated business rates of £10k per annum would be met from a combination of funds allocated for the existing units, additional funding provision allocated during 2016/2017 and a small re-alignment from other areas. No additional funding would be required from member Local Authorities.

Resolved -

- a) Members noted the report.
- b) Members approve the completion of the lease on the new storage facility located at 2 Discovery Way, Whitby Business Park.

06. LEVY 2022/2023

The Treasurer presented a report to determine the levy on member local authorities for 2022/23 and to highlight issues relating to the setting of the levy for 2023/24 and 2024/25. At its meeting on 18 December 2020, the Authority set a levy totalling £1,298,392 including £100,000 plus accrued interest transferred to the renewals fund and £10,000 transferred to the vehicle replacement fund. The levy had been fixed at £1,139,521 from 2011/12 to 2016/17, meaning the 2017/18 increase was the first for 6 years. For 2018/19 and 2019/20, increases were agreed covering the cost of pay increases, however in 2020/21 an increase of 5% was agreed to fund both the annual pay increase (2.75%) and to support the staffing and organisational review. The 2021/22 levy was increased by 1% to cover the cost of increases in pay. Indicative increases of 2% for 2022/2023 and 2023/24 were proposed but not agreed. The Bank of England's November monetary policy report explained that although the UK economy continued to recover from the Covid-19 pandemic, there was an upward pressure on inflation which was expected to peak in the spring, interest rates were also likely to rise and there was a high degree of uncertainty around the economic outlook. CPI had risen to 4% in October 2021 and, due to rising energy costs, the Bank predicted that the level of CPI would rise to 4.5% in November and remain around that level through the winter reaching a peak of around 5% in April 2022. In the Autumn Budget and Spending Review 2021 on 27 October 2021 the Chancellor announced that public sector workers would see pay rises over the next 3 years in a return to the normal pay setting process and that local authorities would receive an estimated average real-terms increase of 3% in core spending power. It is not yet known how this will impact on the specific grant local authorities receive for Inshore Fisheries and Conservation and in relation to potential future pressure on resources

from other agencies on NEIFCA to perform additional work previously undertaken by them.

The staffing and organisational review was completed by December 2021 and was funded from the additional budget provision approved in the 2020/21 Levy, £20,000 base budget savings and the 1% increase in the 2021/22 levy. All vacant posts have been recruited to which will enable NEIFCA to better respond to future service demands. The National Joint Council (NJC) Local Government Pay Award for 2021/22 had yet to be agreed with the latest offer of 1.75% for all but the lowest paid being rejected by the unions. It was forecast that the pay award will be at least 2% in 2022/23 along with a 1.25% increase in Employers' National Insurance. It is anticipated that the pay award will be 2% in 2023/24 and 2024/25.

The pay award and National Insurance implications required a levy increase of 2.5% and if inflation at 4% was applied to all non-pay budgets this would equate to a proposed 3.9% levy increase. However, savings of £11,000 could be made within supplies and services budgets, principally on travel and subsistence, to reduce the proposed levy to 3%.

In putting forward these proposals forward the Clerk, Treasurer and Chief Officer were mindful that the funding authorities are facing financial pressures of their own, in particular the pressure from the increasing cost of energy, goods and wages. The current outlook is uncertain due to the Covid-19 pandemic, the impact of the exit from the European Union on 1 January 2021 and delays in the reform of local government funding. With this in mind the increase in the levy was proposed to be 3% in 2022/23.

Resolved –

- (a) That the levy increase for 2022/23 be approved and the Clerk be authorised to issue demands on the relevant local authorities at 3% as presented at Appendix A.
- (b) That the Authority acknowledges the issues affecting NEIFCA and their effect upon the levy for 2023/24 and 2024/25, which is anticipated to be a minimum of a 2% increase each year.
- (c) That a detailed budget for 2022/23 be brought to the Authority for approval at the Executive meeting in March 2022.

07. REVISION OF THE BYELAW XXIX HUMBER ESTUARY FISHING BYELAW 2016

The Chief Officer presented a report to inform Members of the intention to review byelaw XXIX Humber Estuary Fishing Byelaw 2016 and potential formal making of a new replacement regulation in accordance with the duty imposed by section 153 and the provisions contained within sections 155, 156, 158 and 160 of the Marine and Coastal Access Act 2009. The byelaw's primary intentions were to ensure the protection of seagrass and sand bank areas which are designated features and sub-features of the Humber Estuary European Marine site. The main focus of this review was to consider the need to formally extend the boundaries of the Spurn Point seagrass area to ensure the continuing protection of seagrass within the estuary.

The review would consider the most current data and whether any formal changes in the boundaries of the Spurn Point seagrass area were required at this time. No other changes to existing provisions within the current byelaw were proposed. If it was decided that formal changes were required informal consultation would then be undertaken with main partners such as the Yorkshire Wildlife Trust and Natural England and key stakeholders. Draft changes to the current byelaw would then be considered by the Science Advisory Group with any final recommendations submitted for consideration by the Executive Committee which might also include the formal making of a new replacement regulation

Resolved –

(a) Members noted the report.

(b) Members delegated oversight of the review of the byelaw to the Science Advisory Group and the formal making of any new replacement regulation to the NEIFCA Executive Committee.

08.

CHIEF OFFICERS OPERATIONAL UPDATE

The Chief Officer presented a report to provide members with a comprehensive and detailed operational summary covering the period August 2021 to November 2021. The Chief Officer, the Senior Environmental Officer and representatives from partner organisations present at the meeting discussed at length the shellfish mortalities coming ashore in the Tees and along the North Yorkshire Coast. On the 8th October 2021, officers started to receive reports of dead or dying lobsters and crab species coming ashore in the lower and outer Tees estuary around South Gare. These reports were immediately investigated and verified by the shore operations team. Following confirmation of the reports a joint agency response was coordinated through Defra with the Environment Agency (EA) and the Centre for Environmental Fisheries and Aquaculture Science (CEFAS) taking the lead in gathering and analysing both biological, water and sediment samples. Members were informed that DEFRA were now taking the lead on the investigation in conjunction with partner agencies, Chris Evans from CEFAS who attended the meeting thanked North Eastern IFCA for their assistance in gathering carcass samples and facilitating autopsies of the samples gathered. Members expressed concern that other agencies need to be doing further investigations to determine the route cause, concerns there could be both commercial and reputational damage for the fishing industry.

The Chief Officer also highlighted to members that following the last Authority meeting held on 14 July 2021, in accordance with the supporting byelaw regulation and agreed policy, applications for 8 permits to set fixed nets along the Holderness Coast of East Yorkshire were processed, 5 intertidal and 3 sub-tidal. During the application process no appeals were received and the permits were issued on 28 September 2021 with a valid commencement date of 1 October 2021. On 23 September 2021, as part of a national programme of education on the work and role of IFCAs, organised by the Angling Trust, the Chief Officer facilitated a virtual discussion evening which was recorded. At the end of that evening the Chief Officer took some very specific questions about the re-opening of the permitted intertidal fixed net fishery. Following that event on 15 November 2021, the Chief Officer advised that he had received a legal letter from an organisation called 'Fish Legal' acting on behalf of the Bass Anglers Sport Fishing Society. The letter outlined concerns that the Authority had acted unlawfully in the re-opening of the permitted intertidal fixed net fishery which they considered to be a directed sea bass fishery and therefore not permissible under the revised UK legislation. The letter reserved the

right to instigate a Judicial Review against the Authority and the associated decision-making processes. The letter had been referred to the Authority's legal advisors who submitted a formal response on 22 November 2021. The Authority's position was that the supporting byelaw sets out a clear legal framework which underpins the management of the fishery and the issue of permits and the associated fisheries capture a range of different species, including sea bass.

Resolved – That the report be noted.

09.

BUDGET MONITORING 2021/2022

The Treasurer presented a report to advise Members of the budget position at the end of month 06 (September) in 2021/22. At the end of September 2021, the Authority has net expenditure of £434,557 against an expected £498,328 underspending by £63,771. The forecast outturn underspend is £78,629 mainly due to employee underspends due to vacancies. All posts have now been recruited to and the forecast outturn is based on the agreed start dates. Patrol vessel overspends of £7,938 mainly due to £24,218 increased vessel insurance costs and £9,118 capital overspend relating to the new Cabin RIB which was previously agreed to be funded from in-year underspend in offset by savings of £7,798 on rent. It was anticipated that the outturn position will be an underspend of £78,629 in addition to the planned transfer of £102,900 plus accrued interest into the Renewals Fund and £10,000 into the Vehicle Replacement Reserve. It is proposed that any underspend is transferred to the Renewals Fund towards the replacement of the patrol vessel.

Resolved – (a) That the revenue budget monitoring position is noted.

(b) That any remaining underspend at the year-end be transferred to the Renewals Fund towards the replacement of the patrol vessel.

10.

FISHERIES STATUTES AND REGULATIONS – PROSECUTIONS

The Clerk submitted a report on the fisheries enforcement activities taken by the Authority for the period July 2021 to November 2021. The Clerk highlighted to members that there had been a reduction in the original fine imposed on John Macalister Ltd following an appeal.

Resolved – That the notes be received.

11.

NEIFCA UPDATED STAFF HANDBOOK

The Clerk and Chief Officer presented a report which provided members with an updated version of the NEIFCA 'Staffing Handbook'. The first draft of the Handbook was provisionally approved by the Authority at its meeting held on 14 July 2021 pending consideration of any further comments received from staff and or Trade Union representatives. Authority members delegated authority to the Executive Committee to consider any such comments and finalise the Handbook. Two staff members emailed feedback and comment to the Chief Officer on Tuesday 24 August 2021. That feedback related primarily to the duties and responsibilities attached to the Deputy Chief Officer role and representation within the staffing structure. The

feedback also queried the need for an additional policy to support the operational management of the Authority's patrol vessels. That feedback was briefly considered by the Executive Committee on 2 September 2021 and referred to the Chief Officer and Clerk in consultation with HR for further consideration. Following further considerations, an adjustment had been made to the staffing structure within the final version of the staffing handbook to enhance the understanding of the role of the Deputy Chief Officer which currently sits with the Offshore Operational Manager.

Resolved – That the notes be received.

12. REPORTS FROM PARTNER AGENCIES AND BODIES

Partner reports were unavailable at the time of printing, Natural England had informed the Chief Officer prior to the meeting that they did not have any information to provide as their workstreams had been severely impacted due to the Covid-19 pandemic. Paul Slater, EA provided a verbal update at the meeting on current consultations which were open for comment. Christian Proud, MMO also provided a verbal update, the MMO were engaging with partner agencies investigating the shellfish mortalities in the district and increasing their sea patrols.

13. ANY OTHER BUSINESS

Nothing to report.

The meeting closed at 11:20am