

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MEETING OF THE EXECUTIVE COMMITTEE

14 MARCH 2019

Present	Representing
Councillor Ron Allcock	North Lincolnshire Council
Dr Stephen Axford	MMO appointee
Kirsten Carter	MMO appointee
Councillor Chris Matthews	East Riding of Yorkshire Council
Councillor Tony Randerson	North Yorkshire County Council
Mr Gary Redshaw	MMO appointee

Chief Officer Mr David McCandless, Clerk Caroline Lacey, East Riding of Yorkshire and Jim Wright, East Riding of Yorkshire Council also attended the meeting.

The Committee met at the Bridlington Business Centre, Enterprise Way, Bessingby Industrial Estate, Bridlington. The meeting started at 10:00.

82.	APOLOGIES
	Apologies for absence were received from Council Members Bell and MMO Appointee Elliot and Proctor.
83.	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.
84.	TO TAKE NOTES OF THE MEETING HELD ON 06 DECEMBER 2018 AS A CORRECT RECORD
	The Clerk informed members that a response to the official complaint made to Unison had been received on the 15 January 2019, the letter confirmed that as of the 18 August 2018, the case had been closed and requested that the letter be accepted as an apology, any future claims would need to be substantiated by evidence and Unison confirmed that training was been provided amongst staff at branch level.
	Resolved – That the minutes of the meeting held on 06 December 2018 be approved as a correct record and signed by the Chairman.
85.	NEIFCA ANNUAL PLAN 2019/2020
	The Clerk and Chief Officer submitted a report detailing the draft Annual Plan for 2019/2020 and to authorise the drafting of an accompanying annual report, summarising the Authority’s main activities and outputs during the 2018/2019 year. The Chief Officer highlighted that the key areas of focus for the year ahead included development of byelaws and implementation, effort limitation, development of the Authority’s website, the organisational review and replacement of the Authority’s main patrol vessel. Members discussed a potential training event which would be mandatory for all members to attend. It was suggested that ideas and suggestions on the format and content of the training

	should be circulated amongst members for comment prior to the June Authority meeting.
	<p>Resolved (a) Members endorsed the plan for 2019/2020 for submission to Defra to meet the deadline of 1 April 2019.</p> <p>(b) Members authorised 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.</p>
86.	URGENT ITEM – ISSUES SURROUNDING THE PRIMARY 6.4M DAUGHTER RIGID INFLATABLE BOAT (RIB)
	<p>The Chief Officer presented to members a briefing note which highlighted the current pressing issues surrounding the primary 6.4m daughter Rigid Inflatable Boat (RIB), Bravo One. The Authority's main 6.4 metre RIB, 'Bravo I', was built and commissioned in Finland by Boomeranger boats in 2007 as the 'daughter' craft to North Eastern Guardian III (NEG III) and delivered to the UK with the main patrol vessel. The hull is designed specifically to operate from the after stern ramp of NEG III. The RIB is still powered by its original engine, a Volvo Penta 130 horse power D31 diesel with SX Stern Drive which has been well maintained throughout its operating life.</p> <p>On 24 January 2019 the engine suffered a serious mechanical failure which has been diagnosed as a potential broken crankshaft. The damaged engine and stern drive remain out of the vessel pending a full appraisal of all the options and taking an urgent decision on the agreed solution. Without the RIB, offshore operational activity is severely limited, particularly in terms of capability to board and inspect vessels at sea and is totally reliant on the Authority's 4.7 m RIB 'Protector II' which has to be towed by NEG III. The briefing note included a full options appraisal on possible solutions, including repair and re-installation of the original engine, installation of a new engine of a different make and model and also the replacement of Bravo One.</p> <p>Members were informed that the current issues faced in relation to, 'Bravo I', the main 6.4 m offshore RIB provided the opportunity to re-assess current offshore needs, address the issues faced in terms of the specific mechanical breakdown and provide support to cover the anticipated transition period through the building and commissioning of a new main patrol vessel. Given that the matter was urgent and needed to be considered before the next Authority meeting and in full consideration of all the options outlined within the briefing paper, senior officers recommended the following:</p> <ol style="list-style-type: none"> 1. That a new engine and stern drive are installed in 'Bravo I' at an estimated cost of £16,000 to be met from a combination of insurance cover and existing operational budgetary provisions. 2. 'Protector II' is sold. 3. That an order for a new RIB of the same make and model as 'Bravo I' is placed with Boomeranger boats as the single source of supply at an anticipated cost of £130,000 to be met from a combination of income generated from the sale of 'Protector II', savings made from the operational budget and general reserves. <p>Members discussed the various options, and agreed with the recommendations made by the Chief Officer, it was agreed at the meeting that the funds to purchase the new RIB should be utilised from the general reserves, alongside the funds generated from the sale of the Authority's second Rigid Inflatable Boat, Protector II, and that any underspend from 2018/19, should be used to replenish the general reserve.</p>
	<p>Resolved – (a) That a new engine and stern drive are installed in 'Bravo I' at an estimated cost of £16,000 to be met from a combination of insurance cover and existing operational budgetary provisions.</p>

	<p>(b) 'Protector II' is sold.</p> <p>(c) That an order for a new RIB of the same make and model as 'Bravo I' is placed with Boomeranger boats as the single source of supply at an anticipated cost of £130,000 to be met from a combination of income generated from the sale of 'Protector II', savings made from the operational budget and general reserves.</p>
87.	BUDGET REPORT 2018/2019
	<p>The Treasurer of the Authority presented a report detailing the budget position at the end of month 10 (January) in 2018/19. At the end of January 2019, the Authority had net expenditure of £876,717 against an expected £883,168, under-spending by £6,451. The projected outturn shows a balanced budget. Members agreed at the meeting that £120,000 would be utilised from the general reserve to fund the purchasing of a new Rigid Inflatable Boat (RIB), and that any underspend from 2018/19, would be used to replenish the general reserve.</p>
	<p>Resolved – (a) That £120,000 is used from the general reserve to purchase a new Rigid Inflatable Boat, and any underspend from 2018/19 be used to replenish the reserve. (b) Members noted the report.</p>
88.	REVENUE BUDGET 2019/2020
	<p>The Treasurer provided members with a detailed budget for new 2019/20 financial year which had been produced in line with the draft 2018 Annual Plan, Strategic Risk Register and local priorities and in consultation with senior operational staff. Members had previously agreed a total levy of £1,224,320 at the Authority meeting held on 6 December 2018. Members discussed the level and allocation of reserves held by the Authority which were considered prudent for mitigating against the potential risks associated with the Authority's operational activities including meeting inflationary pressures, dealing with significant mechanical breakdowns and replacing the Authority's main patrol vessel.</p>
	<p>Resolved – (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. (c) That £120,000 is used from the general reserve to purchase a new Rigid Inflatable Boat, and any underspend from 2018/19 be used to replenish the reserve.</p>
89.	RISK MANAGEMENT STRATEGY & STRATEGIC & OPERATIONAL RISK REGISTER REVIEWS
	<p>In accordance with the Risk Management Strategy an annual review had been undertaken. The Clerk and Chief Officer presented the revised Strategy to Members for their consideration and approval. The Chief Officer highlighted that in the main, identified strategic and operational risk had largely remained unchanged since September 2018, although there had been some changes in operational risk relating to staff vacancies, funding for a replacement patrol vessel and implications surrounding the 2019 Organisational Review.</p>
	<p>Resolved – That the revised Risk Management Strategy be adopted and the revised Strategic and Operational Risk Register be approved and reviewed in six months' time.</p>
90.	NEIFCA HEALTH AND SAFETY POLICY & SAFE WORKING PRACTICES 2019/2020

	<p>The Chief Officer provided a report to inform members of the completion of the annual review of the Authority’s Health & Safety provisions; a revised policy was included within the report. The Chief Officer reported that policy and provisions were reviewed continuously throughout the year at NEIFCA staffing and Senior Management Team meetings and the guidance documents represented the most current version at the time the report was written.</p> <p>Members were informed that since the last review in September 2018 there had 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 had been added to the 2019 Safe Working Practices document to cover the use of drones</p>
	Resolved – (a) Members noted the report.
91.	NEIFCA BYELAWS UPDATE – CRUSTACEA CONSERVATION & AIS BYELAW
	<p>The Chief Officer presented a report to update the group on all current fisheries byelaw work streams.</p> <p>Byelaw XXVIII Crustacea Conservation Byelaw 2018</p> <p>This new byelaw regulation was made by the Authority at its meeting on 14 June 2018. 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 included some other key revisions including protection for egg bearing lobsters, ‘V’ notched lobsters and a new protection for ‘soft’ lobsters. 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. Prior to responding to the objections, all members were contacted via email on 24 January 2019, the Chief Officer outlined 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. 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. A revised draft of both the regulation and supporting Regulatory Impact assessment were re-submitted for confirmation on 18 February 2019 and copies were included within the report for member’s information.</p> <p>XXXI Automatic Identification System (AIS) Byelaw 2016</p> <p>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:</p> <ul style="list-style-type: none"> • 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 <p>Following informal review by the Marine Management Organisation the byelaws progressed to formal consultation which commenced on 21 December 2016 and</p>

	<p>terminated on 17 February 2017.</p> <p>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. 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). Since the 25 May 2018 officers had made further submissions and representations, regarding the byelaws, to the MMO IFCA byelaw team via the Authority's legal advisors. On 8 October 2018 the MMO advised officers that the quality assurance process had 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. 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.</p> <p>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 were 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.</p>
	Resolved – Members noted the report.
92.	CHIEF OFFICER OPERATIONAL UPDATE
	<p>The Chief Officer presented a report to provide an operational update for members' information. Members were updated on the situation surrounding the permitted intertidal sea bass fishery. 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 at the time of writing the reports, no formal reply had been received, however the Chief Officer had been notified that the netsman were no longer taking legal representation. The Chief Officer informed members that it was his decision to issue permits to the netsman to enable them to work sole nets for the remainder of the season, May and June, this process would commence at the end of March 2019. It was highlighted to members that a strategy would need to be agreed prior to the application process which would commence once again in October</p>

	<p>2019, as the situation remains that the Authority's byelaw is in conflict with the EU legislation. 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.</p> <p>The Chief Officer provided a verbal update on progression with the replacement of the Authority's main patrol vessel. Since the last meeting, a number of RIB yard visits had taken place, and detailed evaluations and assessments of each yard had been produced. Officers planned to meet with a number of boat yards in the coming months, with the expectation of bringing back to the Executive Committee a clear indicative budget needed to fund the replacement vessel.</p> <p>Members were informed that the Chief Officer had commenced work on the organisational review, phase one had included bench marking against other organisations and partners, and the information obtained was currently being analysed. Phase two was expected to commence soon, which would include one to one meetings with all officers. The Chief Officer informed members he would produce a detailed and comprehensive report with recommendations.</p> <p>Members were also informed of the results from the Customer Service Satisfaction Survey which the Authority's Officers commenced in September 2018. The responses received were overwhelmingly positive, 515 responses were received in total, with 80-90% indicating a strong satisfaction with the service provided.</p>
	Resolved – Members noted the report
93.	ANY OTHER BUSINESS
	Nothing to report.
	The meeting closed at 11:40am