

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

EXECUTIVE MEETING

Meeting Room A/Hybrid Zoom, County Hall, Cross Street, Beverley, HU17 9BA

21 September 2022

COMMENCING 10:30 am

AGENDA

1. Apologies for absence
2. Declaration of Personal or Prejudicial Interests – Members to declare any interests in items on the Agenda and the nature of such interests
3. To take the notes of the meeting held on 10 March 2022 as a correct record (*pages 1-4*)

Items for Decision

4. Budget Monitoring 2022/2023 (*pages 5-8*)
5. Strategic and Operational Risk Register – Review - (*pages 9-20*)

The public are likely to be excluded from the meeting for consideration of item 6 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of part 1 of Schedule 12A of the Local Government Act 1972.

6. NEIFCA Permit application appeals – Scallop Dredging (*pages 21-56*)

Items for Discussion

7. Chief Officer's Operational Update (*pages 57-62*)
8. NEIFCA Health & Safety Policy & Safe Working Practices 2022/2023 – Review - (*pages 63-64*)
9. NEIFCA Permitted Intertidal Fixed Net Fishery - Update – (*pages 65-68*)

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

10 MARCH 2022

Present	Representing
Dr Stephen Axford	Chairman
Mr Graham Collins	MMO appointee
Prof Mike Elliott	MMO appointee
Mr Gary Redshaw	MMO appointee
Councillor Ronald Allcock	North Lincolnshire County Council
Councillor Tony Randerson	North Yorkshire County Council

Clerk Caroline Lacey, East Riding of Yorkshire, Stephen Chandler East Riding of Yorkshire Council and David McCandless, Chief Officer also attended the meeting.

The meeting took place at County Hall, Beverley, members also had the option to dial into the meeting via Zoom, the meeting commenced at 09:30.

21.	APOLOGIES
	Apologies for absence were received from Mr Andrew Wheeler.
22.	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.
23.	TO TAKE NOTES OF THE MEETING HELD ON 02 SEPTEMBER 2021 AS A CORRECT RECORD
	Resolved – That the minutes of the meeting held on 02 September 2021 be approved as a correct record and signed by the Chairman.
24.	NEIFCA ANNUAL PLAN
	The Chief Officer presented a report for members to review the Annual Plan for the year 2022/2023. The Chief Officer discussed with members the revision of the plan to include more local workstreams for the year ahead. Members were advised that the plan had been drafted before current world events that were likely to have an impact on budgetary pressures during the new financial year. The Clerk proposed making some minor changes to the narrative within the draft plan to reflect NEIFCAs monitoring response to the Shellfish Mortality Incident. Members were asked to forward any further comments on the plan to the Chief Officer by the 25th March for consideration.
	Resolved - (a) The annual plan for 2022/2023 was reviewed.

	(b) Members authorised the draft of the accompanying annual report, summarising the Authority's main activities and outputs during the 2022/2023 year.
25.	INFORMATION GOVERNANCE & FEEDBACK SUPPORT SLA
	<p>The Clerk offered to excuse herself along with Stephen Chandler from the presentation of this report because of the potential conflict of interest. The chief and all members present were happy for both to remain present..</p> <p>The Chief presented a report to seek the Committee's urgent approval for the provision of information governance & feedback support through East Riding of Yorkshire Council with immediate effect until end of March 2024. The costs of this SLA would be met from current budgetary provisions. Members considered some of the detail within the draft SLA including the level of service anticipated and narrative surrounding intellectual property rights but approved the request.</p>
	Resolved – (a) Members noted the report (b) Members approved the provision
26.	REVENUE BUDGET 2022/2023
	The Treasurer presented a report to inform Members of the draft budget for 2022/2023. Members were informed the 3% levy increase approved at the Authority Meeting in December 2021 had been incorporated into the budget. The supplementary budget for the ECDIS has been fully funded through the Patrol Vessel Maintenance Reserve and the European Lobster Settlement Project has been fully funded through an external source.
	Resolved – (a) The draft budget for 2022/23 is approved (b) The level of general reserves is maintained at £228,450 (17%) of the annual levy
27.	BUDGET REPORT 2021/2022
	<p>The Treasurer presented a report to advise Members of the budget position at the end of month 09 (December) 2021/2022. At the end of December 2021, the Authority has net expenditure of £682,328 against an expected £775,971 underspending by £93,643. The forecast outturn underspend is £108,806 33, mainly due to employee underspends due to vacancies in the first half of the financial year (£104,849).</p> <p>It is anticipated that the outturn position will be an underspend of £108,806 in addition to the planned transfer of £102,900 plus accrued interest into the Renewals Fund and £10,000 into the Vehicle Replacement Reserve.</p> <p>Approval was requested to transfer £30,000 of the outturn underspend to the Patrol Vessel Maintenance reserve to fund the additional cost in 2022/23 financial year and for any remaining underspend to be transferred to the Renewals Fund towards the replacement of the patrol vessel.</p>
	Resolved – (a) The revenue budget monitoring position is noted. (b) That £30,000 of underspend at the year-end be transferred to the Patrol Vessel Maintenance Reserve to fund the cost of replacing the Electronic Charting Display and Information System (ECDIS) as outlined in paragraph 2.4. (c) That any remaining underspend at the year-end be transferred to the Renewals Fund towards the replacement of the patrol vessel.
28.	RISK MANAGEMENT STRATEGY & STRATEGIC AND OPERATIONAL RISK REGISTER REVIEW

	<p>The Clerk presented a report to inform members that in accordance with the Authority's Risk Management Strategy, a sixth monthly review of the Strategic and Operational Risk Registers has been undertaken and is reported for information.</p> <p>Considerations surrounding the impacts of the Covid-19 pandemic on operational risk remain at the forefront alongside more strategic risks associated with increasing national workstreams and replacing the Authority's main vessel. Increasing concerns surrounding unexplained shellfish mortalities locally have also been incorporated into the revised operational risk register alongside associated elevated risk surrounding negative publicity and compliance with FOI legislation. During February 2022 officers agreed a £262K contract to deliver a two-year project to examine larval settlement indices in partnership with the Holderness Fishing Industry Group. Associated risk surrounding the delivery of this contract has also been included within the revised registers. Members also considered developing risks following the commencement of the conflict in the Ukraine.</p>
	Resolved - That the revised Strategic and Operational Risk Register be reviewed in six months' time
29.	NEIFCA HEALTH AND SAFETY POLICY & SAFE WORKING PRACTICES 2022/2023
	<p>The Chief Officer presented a report to inform members of the completion of the Annual review of the Authority's Health & Safety provisions. Since the last review in September 2021 the Chief Officer was pleased to advise that there had been no notable incidents or accidents to report. Over and above the standard operational risk assessments and associated safe working practices, NEIFCA officers continued to respond rapidly to the unprecedented impacts and risks associated with the ongoing Covid-19 pandemic to both protect staff and comply with all current governmental advice. Alongside responding to Covid-19 the Chief Officer also highlighted additional Health and Safety work that had been completed in relation to the use of pots from North Eastern Guardian III and the active use of 'stab vests' during enforcement and control work.</p> <p>The Chief also reassured members that all staff are correctly trained in all aspects of their role and will continue to monitor this on a regular basis.</p>
	Resolved – Members noted the report.
30.	CHIEF OFFICERS REPORT & INVESTIGATION INTO SHELLFISH MORTALITIES
	<p>The chief officer presented a report to provide an operational update covering the period December 2021 to February 2022.</p> <p>The report focused heavily on NEIFCA operations in response to the Shellfish Mortality Incident and the workstreams involved in this presently and going forward.</p> <p>The chief highlighted that NEIFCA will be producing a resourced forward plan. Elements of that plan will include a desk top review of monthly shellfish catch and effort returns supplemented by further data from the MMO; the completion of questionnaires at the point of landing in key ports; observer trips with fishing vessels operating in the affected area; working pots from NEG III at stations within the affected area and deploying baited and fixed underwater cameras. The resulting analysis and findings from the Authority's work will be incorporated into a report for further consideration.</p> <p>The Clerk recommended that the Science and Advisory Group meet more frequently from April 2022 to receive regular updates on the planned work and provide guidance and oversight to both officers and the wider membership. The Science Advisory Group would then provide updates on the work through the Executive and Authority meetings.</p>
	Resolved – (a) Members noted the report

	(b) Science and Advisory Group Meeting dates to be arranged in advance
31.	ANY OTHER BUSINESS
	Nothing to report.
	The meeting closed at 11.20am

DRAFT

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Meeting
21 September 2022

BUDGET MONITORING 2022/23

Report by the Treasurer

A. Purpose of Report

To advise Members of the budget position at the end of month 04 (July) in 2022/23.

B. Recommendations

- i. That the budget monitoring position is noted.
- ii. That a supplementary budget to fund the cost of the repair of the main engine on the patrol vessel, North-East Guardian III and associated refurbishment of the second engine, currently estimated to cost £300,000 is approved in principle, funded by a combination of in-year underspends, vessel insurance, the Patrol Vessel Maintenance Reserve and Renewals Fund.
- iii. That the planned £30,000 expenditure on replacing the Electronic Charting Display and Information System (ECDIS) funded by the Patrol Vessel Maintenance Reserve and approved by the Executive on 10 March 2022 is no longer progressed.

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 July 2022.
- 1.3 At its meeting on 2 December 2021, the Authority set a levy totalling £1,337,343 for the current financial year, including £102,900 plus accrued interest transferred to the Renewals Fund and £10,000 transferred to the Vehicle Replacement Reserve.

2. Revenue Expenditure to 31 July 2022

- 2.1 Appendix A summarises the expenditure and income for the Authority for the four months to July 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 July 2022, the Authority has net expenditure of £425,921 against an expected £438,838 underspending by £12,918. The forecast outturn underspend is £33,254 mainly due to recharge income from NEIFCA employees working on the on the European Lobster Settlement Index project.

The main variances are:

- Employee underspends of £4,886 - underspends on salaries of £5,675. The forecast includes £30,800 for the estimated cost of the 2022-23 pay award which equates to a 4% increase which reflects the latest Local Government Employers pay offer of £1,925 to all pay grades.
 - Patrol vessel running costs overspend of £1,027 due to increased rental costs. The patrol vessel fuel budget of £65,000 has been forecast to outturn in line with budget.
 - Vehicle running costs overspends of £2,681 mainly due to increased fuel costs.
 - Grants & contributions underspend of £37,892 due to recharge income from staff time and vessel hire by the European Lobster Settlement Index project which is fully funded by DEFRA.
- 2.3 It is anticipated that the outturn position will be an underspend of £33,254 in addition to the planned transfer of £102,900 plus accrued interest into the Renewals Fund and £10,000 into the Vehicle Replacement Reserve.

3. Patrol Vessel Engine Repairs

- 3.1 In August 2022 the Authority's patrol vessel, the North-East Guardian III experienced mechanical engine failure in the main engine. Following an initial in-situ inspection by engineers the main engine and second engine were removed and transferred to NEIFCA's storage facility in Whitby. A further inspection recommended repairs to the main engine along with an overhaul of the second engine as well as the gearboxes. Quotes were obtained from the manufacturer, Finning/CAT, and a decision to award the contract and commence a detailed inspection has been taken under the 'For urgent repairs to plant or machinery' and 'Repairs to plant or machinery which can only be carried out by the manufacturer' exemptions in the Standing Orders. The total cost of the work is uncertain but is currently estimated to be up to £300,000. NEIFCA's vessel insurers have been informed, an initial assessment has been undertaken and the assessors report is awaited. The cost to be funded by NEIFCA could be in the range of £180,000 to £300,000 depending on the assessment made by the insurers.
- 3.2 Due to the additional financial pressure on NEIFCA it is proposed that the planned £30,000 expenditure on replacing the Electronic Charting Display and Information System (ECDIS) funded from the Patrol Vessel Maintenance Reserve and approved by the Executive on 10 March 2022 is no longer progressed. It is proposed that a supplementary budget is approved in principle to allow the cost of the engine repair and overhaul to be funded by a combination

of in-year underspends (£33,254 as at July 2022), the Patrol Vessel Maintenance Reserve (£80,000) and any insurance settlement, with the remaining balance to be funded from the Renewals Fund. There is an expectation that the majority of costs will be recovered from an anticipated increased sale value as a result of the engine repairs, which will extend the useful life of the patrol vessel.

Contact Officer

Liz Smith (liz.smith@eastriding.gov.uk)
Principal Accountant, East Riding of Yorkshire Council

Stephen Chandler
Treasurer

Background Papers: NEIFCA Monitoring File

NEIFCA Budget Monitoring Report as at July 2022

	<i>Approved Budget</i>	<i>Profiled Budget to Month 4</i>	<i>Actual to Month 4</i>	<i>Variance to Profile</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£	£	£	£
EXPENDITURE						
Employee Expenses						
Pay,NI and Superannuation	773,340	257,598	247,430	-10,168	767,665	-5,675
Other Employee Costs	83,000	14,220	35,082	20,862	83,397	397
Premises	17,530	3,833	11,561	7,728	17,922	392
Transport						
Patrol Vessel Running Costs	197,820	88,554	91,674	3,120	198,847	1,027
Vehicle Running Costs	37,060	14,387	14,022	-365	39,741	2,681
Travel and Subsistence	18,460	7,220	5,826	-1,394	19,308	848
Supplies and Services	176,120	55,493	61,346	5,853	179,863	3,743
Support Services	98,200	1,225	1,225	0	99,425	1,225
	1,401,530	442,530	468,166	25,636	1,406,168	4,638
INCOME						
Grants and Contributions	-23,000	-1,432	-18,866	-17,434	-60,892	-37,892
Other Income	-154,090	-2,260	-23,379	-21,119	-154,090	0
	-177,090	-3,692	-42,245	-38,554	-214,982	-37,892
NET EXPENDITURE	1,224,440	438,838	425,921	-12,918	1,191,186	-33,254

	<i>Approved Budget</i>	<i>Profiled Budget to Month 4</i>	<i>Actual to Month 4</i>	<i>Variance</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£		£	
NET EXPENDITURE						
Central / Headquarters	431,690	112,353	122,607	10,254	451,552	19,862
Land Based Operations	127,970	42,657	40,655	-2,002	123,465	-4,505
Offshore Operations	532,270	206,768	200,747	-6,020	519,728	-12,542
Environment	132,510	44,170	37,227	-6,943	96,441	-36,069
Grant Aided Projects	0	0	0	0	0	0
	1,224,440	405,947	401,236	-4,711	1,191,186	-33,254

	<i>Approved Budget</i>	<i>Profiled Budget to Month 4</i>	<i>Actual to Month 4</i>	<i>Variance</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£		£	
REPRESENTED BY						
Annual levy on Local Authorities	-1,298,400	-1,298,400	-1,337,344	-38,944	-1,298,400	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
	-1,185,500	-1,298,400	-1,337,344	-38,944	-1,185,500	0

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
21 September 2022

Strategic & Operational Risk Register – Six Monthly Reviews

Report of the Clerk.

A. Purpose of Report

To inform members of the Executive Committee that in accordance with the Authority's Risk Management Strategy, a sixth monthly review of the Strategic and Operational Risk Registers has been undertaken and is reported for information.

B. Recommendation

That the revised Strategic and Operational Risk Register be 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 Risk Management Strategy and Operational Risk Registers were reviewed, updated and reported to members on 10 March 2022. (Minuted item 28 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 March 2022. The identified risks have also been ranked in order of significance and colour coded (highest residual risk score red to lowest green).
- 2.2 Since the March 2022 review of strategic and operational risk the Authority's primary vessel, North Eastern Guardian III, suffered a significant failure in one of its two main engines. This occurred on 28 July. Both engines have been removed for assessment, overhaul and repair. The work is being carried out by Caterpillar engineers, supported by Authority staff and an inspection by the Authority's insurance provider has also been completed. The extent of the damage and associated

costs, at the time of writing this report, are still not clear. Indicative costs are significant, in the region of £200 to £300K with some support anticipated through the Authority's insurance provider. At present the anticipated time to return the vessel to active service is not yet known. Although some proactive provisions have been made to 'cushion' the impact of such incidents it has increased the associated operational and strategic risk levels surrounding finance and operational delivery. Other key changes in strategic and operational risk relate primarily to rapidly increasing inflationary pressures, formal commencement of the vessel replacement project, a staffing change within the Authority's operational senior management team and the commencement of the Defra funded European Lobster Settlement Index (ELSI) project.

- 2.3 The revised Strategic Risk Register is attached as Appendix 1, the Operational Risk Register as Appendix 2 and the risk based enforcement matrix, a sub register of the Operational Risk Register, as Appendix 3 for members information. All changes are highlighted in bold text.

Contact Officer

Caroline Lacey, Clerk of the Authority
Ext 3000

Background Papers

Strategic Risk Register
Operational Risk Register

NORTH EASTERN INSHORE AND CONSERVATION AUTHORITY - STRATEGIC RISK REGISTER

Risk No	Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner
NEIFCA 1	A reputation for smart and prudent stewardship.	Financial/Economic	<p>Cuts to service, balance budget. Triggers include:-</p> <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 • Unforeseen mechanical failure • Increasing inflation & costs 	12 (4x3)	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.	9 (3x3)	Ensure sound business cases are made to Authority funders for continued financial support.	<p>Major engine failure occurred onboard NEG III on 28 July 2022.</p> <p>Project to fund and replace NEG III commenced July 2022.</p> <p>Inflation reaches a UK 40yr high of 10%</p>	Clerk/ Treasurer/ Chief IFC Officer
NEIFCA 2	A reputation for smart and prudent stewardship.	Financial Reputation	<p>Failure to manage the Authority's assets, caused by:-</p> <ul style="list-style-type: none"> • Lack of funding • Service failures/poor maintenance • Poor risk assessments and controls • Age and deterioration of vessels & vehicles 	9 (3x3)	Asset Management Plans - including audit and survey result to target investment and maintenance at high priority areas. Patrol Vessel renewal fund and replacement project ongoing. Maintenance programme. Risk assessments. Inspections and surveys. Insurance.	9 (3x3)	Review and define inspection survey programme. Ensure compliance with the programme. Review adequacy of sums insured and compliance with insurance policy conditions. Strengthen asset management and control.	<p>Major engine failure occurred onboard NEG III on 28 July 2022.</p> <p>Project to fund and replace NEG III commenced July 2022.</p>	Chief Officer & Deputy Chief Officer & Operational Support Manager
Risk No	Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner

NEIFCA 3	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 (v) Impacts of a global pandemic or other external event	9 (3x3)	Recruitment, retention policies, training and development, surveys of existing staff, analysis at exits interviews and managing sickness absence.	6 (3x2)	Recruitment processes expedited to fill vacancies when they arise.	Environmental & Scientific Manager vacancy from 30 September 2022. Recruitment process commenced August 2022.	Chief Officer & Deputy Chief Officer & Operational Support Manager.
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. (vi) Impacts of a global pandemic or other similar external factors. (vii) Mechanical breakdown in key assets	9 (3x3)	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. Dynamic risk assessments and supporting safe working practices implemented when required.	6 (3x2)	Reviewed on a quarterly basis by reporting to the Authority.	Environmental & Scientific Manager vacancy from 30 September 2022. Recruitment process commenced. Major engine failure occurred onboard NEG III on 28 July 2022.	Chief Officer
Risk No	Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner

NEIFCA 5	A reputation for smart and prudent stewardship. Strategic objectives	Reputation	Failure to achieve policies, aims and objectives.	9 (3x3)	Annual Plan produced each year. Performance measured against number of targets. Exceptions reported to Authority. Constitution, Standing Orders Schemes of Delegation. The Authority has put in place structures and processes to govern decision making.	6 (2x3)	Reviewed on a quarterly basis by the Authority.		Chief Officer & NEIFCA Senior Management Team
NEIFCA 6	A reputation for smart and prudent stewardship	Reputation/legal	Failure to deliver revised fisheries management policies within Marine Protected Area Sites which fall within the Authority's jurisdiction. Procedural delays in the formal making of regulations.	9 (3x3)	Full engagement with Defra, MMO, national working groups and local management groups.	6 (2x3)	Regular updates and progress reports to Science Advisory Group, Executive and full Committee.		Chief, Deputy Chief Officers. Senior Environmental & Scientific Officer Environmental & Scientific Officers.
NEIFCA 7	A reputation for smart and prudent stewardship.	Organisational Reputation	Loss or damage to reputation through poor press and public relations e.g response to shellfish mortalities Poor management and or use of website & social media outlets.	9 (3x3)	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.	6 (2x3)	Reviewed on a quarterly basis. Daily management of Website & social media feeds in terms of content and comment.	NEIFCA is expanding its active use of social media outlets such as Facebook with associated increase in reputational risk.	Chief Officer & Operational Support Manager
Risk No	Strategic Objective	Category of Risk	Risk	Gross Risk Score	Control Action	Residual Risk Score	Further Action Required	Update	Risk Owner

NEIFCA 8	A reputation for smart and prudent stewardship.	Disaster Planning	Major incident, i.e. patrol vessel collides with another vessel or runs aground. Total loss of primary asset.	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 9	A reputation for smart and prudent stewardship.	Reputation/ Legal	Officers acting beyond their statutory remit through inexperience. Legal challenge. Potential incident. Adverse publicity.	6 (3x2)	Full training in role. Qualifications. Performance monitoring, target setting, recruitment procedures. Annual appraisal system.	4 (2x2)	As roles develop, change, continuous training and development. EDP process to be utilised for this.	Training strengthened through induction, national IFCA training courses supported by a national coordinator.	Chief Officer

APPENDIX 2

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	Customer Service/ reputation	<p>Failure to provide agreed service.</p> <p>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.</p> <p>Covid-19 impacts on associated resourcing</p> <p>Serious mechanical failure and breakdown onboard the main vessel asset.</p>	12 (4x3)	<p>Performance Indicators.</p> <p>Inspections audit.</p> <p>Workload monitoring.</p> <p>Policy and procedure compliance.</p> <p>Staff training.</p> <p>Communication with customers.</p> <p>Contingency planning</p>	9 (3x3)	Clerk and Chief Officer.	Quarterly	<p>Annual reports.</p> <p>Performance monitoring reports.</p> <p>Feedback from staff and customers.</p>
2	Financial reputation, technical.	<p>Insufficient funding to replace main fisheries vessel, North Eastern Guardian III.</p> <p>Access to external funding support discounted in the short term although Defra may provide some capital funding support to IFCA's in due course.</p> <p>Extending operational life of existing vessel increases risk of significant mechanical breakdown & reduced re-sale value.</p>	12 (4x3)	<p>Maintenance of current funding levels to the vessel renewal account. Continued investment in current vessel as a saleable asset. Monitoring and utilisation of all appropriate external funding avenues.</p> <p>Any additional savings generated re-allocated to the vessel renewal reserves.</p> <p>ERYC support financing replacement costs underpinned by a leasing arrangement across all member Local Authorities.</p>	9 (3x3)	Chairman, Clerk, Chief Officer and Deputy Chief Officer	Quarterly	Budget financial review & reporting to Committees and internal working groups.
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.	<p>Unexpected budget demands and variances and failure to achieve agreed budget Income generation is expected to remain low during 2022/2023.</p> <p>Major engine failure onboard NEG III July 2022</p> <p>Inflation reaches a UK 40yr high of 10%</p>	12 (4x3)	<p>Increase of 3% in 2022/2023 levy with further increases advised. Monitoring systems. Systems to capture spend. Regular budget holder meetings. Internal Audit.</p> <p>Regular reviews of the appropriate level of reserves.</p> <p>Maintenance of insurance provisions.</p> <p>Expected uplift due in IFCA central government support across IFCAs.</p>	8 (4x2)	Treasurer, Clerk and Chief Officer.	Monthly.	Budget financial reporting.
4	Staffing	<p>Lack of staffing resources to deliver service and that staff have adequate skills training to achieve performance requirements.</p> <p>Increasing pressures from UK government to support national fisheries policy development & implementation without additional resource could have a negative impact on the delivery of IFCA statutory duties and responsibilities.</p> <p>Environmental & Scientific Manager post vacant from 30 September 2022.</p>	9 (3x3)	<p>Communication networks. Staff flexibility. Monitoring of workloads. Workforce Development. Vacancy Management. Recruitment processes expedited to fill vacancies. Maintenance of active dialogue with all key partner agencies. AIFCA, NIMEG & TAG.</p> <p>Recruitment process underway to fill the vacant Environmental & Scientific Manager post from 30 September 2022.</p>	6 (3x2)	Clerk and Chief IFC Officer.	Quarterly.	<p>Reports to Authority. Team meetings/ EDRs. Sickness Review Meetings. Vacancy/sickness. Performance monitoring results. Proactive training programmes.</p>
Risk Number	Process	Risk Identification	Risk Analysis	Risk Control	Residual Risk	Monitoring		
	Risk Category	Risk	1-8 = Low	Control Action	1-8 = Low	By Whom	Review Frequency	Triggers for Action

			8-10 = Medium 10-20 = High		8-10 = Medium 10-20 = High			
5	Financial reputation, technical.	Volatility of global oil/fuel markets and national tax changes. Markets remain unstable following Russian/Ukraine war in Europe 2022.	9 (3x3)	Regular monitoring of fuel spends included within quarterly reports to Authority. Additional provision made within annual precept.	6 (3x2)	Chairman, Clerk, Treasurer, Chief Officer and Deputy Chief	Monthly.	Budget financial review & reporting
6	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.	9 (3x3)	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. New £262K contract agreed with Defra to support the two year ELSI project.	6 (2x3)	Chairman, Clerk and Chief Officer & associated project leads.	Monthly.	Procurement processes. Legislative changes. Contract variations. Timetable slippage.
7	Legal/ reputation.	Legal challenge resulting from failure to undertake statutory responsibilities in terms of enforcement, poorly drafted Authority bye-laws or national legislation. Ongoing legal challenge fixed net permitting scheme	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.	6 (3x2)	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	Control Action	1-8 = Low 8-10 = Medium	By Whom	Review Frequency	Triggers for Action

			10-20 = High		10-20 = High			
8	Financial and reputational	Breaches of General Data Protection & Freedom of Information Regulations could lead to fines and reputational impacts.	6 (3x2)	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. SLA agreed with ERYC information governance and feedback team to provide expert support, advice and training.	4 (2x2)	DPO Clerk Chief Officer Support Officer	Monthly	Formal complaint or report to ICO
9	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.	6 (2x3)	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	4 (2x2)	Clerk and Chief Officer.	Monthly	Performance monitoring reports. Budget reports. Legislative changes. Government funding initiatives. Authority decisions. Contract variation 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 pollution incidents or environmental factors such as extreme events.	9 (3x3)	Regular monitoring, reporting and working in partnership with key agencies such as Defra, EA, CEFAS, MMO. Potential use of emergency byelaw making powers.	6 (3x2)	Chief & Deputy Chief Officer and Environmental & Scientific Manager	Monthly	Observed mortality on shore and at sea, evidence of pollution events reports of unusually low catch rates from the industry.
2	Environmental	Habitat damage caused by invasive fishing methods. Damage to protected features of European Marine Sites or Marine Conservation Zones Risks from the activities of nomadic scallop dredgers surrounding the NEIFCA area. Habitat damage caused to sensitive intertidal areas due to influxes of shore gatherers. Covid-19 impacts on supporting resources.	9 (3x3)	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.	6 (3x2)	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
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	<p>Impacts on fish and shellfish stocks through non-compliance with regulations.</p> <p>Prohibition on landing egg bearing lobsters.</p> <p>Impacts in intertidal areas rising due to influxes of shore gatherers.</p>	9 (3x3)	<p>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. Strengthening enforcement procedures and techniques.</p> <p>Maintaining a high level of communication and active joint working with key partner agencies.</p>	6 (3x2)	Chief, Deputy Chief and IFC Officers	Monthly	Intelligence reports. Surveillance. Routine observations and complaints
4	Environmental	<p>Impacts on fish and shellfish stocks through over-exploitation</p> <p>Pressures on stocks, particularly crustacea remain high although work is continuing on revised management measures.</p> <p>Impacts in intertidal areas rising due to influxes of shore gatherers.</p>	9 (3x3)	<p>Detailed monitoring of stock health. Development of dedicated management plans and strategies. Tailored management provisions. Sound enforcement. Fisheries accreditation schemes. National coordination.</p> <p>Maintaining a high level of communication and active joint working with key partner agencies.</p>	6 (2x3)	Chief & Deputy Chief Officers and Environmental & Scientific Officers	Quarterly & monthly	Non achievement of stock indicators. Declining catches and fleets. Complaints and comments.
5	Environmental	Impacts on other marine species such as sea birds, cetaceans and other organisms associated with fishing activities	6 (2x3)	Monitoring through fishing permit and catch and effort schemes. One off studies and assessments. Timely use of emergency byelaw making procedures when required.	4 (2x2)	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
21 September 2022

Chief Officer's Operational Update

Report of the Chief Officer

A. Purpose of Report

To provide members with an operational update covering the period June to August 2022.

B. Recommendation

That Members note the report.

1. Update on Key Operational Workstreams

Major Engine Failure North Eastern Guardian III

On 28 July 2022 North Eastern Guardian III suffered a serious main engine failure at sea. On 1 August both engines were removed from the vessel and transported to NEIFCA's storage unit in Whitby to enable further assessment to be made. Engineers from the manufacturer, supported by the Authority's offshore engineering staff, subsequently dismantled and assessed the extent of the damage and the nature of the repair and overhaul required. This work also included an inspection of associated components including gear boxes. The Authority's insurance providers have been kept fully informed throughout and an insurance surveyor has also attended to assess the nature and extent of the damage and repair. At the time of writing, following completion of full 'strip down' and inspection of both engines, officers were awaiting revised quotations for the completion of all works with an expectation that a proportion of the costs will be recovered via insurance with the remainder met from reserves and savings. A more detailed assessment of costs will be provided by the Treasurer within the 2022/2023 budget update report. Although a very significant unforeseen expense, officers expect the enforced work on the main engines will add notable re-sale value to the vessel.

Having the main vessel out of commission for a period will obviously impact on service delivery in terms of offshore enforcement and compliance work and the planned offshore survey programme including the European Lobster Settlement Index (ELSI) project. The extent and scale of this impact will depend very much on the time it will take to repair, overhaul, re-install and commission the main engines. The pace of response thus far, led by the Deputy Chief Officer, in terms of moving the inspection and repair work forward,

has been exceptional and it is hoped that the vessel might re-commence operational activity with a month or so. A proportion of offshore enforcement and compliance work can be covered by the Authority's stand-alone rigid inflatable boats (RIBS) but this is highly dependent on favourable weather with operations restricted to more central areas of the IFCA district. Such an arrangement would only be sustainable for a limited period. To supplement RIB operations officers, in the past, have drawn on periodic support from Northumberland IFCA, an arrangement that NEIFCA has also reciprocated. Such support could be used sparingly to target specific intelligence led issues in the short term. Maintaining some delivery of the Authority's offshore survey programme presents a greater challenge in the short to medium term, including potting work, scallop stock assessment and servicing the ELSI project. The Holderness Fishing Industry Group (HFIG), joint partners with NEIFCA in the Defra funded ELSI project, have agreed to cover the associated work that NEG III was undertaking in the short term. The NEIFCA potting programme can be paused for a month or so but beyond that HFIG have offered to assist with some running costs covered by NEIFCA. Some planned offshore scallop stock assessment work will have to be cancelled from the 2022/2023 programme. Any further planned contingencies to cover a longer period will carry additional cost for NEIFCA and would have to be very carefully prioritised against key objectives.

Main Vessel Replacement Project Update

At the Authority meeting held on 8 June 2022 members agreed to progress the replacement of the main vessel under a finance arrangement managed by East Riding of Yorkshire Council (ERYC) with oversight delegated to the Executive Committee (Minute 14 refers). To support the preparatory phases the ERYC capital board approved the establishment of a small technical working group consisting of senior leads from procurement, legal, financial and technical. The first meeting of the technical group was held on 20 July 2022 with a further meeting scheduled for 21 September 2022.

Officers are now working up a project plan incorporating key milestones and timelines. This initial work also includes the identification of potential manufacturers and the development of and circulation of an outline specification to gauge interest. Once the project plan has been set and the early preparatory work has advanced, a programme of Executive Committee meetings will be scheduled to support key decision making.

Shellfish Management Proposals – Commencement of Informal Consultation

For several years now both NEIFCA and its predecessor organisation, North Eastern Sea Fisheries Committee have been considering a range of options to strengthen the management of potting effort within the district. The need to develop and implement an effort management scheme has never been more important than it is currently to conserve and enhance stocks which are now considered to be under increasing pressures not just from fishing but other external factors such as global warming and the increasing number of offshore development works taking place within our region.

At the beginning of August 2022 Officers launched an informal consultation seeking views on the following set of shellfish management proposals which would introduce a cap on the number of commercial shellfish permits issued and a limit on the number of pots that could be set within the NEIFCA district:

- Potting effort to be managed through a restricted flexible permit system with the number of permits offered, capped at current levels, circa 200.

- In line with other NEIFCA permitting schemes including dredging, trawling and fixed netting, a charge would be levied to support the administration and management of the scheme. To Be Confirmed.
- The number of pots initially allocated would be based on track record information held by NEIFCA up to a maximum of 800 per vessel within the NEIFCA district. For administrative simplicity, allocations would be made in bands of 200 pots.
- All vessel operators would have the option to appeal their initial allocation and also apply for more pots if their associated businesses develop going forward, up to the maximum allocation of 800.
- There would be a mandatory requirement for all vessel operators to declare the number of fleets and the number of pots per fleet they intended to work.
- All surface markers must be clearly visible, marked with PLN and associated fleet number.
- Each end of the fleet would carry two mandatory tags that could be inspected at sea.
- If a permitted vessel was sold the permit would have to be surrendered back to NEIFCA with some types of transfer permitted such as within family or replacing vessels which had been lost or sold.
- Any new vessels entering the fishery would be required to apply for a permit and if successful would be given a pot allocation in line with the vessel type/category. Again, the applicant could appeal the initial allocation and apply for additional pots if the business developed.
- If no permits were available, the applicant would enter a ‘waiting list’ system.
- The potting effort management provisions would be just one component of a much larger shellfish management regulation which would include all current management measures.
- All provisions would be attached to the permit as mandatory conditions within a flexible framework that would enable future change if required without a need to re-make the supporting byelaw regulation.
- The byelaw would set out the process of how any future change would be consulted, agreed and implemented.

The consultation concluded on 31 August 2022 and officers are now in the process of collating and considering all the responses received. One recurring theme through the consultation process has been clarification on provisions supporting permit transfers within family, crew or onto replacement vessels and the proposed charge to be levied for permits. Once this work is complete officers will commence the preparation of formal documentation to support the making of the regulation and statutory consultation process.

Tees & North Yorkshire Shellfish Mortalities

Since the last detailed update was provided at the Authority meeting held on 8 June 2022 on the ongoing response to observed shellfish mortality in waters surrounding the Tees and North Yorkshire the situation on the ground has settled to a degree. Lobster landings have increased throughout the district in line or above mean seasonal trends. Landings of edible crab, however, have remained low particularly at Redcar and Whitby alongside growing concern about the potential impacts of the larger, offshore fishery on associated

stocks. Although there have been no significant reports of symptomatic shellfish being caught and landed through the recent summer months or further washup events, persistent concerns continue in relation to the outer Tees estuary and other areas close inshore surrounding Hartlepool. Officers are continuing to work actively with the potting sector through regular meetings, the most recent meeting was held on 21 July 2022, closely monitoring landings and trends in catches and carrying out observer and monitoring trips to sea. Continuing collaborative work has also been maintained with partner agencies including the Environment Agency (EA), Marine Management Organisation (MMO) and the Centre for Environment Fisheries and Aquaculture Science (CEFAS). Officers have also actively engaged in the independent collaborative research commissioned directly by the Whitby fishing industry group through the Authority's Science Advisory Group. Some key concerns remain over the long-term impacts of the shellfish mortality event particularly on crab stocks and the wider marine environment, but these can only be fully assessed through the extent of a full fishing season.

Covid-19 Pandemic

Since the last update provided to members at the meeting held on 8 June 2022 operational activity has now moved to 'business as usual' with staff working primarily from office-based locations alongside routine active engagement both onshore and offshore. In terms of ensuring the continuing protection of staff from the effects of the Covid-19 virus, the focus has shifted on maintaining sensible precautionary measures such as testing at the beginning of the working week or when any main symptoms are experienced (all staff are regularly supplied with free testing kits), maintaining hygiene systems at work, maximising space and ventilation in working environments and the appropriate use of face coverings as and when required. Since the pandemic first became established almost all NEIFCA staff have now contracted the virus and made an effective recovery from home.

1.1 **National**

Section 183 of the Marine and Coastal Access Act 2009 places a duty on the Secretary of State to lay a report before Parliament on the conduct and operation of IFCAs. This report must be carried out every four years and is scheduled for this year, 2022. This will be the third time that IFCAs have been subject to statutory review since inception during 2010. The proposed process for the 2022 review will comprise of three main components. The first will involve the submission of a self assessment from each IFCA Chief Officer, the second a consultancy led consultation at key port locations throughout each IFCA district and the third an electronic questionnaire process across IFCA members and Local Authority representatives. To support the review Defra are intending to run the processes across 6 regions, Northumberland & North Eastern IFCA, Eastern & Kent and Essex IFCA, Southern and Sussex IFCA, Devon & Severn IFCA, Cornwall & Isles of Scilly and North Western IFCA. This work will likely complete at the end of November 2022, reporting at the beginning of 2023.

In terms of fisheries, current work streams continue to focus on the development of national fisheries management plans, a statutory requirement under the Fisheries Act. This work remains at an early stage although Defra have identified six key priority stocks and opened a number of working groups with key fishing industry sectors to facilitate direct engagement and input. In parallel, the national Association of IFCAs is currently developing a range of projects aimed at galvanising the IFCA response to national work streams including fisheries management plans.

1.2 **Priority Work streams for the next six months**

- Complete repair, overhaul and commission of the main engines onboard NEG III
- Advance the vessel replacement project
- Move new shellfish management provisions, including effort limitation and revised measures on the Humber Estuary into the formal consultative phase.
- Support the continued monitoring of impacts associated with the shellfish mortality event.
- Further progression with the new fisheries database.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive meeting
21 September 2022

Health & Safety Policy & Safe Working Practices 2022/2023 - 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 reported to the Executive Committee on 10 March 2022 I can advise that there have been no notable incidents or accidents to report to members and as part of this six-monthly review all the standard Safe Operational Working Practices and supporting risk assessments have again been fully reviewed with no changes to report.
- 1.4 Over and above the standard operational risk assessments and associated safe working practices, NEIFCA officers have continued to respond rapidly to the unprecedented impacts and risks associated with the global Covid-19 pandemic to ensure the protection and well-being of all staff and compliance with all current governmental advice. In managing these impacts an overarching set of Covid-19 specific risk assessments have been developed alongside a set of supporting control measures and these are regularly communicated to all NEIFCA operational staff.

NEIFCA operations returned to normalised activities on 16 May 2022, a progression underpinned by the national vaccination programme, routine testing and or self-isolation and following key national guidance as far as possible. To date almost all NEIFCA

operational staff have now contracted a Covid 19 infection and thankfully, made a full recovery at home and returned to work within a week or so.

- 1.5 The safe working practice documents 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

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Chief Officer
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NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
21 September 2022

Management of Permitted Intertidal & Sub-tidal Fixed Net Fisheries 2022/2023 - Update

Report by the Chief Officer.

A. Purpose of Report

To update members on revised arrangements for administering the Holderness Coast permitted intertidal fishery during the period 1 October 2022 to 30 April 2023.

B. Recommendation

1. That Members note the report and endorse the arrangements.

1. Background

1.1 At the Authority meeting held on 8 June 2022 members received a report outlining proposed arrangements for assessing applications and issuing permits for the 2022/2023 fixed net fisheries (minute item 19 refers). Members were also advised that the re-opening of the permitted intertidal fixed net fishery relied on the continuation of provisions contained within existing UK legislation, namely ‘The Sea Fisheries (Amendment etc) Regulations 2021’, which permitted by-catches of seabass to be retained by 5 shore operators within the NEIFCA district. Members were advised that if there were to be any unforeseen changes in the legislative framework officers would consult again prior to taking any further action.

1.2 Whilst the supporting national legislative framework has remained unchanged the Authority’s legal advisors have been managing a sustained external challenge directed at the permitted intertidal fixed net fishery. That challenge continues to focus on the extent of sea bass catches taken within the fishery and the number of nets permitted to be set. The national legislation only allows for a maximum of 5 nets to be set from the shore within the NEIFCA district whereas the Authority’s byelaw regulation allows for three sections of net to be set up to a cumulative maximum of 250m.

1.3 Although officers consider that the current byelaw provisions do not technically breach national legislation, following extensive consideration, independent legal guidance and consultation with Defra, it is now the intention to apply an additional voluntary code on the five intertidal permit holders. This voluntary code will require each permit holder to set just one section or length of net up to a maximum length of 250m which must carry a unique tag issued by NEIFCA. Permit holders will also be required to take what steps they can to minimise the take of sea bass within the associated fishery. This voluntary

arrangement will apply between 1 October 2022 and the 30 April 2023 inclusive. Given the restrictions imposed on the intertidal permit holders under the proposed voluntary code, the Authority's legal advisors support the application of a discretionary discount to the licence fee, currently fixed at £500. This discount is recommended at £250.

1.4 A copy of the proposed voluntary agreement is attached at 9a to this report.

Contact Officer

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Additional Voluntary Code of Conduct Covering Intertidal Fixed Net Fishing within Area C 'Flamborough Head Light to Withernsea Light' 2022/2023

Introduction

Currently a general prohibition on the commercial targeting of sea bass remains applicable across the United Kingdom and the wider European Union although the incidental by-catch of sea bass is permitted at specified levels within a number of commercial fisheries including those operating from the shore under provisions contained within 'The Sea Fisheries (Amendment etc) Regulations 2021 as amended.

Specifically, in terms of the setting and use of shore based fixed nets, 'The Sea Fisheries (Amendment etc) Regulations 2021' provide a general unrestricted, permission to take a by-catch of sea bass and set a maximum of 5 nets within the North Eastern IFCA district.

In order to strengthen compliance with the provisions contained within the UK regulations and continue to support the wider conservation of sea bass stocks, NEIFCA is applying the following additional provisions as part of a voluntary code of conduct across the permitted intertidal fixed net fishery between 1 October 2022 and 30 April 2023 inclusive:

- Minimise sea bass bycatch levels as far as is practicably possible
- Only one length of net up to 250m to be set, marked by a uniquely numbered tag specified and issued by NEIFCA.

With the exception of the above additional voluntary measures all other provisions contained within the supporting byelaw regulation 'XVIII Method and Area of Fishing (Fixed Netting) Byelaw 2016' will continue to apply.

