

## Eastern IFCA Meeting



*"Eastern IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".*

A meeting of the Eastern IFCA took place on Wednesday 8<sup>th</sup> March 2023 at 1030 hours in the Assembly Rooms, King's Lynn Town Hall.

### Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr E Back		Suffolk County Council
Mr S Bagley		MMO Appointee
Cllr Chenery of Horsburgh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
Mr J Davies		MMO Appointee
Mr L Doughty		MMO Appointee
Mr P Garnett		MMO Appointee
Mr T Goldson		MMO Appointee
Ms J Love		Natural England Representative
Cllr P Skinner		Lincolnshire County Council
Ms I Smith		MMO Appointee
Mr S Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance & HR
Jon Butler	Head of Operations
Judith Stoutt	Senior Marine Science Officer
Luke Godwin	Senior IFCO (Regulation)
Ron Jessop	Senior Marine Science Officer
James Teasdale	Project Officer
Kristina Gurova	Project Officer
Steve Bunn	IFCO
Ben Ford	IFCO

### Minute Taker:

Jodi Hammond

### EIFCA23/01 Item1:Welcome

The chair welcomed members to the meeting. Members were advised during agenda items 9 and 11 pre-agreed members of the industry would be permitted to speak briefly.

## **EIFCA23/02 Item 2: Apologies for Absence**

Apologies for absence were received from Cllrs Adams (NCC) and Vigo Di Gallidoro (SCC), Mr Rowley (MMO Representative), Mr Hirst (EA Representative) and Messrs Bowell, Copeland, Mogford and Shaul (MMO Appointees).

## **EIFCA23/03 Item 3: Declaration of Members Interests**

Members were advised of the following dispensations:

- Agenda Item 10: Messrs Bagley, Doughty, Garnett and Williamson had a dispensation to discuss the item but not to vote.
- Agenda Item 11: Messrs Bagley, Doughty and Williamson had a dispensation to discuss the item but not to vote.
- Agenda Item 12: Messrs Davies, Garnett, Shaul and Williamson had a dispensation to discuss but not to vote.
- Agenda Item 13: Messrs Davies, Garnett, Shaul and Williamson had a dispensation to discuss but not to vote.
- Agenda Item 14: Messrs Davies, Garnett, Shaul and Williamson had a dispensation to discuss but not to vote.

At this point Mr Garnett advised that he believed he should be included in the members listed for item 11 relating to the Wash Several Order application update, Senior IFCO Godwin advised that as Mr Garnett did not have a lay, he had not been considered as having a DPI for this agenda item. Mr Garnett advised that his father had a lay, at this point it was acknowledged that Mr Garnett potentially had an interest and would need to apply for a dispensation. It was decided to ask members to vote on whether a dispensation would be given to Mr Garnett and Senior IFCO Godwin advised members that the rationale for such was that Mr Garnett would provide a benefit to informed decisions through contribution of his experience and knowledge in accordance with the Constitution and Standing Orders.

**Members Resolved to grant dispensation to Mr Garnett to discuss matters relating to use of lays within the Wash for which he had a Disclosable Pecuniary Interest.**

**Proposed: Cllr skinner**

**Seconded: Mr Davies**

**All Agreed.**

## **EIFCA23/04 Item 4: Minutes**

**Members Resolved the minutes were a true record of proceedings.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Garnett**

**All Agreed**

## **EIFCA23/05 Item 5: Matters Arising**

EIFCA22/66 Item 10: Wash Fishery Order 1992 Transition: The CEO advised members there had been no notable issues from the consultation. Byelaw 8 had been used to put a temporary closure in place with exemptions being given to 'entitlement' and lay holders under the Wash Fishery Order 1992.

EIFCA22/67 Item 11: Seaweed Aquaculture within EIFCA District: members were reminded this topic had been discussed at the previous meeting and in view of the importance to keep apprised of applications it was intended this would be a standing item on the FCMWG meeting.

Members were made aware that a seaweed farm which had previously been considered had been resurrected, EIFCA had put in a formal objection based on issues identified.

EIFCA22/68: Item 12: Fisheries Management Plans and Defra Funding: The CEO advised there were three workstreams for which funding was being provided. Monies for one had been received and it was anticipated the rest would be received before the next financial year. Mr Goldson questioned New Burden funding, the CEO advised that EIFCA had made the case that new burdens still existed for IFCA's and therefore the additional funding still remained a necessity, Defra had made additional funding available to cover three workstreams, this was in addition to New Burden funding for the current year.

EIFCA22/70: Item 14: Authority Meeting Dates 2023-24: The CEO advised that should a decision on an early opening for the cockle fishery be required prior to a full Authority meeting, the delegated powers provided for the use of Byelaw 8 would enable the CEO, Chair and Vice Chair to make a decision if necessary.

## **EIFCA23/06 Item 6: Health & Safety Risks and Mitigation**

The Head of Marine Protection advised there had been one incident involving a trip and fall which had resulted in minor injury. There had been a number of staff who had contracted Covid, as a precaution they had been asked to work from home to avoid any further spread.

Enforcement Officers had taken part in Conflict Resolution Training, and all staff had completed online training in Manual Handling. Members were advised there were no significant changes to Appendix 2, with work continuing in the risks associated with working at heights.

Mr Goldson questioned whether the use of body worn cameras had been successful. It was noted that they have a 30 second capture rate when on standby or can be turned on at all times and their presence

provides an element of safety for Officers as well as capturing information during investigation into enforcement issues.

**Members Agreed to Note the contents of the report.**

#### **EIFCA23/07 Item 7: Finance & HR Sub-Committee held on 7<sup>th</sup> February 2023**

The Head of Finance gave members a synopsis of the discussions that had taken place. It was noted that expenditure was showing signs of the cost-of-living increase, particularly in relation to fuel costs. Salaries remained slightly lower than budgeted due to staffing levels being below full compliment. A payment had been made to resolve a tribunal issue, on the advice of NpLaw.

**Members Agreed to Note the contents of the report.**

#### **EIFCA23/08 Item 8: Strategic Assessment and Business Plan 2023-28**

Members were reminded the Strategic Assessment was produced annually to provide an update and guidance on where the Authority's workload and priorities needed to be focussed. The Business Plan provided a rolling five-year strategic framework which EIFCA operated within and described the vision and priorities.

Project Officer Teasdale gave a presentation on the process undergone to assess risks and the key outputs of the Strategic Assessment as well as the high priority workstreams. Both reports followed the same format as previous years.

**Members Resolved to Note the content of the Strategic Assessment, including the priorities for 2023-24. Members Approved the draft Business Plan, including the priorities and plans for 2023-28.**

**Proposed: Mr Goldson**

**Seconded: Cllr Skinner**

**All Agreed**

#### **EIFCA23/09 Item 9: Wash Cockle & Mussel mortality Study**

SMSO Jessop reminded members that since 2008 cockle stocks had been suffering from high mortality rates, with mussels encountering similar mortality rates since 2010. The impact of which was changing the face of the Wash fisheries. EIFCA Officers had endeavoured to find the source of the mortality by investigating a variety of parasites and food availability rates, but nothing had conclusively shown the cause of the increased mortality. Consequently CEFAS and EIFCA began a joint project in 2020.

Anna Tidy from CEFAS provided Members with a presentation on the findings of the joint project. In summary the result of the project was

the presence of a parasite named Morteilia in the connective tissue and gills of the cockles. It was not possible to determine how long the parasite had been present in the Wash or where it had come from. The same parasite had been identified in cockles on the Welsh coast. It was suggested further project work could concentrate on the connection between ageing and cockle mortality as well as testing any archive cockle samples for presence of the parasite.

Cllr Skinner expressed concern that the parasite might be coming into the Wash on vessels, as well as why it had taken 6 years to get to this point or what the way forward would be.

Ms Tidy advised that at this time the prevalence of the parasite in other species in the Wash was not known, nor was the distribution around the rest of the coast. Ms Tidy advised she could not provide answers on how to get rid of the parasite, it appeared to be present and established indicating there was not a lot that could be done, although it may be possible to work out the stresses which trigger the higher mortality and try to avoid them, hopefully testing more samples would establish the best resilience.

Mr Williamson questioned whether cockles containing the parasite were safe to eat, it was thought that as the cockles are processed prior to eating they should be safe.

Mr Doughty enquired whether the parasite was the cause of the mortality or if the parasite was taking advantage of already weak cockles. Ms Tidy could confirm the parasite was weakening the cockle but could not say it was the only cause. This led Mr Doughty to question why the Authority had not made a decision to clear the sands in order to prevent the parasite spreading and before any more stocks were lost, he felt at the first sign of die off a bed should be cleared.

SMSO Jessop advised that over the last decade attempts had been made to target cockles most likely to suffer mortality, unfortunately the effect of taking all those cockles likely to die off was that the fishery was made up of smaller cockles and taking all those susceptible to die off would render the fishery unsustainable.

Cllr Coupland questioned what strength CEFAS had on a national level, would they be able to push forward for a solution? Ms Tidy advised the next step would be to gather wider evidence to get a bigger picture of where the parasite may have come from and a plan of action, unfortunately the process would take time.

Cllr Skinner enquired whether there was a resistant strain of cockle which could be put on small beds and the mortality monitored, or would moving cockle around be beneficial, he felt it was important to find a solution instead of sitting back.

Mr Bagley thought maybe there should be a different management plan that took more of the stock from the fishery in an attempt to keep on top of the disease, he questioned that holding onto stock could mean holding onto the parasite. SMSO Jessop felt that taking more stock would lead to problems in future years as there would be no stock.

Mr Williamson suggested taking drastic action, if the stock was completely fished out and there was no fishery for 2 years at least

action would have been taken, he felt action was need now not later. The CEO acknowledged the desire for action but felt it needed to be given careful thought and doubted that there was a simple solution. Mr Davies questioned whether water temperature could be a factor in the parasite growth and whether stress from ridging out could make the cockle more susceptible to the parasite, maybe fishing out some beds to a thin amount could be done to monitor the effect.

Mr Garnett advised members that in the 1990s he understood that a similar problem had been encountered in Spain, it would be interesting to know what happened that sorted out their issue. He was uncertain fishing out would eradicate the parasite, he felt it would be prudent to find a way to manage the problem rather than eradicate the cockles, such as removing the cockles before they reach the size when they were most likely to die off.

SMSO Jessop suggested it might be worth checking other species for the parasite, also whether it was in the water all the time or just at certain times of the year, but it would not be a quick fix.

Members continued in-depth discussion into the potential options to eradicate the problem and why it had taken 10 years to get this far with only two years' worth of samples having been tested.

Members were then provided with a presentation into the mussel mortality and the potentially declining mussel stocks. The conclusion was the presence of the Haplosporidium was having an impact.

There was discussion on whether the mussels were weakened as a result of food shortage or whether the haplosporidium was weakening the energy cell and whether further work could be done on a previous trial which involved spreading shell on sands to encourage growth. It was also questioned whether there was any data linking making seas cleaner or the change in environment that was affecting the strength of mussels.

The CEO advised that it was intended to hold a workshop with industry to discuss both the cockle and mussel fisheries. Because of the relevance of the Cefas study it had been decided to await the Cefas report before making arrangements.

*At this point three Industry Representatives were permitted 5 minutes each to put across their views.*

Mr Lines questioned whether CEFAS should be considered a Centre of Excellence when they hadn't originally found the parasite in 2009 but were able to identify it now. Ms Tidy advised methodology and technology had changed since 2009.

Mr Lines went on to state that science had not found the answer to the problems in the Wash, and they needed to be addressed, he noted the Le Strange fishery, which employed suction dredging as the fishing method, seemed to be healthy he suggested there was some

underlying issue that needed to be identified, without answers there would be a lot of people unemployed.

Mr W Brewster asked if Le Strange had been included in the study and was water temperature taken into account. He observed that atypical mortality didn't appear to be happening in the Le Strange fishery, which unlike the public fishery, used suction dredges. Mr Brewster felt EIFCA needed to work with the fishermen to find the solution, or there would be no work. He stated that 2015 had seen the largest spatfall in the Wash and EIFCA did nothing, he suggested mussel would benefit from being moved to lower ground where it would feed better, he added the experiment using cockle shell for mussels to settle on should have been continued, he believed farming mussel might be away to work round the problem. Mr Brewster believed no one had listened to the fishermen for the last 10 years, this was the last chance.

Ms Mummery stepped in for Mr Ken Bagley who had decided not to speak. It was Ms Mummery's belief that someone had failed, the industry needed something to fish for so they could feed their families. Something drastic needed to be done, Ministers needed to be lobbied and until the shellfish mess was sorted out fishermen needed to be given other species to target. Ms Mummery made the point that with food shortages in the UK fish were an important resource, she didn't want to hear about EIFCA getting a new boat, new employees or seaweed farms, if there was no fishing none of it would matter.

Mr Garnett advised members that the Le Strange fishery had experienced the same mortality as the rest of the Wash. He said that he had reported atypical cockle mortality at Heacham Beach (within the Le Strange private fishery) and at Wells- next-the-Sea to CEFAS. Mr Garnett said that he had supplied a sample of affected cockles from Heacham Beach to CEFAS who tested them and confirmed atypical cockle mortality as seen elsewhere in The Wash.

*NB Subsequent to the meeting it was identified that the information about sampling was not accurate, and Mr Garnett intends to rectify this at the 52<sup>nd</sup> meeting of the Authority.*

Mr Williamson questioned whether the parasite could be buried in the sands for long periods before resurfacing. Ms Tidy thought this unlikely as the parasite would need a living host.

Mr Goldson questioned what proposal was being put forward to address what EIFCA were going to do. The CEO advised the intention was to hold a workshop, it was clear there was a strength of feeling amongst the industry to get this problem resolved. However, there was a need to do due diligence and a number of challenges to be stepped through in the hope of finding something that would genuinely help.

**Members Agreed to note the content of the paper and CEFAS presentation.**

## **EIFCA23/10 Item 10: Wash Mussel Fishery 2023**

Members were reminded that EIFCA had to ensure conservation targets were met before opening a fishery, the suite of policies would be looked at in line with survey data to determine whether or not a fishery was possible.

SMSO Jessop provided members with the finding of the 2022 autumn inter-tidal mussel surveys in the Wash. A total of 19 beds and the Welland Wall had been surveyed, which indicated a total stock which when compared to the Conservation Target was not sufficient for a harvestable fishery. However, the possibility of a relaying fishery was not excluded, it was felt there was sufficient stock for a relaying fishery of 1147 tonnes.

Senior IFCA Godwin advised that whilst the WFO1992 had expired prior to the Cockle & Mussel byelaw coming into force, there was a mechanism in place to allow exemptions from the Closed Area Byelaw which would enable fishing should a relaying fishery be opened. Prior to making a decision the industry would be consulted on their views of the opening and licence conditions.

Mr Doughty questioned whether the seed taken from the fishery had to be re-laid onto lays or if it could be landed. When advised the seed had to be re-laid on to a lay as the intention of the fishery was to re-lay the seed and promote growth in the Wash, Mr Doughty questioned whether it could then be removed from a lay the day after it had been put down. Mr Doughty felt too much stock on a lay would encourage die off, and having to go back the next day was double the cost for fishers. The CEO reiterated the potential fishery was a relaying fishery and the intention was that the stock stayed within the Wash, whilst stock could theoretically be removed from a lay the next day that was not the intention of the fishery. Mr Doughty reaffirmed his thought that stock on the lay has no MLS and he did not believe you could stop them from being removed. Senior IFCA Godwin advised that mussels could be removed from lays because the relevant byelaw had an exemption therein with respect to mussel coming out of The Wash but that it was not the intention that they would be removed immediately, reiterating the view of the CEO.

### **Members Agreed to Note:**

- **the findings of the 2022 Autumn Mussel surveys and specifically that the Conservation Objective target for total mussel biomass had been achieved but the target for adult biomass had not:**
- **the proposed management measures for the fishery including the associated rationale and the mechanism for implementing management under the interim measures.**



**Members Resolved to Agree:**

- **subject to consultation, to open a re-laying mussel fishery with a maximum TAC of 1,147 tonnes;**
- **to delegate to the CEO in consultation with the Chair and Vice-Chair the ability to vary the TAC and / or the beds open to the fishery for both the dredged and hand-worked fishery based upon the outcome of consultation and if judged to be necessary during the period that the fishery was open;**
- **to delegate authority to the CEO in consultation with the Chair and Vice-Chair to introduce, vary or revoke flexible management measures referred to in Schedule 4 of the Wash Cockle and Mussel Byelaw 2021 to manage a mussel fishery in the event that the byelaw came into effect;**
- **to delegate authority to the CEO in consultation with the Chair and Vice-Chair to introduce, vary or revoke flexible management measures with less than 12 hours notice as may be required, in accordance with the provisions of the Wash Cockle and Mussel Byelaw 2021 should the byelaw come into effect;**
- **that the dredge and hand-worked relaying fisheries would close on 31<sup>st</sup> August 2023 or when the respective quotas were exhausted, whichever was the sooner.**

**Proposed: Mr Goldson**

**Seconded: Cllr Skinner**

**All Agreed**

**EIFCA23/11 Item 11: Wash Several Order Application Update**

This Agenda item was intended to update Members on the status of the application for a new Several Order in the Wash and associated issues.

Consultation during January and February had revealed lay holders had concerns over the long-term surety of holding a lay and therefore business continuity. Particular concern was the review of leases every 5 years and the requirement to meet certain criteria in order to retain a lay, there was also legal questions raised in relation to the Landlord and Tenant Act being applicable to lay leases. This matter had been investigated; early indications were that the Act did not apply but final legal advice was pending. Once this was received Officers would continue to progress the application.

However, having heard the concerns of the industry and the intimation that industry may seek to object during consultation it was felt it was in the interest of the Authority to provide a detailed Business Plan for Members to consider with regard to continuing to progress the Several Order application. It was the intention this would be prepared in time for the next Authority Meeting, so members were fully informed on the implications of such a Several Order.

Members discussed the historical nature of lays, the fact that some fishers based their business around stock on their lays, but also the difficulty in recent years to gather sufficient seed to stock a lay. One member felt the lack of stock on a lay should not be a determining factor in whether or not a lay should be retained, if it wasn't stocked it was felt it was doing no harm. The CEO explained that being the grantee of an Order placed a responsibility on the Authority to make sure lays were being used because they were severed from the public fishery. Mr Doughty felt lays should be available to encourage the spreading around of spat in the Wash, he felt lays were the last bastion of control fishers had and EIFCA were considering taking it away. Senior IFCO Godwin suggested if the lays were being used during the 5-year period there would be nothing to fear, and should the Authority decide not to pursue a Several Order fishers could look to take out their own Order as had been raised by Mr Doughty at the last Authority meeting.

*At this point Mr W Brewster was permitted to speak on behalf of the industry*

Mr Brewster questioned why EIFCA, with limited resources now wanted to spend time and money discussing something that had been in place since 1968. He felt lays had a positive impact bringing food into the Wash, the current negative impact was not down to the industry. He felt that rather than suggesting not replacing the Several Order EIFCA should be looking into ways of keeping them. The issue of a 5 year review he felt was not viable when it takes 3 years to grow mussels on, this was not conducive to a decent Business Plan, unfortunately those making the guidance had no experience of fisheries management.

Cllr Skinner felt the matter needed to be looked at properly, the industry needed support.

Mr Doughty felt it needed putting in perspective that the lay holdings amounted to only a tiny area compared to the rest of the Wash.

The CEO said that it was important that members were fully informed of the various issues relating to being the grantee of a several order, which included those identified in the paper. He said that it was obviously a balance and that there were many good reasons and benefits to industry in the Authority being the grantee of a several order and these would be reflected in the review, which was not being done with the sole intention of recommending that the application be discontinued.

The Chair advised Members no decision would be made immediately, and that there would be an opportunity for members to contribute at the Fisheries and Conservation Management Working Group.

**Members Agreed to note the content of the report.**

*At this point the meeting was halted to allow members a break (1320 hours)  
The meeting reconvened at (1405 hours)  
At this point both Cllr Coupland and Mr Bakewell left the meeting.*

## **EIFCA23/12 Item 12: Cromer Shoal MCZ Update**

Senior Marine Science Officer Stoutt gave members an insight into the vision for the Marine Conservation Zone, and an overview of potting in the area.

SMSO Stoutt reported that the impacts of potting on the MCZ have been assessed. The assessment found that current levels of potting were not considered to be hindering the conservation objectives of the site, but over the long term this could change. Adaptive Risk Management was the approach being taken in order to address potential future damage. Management measures would be implemented then reviewed at a later date through research and monitoring processes. NE had provided formal advice on the updated potting assessment in January 2023, which Officers explained to Members and advised of the EIFCA view on this advice: ultimately EIFCA intended to continue to work with the fishing industry, conservation interests, wider stakeholders, academia and Natural England to research, monitor and manage the fishery.

Ms Smith questioned how it was possible there would be no damage in the short term if the proposed byelaw took 2 years to put in place. SMSO Stoutt advised the assessment does not say there would be no damage in the short term, but that current levels of impact have been found not to be hindering conservation objectives. The assessment considered how communities were damaged and how long it took them to recover. ARM will allow us to evaluate the significance of damage from potting against natural erosion of chalk.

Mr Goldson was concerned that despite the fishery having existed for hundreds of years, with video evidence of pots being used on the beds, there was now a requirement to issue permits for vessels and set a maximum number of pots, he felt this was a total farce. The CEO advised that there were more vessels than that and quite a high number of pots. Ms Love advised that NE were concerned that over time the amount of damage from pots would build up and create a negative effect on the site, which was why precautionary legislation may be needed. Unfortunately Mr Goldson still felt there was no evidence of damage caused over the 100s of years the fishery had been in operation. Ms Love acknowledged that the figures used in terms of maximum number of pots fishing in the MCZ was a best estimate, but it was based on a count of the number of buoys at sea and estimated shank size per buoy. Mr Davies stated that it would not be possible to have the reported number of pots all on the rugged chalk at the same time.

The CEO advised that all Authority Members were decision makers. He acknowledged that work on the MCZ represented a significant effort and resource on the Authority, but EIFCA were doing what they could

to work with the industry and other stakeholders. The proposed byelaw was about providing regulatory support for adaptive risk management. Blue Marine had been approached to help with a study to assess the level of natural disturbance so that could be understood in the context of concerns over the level of damage caused by potting. However, there were a lot of moving parts to get into place to support the study.

Mr Goldson enquired whether EIFCA still had access to side scan cameras. The CEO advised that side scan surveys had been ongoing for the previous two years; time had been spent mapping the extent of the rugged chalk.

**Members Agreed to note the content of the report.**

### **EIFCA23/13 Item 13: Cromer Shoal Chalk Beds Byelaw 2023**

Project Officer Gurova presented Members with an outline of the case to introduce the proposed byelaw and what it was hoped to achieve, Members were also reminded that EIFCA had a statutory duty under MaCAA to ensure the conservation objectives of the MCZ.

During the course of the potting assessment it had been found that the risk to the site's conservation objectives from fishing gear, were not imminent but could not be ruled out in the long-term, which was why mitigation was required. To mitigate the risk an Adaptive Risk Management (ARM) approach was being taken, which NE were in agreement with. Initially some voluntary measures had been put in place with the support of industry but this was unlikely to be enough to address the level of risk to the site on its own which was why regulatory management was required, but in such a way that it was flexible enough to adapt to best available evidence in support of ARM.

In order to develop the proposed byelaw and to understand the impact to stakeholders, two phases of consultation had taken place. The proposed byelaw was a permitting byelaw made up of both substantive and flexible measures designed to enable adaptive management which would cover the area of the MCZ designation as well as the inshore area 200 metres from the shore which was not covered by the designation. Members were provided with a breakdown of the management measures within the proposed byelaw.

Having heard the presentation Mr Goldson felt Members were being asked to look at a byelaw with no evidence to back it up, not even evidence of how many pots were fishing, he did not wish to support the byelaw and asked for it to be brought back when there was evidence to support it. Ms Love advised there was evidence and NE had provided evidence over the last 2 years, that showed damage was occurring. Ms Love added because of gaps in evidence NE had to advise to be precautionary.

*At this point the Chair asked members of the public to stop interjecting.*

Ms Smith advised there was evidence of 2 years' worth of damage as well as the survey in 2019 that identified damage caused by manmade interaction on the chalk. Mr Goldson requested an independent study by a university be carried out to get evidence in place.

The CEO advised that EIFCA had been advised by NE, which was supported by evidence and the byelaw was necessary to support ARM. Joint work with industry, NE and others had taken place for 2 years in what was a good working partnership. Importantly, ARM, supported by the byelaw, avoided the risk that closing areas to fishing might be the only alternative under a precautionary approach.

Mr Goldson questioned whether NE were advising or dictating and questioned what would happen if the byelaw was not progressed.

The CEO reminded members that NE were government statutory advisers and EIFCA were duty bound to take account of NE advice. Designation of MCZs were government policy.

Ms Love stated that without the proposed Byelaw, Natural England would find it very difficult to support the ARM process. Ms Smith noted the possibility of legal challenge if the byelaw was not made.

Further exchange took place about the management of fisheries and perceived lack of evidence. Mr Williamson asked Mr Davies, as a Cromer crab fisherman, if he could accept the proposed management measures, Mr Davies was happy to an extent but could see sense in some of the comments being made.

Ms Love was asked if she was happy with the proposals, the response was that yes NE would be happy as long as it followed what was proposed and it was not a case of waiting 5 years to get management measures in place.

The CEO advised members that he felt this proposal would provide a means of resolving the issue in partnership with EIFCA, NE and the Industry. The byelaw was just part of a jigsaw of things that needed to be in place to support ARM. He reminded members that as the site was designated as an MCZ the Authority should take account of the advice from Natural England and that if ARM was not possible then the Authority may need to be more precautionary and close areas of the fishery.

Question was then raised as to why an area outside the MCZ designation was going to be included in the byelaw. It was explained that this was for both logistical and administrative purposes as excluding the zone would make management measures difficult to enforce and understand. However, the Authority would maintain discretion over whether to introduce management in this area when specific measures were being introduced.

*At this point Cllr Chenery of Horsbrugh left the meeting.*

Mr Goldson reiterated he would like to see evidence produced by NE to see what damage there was, if any. He proposed an alternative recommendation to those put forward in the papers.

**Mr Goldson proposed that NE bring evidence which backed their advice and a survey of the damage be carried out and all other recommendations be rescinded.**

**Proposed: Mr Goldson**

**Seconded: Mr Bagley**

**Of those who could vote 3 were in favour and 4 against, the motion failed.**

Members then considered the recommendations included in the papers.

**Members Resolved to:**

- **note the contents of the report, including the justification for making the byelaw, the identified impacts on stakeholders and the feedback received from such stakeholders.**
- **Agree to make the Cromer Shoal Chalk Beds Byelaw 2023.**
- **Direct Officers to undertake formal consultation on the byelaw and impact assessment and to present the results and any recommended changes to the Byelaw at a subsequent Authority meeting.**
- **Agree to delegate authority to the CEO to make amendments to the byelaw which did not significantly alter its intended effects.**

**Proposed: Ms Smith**

**Seconded: Cllr Back**

**4 votes in favour**

**3 against, the motion was carried.**

#### **EIFCA23/14 Item 14: Crab & Lobster Byelaw 2023**

Members were provided with an overview of the proposed byelaw along with an explanation of why it was felt it was prudent to put all the crab and lobster byelaws inherited from ESFJC in to one all-encompassing byelaw. During discussions with Industry it had become apparent that there were different views on the amendment to the current byelaw which applied total prohibition to the use of edible crab as bait. It was felt there were some grounds for use of cooked offal from crab processing as bait, provided there was strict guidance in place which prevented the use of undersize or soft-shelled crab and recreational fishers would need to provide evidence of their source of bait.

There was questioning about how EIFCA would be able to police recreational fishers and whether EIFCA had the resources to cover the district and Senior IFCO Godwin advised that engagement and enforcement of recreational fishing was already factored into the Enforcement Plan. Mr Davies did not see a problem with using cooked offal for bait in a commercial capacity.

**Members Resolved to:**

- **Note the contents of the report, including the review of the inherited byelaws, outputs from the associated informal consultation and the potential impacts on fishery stakeholders.**
- **Agree to make the Crab and Lobster Byelaw 2023.**
- **Direct officers to undertake a formal consultation with respect to the byelaw.**
- **Agree to delegate authority to the CEO to make amendments to the byelaw which did not significantly alter its intended effects.**

**Proposed: Cllr Back**

**Seconded: Ms Smith**

**Agreed by all those able to vote.**

**EIFCA23/15 Item 15: Review EIFCA Constitution and Standing Orders**

Members were advised some changes had been put in place to take account of the retirement of the Head of Finance & HR. There were also changes to take account of the newly formed Wash Fisheries Sub-Committee and the Wash Appeals Sub-Committee, and the number of members required to ensure a meeting was quorate. There were also some changes to the scheme of delegations to enable business continuity. All changes had been verified by NPLaw in advance of being put to members.

**Members Resolved to Agree to the proposed changes to the Constitution and Standing Orders.**

**Proposed: Cllr Back**

**Seconded: Mr Garnett**

**All Agreed.**

Following this vote the Mr Doughty asked if it was sensible for the CEO to also act as Clerk to the Authority. The CEO advised that when the IFCA was established there had been a separate Clerk but when they resigned the role was taken on by the then CEO. It was noted that previously, as a Sea Fisheries Committee, the title had been Clerk and CFO, it was a standard model amongst IFCAs as it was considered completely appropriate for one person to “wear two hats”. Mr Goldson confirmed it was fully recognised in the wider field that a CEO could advise the Committee on clerking matters. The Chair believed it was similar to Council members acting as Authority Members and not County Councillors when they sat on EIFCA.

## **EIFCA23/16 Item 16: Quarterly Review of Annual Priorities and Risk Register**

The paper was provided to set out priorities for the rest of the year and to reflect the perceived risks to the Authority. It had been updated since the last quarter.

**Members Agreed to note the content of the report.**

## **EIFCA23/17 Item 17: CEO Update**

The CEO advised members that Fisheries Management Plans were progressing, IFCAs had been asked to be the lead for the Cocker FMP, whilst this was an additional workload it was hard to turn it down as three IFCAs had substantial cockle fisheries and were best placed to lead on the FMP. The proposal was being considered under the auspices of the Association of IFCAs.

Members were provided with a selection of pictures showing progress of the new vessel build, anticipated delivery date was summer 2023. Whilst a name had yet to be decided the CEO suggested following on from previous vessels the new one could be named Protector IV. Members agreed they would like a naming ceremony. It was noted Three Counties would be marketed in the near future.

**Members Agreed to note the verbal report.**

## **EIFCA23/18 Item 18: Head of Operations Update**

Marine Protection Updates had been circulated to members on a monthly basis.

Marine Science Team paper provided information on workstreams being carried out across the Science Team including work to make the cockle HRA for flexible and EHO monitoring continuing.

**Members Agreed to note the content of the report.**

## **EIFCA23/19 Item 19: Any Other Business**

The CEO read a letter which had been sent to the MMO regarding the Cromer Shoal Chalk Bed Byelaw. He advised the content would be used during the consultation process.

There being no other business the Chair thanked members for attending, the meeting closed at 1650 hours.