

**NWIFCA Quarterly Meeting
17th March 2017: 11.00 a.m.**

**AGENDA
ITEM NO.
10**

CHIEF EXECUTIVE REPORT

Purpose of Report: Information

Recommendations:

1. **Receive the report**
2. **Endorse the AIFCA report at Annex B**

Report for information covering

- I. **Personnel, Health and Safety**
- II. **National marine policy**
- III. **Association of IFCA**
- IV. **Legal advice: Shore access**

Personnel, Health and Safety

1. We welcome Alexandra Aitken to the science team from 1ST January 2017 replacing Belinda Vause. Alex has MSc in Marine Science from Newcastle and experience of shellfisheries working with Northumberland IFCA.
2. IFCO Alan Forster (crew Solway protector) is on extended sick leave. We wish him a full and quick recovery. As yet the timing of his return to work is unclear and his duties will be covered by other officers.
3. There have been no reportable H&S incidents this quarter. Updates to the H&S policy are included in the HOE report.

National Marine Policy

4. **Defra review of UK marine governance:** This commenced in 2015 and now ended inconclusively. No report will be published. See further notes under AIFCA below.
5. **A Defra transformation** project is now underway apparently focussed on making savings in agencies by reducing size, asset sharing and working in collaboration. At present it is not clear if the IFCA are included in this project.
6. **Defra regional 'Brexit' consultation meetings.** There will be 1 only in each IFCA District to be held in March-April. Whitehaven is the likely location for NW. No details yet of date, venue, agenda.
7. **Brexit fisheries team** has been set up in Defra. Discussions are confidential, Defra are sensitive about leaks.
8. **Expert group** to support Brexit team has also been set up to meet monthly. The 1st meeting in February was attended by AIFCA NFFO, NUTFA, Processing sector, Wildlife Link. No papers yet available.

9. Dr Stephen Bolt (CEO AIFCA) reported the following from the first meeting:
 - I. Defra have short timescale to address fisheries. May not complete in 2 years before leaving EU. May use the annual EU fisheries meetings to negotiate;
 - II. Consultations likely to be limited. We are assured IFCA's will be engaged but there must be doubt over this;
 - III. Access (both to fishing grounds and to markets) are crucial;
 - IV. Quota is critical;
 - V. Despite being economically very small, Fishing is ranked medium priority in Brexit negotiations because it is politically sensitive as an indicator of Brexit success so punches above its weight.
10. **Expected EU policy aim:** To Lock UK into continuing CFP. UK market access to be exchanged for EU vessels having fishing access to UK waters. UK Fishing organizations are concerned that continuing CFP will be built into the 'great repeal bill' with little change post Brexit.
11. **National Federation of Fishing Organizations (NFFO)** wish to retain the quota system made fairer. But NFFO members own a large proportion of quota. NFFO support recovery of the UK 12 mile zone for UK vessels with little access for EU vessels and free UK-EU trade in fisheries products.
12. **Fishing for Leave (FFL):** Proposals include removal of the U10 fleet from quota restrictions and managing with effort and gear restrictions. FFL are campaigning for all with an interest in fishing to lobby MPS for withdrawal from the 1964 London Convention (predates UK membership of EU) which sets existing access arrangements giving EU vessels rights to fishing UK waters. However, some doubt the legal status of this convention. FFL proposals are set out in detail in a new large policy publication for sale at: <http://ffl.org.uk/product/the-brex-it-textbook-on-fisheries/> which covers constitutional issues, future UK management of fisheries and the extent of the loss of fisheries from the UK which has resulted from the CFP.

Association of IFCA

13. Annex A is the agenda for the Association meeting on 7th March and summary notes of the December meeting. The meeting was attended by Chairman. Outcomes will be reported verbally.
14. A special meeting of the Chief Officer Group was held in York on 8th – 9th February to consider possible changes to the future role and remit of IFCA arising from the Defra work on marine governance and Brexit.
15. Following the meeting discussions were distilled into a paper at Annex B which was discussed at the Association on 7th March. The paper was adopted with minor amendments. An updated version may be available by 17th March to be tabled. Comments and endorsement of the paper from IFCA members are invited. Comments may be sent by email to the Association CEO Stephen Bolt Stephen@association-ifca.org.uk or via the NWIFCA CEO. Postal contact details are available if required.
16. The paper seeks to show the past success of the IFCA model and its potential for an increased role in marine management in the future. Following discussion of the paper, the Association resolved to try to set up separate bilateral meetings with Defra and MMO to discuss Brexit issues, possible future UK fisheries management structures and the likely future of IFCA.

17. As everyone is fully aware everything remains uncertain at this stage. The seismic shifts in policy taking place at agency, department and national government level not just in the UK, mean that it is unlikely that IFCA will remain unchanged through the Brexit process. Options can be foreseen ranging from the expansion of IFCA with a wider role and remit in management of the marine environment to their abolition with a more centralized marine and fisheries management structure.

Legal Advice: Shore Access

18. Legal advice that the proposed dredge byelaw does not need a reference to landowner's rights was received at the 9th December meeting. This led to a further question as to whether the Authority requires landowner consent to take vehicles on private foreshore land to carry out compliance and scientific functions. Legal advice received is as follows:
 - a. Use of vehicles by the authority and by fishermen on the foreshore (and indeed on private land generally raises a number of issues without straightforward answers. A comprehensive answer would involve extensive research through legislation and case law which, while interesting, would be expensive and may be more than the Authority needs in the absence of a specific challenge to its use of vehicles on the foreshore.
 - b. So far as Authority vehicles are concerned, the contents of the powers in MACAA, including those of hot pursuit of vehicles, necessarily imply to me the power to follow a vehicle wherever it is driven, including on the foreshore and private land generally. Where it would not be consistent with health and safety for officers to be deployed on the foreshore without a vehicle, I think that the use by them of an authority vehicle on the foreshore also must be necessarily implied.
 - c. So in brief, I consider the power to deploy a vehicle on the foreshore in connection with the functions of the IFCA is at least implicit in the framework of MACAA, and in particular circumstances this will also apply to private land other than the foreshore. As to the use of other vehicles on the foreshore, that is a civil matter between the landowner and fishermen concerned, with the power to pursue offences under the Road Traffic Regulation Act 1984 being in the police, not the authority.
19. In the light of this advice, CEO recommends that the Authority does not need to incur further expense by investigating the position further at this time.

CEO duties and Meetings this quarter

20. CEO main tasks:
 - a. Financial management
 - b. Personnel management
 - c. Communications
 - d. Vessel procurement
 - e. Dredge byelaw
 - f. Chief Officers group and Association of IFCA
 - g. Annual plan
 - h. Standing Orders

21. Meetings

5 th December	Enforcement team
6 th December	AIFCA Members and Directors
9 th December	NWIFCA
12 th December	MMO re dredge byelaw
	Vessel tender evaluation
13 th December	Chairman's Committee. MMO appointee reviews
17 th January	IFCA Chief Officers Group
1 st February	MMO NW liaison
2 nd February	EA NW liaison
7 th February	TSB
8 th -9 th February	Chief Officers re Defra transformation and Brexit aims
13 th February	MMO re dredge byelaw
15 th February	Enforcement Team
7 th March	AIFCA members and Directors

CEO
9th March 2017

The Association of IFCAs Members' Forum Meeting 7th March 2017
DEFRA, Nobel House,

AGENDA

Attendance expected: Chair: John Lamb CEO: Stephen Bolt

Al Brown, Les Weller, Paul Whomersley, , Nigel Peters, David McCandless, Julian Gregory, Anthony Markley, Tim Dapling, Will Wright, Robert Arckless, Samantha Davis, Les Weller.

Minutes: AIFCA Clerk Sally Standing

Visitors: Defra: Angela Moffat for Defra Group Transformation Update and Rachel Muckle for 25-year Environmental Plan and Marine Pioneer Project updates; MMO: Phil Haslam (EMFF delivery)

Apologies for absence: Carri Nicholson, Mike Hardy, Stephen Atkins, Tim Robbins, Elaine Hayes, Rob Clark

1) **Minutes of the last Association meeting 6th December 2016**

Matters arising not on the agenda

2) **Annual appointment of Chair and Vice Chair**

3) **CEO report**

- Third quarter finance report
- Chief Officers Group "Inshore fisheries management in England - future considerations" paper – Paper to follow
- Association Annual Plan 2017/18 (incorporating TOR)
- Proposals for a wider Association Members Forum meeting June 2017
- Fairer funding review
- Brexit external fisheries advisory group and regional meetings.
- Seafish Domestic Aquaculture Advisory Committee (SDAAC)
- Natural England displacement project

4) **Defra Updates – TBC**

5) **MMO Update – TBC**

6) **Natural England - TBC**

7) Date of next Members Forum Meeting Tuesday 6th June 2017

8) AOB

Notes of meeting (SMA)

Attendance: Chairman: (Cllr John Lamb) CEO: (Stephen Bolt) Sussex (Nigel Peters, Tim Dapling), Southern (Rob Clark), NW (Stephen Atkins Anthony Markley) Northumberland (Mike Hardy Les Weller), Isles of Scilly (Steve Watts, Paul Whormersley), Eastern (Julian Gregory), Kent and Essex (Will Wright), North Eastern (David McCandless), Minutes: AIFCA Clerk (Sally Standing)

Defra: (Angela Moffat, Neil Hornsby, Anne Freeman, Sonia Phippard, Rachel Muckle) MMO: Phil Haslam

Apologies: Elaine Hayes Tim Robbins (Devon & Severn), Tony Tomlinson, Samantha Davis (Cornwall), Carri Nicholson (NEIFCA), Robert Arckless (Northumberland) Tony Goldson, Andrew Guy.

1) **Minutes of AIFCA September 27th 2016**

MMO Appointments: review process has started. MMO and IFCAs will seek to improve this process as more transparency is required. No timeline confirmed at present.

MPA reporting –Quarterly report has been sent out but one more quarterly report will be needed to coincide with the end of 2016 deadline. AIFCA plan “glossy” report on MPAs with overview of progress and challenges delivered including double page section for each IFCa. Defra, NE and MMO could also have sections.

25 Year Plan –Draft plan not yet released for circulation. See update from Rachel Muckle below. AIFCA will be on steering group. IFCAs now not required to lead ‘Pioneer’ projects. MMO had taken over project management of the two projects. Devon and Severn and Eastern IFCAs will maintain input.

Defra Transformation Group – AIFCA is on the working group with MMO and others. As part of the Marine review, there were workstreams involving IFCA Chief Officers but Review now subsumed into the Defra transformation programme and these groups no longer required. **Action AIFCA to ask Defra if groups will be re-instated as considered important by IFCA.**

MMO to issue revised guidance on Cross Warranting. After doubts expressed in 2015, MMO’s QC and Parliamentary Counsel now consider cross warranting to be lawful and low risk. National Enforcement Group (NIMEG) suggest IFCAs continue to use cross-warranting powers at their discretion pending the introduction of a new SI. There is no appetite to engage in further debate on this given protracted discussions to date. (NB NWIFCA does not have cross warranting arrangements in place but plan to consider with EA if it should be used.

Item 9) EMFF **Vessel Funding.** Total EMFF budget is £400K which is too small to make significant contributions to all the IFCA vessel projects being considered. (For NWIFCA the timing of available funding does not fit with our procurement timescale so no application is being considered).

IVMS Funding – recommendation to Minister expected within a month for national SI with EMFF funding.

Select Committee evidence: AIFCA and Defra evidence given to Environment Audit Committee on MPAs. Evidence published on the EAC website at: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/environmental-audit-committee/inquiries/parliament-2015/marine-protected-areas-revisited-16-17/>

Defra had received FOI request for the AIFCA evidence which will be provided.

2) **MMO Update:** Phil Haslam reported that he is now Director of Operations. He supports increased IFCA/MMO collaboration and joint working. Further accommodation and asset sharing is being considered. No proposals have been advanced for NW. Mr. Haslam thanked IFCAs for commitment to intelligence training being rolled out nationally. He wants increased joint working on vessels and asked the IFCAs for proposals. COG to provide a response.

3) **Defra Updates –**

- a. **Sonia Phippard:** Brexit; Defra are looking at structures and workloads across Defra.
- b. **Angela Moffat:** Marine Review. Slides circulated after the meeting. Stage 1 was completed July 2016 but report not published. 7 'fertile areas' were identified now being explored in Defra transformation project. IFCA input to continue via AIFCA.
- c. **Rachel Muckle – 25-Year Environmental Plan & Pioneer Projects.** Will speak to all IFCA. EU exit will create opportunities. Would welcome ideas from the IFCAs. Four objectives of marine pioneer projects:

- Clear governance of the projects
- Clear evidence base – Natural Capital Approach
- Novel approaches to funding – investment
- Connecting with Nature – stakeholder engagement

4) **AIFCA CEO Report / Update**

As previously agreed additional costs were incurred this financial year from reserves for the insurance of capital equipment, legal advice, and publications of the Association booklet. Proposed standstill budget for 2017/18 with increased risk of modest reserve drawdown. Agreed.

RC requested plan for Devon & Severn issues. An extraordinary meeting with D&S may be needed. Southern to address this.

Second quarter finance report: £1600 invoice from D&S for boat time part of the iVMS type specification project (separate budget as in CEO report). The asset register included capital equipment being depreciated at 25% per year. Agreement reached on capital equipment maintenance and insurance.

Date of next meeting – Tuesday 7th March 2017

Opportunities for Inshore Fisheries and Marine Environment: Future Management in England

This policy paper outlines the Inshore Fisheries and Conservation Authority's (IFCAs) collective recommendations for inshore fisheries management reform following the EU referendum and subsequent negotiations. As existing inshore fisheries managers for English coastal waters, IFCA's are well placed to highlight and identify opportunities for reform, development and enhancement of the fisheries resources, the commercial industry and the marine environment.

Overview

- i. The implications of the UK leaving the European Union presents numerous challenges and risks for the United Kingdom. Despite this, it represents an unprecedented opportunity to determine the future for inshore fisheries, the marine environment and its management within England; to create globally some of the most productive and socially economically sustainable fisheries within a healthy and biologically diverse marine environment, managed through locally accountable community focussed bodies.
- ii. Through recent domestic legislation (Marine & Coastal Access Act 2009) and following a century of development and learning the UK Government established a system of regional inshore management through the development of Inshore Fisheries and Conservation Authorities (IFCAs). An opportunity exists to build upon current foundations and the regional management model presently in operation throughout English inshore waters, expanding their remit to the 12nm boundary and incorporating appropriate partner duties to develop IFCAs into a more efficient and economical regional inshore managers.
- iii. Since taking on their management functions in 2011 the IFCAs have established a successful track record of implementation and delivery of tailored fisheries management and marine environmental solutions, promoting sustainable access to resources, increasing opportunities for local fishermen, whilst maximising economic and social potential. This has been achieved in the context of broad stakeholder engagement at a local level and well developed consultation processes.
- iv. The regional IFCA model has demonstrated its capability of supporting and implementing national policy and priority workstreams in both fisheries and marine environmental protection, effectively and efficiently delivered through collective action, for example delivery of the revised approach to European Marine Site management, demonstrating that regional management systems can remain effective on a national scale.

General Principles

- v. Where feasible, fisheries and environmental marine management should be developed and operationalised at an appropriate scale, enabling community participation, transparent governance and the opportunity to influence decision structures. The existing governance structures within IFCAs demonstrate that proportionate representation by commercial fishers and the development of specialist industry working groups can lead to the introduction of effective tailored management maximising potential of the industry.
- vi. The guiding principles of sustainable stocks, reference points, MSY targets and protection of vulnerable habitats and species from damaging activities are recognised, valued and embedded in management action. Sound evidence should remain at the heart of management decisions and be scaled accorded to needs such that mobile and transboundary stocks remain well managed and localised stocks are afforded detailed management.
- vii. Natural Capital and the principles of ecosystem management should underpin and be central to the future direction of regional fisheries and marine environmental management.

Where possible, this should ensure that the long term maximum socio economic benefits are realised from the marine environment and the fisheries it supports.

- viii. Fisheries resources should be allocated with consideration of socio-economic, economic and environmental factors, whilst realising the potential of natural capital and supporting blue growth. Protection for vulnerable inshore fishing communities with limited fishing opportunities should be prioritised and promoted.

Models for delivery

- ix. English coastal waters are amongst the most productive, diverse, intensively used and complex to manage in the world. These support a wide range of commercial industries and recreational users encompassing substantial European, national and local inshore fisheries concerns.
- x. Regionalised governance and tailored management solutions are internationally recognised as supporting more productive and effective inshore management solutions than through a single centralised approach or by multi-national governance structures over large sea areas that encompass both inshore and offshore areas.
- xi. The existing IFCA localised governance structure and decision making model encompasses representation from a wide range of local stakeholders and sectors, providing tangible accountability for management decisions. The governance system is transparent, accessible and answerable to the local community.
- xii. Local stakeholder participation in governance structures has been demonstrated to provide bespoke guidance and the identification of opportunities to tailor regional management. This places responsibility and decision making at the correct local level to promote effective action for the environment, society and economy.
- xiii. The unique and diverse nature of the current IFCA funding structure supports localised democratic accountability and contributes to the English national marine capacity through the deployment of locally owned assets and workforces. The regional model has been shown to be cost-effective and efficient in consideration of our delivery of fisheries and marine environmental management and wider national enforcement responsibilities.
- xiv. The regulatory framework supporting the regional model affords significant agility for the implementation of immediate management responses providing a unique capacity to address emergent issues and to tailor actions precisely to them.
- xv. IFCAs have demonstrated that effective partnerships and collaboration can be developed with statutory partners, NGO's, academia and the fishing industry. Opportunities exist for the IFCAs as inshore managers to develop and expand these partnerships, playing a greater role in coordinating statutory enforcement, management research and monitoring duties in inshore waters, which could avoid unnecessary duplication of effort and prove considerably more cost-effective than existing practices.

Boundaries and Responsibilities

- xvi. Community relationships with existing IFCA boundaries are generally characterised by natural divisions which allow for management on a cohesive and effective regional scale.
- xvii. Offshore boundary realignment of the existing IFCA model could maximise the economic potential of fisheries resources whilst supporting the wider implementation of sustainable fisheries management and marine conservation plans. The IFCAs have unanimously agreed in principle, that they have the potential to encompass the 6nm to 12nm region. This would be subject to appropriate strengthening and resourcing, but could deliver a significantly more cost effective and efficient overall inshore management service.

Wider Considerations

- xviii. The successful assessment process developed and implemented during the review of commercial fisheries management in Europe Marine Sites could be extended to incorporate additional offshore MPAs, providing a more cohesive approach to the review and management of these sites through the expansion of the IFCA model to the 12nm boundary.
- xix. Monitoring and compliance responsibilities could be more cost effectively delivered through full incorporation into an expanded IFCA regional management model. This would remove unnecessary duplication of responsibilities, supporting more efficient deployment of resources and strengthen national enforcement capacity. Overlapping enforcement duties with the Marine Management Organisation and Environment Agency could be incorporated into the IFCA model as lead inshore fisheries managers within the 12nm, delivering more cost-effective and efficient enforcement, whilst maintaining existing service levels.
- xx. The continual renewal and enhancement of the IFCA fleet has generated numerous offshore assets strategically placed throughout the English coastline. Opportunities exist for closer collaboration with appropriate partner agencies such as the Environment Agency and Natural England, where offshore components of the WFD, MSFD and MPA condition assessments could be more efficiently co-ordinated and cost effectively delivered.
- xxi. Opportunities exist within fisheries reform for the reallocation of fisheries resources, maximising the economic and socio-economic benefits as well as the viability of the English inshore fishing fleet through improved diversification and access options within territorial waters and beyond. The implementation of the CFP by the UK government has negatively impacted the inshore fleet; limiting access options, reducing diversification opportunities and has concentrated effort on non-TAC species such as shellfish. IFCA's could be well placed to adopt management of the under 10m fleet within 12nm in a reformed system, where tailored regional management solutions could maximise economic and socio-economic potential.

Association Discussions Components

i. Formal adoption of the policy paper.

Policy Paper Key Points:

- a) The overlapping responsibilities between the partner enforcement agencies and IFCA's should be addressed during management reform.
- b) IFCA's are capable of extending their regional management model to the 12nm boundary, subject to resource provision.
- c) Marine protected area management within the 12nm could be more effectively and consistently delivered through the IFCA regional management model with tailored management solutions.
- d) Opportunities exist for IFCA's to influence the allocation of whitefish resources to maximise economic and socio-economic potential through tailored regional solutions.
- e) IFCA's need to increase their presence and engagement in Brexit discussions at high level Government.

ii. Next Steps

- a) Formal delegation to an IFCA Brexit delivery team.
- b) Support for meetings with key partners to discuss policy paper; DEFRA, MMO, NE, NFFO.
- c) Development of fully costed appraisal document.
- d) Develop a stakeholder engagement plan on future IFCA functions.