



3rd Transition Meeting

To be held at:

**The Boathouse Business Centre
1 Harbour Square, Nene Parade,
Wisbech, Cambs PE13 3BH**

**2nd February 2011
1030 hours**

Meeting: EIFCA 3rd Transition Meeting
Date: 2nd February 2011
Time: 10:30hrs
Venue: The Boathouse Business Centre,
1 Harbour Square, Nene Parade,
Wisbech, Cambridgeshire, PE13 3BH



"Eastern Inshore Fisheries and Conservation Authority 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."

Agenda

- 1 Welcome by the Chair
- 2 To note apologies for absence
- 3 Declaration of members' interests

Action items

- 4 To receive and approve as a true record, minutes of the 2nd EIFCA Transition Meeting, held on 1st December 2010
- 5 Matters arising
- 6 To receive a presentation and report on the proposal that the Authority hosts the Wash Estuary Strategy Group employees
- 7 To receive a report on the establishment and membership of the Authority's sub-committees
- 8 To receive and approve the provisional budget for 2011/2012
- 9 To receive the draft annual plan 2011/2012

Any other business

- 10 To consider any other items, which the Chairman is of the opinion are Matters of Urgency by reason of special circumstances, which must be specified

Matthew Mander
Chief Executive Officer
19th January 2011

2nd Transition Meeting Minutes

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



The second meeting of the Eastern Inshore Fisheries & Conservation Authority took place in The Boathouse Business Centre, Wisbech, on Wednesday 1st December 2010 at 1030 hrs.

Members Present:

Mr S Bagley	MMO Appointee
Dr S Bolt	MMO Appointee
Cllr T Goldson	Suffolk County Council
Mr N Lake	MMO Appointee
Mr C Morgan	MMO Appointee
Mr T Pinborough	MMO Appointee
Cllr K Sale	Suffolk County Council – EIFCA Chairman
Mr R Smith	MMO Appointee
Mr R Spray	MMO Appointee
Dr N Tomlinson	EA Representative
Mr K Vanstaen	MMO Appointee
Mr S Worrall	MMO Appointee

EIFCA Officers Present:

M R Mander	Chief Executive Officer
D Vaughan	Deputy Chief Executive Officer

ESFJC Representatives Present:

C M Hurley	Finance Officer
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Apologies for Absence:

Apologies for Absence were received from Councillors Callaby (NCC), Dobson (NCC), Thompson (NCC) and Messrs Barham (MMO Appointee) and Stipetic (MMO Representative).

No Lincolnshire County Councillors were present due to their cabinet not having sufficient time to select elected members to sit on the EIFCA.

Councillor Sale, introduced himself as Chairman, as he had been absent from the inaugural meeting in October.

EIFCA10/14 Declaration of Members Interests

Mr Vanstaen declared an interest in item 7 as it involved discussions relating to an MOU with Cefas, he was advised that as he was a Cefas representative Mr Vanstaen would be able to enter into discussion but would not be able to vote on this item.

EIFCA10/15 Minutes of the 1st EIFCA Transition Meeting, held on 11th October 2010

EIFCA10/6: Mr Worrall requested a copy of the final version of Standing Orders. The CEO advised that a members' information pack would be issued to all members and the Standing Orders would be included.

EIFCA10/9: Mr Pinborough enquired whether all members had returned their forms regarding declarations of interest. He was advised they had all been returned and would also be included in the members' welcome pack. Councillor Goldson queried whether this information would highlight members representing the commercial fishing sectors, the CEO confirmed this would be the case.

It was Resolved to accept the minutes as a true record of proceedings:

Proposed: Councillor Goldson

Seconded: Mr Morgan

All Agreed

EIFCA10/16 Matters Arising

Dr Bolt questioned whether the dates for 2011 would be included in the members pack. The CEO advised that they had been agreed at the previous meeting, but they could also be circulated with the members' pack. The next full EIFCA meeting would take place on 2nd February 2011, however there would be a need to call a further meeting sometime in January to refine the preliminary budget in order for it to be confirmed at the meeting in February.

EIFCA10/17 Proposal that the Authority hosts the Wash Estuary Strategy Group (WESG) employees

Members were advised that the WESG was a local partnership dealing with issues around the Wash and its hinterland. Amongst the 17 partners were Natural England, Norfolk County Council and Lincolnshire County Council (LCC). The group had run for 10 years with its aim being to ensure the protection of sustainable development, and the work of the organisation was well supported by local stakeholders.

LCC were the employing authority for the group but had indicated that at the end of the contract in February 2011 they did not wish to renew the contract. Consequently WESG needed to identify another body to act as the employing authority or would have to cease operating. ESFJC had been approached to take on the role. ESFJC already have experience of a similar arrangement with the WNNCEMS although the requirement would be slightly different as the WESG only wanted a body to be recognised as the employing authority, all day to day management would be provided by the WESG. No financial commitment was anticipated as WESG had sufficient funds available to run for a year regardless of funding restrictions. It was therefore the CEO's suggestion that ESFJC / EIFCA take on the role of employing authority for a period of one year, during which time the possibility of amalgamating the WESG, AONB and WNNCEMS was due to be considered.

Members expressed some concern as to why LCC were relinquishing the position, the CEO explained it was due to the contract ending and it would be reflected as relinquishing employment commitments. There was agreement in principle as working in partnership was considered to be the way forward particularly with financial restraints however, it was felt there should be an MoA to ensure any legal issues that may occur were covered. The CEO agreed there was a need to clarify the role that EIFCA would be taking on. The question of who would be responsible in the event of redundancy was raised, the CEO had been advised that there was sufficient funding available to cover such an eventuality, also

new contracts were due to run from 28th Feb 2011 and would only run for one year.

Having reached agreement in principle it was Resolved that a draft MoA should be prepared for the meeting in February to be considered by members, at the same meeting a short presentation should be given by members of the WESG.

Proposed: Dr Bolt

Seconded: Mr Worrall

All Agreed

EIFCA10/18 Proposed National Memorandums of Understanding between IFCA's and key partner organisations

The CEO emphasised to members the success or failure of IFCA's was partly down to their ability to work with other organisations. Members were provided with a paper which set out draft MOUs for four key organisations, Natural England, Cefas, Marine Management Organisation and Environment Agency. The MOUs set out the principles for working together. The importance of working with other IFCA's was also stressed. EIFCA were already demonstrating this by working with Kent & Essex IFCA and Sussex IFCA to pool resources to get a better package for the new website as well as creating standardisation across IFCA's. Members were asked to consider the draft MoUs and consider whether they felt more work was required or if they agreed with them in principle.

It was agreed that the format was acceptable however, it was noted that as they were national MoUs it would be beneficial to have local MoUs which would be more useful for the staff involved with names of local contacts etc.

Whilst it was agreed it would be necessary to work with neighbouring IFCA's due to the boundaries joint collaboration with IFCA's also gave cause for concern as each Authority set up was so different, some worked with sub-committees whilst others made all decisions through the full committee. It was felt a formal MoU would need to be devised which would provide a level of transparency.

The CEO informed members that Annexes to the national MoUs were proposed in order to set out the local working arrangements and commitments that flowed from adopting the national MoUs. Working on specific projects with Natural England was given as an example of what would be recorded in the annexes. Timelines would need to be set and assurance provided that each party was delivering their side of the agreement.

Mr Vanstaen felt it was vital for more detail to be included, he was aware that enforcing MCZs was part of the new role and was concerned how this could be done if the enforcement role was reduced, he also noted reference made to the AIFCA in the MoU's and a later reference that EIFCA may not subscribe to the Association. In line with this concern Mr Pinborough questioned what effect the change in legislation would have on the work of the Committee, what were the responsibilities of an IFCA, how would enforcement responsibilities change in the future? The CEO advised that intelligence led, targeted enforcement would be carried out by IFCA's meaning the day to day enforcement would have to change to meet the new criteria. However, he had not got full clarity on the extent of powers for IFCA Officers. Currently ESFJC Officers could enforce EU legislation but under current arrangements they would only be able to enforce local legislation when they became IFCA Officers.

Mr Worrall, remained adamant that effective MoU's needed a local process to set the ground rules, however he felt it would be better discussed by a sub-committee.

It was Resolved to receive the report and agree to the proposals, with a clearer understanding of roles and responsibilities being decided later.

Proposed: Mr Worrall
Seconded: Mr Spray
All Agreed

EIFCA10/19 Establishment and Membership of the Authority's Sub-Committee's

The CEO had reservations about setting membership of sub-committees when so many members had been prevented from coming due to the weather conditions. He felt this item should be deferred, with the exception of the Finance Sub-Committee as it would be necessary to hold a sub-committee meeting prior to the next EIFCA meeting.

Members were advised that past experience suggested a minimum of 9 members were required for a sub-committee, although 12 was more appropriate as there was a greater likelihood that one third of the members would be present - making the meeting quorate.

Mr Worrall felt the role of sub-committees was important and there was a need to discuss the remit to get the sub-committees right. He felt the Wash Management Sub-Committee should be modified or a new sub-committee formed to have a broader remit to look at all MPAs and environmental issues. Other sub-committee suggestions included:

Research & Development and Best Practice
Strategic Planning
Stakeholders & Communication Strategy

Before reaching a decision on sub-committees it was felt there was a need to have the EIFCA role better defined.

It was agreed there was a need to restructure the sub-committees, members were asked to email their views to the CEO by the end of the week, he would then email to all members a restructured list of sub-committees, with information on what their remit would be. Following this, members would be asked to respond with a list of any sub-committees they would like to be members of. The matter would then be discussed in more detail and membership agreed at the next EIFCA meeting.

The need to hold a Finance Sub-Committee during January meant membership needed to be decided. The proposed structure was 7 Local Authority Members and 5 others. With the exception of Local Authority members only one member volunteered to be a member, the CEO was therefore requested to email all members who were not present and ask if they would be prepared to sit on the sub-committee.

It was questioned whether each sub-committee needed a minimum number of Local Authority members to sit on it, it was noted this was not stated in the Standing Orders, and whilst it had been necessary for ESFJC to have a minimum number of elected members present to ensure sufficient membership with a right to vote was present, this scenario was not likely to occur for EIFCA.

It was Agreed the CEO would email a restructured list of sub-committee's to all members by 10th December 2010.

**Proposed: Councillor Goldson
Seconded: Councillor Sale
All Agreed**

EIFCA10/20 Exclusion of the Public

It was resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act

**Proposed: Councillor Goldson
Seconded: Councillor Sale**

Summary in Accordance with Section 100(C)(2) of the Local Government Act 1972

EIFCA10/21 Preliminary Provisional Budget for 2011/2012

The CEO gave a brief outline of the situation regarding advice received from the three County Councils and the need to reduce the current budget by 25% over a four year period. Members were advised there was a need to set a preliminary budget and the CEO needed to know whether members had any fundamental issues with the officers' proposals.

It was also noted that Defra had advised there was £3m annually for 4 years to be divided amongst the 10 IFCA's to assist in meeting new burdens under the Act, but not to support the Local Authority funding shortfalls.

It was noted that IFCA's were to operate differently to SFC's, in order to meet the requirements set out in the Act. Officers' interpretation of the new IFCA responsibilities had been included in the preparation of the budget report.

The CEO needed members to give a clear direction as to how they wished to proceed however the time scale was short as the budget needed to be presented at the meeting on 2nd February, 2011, from which the Annual Plan could be created and ready to present to Defra by the 31st March 2011.

The report had been prepared in two parts, one was to take into account restructuring to meet new duties and the requested 25% cut in funding, this set out where IFCA priorities differed to ESFJC.

The Officers' interpretation of how the IFCA role differed to that of ESFJC was explained to members, as was the process they had used to evaluate the staff structure based on perceived IFCA requirements, and to arrive at the conclusion that the HR and Technology requirements would be greater assets while enforcement requirements would be less.

The CEO explained that he believed the Government's intention behind the Marine and Coastal Access Act was to make IFCA's lead managers in the coastal marine environment and that Research, Environment and direct fisheries and conservation management were the priorities. He believed they would need to have a more flexible approach to

enforcement using technology such as VMS on vessels, and sharing resources of neighbouring IFCA's.

Members appreciated it had been a difficult task to prepare a provisional preliminary budget in the current financial climate. However, there was concern that the paper as set out did not leave sufficient resources available to meet the enforcement requirements of the MCZ process which would need significant monitoring.

There was also the belief that the suggestion to reduce the number of staff but place additional burdens on those remaining risked losing staff motivation. The CEO advised that through the process they were trying to address staff management, highlighting the importance of providing good training, having development plans and mechanisms to deal with poor performance. Members commented on the 'benchmark' element in the prepared report and advised it gave cause for concern. Mr Pinborough felt it would be wise to consult staff as not to do so could lower morale further.

Councillor Goldson felt a written request should be made for assurance that the New Burden Money would actually come to the IFCA's and not be used elsewhere.

Having read the paper and heard the discussion Mr Worrall felt to reduce the budget by 25% was a large task and the organisation structure and staff morale were big issues to consider. He did not feel it appropriate to rush in to a decision without being sure what the organisations needs in the future would be, particularly as the IFCA roles had not been clarified. He believed the workload needed to be identified so that objectives could be fed into the Annual Plan and then the required structure could be assessed, once this was decided it would be a mould for the future. He felt a working group would be better placed to understand the role, particularly as it would be a four year rolling package so it was not wise to rush into making cuts immediately without being sure that any reductions made or new resources bought in were the right ones. He did not believe there was sufficient information available to make any decisions, more detail and evidence of where to deploy resources was needed. If the available expertise was used it would be possible to put together a clearer vision of what the Association's remit would be, what Higher Level Objectives and Key Performance Indicators needed to be met and whether they could be achieved with the available budget. It was also felt that any changes to staff structure could be phased in and staff should not be made redundant on 1st April, in line with the start date of EIFCA. The DCEO advised it was necessary to instil in staff from the 1st April that it was a new organisation and it would be hard with the current staff to have a culture change, making it difficult to have highly motivated staff. Dr Bolt did not believe any assumptions should be made at this stage. Volunteers to make up a working group were requested, and the CEO was asked to email those members not present to enquire whether any of them would be prepared to take part.

It was Agreed a working group would be convened as soon as possible, the paper would be used as a basis for discussion at the meeting.

All Agreed

EIFCA10/22 Any other Business

The Chairman advised he and the CEO would be going to Westminster the following day to discuss issues raised by the commercial catching sector, a report would be made at the following meeting.

Mr Pinborough questioned why they were going as he thought it was a fundamental issue not to represent the commercial industry. The CEO advised it was to consider the possibility of different fisheries management approaches and what the potential IFCA role might be.

Mr Pinborough requested that the same commitment be extended to all other stakeholders on the Committee. The CEO responded that communication with all stakeholders was important and he believed the visit to Westminster was of benefit to all stakeholders for amongst other things the issue of discarding would be raised however, he reiterated that the Authority was not there to represent specific stakeholder groups.

There being no other business the meeting closed at 1325 hours.

3rd EIFCA TRANSITION MEETING

Agenda Item: 6

2nd February 2011

To receive a report on the proposal that the Authority hosts the Wash Estuary Strategy Group employees

Following the 2nd EIFCA transition meeting the CEO drafted a Memorandum of Agreement (MoA) between WESG and EIFCA. The MoA has been presented to the legal department of South Holland District Council. The conclusion was that, although a basic document, it was likely to be sufficient for the purpose of the one year arrangement between the two parties. The MoA was considered and agreed by WESG members at a meeting held on 20th January 2011.

The MoA sets out in greater detail the proposed relationship between the two organisations. It confirms the position that WESG will be responsible for the day to day management of staff and the running of the group. It sets out the limited EIFCA role and the agreed cost for additional support.

The Deputy CEO participated in the interview process for the WESG project officer. WESG have subsequently approved the conditional offer of appointment to the successful candidate. In line with the proposed MoA, WESG were charged £300 for the Deputy CEO's involvement. In addition to the project officer the current assistant project officer has agreed to remain in post and currently the CEO is involved in discussion to transfer the individual across from Lincolnshire County Council.

Discussions at the WESG meeting on 20th January 2011 confirmed that only one funding partner, Norfolk County Council (NCC) have yet to confirm financial support for the group during 2011/12. A decision is likely to be taken by NCC on 24th January 2011. Irrespective of NCC's decision, WESG are confident that there is sufficient reserves and current financial support to fund the salaries of WESG staff.

The proposals commit EIFCA to the employer's role for a maximum period of eleven months. Both the WESG and Core Management Group for the W&NNCEMS management scheme have agreed to revisit the tri-partnership (WESG, W&NNCEMS & Norfolk Coastal Partnership AONB) review reported in 2009. Any agreed merger between the groups will require a further review of the employment arrangements.

It is the officers' recommendation that the Authority should act as the employer from 1st April 2011 to 28th February 2012.

The Authority is asked to receive the report and agree to the recommendation.

Matthew Mander
Chief Executive Officer
21st January 2011

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

- 1) Tri-partnership (WESG, W&NNCEMS & AONB) review.
- 2) Proposed Memorandum of Agreement (enclosed).

Provision of Employment Services: Memorandum of Agreement

THIS MEMORANDUM OF AGREEMENT is made on:

Day: 1st

Month: April

Year: 2011

BETWEEN

- (1) Eastern Inshore Fisheries and Conservation Authority (EIFCA); and
- (2) Wash Estuary Strategy Group (WESG)

BACKGROUND

- (A) This memorandum of agreement concerns the employment of WESG staff by EIFCA
- (B) This memorandum of agreement sets out the principles which shall govern the relationship between (EIFCA) and the (WESG) including their respective obligations and rights.

IT IS AGREED as follows:

Definitions and Interpretation:

In this Memorandum, unless the context otherwise requires, a reference to:

“**Memorandum**” means this document, including all schedules hereto;

A “**Party**” means any Party to this Memorandum individually and “**Parties**” refers to all of the Parties to this Memorandum collectively. A Party shall include all permitted assigns of the Party in question;

The “**schedule**” is an integral part of this Memorandum and shall be interpreted accordingly.

1) Project Outlines and Principles of the Relationship

This Memorandum shall be effective from the date of its execution and shall continue thereafter for one year (28th February 2012) or until termination in accordance with paragraph 2.

2) Termination

Either Party may terminate the Memorandum by notice in writing giving six months notice at no liability to the other Party.

3) Variation

No variation of this Memorandum shall be valid unless it is in writing and signed by or on behalf of each of the Parties.

4) Successors and Assigns

The agreements reached between the parties pursuant to this Memorandum shall continue for the benefit of the Parties' successors and assigns.

A Party cannot assign, sub-contract or in any other way dispose of the Memorandum or any part of it to any person, firm or company without the prior written consent of the other Party.

5) Notices

Any notice or other communication required to be given under this Memorandum, shall be in writing and shall be delivered personally, or sent by pre-paid first-class post or recorded delivery or by commercial courier, to each Party required to receive the notice or communication as set out below:

Eastern Inshore Fisheries Conservation Authority: 6 North Lynn Business Village Bergen Way King's Lynn Norfolk PE30 2JG	and	Wash Estuary Strategy Group c/o South Holland Internal Drainage Board Marsh Reeves Foxes Low Road Holbeach Lincolnshire PE12 7PA
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or as otherwise specified by the relevant Party by notice in writing to each other Party.

6) Reconciliation of Disagreement

Any disagreements will normally be resolved amicably at working level. In the event of failure to reach consensus between the Parties then such failure shall be handled in the following manner:

The dispute shall in the first instance be referred to the Chief Executive Officer of EIFCA and the Chairman of WESG for resolution at a meeting to be arranged as soon as practicable after the failure to reach consensus arises, but in any event within ten working days.

If the dispute has not been resolved following a referral in accordance with the method described above the Parties shall settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure. Unless otherwise agreed between the Parties, the mediator will be nominated by CEDR.

7) Communication

The Chief Executive Officer of EIFCA and the Chairman of WESG will ensure that, as a minimum, every three months they are briefed on WESG matters and report back to their respective organisations.

8) Governing Law

This Memorandum and all disputes or claims arising out of or in connection with it shall be governed by and construed in accordance with the law of England.

Each Party hereby confirms its agreement to the terms contained in this Memorandum.

Signed on behalf of

Eastern Inshore Fisheries
Conservation Authority

And

Signed on behalf of

Wash Estuary Strategy Group:

Print Name: Matthew Mander

Print Name: Paul Espin

Job Title: Chief Executive Officer

Job Title: Chairman of WESG

Date:

Date:

Schedule To:
Provision of Employment Services Memorandum of Agreement

Background

The Wash Estuary Strategy Group (WESG) is a partnership between 17 organisations including EIFCA. Seven partner organisations provide the necessary funds to employ officers to undertake the work identified by the group. Among the funding partners are Natural England, Norfolk County Council and Lincolnshire County Council (LCC). More information about WESG can be found at; www.washestuary.org.uk

The aim of the group is to ensure the sustainable development and protection of this wildlife rich area whilst benefiting the local communities dependent on The Wash

Currently WESG staff are employed by LCC. WESG need to identify another organisation to take over this role for the group from 1st March 2011 for a maximum of one year.

Distinctive roles of the Parties

EIFCA

EIFCA will be the employing authority for staff appointed by the WESG from 1st March 2011.

EIFCA will provide all WESG staff with a formal contract including job descriptions.

EIFCA will be responsible for ensuring that WESG staff are paid monthly unless otherwise instructed by WESG.

EIFCA will provide WESG with half yearly account reports.

EIFCA will be responsible for holding funds provided to WESG by the funding partners.

EIFCA will, where directed by WESG, ensure that all payments are made

WESG

WESG will be responsible for managing staff including dealing with personnel matters such as sickness, absence, leave, disciplinary and time sheets.

WESG will provide the job descriptions and terms of reference for each employee.

WESG Project Officer will be responsible for line managing other members of staff.

WESG Project Officer will be responsible for monitoring the budget and ensuring that sufficient funds remain.

WESG Project Officer will be responsible for instructing EIFCA to make payments on WESG's behalf.

WESG will be responsible for ensuring that all Health and Safety requirements are adhered to. WESG are expected to adopt one of the relevant Local Authority Health and safety policies.

WESG will be responsible for ensuring that sufficient funds are maintained to allow the effective running of the organisation and to meet all other costs associated with the organisation.

WESG will indemnify EIFCA from any costs resulting from any employment or other related issues.

WESG will provide the office space, all necessary office equipment, and transport required by WESG staff.

Payments

It is expected that the agreed arrangements will mean that EIFCA incur minimal staff costs in providing the employment service outlined above. If greater EIFCA staff time is required, EIFCA will invoice the WESG at the hourly rate of £50.

3rd EIFCA TRANSITION MEETING

Agenda Item: 7

2nd February 2011

To receive a report on the establishment and membership of the Authority's sub-committees

The background information below was presented at the 2nd EIFCA transition meeting held on 1st December 2010. Members decided to defer consideration of the paper to allow further time to consider how the structure of the sub-committees could better reflect the work of EIFCA.

The Eastern Inshore Fisheries and Conservation Order 2010 introduced under section 149(1) of the Marine and Coastal Access Act 2009 sets out within section 17(1) the ability for the Authority to establish sub-committees to exercise any of the Authority's functions. The establishment of sub-committees is advocated by officers as committees will better enable the Authority to make determinations following detailed investigation and discussions of matters that may not otherwise be afforded the time during full Authority meetings. The Authority's agreed Standing Orders (detailed below) set out the manner in which sub-committees shall be established and operated.

- 1 The Chair and Vice-Chair shall be ex-officio members of every Sub-Committee.*
- 2 Each Sub-Committee shall appoint its own Chair and Vice Chair and hold its meetings at a place and on a date convenient to Members having regard to the requirements of the Local Government (Access to Information) Act 1985.*
- 3 In the absence of both the Chair and Vice-Chair of a Sub-Committee the Chair or Vice-Chair of the Authority shall act as Chair.*
- 4 A Sub-Committee shall comprise of at least nine Members.*
- 5 The quorum of a Sub-Committee shall be one third of the membership.*
- 6 Every Sub-Committee shall report to the Joint Committee.*
- 7 The ability of any Sub-Committee to make either resolutions or recommendations is to be clearly stated in any paper considered and approved by the Joint Committee that recommends the establishment of a Sub-Committee.*

Members should be aware of their responsibilities regarding attendance of meetings to which they have been appointed (EIFCA Standing Order No. 3).

- 3 To fulfill the expectation of the Joint Committee, Members will be expected to attend no less than 50% of Meetings to which they have been appointed.*

It should be noted that where practicable sub-committee meetings will be held directly after Authority quarterly meetings to reduce the attendance burden on members. Where members incur costs in attending sub-committee meetings these costs will be reimbursed in line with the agreed reimbursements applicable to the quarterly Authority meetings.

The creation of sub-committees does not remove the ability for the Authority to consider or agree matters if officers are of the opinion that it is more appropriate due to the nature of the matter in hand or the requirement for the Authority to make a determination on a matter in an expedient manner.

It should be noted that although the extent of the sub-committees are set out below, the Authority can delegate additional decision making powers to sub-committees as it sees fit in specific matters. Where delegated powers are provided to a sub-committee the Authority remains bound by and is held responsible for those actions of the sub-committee.

Officers have identified those sub-committees that the Authority would benefit from establishing along with an estimated attendance burden within the first and subsequent years (Table 1). This paper seeks agreement on the establishment of various sub-committees, their degree of delegated authority and their membership. Members were asked to and did provide their thoughts on possible sub-committee structures. The proposed sub-committees reflect in part these comments.

Proposed sub-committees and extent of powers

Planning and communication sub-committee

Purpose:

To oversee the development and implementation of the Authority's vision and strategic planning to deliver the Defra High Level Objectives. Preparation of the Authority's annual plan and annual report.

To oversee the development and implementation of a strategic stakeholder engagement and communication strategy.

To oversee the Authority's vessels' operations and their replacement.

Extent of delegated functions:

Recommendations to the Authority for determination

Finance sub-committee

Purpose:

To provide an opportunity for detailed discussion and consideration of operational and financial matters including the approval of accounts.

Extent of delegated functions:

Decision making powers in all matters except for the setting of the levy – this remains the responsibility of the Authority.

Marine Protected Areas sub-committee

Purpose:

To consider matters relating to the management and administration of all designated areas in the district.

Extent of delegated functions:

Decision making powers relating to the management and administration of the Wash Fishery Order 1992.

Regulation and compliance sub-committee

Purpose:

To review the applicability of all Sea Fisheries Committee legacy byelaws. To oversee the development and implementation of new regulations including byelaws. To review standing orders relating to enforcement activities.

To oversee the development and implementation of a risk based enforcement strategy.

Extent of delegated functions:

Recommendations to the Authority for determination.

Personnel sub-committee

Purpose:

To oversee the development and implementation of a staff development and training strategy. To consider legislation, policies and procedures that have implications for personnel employed by the Authority. To consider matters relating to the recruitment, remuneration and retention of personnel. Individuals are drawn from this sub-committee to sit on interview panels.

Extent of delegated functions:

Decision making powers.

Recreational sea angling sub-committee

Purpose:

To consider matters relating to the Recreational Sea Angling sector.

Extent of delegated functions:

Recommendations to the Authority for determination.

Table 1: Estimated attendance burden for Members appointed to sub-committees

Sub-committee	2011-2012
Planning & Communication	2
Finance	3
Marine Protected Areas	4
Regulation & Compliance	2
Personnel	2
Recreational sea angling	2

It is the officers’ recommendation that the Authority establish and appoint members to those sub-committees identified above

The Authority is asked to receive the report and agree to the recommendation.

Matthew Mander
Chief Executive Officer

22nd January 2011

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

- 1) The Marine and Coastal Access Act 2009.
- 2) The Eastern Inshore Fisheries and Conservation Order 2010.
- 3) EIFCA Standing Orders.
- 4) Unconfirmed minutes of the 2nd EIFCA transition meeting, 1st December 2011.

3rd EIFCA TRANSITION MEETING

Agenda Item: 8

2nd February 2011

To receive and approve the provisional budget for 2011/2012

Members of the EIFCA working group met at the ESFJC offices on 12th January 2011 to consider the officers' preliminary, provisional budget paper presented to the EIFCA meeting, held on 1st December 2010.

The meeting proved to be very useful and the working group felt able to recommend a significantly revised budget. The discussions benefited from having a wide range of knowledgeable and experienced EIFCA members and Dr Colette Clark of the Defra implementation team present.

The group believed that the proposed reduction in the budget against the current levy was too high in the first year and believed that it should be more in line with the Local Authorities' strategies to achieve an overall reduction of 25% over four years. Correspondence received from Lincolnshire County Council (LCC) indicated that they would wish the EIFCA budget to reflect the 10% cut in overall spending by the Local Authority in the first year.

Reducing the rate at which the cut in spending is achieved will allow the Authority more time to better understand new responsibilities under the annual plan and how this affects the budget. The working group acknowledged that a comprehensive review of the EIFCA's staff structure would need to be undertaken during the first year. The working group felt that this action was justifiably a new burden and would recommend the use of the additional funding received via this channel to undertake the review.

The provisional budget set out in Appendix A achieves a reduction of 11.5% on the 2010/2011 base levy. Importantly the reduction does not require any immediate changes to the current staffing structure.

The forecast for the following three years continues to set out where further savings can be made - identified in the preliminary provisional budget paper. It is clear from these figures that EIFCA will not be able to meet the overall 25% reduction in base levy over four years or LCC's strategy to reduce expenditure by 8% in 2012/2013. The proposed staff structure review during 2011 may identify where further savings can be made. The reduction in the base levy may require the use of new burden money.

Defra have announced that as a result of the new burden consultation EIFCA will receive £394,145 p.a. for the next four years. Information received from all three local authorities suggests that all the new burden money will be passported across to EIFCA on the condition that the required reductions in the base levy are achieved.

Officers intend to write to the constituent Local Authorities of EIFCA to inform them of the budget decision and to request confirmation that the new burdens money will be passported across to EIFCA as part of the Authority's overall levy.

It is the officers' recommendation that the Authority agree the provisional base levy budget of £1,176,720 and new burden money of £394,145 making a total budget of £1,570,865 for 2011/2012.

The Authority is asked to receive the report and agree to the recommendation.

Matthew Mander
Chief Executive Officer
21st January 2011

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

- 1) Appendix A: Provisional budget for 2011-2012
- 2) Budget paper presented to the 2nd EIFCA transition meeting, 1st December 2010.
- 3) Unconfirmed minutes of the 2nd EIFCA transition meeting, 1st December 2010.
- 4) Summary and Government response to the consultation on allocating new burdens funding to Inshore Fisheries and Conservation Authorities and their funding local authorities, 14th January 2011.

Appendix A: Provisional budget for 2011-2012

Members may find the notes below helpful when considering the EIFCA Budget for 2011/2012.

At the EIFCA working group held on 12th January 2011 members discussed the Preliminary EIFCA Budget for 2011/2012 which had been presented at the 2nd Transitional EIFCA Meeting on 1st December 2010.

It was agreed that the reductions proposed in the Preliminary budget in the first year were too severe at 20.20% and furthermore the full staff complement as employed by the Joint Committee should transfer to the EIFCA on 1st April 2011.

Discussions with the County Councils on whom the EIFCA will levy have ascertained that although a) budget cuts of 25% over the next four years are still required and b) a 'front-ended' reduction affecting the 2011/2012 budget is preferred, a reduction in the region of 10% in the first year (2011/2012) would be acceptable.

It was further agreed that a thorough staff structure review would be carried out in the first year of EIFCA as part of the annual plan and that the costs relating to the carrying out of the review, staff changes and if necessary re-training were identified as appropriate use of New Burden money.

The Provisional EIFCA Budget has been prepared taking into effect all of these recommendations and the proposed budget as detailed on tables 1 to 3, pages 27 to 29 and the accompanying notes has achieved a 11.50% reduction in the total of the County Council levies in the first year of EIFCA (2011/2012) and amounts to £1,176,720. The New Burden money allocated to the EIFCA by Defra which will be given to the three constituent County Councils to be transferred to EIFCA is £394,145. Therefore the total funds available to EIFCA, if this budget is accepted, in its first year will be £1,570,865.

Expenditure

The Provisional estimates of expenditure summarized under the main budget heads are shown in Table 1, page 27 and the details are shown in Tables 2 and 3, pages 28 and 29.

Expenditure costs have been calculated on the same basis as has previously been used in ESFJC budgets. The notes below highlight specific assumptions, additional costs and also indicate where the costs in the Provisional EIFCA Budget 2011/2012 differ from those previously used in the Preliminary EIFCA Budget presented on 1st December 2010.

SALARIES & WAGES

- a) It is assumed that there is a full complement of existing staff at transition.
- b) Salaries are calculated at 2009 pay award rates but allowances have been made for increments where appropriate.
- c) Employers national Insurance contributions for 2010/2011 are used
- d) employers pension contributions are calculated at 18.5% of Gross Pay.
- e) CEO's salary adjusted to reflect payment at the lower end of the scale.

GENERAL EXPENDITURE

Accommodation

The office rent is subject to a rent review effective from 10th December 2008.
The cost of cleaning wages has been reinstated in the provisional EIFCA budget.

General Establishment

The sum of £27,000 is included for the cost of IT support from Norfolk County Council IT Services. This is an additional cost and represents the annual charge for maintenance and support, the actual cost of the system having been financed from Transitional Funding by Defra.

Fishery Officer Expenses

The cost of Fishery Officers' expenses has been re-instated in the Provisional EIFCA budget.

VESSELS

Unlike the Eastern Sea Fisheries Joint Committee budgets, there is no levy for funds for the Vessel Replacement Fund. There will no longer be any costs for the loan for Three Counties as it is intended that this will be settled prior to the 1st April 2011 utilising funds from the existing Vessel Replacement Fund.

VEHICLES

The costs are based on the full fleet of the Joint Committee's Vehicles and therefore there is an increase on the costs shown in the Preliminary EIFCA Budget.

INFLATION CONTINGENCY

An inflation contingency of 2.0% is included in the Provisional EIFCA budget which relates to costs excluding Salaries & Wages, Rent and Rates.

INCOME

A modest income based on bank interest is included in the Provisional EIFCA Budget. As the full complement of vehicles is to be kept there will no longer be a Capital Receipt for the sale of vehicles as included in the Preliminary EIFCA Budget.

LEVIES

New Burden Money totaling £394,145 has been allocated to the constituent County Councils for transfer to EIFCA. It is proposed to Levy the County Councils for their contribution plus the allocation from the New Burden Money. The totals are given below:

	Norfolk County Council	Suffolk County Council	Lincolnshire County Council	TOTAL
	£	£	£	£
County Council Contribution	(38.5%) 453,037	(28.9%) 340,072	(32.6%) 383,611	1,176,720
New Burden Allocation	151,999	114,420	127,726	394,145
Total LEVY	605,036	454,492	511,337	1,570,865

TABLE 2
Provisional Budget 2011/2012 and Forecasts to 2014/2015

Details of Expenditure - Salaries & Wages and General Expenditure

	2011/2012 Prelim Budget £	2012/2013 Forecast £	2013/2014 Forecast £	2014/2015 Forecast £
SALARIES				
Staff Remuneration	611,570	619,940	626,985	631,135
Superannuation	113,200	117,920	122,465	126,315
National Insurance	46,160	46,960	49,060	49,550
TOTAL	770,930	784,820	798,510	807,000
GENERAL EXPENDITURE				
<i>Accommodation</i>				
Rent	25,000	26,250	30,000	30,000
Business Rates	10,500	11,000	11,500	12,000
Water Rates	350	350	350	350
Service Charges	2,250	2,250	2,250	2,250
Insurance - Buildings	400	400	400	400
Insurance Office & General	13,500	13,500	13,500	13,500
Electricity	3,000	3,000	3,000	3,000
Cleaning	2,150	2,150	2,150	2,150
Maintenance & Redecoration	500	500	500	500
TOTAL	57,650	59,400	63,650	64,150
<i>General Establishment</i>				
Advertisements & Subscriptions	9,000	9,000	9,000	9,000
Legal & Professional Fees	22,500	22,500	22,500	22,500
Telephones (Office & Mobile)	5,000	5,000	5,000	5,000
Postage & Stationery	7,500	7,500	7,500	7,500
Equipment Hire & Renewals	4,500	4,500	4,500	4,500
IT Support	27,000	27,000	27,000	27,000
Uniforms & Protective Clothing	3,000	5,000	5,000	5,000
Medical Fees	400	400	400	400
Sundry Expenditure	2,300	2,300	2,300	2,300
TOTAL	81,200	83,200	83,200	83,200
<i>Fishery Officers' Expenses</i>				
General Travel - Fares, Taxis etc	1,500	1,500	1,500	1,500
Subsistence Payments	25,000	25,000	25,000	25,000
Overnight Subsistence	3,000	2,000	0	0
Hotel - Accommodation & Meals	1,500	1,500	1,500	1,500
TOTAL	31,000	30,000	28,000	28,000
Members' Travel	5,000	5,000	5,000	5,000
Training & Fisheries Management	15,500	15,500	15,500	15,500
TOTAL GENERAL EXPENDITURE	190,350	193,100	195,350	195,850

EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

TABLE 3

Provisional Budget 2011/2012 and Forecasts to 2014/2015

Details of Expenditure - Vessels & Vehicles

	2011/2012	2012/2013	2013/2014	2014/2015
	Prelim.Budget	Forecast	Forecast	Forecast
	£	£	£	£
<u>MOORINGS & HARBOUR DUES</u>				
Rent - Sutton Bridge Moorings	14,537	15,265	15,990	15,990
Maintenance	750	750	750	750
Berthing & Harbour Dues	750	750	750	750
TOTAL	16,037	16,765	17,490	17,490
<u>THREE COUNTIES</u>				
<i>Operating Costs</i>				
Maintenance & Repairs	18,000	18,000	18,000	18,000
Refit	15,000	15,000	15,000	15,000
Insurance & Certification	10,000	10,000	10,000	10,000
Fuel	15,150	15,150	15,150	15,150
Sub-Total	58,150	58,150	58,150	58,150
Loan Costs	0	0	0	0
TOTAL	58,150	58,150	58,150	58,150
<u>ESF PROTECTOR III</u>				
Maintenance & Repairs	20,000	20,000	8,250	8,250
Refit (ESF Protector III)	42,000	42,000	0	0
Insurance & Certification	22,400	22,400	6,750	6,750
Fuel	32,600	32,600	15,000	15,000
TOTAL	117,000	117,000	30,000	30,000
<u>SEASPRAY + RIB</u>				
Maintenance & Repairs	250	250	250	250
Maintenance & Repairs	250	250	250	250
Refit	250	250	250	250
Insurance & Certification	350	350	350	350
Fuel	500	500	500	500
TOTAL	1,600	1,600	1,600	1,600
<u>PISCES III</u>				
Staff Accommodation	250	250	250	250
Maintenance & Repairs	250	250	250	250
Refit	250	250	250	250
Insurance & Certification	350	350	350	350
Fuel	500	500	500	500
TOTAL	1,600	1,600	1,600	1,600
<u>VEHICLES</u>				
Insurance	5,000	5,000	5,000	5,000
Fuel & Sundries	11,000	11,000	11,000	11,000
Servicing	2,500	2,750	3,000	3,250
Vehicle Tracking	1,152	1,152	1,152	1,152
TOTAL	19,652	19,902	20,152	20,402

3rd EIFCA TRANSITION MEETING

Agenda Item: 9

2nd February 2011

To receive the draft 2011 – 2012 annual plan

The Marine and Coastal Access Act 2009 lays out the following legal requirements concerning IFCA annual plans and reports:

S177 Annual Plan

- 1. Before the beginning of each financial year every IFC authority must make and publish a plan setting out the authority's main objectives and priorities for the year.*
- 2. The IFC authority must send a copy of its plan to the Secretary of State.*

S178 Annual Report

- 1. As soon as is reasonably practicable after the end of each financial year, every IFC authority must prepare a report on its activities in that year.*
- 2. A report under this section must be in such form and contain such information as the Secretary of State may require.*
- 3. A report under this section must be published in such manner as the Secretary of State may require.*
- 4. The IFC authority must send a copy of the report to the Secretary of State.*

Using the wording in the Act as an outline, guidance has been developed by Defra for the development of a plan. This guidance takes into consideration the IFCA's functions and resources and advice from Sea Fisheries Committees. A summary of this guidance is included in Appendix A. The guidance gives an indicative content for the IFCA Plan, Annual report as well as general guidance.

An annual plan must be published and in the public domain and made available by each IFCA by 31st March each year. A copy of the IFCA's annual plan must be sent to Defra's Secretary of State by 31st March each year.

It was the intention of officers to present a draft annual plan to the Authority however without confirmation of the budget and the delay in the announcement of new burden allocation have prevented the production of a document of sufficient standard for consideration by Members. In order for the Authority to be in compliance with the Marine and Coastal Access Act 2010 **it is the officers' recommendation that the planning and communication sub-committee is delegated the authority to approve the plan at a meeting to be convened on Friday the 18th of February 2011.**

The Authority is asked to receive the report and agree to the recommendation.

Matthew Mander
Chief Executive Officer
26th January 2011

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

- 1) Appendix 1 – Annual plan guidance (*enclosed*)
- 2) Guidance to Inshore Fisheries and Conservation Authorities on Annual Planning and Reporting Requirements under s.177 and s. 178 of the Marine and Coastal Access Act 20092). DEFRA. August 2010.

Appendix 1: Annual Plan Guidance

Overview/Introduction

The annual plan should provide a brief overview/introduction to the IFCA itself and to the document, i.e. what the role of the IFCA is, what their annual plan covers, explain how their annual plan is linked to any higher level, strategic planning document the IFCA may have developed or other documentation that the IFCA may follow.

Vision, Success Criteria and High Level Objectives

The annual plan should provide a summary of the IFCA's duties, and the IFCA Vision, Success Criteria and high level objectives. It should also summarise other local targets/priorities that the authority have developed for delivery by themselves, or in partnership with other organisations. This section should also include the indicators against which these objectives and targets will be measured against, as set out in the detailed guidance on how the performance of IFCA's should be monitored and evaluated.

Focus and priorities for the year

The annual plan should provide a succinct overview of what the focus and priorities of the IFCA will be in that particular financial year.

Delivery of priorities

The annual plan should provide detail of how the IFCA will go about delivering the focus and priorities described in the section above – i.e. action, intention, activity, timetable and budget for each of the high level objectives. We recommend that this is done in a tabular format covering the four quarters of the year. This should help focus discussions at IFCA quarterly statutory committee meetings and will help the IFCA to report on its activities to its committee. IFCA's might want to look at how other organisations have produced their annual/business plans – see useful links section of this guidance.

Risk management strategy

The annual plan should give an overview of how the IFCA intends to manage any risks to the delivery of its priorities and demonstrate how it will achieve value for money while delivering its functions. This should take into account Defra's enforcement framework and guidance. For example, identifying threats inherent in annual plans and the approaches that already exist to manage such threats as well as having explicit understanding of any weaknesses in such approaches.

Resources

The annual plan should describe the resources for the year ahead; it should include a summary of the annual budget, staffing capacity and how staff will be utilised, in line with the IFCA's priorities.

Ways of Working

The MCA Act places a duty on IFCA's to cooperate with public authorities that regulate or enforce activities in the sea within their districts. The annual plan should illustrate how the IFCA intends to cooperate and work with key partners and how they intend to undertake general stakeholder engagement, communication and consultation.

Staffing

The annual plan should include a summary of the IFCA's staff training and development strategy, how the IFCA intend to build and/or maintain capability, how staff performance is undertaken and the ways in which they demonstrate that their employees are valued.

Performance standards

The annual plan should clearly demonstrate to partners and stakeholders what standards they can expect from the IFCA, for example, how quickly they will respond to queries or correspondence, how quickly they will process permits/licenses.

At the discretion of the IFCA, the annual plan could also provide:

- An outline of the Committee and staff structures, including main duties;
- A summary of governance and financial management

Annual report

The Annual Report is effectively a mirror document of the annual plan and should outline how the IFCA has delivered against its published annual plan, i.e. it should summarise IFCA performance against the indicators set out in the annual plan, including a summary of overall achievements and then a more detailed breakdown by high level objectives and other targets. We would expect the annual report to follow the same outline format as the annual plan described above.

The annual report should also:

- Provide a summary of funding for that financial year and how it has been spent (including outturn, renewals, reserves and levy);
- Highlight areas of success including staffing achievements and any new developments for the IFCA;
- Highlight new areas of risk that will be a priority for intervention in next year's annual plan.

At the discretion of the IFCA, the annual report could include an overview of enforcement activity and marine nature conservation functions undertaken, description of the overall state of fisheries and the fishing fleet, research and development activity undertaken in the last year and any publicity and education undertaken in the last year.

General Requirements of Annual Planning and Reporting Documents

Both the annual plan and the annual report need to be accessible to a wide audience both in terms of availability and language: IFCA staff, Committee members, Government, stakeholders, partner organisations and members of the public should all be able to easily understand these documents. They should demonstrate how IFCA's are accountable and transparent, and what they are achieving with public money, clearly demonstrating value for money.

In drafting these documents, IFCA's should be aware of the needs of the wide audience that is likely to read them. As such, IFCA's should avoid the use of "jargon and acronyms and be as brief as possible. Both the annual plan and annual report should, as a minimum, be made available on the IFCA's public website.

We recommend that, when drafting annual plans and reports, IFCA's share best practice with one another, to ensure that the style and standard of the documents continually develops. This guidance should be viewed as the minimum requirements for producing annual plans and reports. If the IFCA wants to include information over and above that described in this document, it is free to do so.

Timing requirements

An annual plan must be published in the public domain and made available by each IFCA by 31st March each financial year (reports by 30 June each financial year). A copy of the IFCA's annual plan must be sent to Defra's Secretary of State by 31st March each financial year.