

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held at the Garden Suite, Thurrock Hotel, Ship Lane, Aveley, Thurrock at 10.00am on Friday 17 September 2021

Present: Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr A Rattley (MMO), Mr E Hannam (MMO), Cllr T Hills (KCC), Cllr L Parfitt-Reid (KCC), Cllr J Fleming (Essex CC), Cllr A Goggin (Essex CC), Mr J Rowley (MMO), Ms T Ferry (MMO), Mr P Wexham (MMO), Mr A Baker (NE), Ms B Chapman (MMO), Mr J Kitanosono (EA)

Apologies: Dr L Fonseca (MMO), Cllr H Tejan (Medway Council), Cllr M Skeels (ECC), Cllr N Collor (KCC), Mr R Turner (MMO)

In Attendance: Mr A Tait (Clerk, KCC), Miss C Green (Financial Advisor, KCC), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mrs D O'Shea (Office Manager), Miss A Plumeridge (Scientific Officer)

By Invitation:

Industry Representation: Mr J Lengden, Mr S Meddle, Mr A Lawrence, Mr M Smith

The Chairman updated Members on changes to the membership of the Authority;

- Essex CC had appointed Cllrs Jane Fleming and Michael Skeels to the IFCA.
- Kent CC had appointed Cllrs Nigel Collor and Lottie Parfitt-Reid to the IFCA
- Thurrock Council had appointed Cllr Mark Coxshall to the IFCA
- Ms Tanya Ferry had been appointed to the IFCA by the MMO
- Mr Alex Baker was the new NE representative
- Mr Joe Kitanosono was the new EA representative

14. DECLARATION OF MEMBERS' INTERESTS (A2)

The Chairman requested Members to declare any interests on the Agenda item prior to it being dealt with and advised that those with a disclosable prejudicial interest may not vote on that Agenda item.

Mr Rattley declared a prejudicial interest in respect of Agenda items B2 and B3

15. MINUTES (A3)

RESOLVED that the Minutes of the meeting held on 25 May 2021 were correctly recorded and that they be signed by the Chairman.

16. REVENUE BUDGET MONITORING 2021/22 (B1)

The Financial Advisor informed Members that the budget set in January 2021 was based on a normal year with the IFCA undertaking its usual duties free of any restrictions imposed by Covid. Although the levy had been expected to be increased the decision had been made that it would be kept at the 20/21 level. The underspend for the year was forecast at £8,045 although it was likely to change throughout the year. The underspend was primarily due to a decrease in travel and subsistence as well as a slight decrease in staff costs. Members were provided with a full breakdown of the variances

Members **NOTED** the underspend of £8,045

17. COCKLE FISHERY MANAGEMENT (B2)

Members were reminded that the TECFO cockle fishery had been opened by the IFCA on 20 June 2021. Meat yields were initially high for the first six to seven weeks and since then had been variable which had been anticipated as there had been low recruitment to the fishery. At Industry request area 8 had been added to the closed list due to lower numbers of cockles found during yield checks carried out by them prior to the opening.

As requested by Industry and agreed by Members at their previous meeting, area 15 was resurveyed in July. Officers surveyed the areas fished the previous year and doubled the number of survey points in those areas. No significant change to the original surveys were found, so following discussion with the Chairman and Vice Chairman it was decided to remain with the previously agreed management measures and keep area 15 closed for the season. Licence holders were advised of this on 6 August. Area 8 was also re surveyed based on the information provided by the licence holders. This survey found less cockles than previously found and would remain closed.

The ACIFCO informed Members that the TAC was looking stable, and that effort appeared to be spread out among the main cockle beds. The schedule of trips would remain the same. The September survey had been carried out the previous week. These showed that the numbers of adult stock had dropped back to 2016/2017 stock levels. Spat numbers had increased although they needed to survive the winter. This spat would reach minimum size in 2023.

In answer to a question from a Member over additional effort and climate change, the ACIFCO stated that the surveys that had taken place in July wouldn't normally take place. All other surveys were those that occurred every year. In respect of the effects of climate change, the ACIFCO advised that there were differing views on any effect; cockles grew well in warm and wet weather although it was considered that the stock would be self limiting due to availability of food supplies. Cockles were found in sub and inter tidal areas so any rise in sea level would not likely affect them.

Members **NOTED** the actions of officers

18. REVIEW AND DEVELOPMENT OF FUTURE COCKLE FISHERY MANAGEMENT (B3)

Members were provided with a presentation by the ACFO on the current cockle fishery management within the Thames Estuary Cockle Fishery Order (TECFO)

The CFO informed Members that it was necessary for the IFCA to start a review of current cockle fishery management and its underpinning legislation. The current management used two legislative management regimes; TECFO and the Cockle Fishery Flexible Permit Byelaw (CFFPB). The TECFO would end on 28 September 2024 and the CFFPB would be required to be reviewed within this three year time period. Members were reminded that the TECFO was one of the major fisheries within the District and important to a range of local communities as well as providing significant trade and cultural history. It was important therefore to get as wide a range of people involved as possible so that Members could make informed decisions on what currently worked, what could be improved and what could be done in addition. The report to Members laid out the process how the review would be undertaken and the timescales involved. The CFO advised that it was uncertain that a solution or recommendation would be found that would make everyone happy. It was therefore key to set out a process that was clearly understood and that was easy for people to have input into. There would be a need to listen to the science as well as the experience within the community.

Members were reminded that the Marine and Coastal Access Act set out the initial framework that Members were required to adhere to when developing management. They were also reminded of the remit of their roles, together with the Chairman, Clerk and officers.

The review process would be split into four sections to run from September 2021 to September 2024 when the TECFO ended. The first step would be to undertake a specific listening phase which would use a questionnaire and an oral evidence hearing to gather information. It was accepted that the questionnaire required a lot of detail, however it was hoped that the oral evidence hearings would allow those stakeholders who were not comfortable with completing the form the opportunity to present information to Members.

The second step would look at the framework of any future fisheries management; this would be achieved through presenting a summary of the feedback received from stakeholders to Members at the November 2021 meeting with Members using this to develop the legislative framework of either a Byelaw or Regulating Order, identify key issues and whether to commission legal and economic assessments. A Regulators workshop which would include Defra, MMO, Southend Council would be held in December 2021 to ensure the management options suggested were legal with a two day workshop held in February 2022 to allow Members to be briefed on the work carried out to date and to develop an initial long list of management options. This list would then be consulted on with all stakeholders who would be asked to describe the advantages and disadvantages of each option and to rank them, with the opportunity to suggest additional management options as well.

In April 2022 Members would meet to reduce the long list options to a short list of two to three which would go through a final consultation phase with stakeholders to allow Members to make a decision in September 2022 on the management option they required to allow KEIFCA to take forward the management of the cockle fisheries from September 2024. The third step would develop the technical detail and final wording of any proposed legislation; this would involve the requirements for boat size, riddle size etc.. which would be discussed at a Technical Panel meeting in October 2022 and consulted on with stakeholders following that meeting. Members would discuss the findings of the Technical Panel and the views of stakeholders at their meeting in January 2023 and once a final text was decided on would meet in March 2023 to agree the final wording and make the legislation. The fourth step would then take the proposal through the statutory consultation and confirmation process of the agreed new legislation which would take approximately one year to complete.

The aim of these processes and meeting dates was to set out a clear process that would help everyone understand when, where and what could be decided at each stage. Officers' task was to make the consultation process as easy and accessible as possible with opportunity for all stakeholders to make their views known in order that an evidence base could be created for Members to make their decisions. Before looking at the criteria on which the permission to fish would be given it was important to understand from stakeholders what currently worked well and what did not.

The Chairman thanked the CFO for his report and commented that it was important that input was received from Industry to allow Members to sustainably manage the cockle fisheries for the future as required by the Act.

Members discussed this matter in detail and asked the following questions and made the following comments:

- In respect of the Byelaw review period, what time frame was stipulated and was the time frame for the Regulating Order set in law?
 - Defra and the MMO agreed that it was sensible to synchronise the two; it was expected that the IFCA would review legislation on an ongoing basis so it was sensible to combine them. In respect of the Regulating Order this was issued for a 30 year period and would end in September 2024
- It would be useful for new Members to be briefed possibly by email in more detail on the financial aspects of the current Order – licence fees, levies etc
- In respect of the questionnaire, there were lots of detail around surveys and management and detailed questions around the TECFO areas but not as many questions around Area 17. If a decision was made further down the line to split the areas within 17 then that information would still need to be gathered. In respect of Impact Assessments, the questionnaire was aimed at this moment towards the Industry who would be managed by the review, however there were the social and economic aspects to consider so would it be possible for a slightly different questionnaire to be developed which could help to reduce the cost and impact of employing consultants further down the line when this information was needed. This could cover the wider economic benefits of the fisheries in terms of commercial users, harbour authorities, wider marine industry.
- Industry was extremely pleased that a timetable had been set out and the Member agreed that this was one of the most important fisheries in Europe. Industry views were paramount. Members were making a decision of major importance, affecting not just current licence holders but also their processors and suppliers. Asking IFCA Members to make a decision by consensus with them not fully understanding their decision was a concern. To allay this, he felt a visit to Queenborough, Whitstable, Leigh on Sea and the Eastern district in the Wash would be useful. The Thames fishery had been successful for twenty seven years and could continue to be for the next fifty years with management in place. If Members saw the investment made in the vessels, processing plants and the wider parts of the industry, this would give them a greater understanding. Members should look at the investment in the fleet in the Thames fishery and that in the Wash fishery; there was no comparison. The Thames

fishery did support the communities within the Wash with its processors. The number of people employed within those communities as a result of the Thames fishery was of major importance.

There was concern over the video/oral evidence aspect as it was difficult to get fishermen to discuss anything with the IFCA, not just locally but on a national basis. He felt it would work better if this was conducted locally speaking to people using an experienced Fishery Officer and possibly an Authority Member. Alternatively, a consultancy business could be used. For whatever reason there were issues with fishermen talking to IFCAs which Members needed to be aware of and careful of. Officers had to make recommendations, but it was for the Authority to make the decision. New Members may not understand the industry, however they did require a deep understanding of how it operated throughout Kent, Essex and also the Wash. The industry was not just 30 years old but was hundreds of years old. The knowledge within the Thames fishery of all the families involved possibly added up to thousands of years of knowledge and expertise. Although this did not override Officer knowledge, the reason why the fishery had been successful was in how it had been worked and managed. Put that against the Wash fishery and there was no comparison. There was no investment and put against the vast number of licences and boats within the Wash fishery it could never be as successful. To successfully review the fishery it was necessary for it be a real root review.

- The CFO in response advised that Sussex and Eastern IFCA had used a Community Voice method to interview stakeholders and record and edit their conversations in a fair and representative way. This has cost in the region of £30,000 and was useful as scene setting videos. It would be difficult to commission this work within the timelines set out in the report. It was envisaged that each film made in this project would be available to view by Members and public, with appropriate permissions, with a ten minute edited film which would put a summary of views forward. It was felt important to allow people's voices to be heard putting forward their own views which had not been interpreted by officers. The opportunity to attend had been done in a fair and democratic way. If people did not comment then what they wanted to happen would not be taken into account. The CFO agreed that it would be useful for Members to visit a processing plant and would explore whether this was possible within the timeline available.
- It would be useful from the beginning to have a vision exercise or process that allowed the IFCA to know where it wanted to end up. Targets which said what the IFCA wanted the fisheries to look like would help to steer them where they wanted to go. In addition, a communication plan would help to identify which routes were going to be used for external communication. Officers should also be aware of wider constraints such as council elections and new IFCA members throughout the process. In respect of the questionnaire, he would like to see the use of simpler wording and less acronyms and there was an issue in that the use of the words legislation and regulation was made interchangeably; it should be kept at regulation. The initial questionnaire asked very explicitly for information on where we were now, but not so much on where we wanted to go.

- Agreed with the comment on not understanding the Industry and would like to know more. It was important that Industry realised that the more they put in the more they would get out
- What was the expectation of attendance of Members of the IFCA at the timetabled meetings.
 - The CFO stated that significant decisions were to be made and his view was that the meetings should be attended where possible by all Members. In particular the workshop in February 2022 was critical in allowing Members the opportunity to ask questions of their legal team and of outside bodies so that they could clearly understand their role, decisions and risk.
- It would be difficult for working fishermen to attend the oral evidence hearings. Consideration should be given to holding a series of local meetings to make it as easy as possible for them to make their views known.
- Agreed with reaching out and going to the fishermen for their views. Members were appointed to take tough decisions including financial ones. KEIFCA must be fair and transparent in this process. Sussex IFCA had spoken to fishermen in the quay in their consultations. Although aware of limited manpower, perhaps it would be possible to use other IFCA officers.

The Chairman at this stage asked Industry representatives who had attended if they wished to comment.

Mr Andrew Lawrence from Osborne Shellfish informed Members that he was concerned at the number of new Members on the IFCA and their knowledge of the fishery. He invited all Members to visit his company at Leigh on Sea so that they could be shown the cockle boats and processing plants so that when they moved to the more formal process of consultation they would understand more.

Mr Rattley agreed with the invitation and extended it to include the canning processing plant in Boston.

The Chairman thanked Mr Lawrence for his invitation and asked that he liaise with the ACFO over an invite to Members

Members **RESOLVED** that:

- (i) The proposal to review all of the current cockle fishery management, including its underpinning legislation, which is in place within the KEIFCA district, and then to develop new cockle fishery management using the process described in the paper be approved;
- (ii) The proposed provisional process (including indicative dates) by which the review and development would be undertaken be approved; and
- (iii) Mr E Hannan, Ms T Ferry, Mr J Nichols, Mr A Rattley and Cllr J Lamb would act as an evidence gathering panel on the 20-21 October with a provisional budget of £10,000 (to be taken from reserves) for this project.

12:12 break

12:26 restart

19. BYELAWS UPDATE (B4)

Members were advised that the Whelk Fishery Flexible Permit Byelaw, made by them in November 2020 had been confirmed by the Secretary of State on 3 August 2021. The Vessel Length and Engine Power Byelaw made in December 2019 was had not yet been confirmed but this was expected to take place shortly.

Members **NOTED** the report

Members received a presentation from Anna Plumeridge (Science & Conservation officer with KEIFCA) on the work undertaken by KEIFCA on whelk research as part of a European Marine Fisheries Funding (EMFF) project since May 2018. This research was instigated as a result of concerns from Industry on the science used to underpin decisions on whelk biology and reproduction with over 12,000 samples of whelks from the Kent & Essex District dissected in order to establish the size at which whelks reached maturity.

In response to a question whether any other funding was available to continue with the work, the CFO stated that no additional grant funding was available and that the project had now come to an end, although Essex University had expressed an interest in the IFCA becoming involved in a project they were considering. Under the Fisheries Act, fish management plans would be a workstream and it was likely that whelks would be included within these. We would then be able to join in with a national process to allow standard indices to be developed.

20. MARINE PROTECTED AREA UPDATE (B5)

The CFO advised Members that five MCZ assessments within the District had been prepared and submitted to Natural England for review.

The assessment for the Goodwin Sands MCZ, which was shared with the MMO as it straddled the 6nm boundary of the District, had not yet been completed. The IFCA was waiting for more information from the MMO before the draft was submitted to NE for review, however the IFCA had begun to develop management by identifying data for conservation features in the MCZ and by starting to talk to NE, MMO, Thanet Fishermens' Association and the Goodwin Sands Conservation Trust.

Side-scan sonar surveys for 43 x 1km transects had been completed in areas of the Goodwin Sands MCZ where *Sabellaria* had been found previously to determine the extent of sites of *Sabellaria* reefs in the MCZ. This data was now being evaluated to determine sites for further investigation.

Members were also informed that Defra were working to identify pilot Highly Protected Marine Areas (HPMAs) that could be designated in 2022 in English waters. The Association of IFCAs, together with JNCC, NE and MMO were working with Defra to identify possible locations for these pilot HPMAs and were advising on the economic and ecological impacts of those suggested. It was anticipated that more information on possible sites would be available from Defra in October or November. The AIFCAs had been awarded a grant from Defra to support IFCAs in their engagement with this process.

In response to a question from Members on any impact these areas would have on recreational fishing, the CFO advised that Defra intended to go to the coast to engage with all stakeholders in respect of this concern. Angling Trust were putting pressure to have buffer zones in place.

Members **NOTED** the report

21. FISH LOCAL PROJECT UPDATE (B6)

Members were advised that significant steps had been made by Thames Estuary Partnership (TEP) in developing project ideas to brand/promote a local species.

London Gateway had helped to fund the first stage of the project to put together a framework for the species selection, initial branding and promotion. A project bid had then been put to the Fisheries and Seafood Scheme (FaSS) which appeared to have been successful. It was hoped that TEP would be able to present these projects to Members at the November meeting.

Members **NOTED** the report

22. ANNUAL REPORT (B7)

Members were provided with a copy of the draft Annual Report required to be sent to the Secretary of State by 30 November. Members were asked to provide the ACFO or OM with any comments regarding this report by the end of October.

Members **NOTED** the Annual Report

23. MATTERS FOR REPORT (C1-6)

Members received:

- Quarterly Report of the Kent IFCO (C1)
- Quarterly Report of the Essex IFCO (C2)
- Quarterly Report of the Patrol Vessel 'Tamesis' and 'Vigilant'(C3)
- Quarterly Report of the Patrol Vessel 'Nerissa' (C4)
- Sea Angling Report (C5)
- Enforcement Report (C6)

24. AOB

The Vice Chairman informed Members of the concern of fishermen in Thanet and Whitstable over the discharge of untreated sewage by Southern Water into the coastline. He asked that the IFCA become involved in putting pressure on Southern Water to upgrade pumping stations as soon as possible. Cllr Hills advised that KCC were trying to arrange a meeting with the CEO of Southern Water. They would appreciate any support and requested that any letter sent be cc'd to himself so that he could take this up as part of his remit within the Council.

Meeting closed 13:40