

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Council Chamber, Chelmsford City Council, Duke Street, Chelmsford, Essex at 10.00am on Friday 26 November 2021

Present: Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr A Rattley (MMO), Cllr L Parfitt-Reid (KCC), Cllr M Skeels (ECC), Cllr J Fleming (Essex CC), Cllr A Goggin (Essex CC), Mr J Rowley (MMO), Ms T Ferry (MMO), Mr P Wexham (MMO), Dr L Fonseca (MMO), Mrs E Gilson (MMO)

Apologies: Mr E Hannam (MMO), Cllr T Hills (KCC), Cllr N Collor (KCC), Mr A Baker (NE), Mr R Turner (MMO). Ms B Chapman (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), Mr P Haupt (Lead Scientific Officer)

By Invitation: Mr J Seaward (Band Agency), Mr O Jackson (Thames Estuary Partnership)

Industry Representation: Mr J Lengden, Mr S Meddle, Mr A Lawrence, Mr R Foad, Mr A Martin, Mr M West

A minute's silence was held in memory of Sir David Amess MP

The Chairman welcomed Mrs Esther Gilson to the Authority as a new MMO appointed Member and welcomed Cllr Michael Skeels to his first meeting as a representative for Essex County Council. The Chairman advised Members that the Authority's Financial Advisor, Chelsea Green, was leaving KCC to work in the private sector. The Chairman thanked Chelsea for all the work she has undertaken on behalf of the IFCA and wished her well in her future career

25. REVIEW OF THE CONSTITUTION AND STANDING ORDERS (A1)

The Clerk to the IFCA advised Members that the IFCA's Constitution and Standing Orders had been reviewed by him. The current Standing Orders did not adequately reflect the Localism Act 2011 in relation to Member interests as they contained definitions of personal and prejudicial interests rather than Disclosable Pecuniary Interests and Other Significant Interests. Definitions of these were provided to Members. The Clerk clarified within these definitions that it was not whether the Member themselves considered they had one of these interests, but whether a reasonable person would think so and it was important to be aware of this.

In respect of Exempt and Confidential items, Members were reminded of the categories of exempt information and advised that any information received by them as exempt or confidential could only be disclosed to a member of the public who had a right to know. This must be done by the Authority rather than a Member of the Authority.

Members **RESOLVED** the following:

- (i) The Constitution and Standing Orders be amended to reflect the Localism Act 2011 in relation to member interests; and

- (ii) The Constitution and Standing Orders be amended to allow the inclusion of content outlining exempt and confidential information.

26. 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 Pecuniary Interests and Other Significant Interests may not vote on that Agenda item. The Chairman reminded Members that they could declare an interest either at this time or prior to the agenda item being discussed.

Dr Fonseca disclosed an interest in respect of Agenda item B5 as an employee of Cefas

Mr Rattley declared an interest in respect of Agenda items B2, B8, B9 and B10

Mrs Gilson declared an interest in respect of Agenda items B2, B8, B9 and B10

27. MINUTES (A3)

RESOLVED that the Minutes of the meeting held on 17 September 2021 were correctly recorded and that they be signed by the Chairman.

28. REVENUE BUDGET MONITORING 2021/22 (B1)

The Financial Advisor informed Members that the majority of income and expenditure had been received and spent as planned. A member of staff had left in November and would not now be replaced until the next financial year. The underspend for the year was forecast at £26,578, primarily due to a decrease in travel and subsistence as well as a slight decrease in staff costs. Included in this was income from Natural England and Cefas which had not been anticipated when the budget was set. Members were provided with a full breakdown of the variances.

Members were advised that they should begin to consider the budget needs for the 22/23 financial year. The past two years had been a challenge for the IFCA with the main concern moving forward being the current high level of inflation. Members were reminded that there had been no cost of living pay increase for staff in 21/22 and no contribution had been made to renewal reserves. In her opinion an increase in levy would be required for 22/23, full details of which would be provided to Members at the January 2022 meeting

Members **NOTED** the underspend of £26,578

29. COCKLE FISHERY MANAGEMENT (B2)

Members were advised that the TECFO cockle fishery had been opened by the IFCA on 20 June 2021 and closed on 8 October 2021. The TAC was maintained and the Autumn cockle surveys finished in September 2021. These surveys had shown a good amount of spat located on the main cockle harvesting areas on the Maplin Sands. It was hoped that this would bring some stability to the stock in 2022, although this was dependent on the winter weather.

The ACFO informed Members that the Permitted Cockle fishery had remained closed in 2021 due to insufficient stocks being detected during surveys. New surveys would take place in April 2022 to allow for a decision on the 2022 fishery.

Members **NOTED** the report

Presentation – Fish Local update – Ollie Jackson

Members were provided with a presentation on the work undertaken by Thames Estuary Partnership to allow them to address the key issues identified by Industry of:

- Better education of the inshore fishing industry among the public
- Better promotion of locally caught fish by the inshore fishermen

In order to begin to address this Thames Estuary Partnership had looked at five species found within the District that had been identified would benefit from rebranding and better promotion using Fish Local.

Industry had been surveyed to ask which species would be suitable to promote. Of these smooth hound and herring were the most popular.

Taking all factors into account herring was the choice that was felt to be the better candidate to take forward as there was historic MSC accreditation in place and it was hoped that it could be included in the Good Fish guide.

11.00 Cllr Fleming joined the meeting

30. UPDATE ON NATIVE OYSTER PROJECTS (B3)

Members were provided with an update on the status of the native oyster stock in the Blackwater, Crouch, Roach and Colne Estuaries (BCRC) MCZ. They were informed that management of this area would be based on information from the 2019 survey as Covid restrictions had meant the annual stock surveys had not taken place in 2020 and 2021. In order for the area to be opened for fishing two criteria had to be met; that the biomass estimate for the area was above 800 tonnes and that there was evidence of a sustained recovery trend. These criteria had not been met so it was recommended that the area remained closed.

The Lead Scientific officer updated Members on the work undertaken with E-Nori within the restoration area, work undertaken by Tamesis with Cefas to collect data on oysters as an indicator species for hydrocarbon pollutants, work with Essex University to assess the efficiency of dredging for oysters and with Natural England to review the OSPAR definition of an oyster bed. Members were advised that the annual survey was planned to commence in March 2022. This survey would cover the same sites originally surveyed in 2014. It was also hoped to undertake surveys with Industry to review if dredge tow lengths would be suitable for assessing oyster stocks.

In response to a question from Members on the timeframe involved and actions taken to allow the fishery to reach 800 tonnes, the ACFO stated that the research conducted through the 2019 PhD suggested that it could take 16 years to reach that amount. The current environment was not the same as it was when the fishery was productive and the husbandry necessary to allow it to be productive had not been carried out. The site was over a very large area with the sea beds now protected by MCZ orders so fishermen were restricted in what they could do. The timeframe of 16 years was projected if only natural methods occurred; E-Norri were looking to speed this process up with their work and research.

Members **RESOLVED** that:

- (i) the Blackwater, Crouch, Roach and Colne Estuaries MCZ Native Oyster Fishery would remain closed in 2021/2022 as there was no evidence of sustained levels recovery in

native oyster populations in Blackwater, Crouch, Roach and Colne Estuaries (KEIFCA 2019 Oyster Survey Report); and

- (ii) KEIFCA would endeavour to carry out the annual oyster survey in 2022 to inform the November 2022 KEIFCA meeting when consideration will be given to the future management and opening of the native oyster fishery within the BCRC MCZ site.

31. MPA UPDATE/SABELLARIA SURVEY AND MANAGEMENT FOR GOODWIN SANDS MCZ (B4)

Members were advised that this was a new project that had started in 2021 to inform the statutory management of the MCZ on the Goodwin Sands, which covered an area of 277km² from Ramsgate to St Margaret's Bay and straddled the 6nm district boundary so required collaboration with the MMO who managed the 6 to 12nm boundary. The site's conservation objectives were to return to a favourable condition:

- Ross worm (*Sabellaria*) reefs,
- Moderate energy circalittoral rock
- Blue mussel beds

Officer had started to assess fishing activities within the site to help inform whether management measures were required to further the conservation objectives of the site. Management measures should be identified within two years of designation.

Byelaws which helped to manage fishing effort and fishing impacts within Goodwin Sands MCZ were already in place. These management measures included:

- Vessel size and engine power restrictions
- Restrictions on fixed net clearing
- Ability to temporarily close shellfish beds to help areas recover that have been identified as depleted or composed largely of immature specimens
- Permit required for whelk potting

Sabellaria reefs were regarded as particularly important features because they enhanced associated biodiversity and were classified as sensitive to fishing activities that impacted the seabed.

Members were informed that the last surveys to establish the presence of *Sabellaria* had been carried out by CEFAS in 2014. In the summer and autumn of 2021 KEIFCA carried out side scan sonar surveys to help identify potential *Sabellaria* reefs. This allowed the texture of the seabed to be visually inspected to identify areas that may have the reefs present. Those potential areas were then revisited using an Adaptive Resolution Imaging Sonar (ARIS) which resulted in confirmation of significant biological growth of *Sabellaria* reef inside the 6nm area.

It was proposed to repeat and extend the side scan surveys in 2022 and to apply for further funding to fund this.

Members **RESOLVED** that:

- (i) KEIFCA continued its *Sabellaria* reef survey and stakeholder engagement during 2022/2023 to facilitate the development of management measures; and

- (ii) Officers should continue to engage stakeholders and identify the placed body to develop a management strategy for the Goodwin Sands MCZ.

32. MEETING NATIONAL AND INTERNATIONAL TARGETS TO BECOME CARBON NEUTRAL (B5)

Members discussed the process and issues to consider how the IFCA and the fishing industry could look to meet national and international targets to reduce CO₂. Members were advised that it was important to consider how the Authority should invest in the future and therefore decisions needed to be made at this stage. Members discussed this matter in detail and made the following suggestions/points;

- It would be necessary to carry out a carbon audit to establish a baseline of where the IFCA was and then look to where it wanted to be.
- TFA Fuel had been approached by the windfarm vessels to supply HVO fuel which would be carbon free as opposed to regular marine diesel. Several different grades were available and it was envisaged to be ready by Easter 2022. This fuel was more expensive and would be 10p to 15p per litre more than regular marine diesel. Research had been carried out on new and older engines to see if there were any issues with the use of this fuel. All indications were that there was no detrimental effect on the engine and that engines were found to be cleaner
- The Port of London had committed to becoming carbon neutral by 2040. They would welcome engagement with the IFCA and would help with funding applications and assisting with any challenges they might face. With regard to HVO, this was seen as a transition fuel by Port of London and could be seen as a short term switch while other options were explored.
- Cefas were currently engaged in relevant research on carbon reduction in the UK fishing fleet.
- The fishing industry wanted to move forward to a greener future, however technology was cost prohibitive so any help in the forms of grants from the MMO would be welcomed.

Members **NOTED** the report and **RESOLVED** that a working party be set up to involve Tanya Ferry, John Nichols and Ollie Jackson to investigate different options to reduce carbon footprint that could be shared with the fishing industry

33. ANNUAL REPORT (B6)

Members **APPROVED** the Annual report previously presented in draft form at the 17 September meeting

34. MEETING DATES 2022/2023 (B7)

Members **APPROVED** the meeting dates for 2022/2023

35. 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)

12:10 Meeting adjourned for lunch

Dr Fonseca left the meeting

13:00 Meeting restarted

The Chairman informed Members that the order that reports would be taken in had been changed so that the reports would be heard in the order B9, B10, B8

Mr Rattley and Mrs Gilson informed Members that having spoken to the Clerk at length, in respect of agenda items B9 and B10 they believed they had no disclosable or other significant interest so would participate in these two agenda items

36. REVISED PROCESS FOR THE DEVELOPMENT OF FUTURE COCKLE FISHERY MANAGEMENT (B9)

The CFO advised Members that the listening phase had run for six weeks and, based on the oral and written evidence received in addition to the feedback from the consultation documents, officers had reviewed the proposed process for the development of future cockle fishery management which had originally been approved in the September IFCA meeting.

The four original consultation steps that had been approved in September would be kept but spread out to end in July 2023 rather than March 2023. Officers would endeavour to make sure that each step had at least a six-week consultation phase. This would allow members of the fishing industry more time to develop their responses and allow staff sufficient time to process responses and engage with stakeholders as required. Feedback from the questionnaires and oral evidence suggested that there were challenges in understanding the structure, technical language and wording of the current fishery. To try to address this it was proposed to focus each consultation on a specific issue to include the area covered by legislation, type of gear used, limited or unlimited access, who would own a permit or licence and for how long to try to make each consultation clearer and more easily understandable.

Each of the four consultations would follow the same overall procedure:

- Hold Special Authority meeting to agree initial consultation options - the first process in each consultation step would be to review the feedback from the Listening Phase and use it to help inform and structure Members' approach to the issues outlined in each consultation. Members would have the opportunity of getting legal and technical input, before discussing and evaluating different options and arriving at a either a group of preferred options or one preferred option. It was envisaged legal opinion would be

presented and discussed at the meeting, making the meeting exempt under the Local Government Act and therefore not open to the public.

- Run a consultation to get feedback on options or suggest new options - each consultation step would last for a least six weeks, with longer consultation times over holiday periods. Consultation dates would be published as early as possible with the final dates confirmed at the end of the prior consultation step. It was proposed that each consultation would include a written consultation document with structured questions and an opportunity for oral evidence to be given either at a filmed Authority member or at an in-person meeting with Authority members.
- Hold an Authority meeting to review consultation feedback and vote on options - using the evidence submitted in the consultation staff would anonymise written evidence and place this and filmed oral evidence sessions on the website. Using the evidence from the consultation replies, the feedback per option would be compiled. A technical assessment of each option would be developed by officers using the agreed evaluation criteria as a framework to compare each option against the agreed vision. The documents produced from this process would be put on to the website using the same procedure as normal Authority papers. Prior to the public meeting Members would meet to receive and discuss legal and technical advice concerning the options under discussion. In the public meeting, officers would then outline each option and there would be an opportunity for members of the public to make comments on each option. Members would consider the feedback and comments from stakeholders as well as a technical assessment from KEIFCA officers before voting on the options.

Members were informed that four consultations would take place with stakeholders:

Consultation one would agree initial framework model outlines. This would include the size and shape of any specific management area, the type of fishing gear, whether access to an area would be limited, to include the number and range of licences and permits issued and whether a Regulating Order or Byelaw would be used. The CFO informed Members that the feedback received had highlighted that a decision would be required to see if a small-scale cockle fishery could be included in management measures.

Consultation two would look at the different methods the IFCA would use to manage, limit or control access to specific management areas.

Consultation three would agree key features to include the transfer of permits and licences by the holder, the timing and scope of any review of the legislation, agreeing fine details of access, boundaries and coordinates.

Consultation four would focus on operational technical details to include how many bags would be landed, riddle size, landing procedures. It was hoped that draft wording for the proposed legislation and a draft Impact Assessment would be available for comment.

The CFO informed Members that it was proposed to commission reports to provide technical information to Members. These reports would be available for the February 2022 meeting. The CFO advised it was his intention, with Members approval, to discuss the details and costs of these with the Chairman and Vice Chairman. These reports would consist of:

- Legal overview document
- Economics report
- Review of UK and international cockle fishery management
- Spatial and stock data for the cockle beds in the KEIFCA district

The CFO advised Members that all the information within these documents, aside from legal advice, would be available on the website. In order to make this as easy to access as possible it would be necessary to either upgrade the existing website or create a new one.

It was envisaged that there would be additional costs to the 2021/2022 budget of between £15,500 and £17,500, to be drawn from reserves, to run the special IFCA meeting in February 2022 and the filmed oral evidence hearing in March 2022. Future costs associated with the review would be provided to Members within the 2022/2023 and 2023/2024 budgets.

In response to a question with regard to whether a full costing had been carried out on the whole process, the CFO advised that the costs for 2021/2022 had been provided within the report to Members. Future costs would be incorporated in the budgets for that year once those costs were known. It was envisaged some savings could be made within the budgets in respect of meeting costs, legal fees and advertising costs. Details of the budget would be put before Members each year to approve.

Concern was expressed at the commissioning of an Economics report through Seafish as the data they used from the MMO was not always correct. The Member was aware of data suggesting landings at Queenborough of cockles was £3.5 million which was not correct. If an economics report was to be commissioned then there must be confidence that the figures were robust. With regards to the report comparing the KEIFCA cockle fishery with other fisheries, the fishery in the KEIFCA district was a dredge fishery. There were no other dredge fisheries within the UK so there would be no benefit in comparing the fishery against something that wasn't identical. In response the CFO advised that it would be beneficial to look at best practice across other fisheries

Comment was also made in respect of the selling on of cockle licences. Members and officers had on occasion said that the cockle licence had been sold. This was not the case. The licence had not been sold, rather the company that owned the licence had been sold which was normal business practice. A Fishing licence could also be traded.

In response to a comment with regard to concern from the Industry that the IFCA wanted to run the cockle fishery down or stop it altogether, the CFO stated that the intention of the proposals submitted to Members with regard to the review of the fishery was to ensure that it remained a long term sustainable fishery. It was acknowledged that the process was challenging, and it was considered that it was important that the way to engage with all stakeholders was to do so in a clear and transparent manner. It was in nobodies' interest to run the fishery down.

In response to a comment that Industry had felt inhibited from saying how they felt at meetings due to the presence of IFCA officers and that they wanted a process where they could be open, free and frank without repercussions, the CFO stated that officers had taken the view that people could write in to the Authority or respond through the questionnaire. Oral evidence hearings had been set up to allow people to attend and say what they wanted.

Members **RESOLVED** that:

- (i) the revised provisional process (including indicative dates) by which the review and development will be undertaken, including an additional in year spend of £7,000- £8,000

- for running the February special Authority meeting and £8,500-£9,500 of running the filmed oral evidence hearing, with funds to be taken from reserves be approved;
- (ii) Officers should commission a legal overview document;
 - (iii) Officers should commission an economics report;
 - (iv) the compiling of a report to compare the KEIFCA cockle fisheries with other cockle fisheries in the UK and overseas be approved;
 - (v) the compiling of a report to review spatial and stock data for the cockle beds in the KEIFA district be approved;
 - (vi) the upgrading of the KEIFCA website to better host and present data from the cockle review and future management development process be approved; and
 - (vii) that the costs of these reports and any website upgrade be approved by the CFO in consultation with the Chairman and Vice Chairman

37. CREATING A VISION STATEMENT AND EVALUATION CRITERIA TO USE IN THE PROCESS OF DEVELOPING FUTURE COCKLE FISHERY MANAGEMENT (B10)

The CFO advised Member that at the last meeting it was suggested that the Authority should develop a vision statement to describe how it wanted the cockle fishery to look, work and function; what was required now and what did it want to see in 2054

The CFO suggested that Members might want to consider the underpinning legislation of the Marine and Coastal Access Act and the IFCA's vision statement when developing this statement and provided within the appendices of the report copies of Scotland's Fisheries Management Strategy and the objectives of the South East Marine plan. Members were also provided with the responses from the Listening Phase in answer to the question "What do you think the priorities for the management of the KEIFCA District cockle fisheries should be between now and 2054" to consider.

Members were asked to consider three possible vision ideas:

- 1) Thriving local long-term sustainable cockle industry, that harvests cockles in an environmentally responsible manner balancing the competing demands of the present, without compromising the future ecosystem and coastal community needs.
- 2) KEIFCA will strive to successfully secure the right balance between social, environmental and economic benefits of the KEIFCA cockle fisheries with the aim of enabling a long-term sustainable cockle industry that supports our local coastal communities.
- 3) KEIFCA will strive to sustainably manage the cockle fisheries and wider ecosystem in KEIFCA district and support a viable cockle industry, recognising its important long-term contribution to coastal communities and providing skilled employment.

Members made the following comments:

- All were good options. Would like to see mentioned "right balance" and add "and industry" at the end as they should reflect that we are talking about the Industry
- Over the last four years, the wider industry had been asking for a clam fishery. As much as the cockle fishery needed to move forward then so did the rest of the industry. The question asked "should it support other industries". It did already as it stayed within its own industry. It was quite disturbing that when fishermen had asked for a clam fishery to be opened nothing had happened. It was understood that cockles could not be disturbed but a dispensation could be allowed to land clams and not cockles.

- Liked the idea of a vision statement. Would prefer the second statement.
- Preferred third statement as it read better

Members **APPROVED** the suggested process to create a vision statement and evaluation criteria.

Mr Rattley and Mrs Gilson withdrew from the meeting in respect of agenda item B8 on the advice of the Clerk in respect of a significant personal interest held.

Mr Rattley advised Members that he was withdrawing from the meeting on the advice of the Clerk. He stated that he found it extremely disturbing that the Standing Orders had previously allowed the Chairman to give him the opportunity to comment on all items with regards to the cockles but not to vote. He had sat on the Authority for 10 years and was dismayed that in 2021 when it came to playing a part in the consultation and renewing of the cockle regulating orders and the cockle fisheries in the Thames he was no longer able to discuss them. He had been a MMO representative for commercial fisheries, albeit with an interest in the cockle fisheries for 10 years. It did not sit very comfortably with him that the Standing Orders had been changed and he felt there was something not 100% correct about it.

38. LISTENING PHASE CONSULTATION SUMMARY (B8)

The CFO reminded Members that the listening phase had been run as set out in the cockle review process agreed by them at the September meeting. The questionnaire laid before Members had been amended as required and a communication plan was developed which had included a record of all the engagement that had been undertaken, provided to Members in the appendices. All of the feedback received could be accessed from the KEIFCA website. This was important so that members of the public could access the entire process and secondly so that Members could easily access the large amount of correspondence that would be generated by the review. Members were advised that the IFCA had received fifty completed questionnaire and twenty five people had attended the oral evidence hearing and they were encouraged to read and view them all. He advised them that only they could make decisions and that it was important that they had access to and reviewed all information.

Members viewed the summary video created from the oral evidence hearings.

Members made the following comments:

- The views of those participating came across very well. There did not appear to be any holding back and it was important that Industry continued to input into this.
- The Vice Chairman advised that he had chaired the two day oral hearing. He acknowledged that it had been a little daunting for those who participated but thought it had gone very well
- Ms Ferry, who had been a member of the panel, stated that as a new member she had found the two days very useful to see fishermen and ask questions of them. She thanked those fishermen that had taken part and reiterated that viewing these videos by Members was key to moving forward.

Members **APPROVED** the actions taken by officers in the Listening Phase summary

14:50 Meeting ended