

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 on Tuesday 30 January 2024

Present: Cllr J Lamb (Southend City Council), Mr J Nichols (MMO), Cllr A Goggin (ECC), Cllr J Fleming (ECC), Cllr M Skeels (ECC), Mr J Rowley (MMO), Mr E Hannam (MMO), Cllr T Hills (KCC), Mr W East (MMO), Mrs E Gilson (MMO), Mr A Baker (NE), Mr P Wexham (MMO), Cllr G Coxshall (Thurrock Council), Ms T Ferry (MMO)

Apologies: Cllr S Curry (Medway Council), Ms L Faulkner (EA), Cllr D Crow-Brown (KCC), Mr R Turner (MMO), Mr C Collins (MMO), Mr D Bailey (Assistant Chief IFC Officer)

In Attendance: Mr J Cook (KCC), Ms S Martin (Financial Advisor, KCC), Dr W Wright (Chief Fishery Officer), Dr P Haupt (Lead Science Officer), Mrs K Woods (Admin Assistant), Mrs D O'Shea (Office Manager)

The Chairman informed Members that Mr Wexham was attending his last meeting as an MMO representative having sat on the IFCA since 2013. He thanked Mr Wexham for the work he had undertaken on behalf of the IFCA and his service.

In respect of Agenda item B2, the Chairman advised Members that the financial officers of all the Local Authorities had been spoken to regarding the proposed increase in the levy.

37. DECLARATION OF MEMBERS' INTERESTS (A1)

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.

Cllr Hills advised that his son was a commercial angler.

38. MINUTES

Ms Ferry advised that her apologies had not been noted in the minutes. Members agreed that the minutes of the meetings held on 21 November 2023, as amended, were correctly recorded and that they be signed by the Chairman. No matters were arising.

39. REVENUE BUDGET MONITORING 2023/2024 (B1)

Members were advised that the forecast underspend at 31 December 2023 was £31,460, which was a decrease to the amount forecasted in the previous meeting in September. Variances to the budget were provided within the report. Repairs to Nerissa were higher than anticipated and were now expected to be in the region of £45,000. This amount could still be higher as the work was ongoing. It was proposed that the costs for these repairs be met from the underspend in the fuel budgets and a drawdown from Reserves.

In response to a question from a Member on whether the cost for Nerissa were repairs or a basic service, the CFO advised that Nerissa had lost a propellor at sea which had needed to be replaced. She was currently at the Isle of Wight for a refit which would include general repairs, a full check of the boat and her engines would be taken out for service.

Members **APPROVED** the forecast underspend of £31,460

40. DRAFT BUDGET 2024/2025 (B2)

The Financial Advisor provided Members with details of the draft budget for 2024/2025 which required an increase to the levy of 3%; with the addition of the Specific Grant from the Government this would provide a budget of £1,013,462.

Members were provided with a summary and individual details of the increases and savings that were proposed. They were advised that costs had increased and that budgets relating to supplies and services had increased by 20%. Support charge budgets were higher as a result of an amount set aside for possible judicial review of the TECFO 24 Regulating Order and for the advertising of MPA management measures byelaws. Savings would be made in staffing costs as some posts would be funded from DEFRA and the fuel budget for vessels and vehicles had been reduced. It was expected that interest from investments would be higher in 2024/2025 and additional income was expected from licence and survey income. The Financial Advisor confirmed that the Authorities that contributed to the levy had been contacted and the finance officers had confirmed that the proposed increased had been included within their own budgets for 2024/2025.

Members asked the following questions/made comment:

- What was the reason for Southend not receiving a Specific Grant – in response the Financial Advisor stated that these payments were made direct to the Local Authorities by DEFRA and Southend did not receive one.
- Would it not be more appropriate to use money from reserves to fund a judicial review – in response the CFO stated that in 2024/25 licences would be issued

under the new Regulating Order. Legal advisors had suggested that it was possible that legal challenge would come within 2024/2025. Risk management process required that officers should consider all financial risks to the IFCA and it was considered that this was a specific in year risk and should be put in the budget as such.

- If there was no call to spend this amount on a judicial review what would happen to it – in response the CFO stated that it would be put into reserves. The sum suggested would represent the amount needed to fund an initial judicial review. If a judicial review were allowed, then further money would need to be drawn from reserves to pay for this.
- To come to a budget meeting and be told that an increase had been agreed was quite a surprise. Had the Essex CC finance officer agreed £12,780 as an increase to the budget – in response the Financial Advisor stated that each year Essex CC contacted the IFCA to notify them how much they intended to set aside from their budget base. She then notified them of the amount that was proposed by the IFCA as the levy for the year.
- At the recent technical panel meeting they had been surprised at how tight the reserves were. Was the IFCA on track to have sufficient to replace boats and was it possible to request that any underspend went into renewals – in response the Financial Advisor stated that the underspend from 2023/24 had been placed in the renewals reserve so it was possible for that to be done.
- A Member for Kent CC stated that they had no knowledge that their Local Authority had been contacted and an increase agreed. The increase of 3% had been agreed by another committee they sat on and this increase the IFCA were requesting was acceptable. However, the way the paper was structured tended to weaken the role of the committee.

The Clerk to the Committee provided clarification on the role of Councillors in confirming the budget. Although the paper was framed as “it has been agreed” this represented an acceptance from the Local Authorities (LA) as part of their budget development which was the responsibility of the Executive within that LA. It did not take away the role of councillors and the full council in setting the full council budget for each LA. When described “as agreed” when presented in the report it showed that the LA finance teams when developing the budget that would be presented to each LA had considered that there was sufficient money to cover the budget that was being proposed by the IFCA officers. He advised that as members of the IFCA their role was not a rubber stamping exercise, it was about approving the levy as appropriate and that the budget set out in the report showing what was being spent on the different areas was appropriate for the Authority. Elected councillors of the precept authorities would have a separate responsibility of considering or approving or otherwise the budget that went to their full council which would include their total IFCA contribution as a budget line. The Clerk wanted to provide reassurance that this was not just a case of “it has all been agreed behind closed doors”, rather that the relevant steps in order to bring the proposal

forward had been agreed. In conclusion he advised Members that there had been confirmation from the finance team, and that would include the budget build with the Executive, that there were sufficient funds within their LA to cover the amount that was in these proposals and that these would still be subject to confirmation. Were there to be an amendment at full council that could prove challenging and there would probably be advice brought forward by your Section 151 officer but he wished to reassure members that they had an important role in determining the budget today because they were approving what the IFCA budget would be and that did not prejudice their role as councillors agreeing the budget at their full council meetings in February.

The Chairman thanked the Clerk for his comments and advised Members that this appeared to be an internal process for them to talk to their individual LAs about.

Members **AGREED** the draft budget of £1,013,462 and the total levy payable by each Local Authority for 2024/2025 as follows:

• Kent County Council	£437,004
• Medway Council	£76,517
• Essex County Council	£437,004
• Thurrock Council	£38,411
• Southend-on-Sea City Council	£24,526

41. WHELK PERMIT BYELAW UPDATE (B3)

The CFO provided Members with an update on the whelk Fisheries Management Plan (FMP) which had been published by DEFRA in December 2023. KEIFCA as well as other IFCA's had responded to the consultation. Members heard that the key objectives from this plan included developing a data collection program, defining key whelk stock boundaries for assessment and management and assessing CPUE. The IFCA had already committed to the continuation of its catch return and existing data collection program which had been developed following the mortality event on the North Kent Coast to contribute to these FMP objectives. Since 2011 KEIFCA had a Whelk Byelaw in place and had been monitoring stock as well as collecting data on market values and analyzing whelk landing data. This data collection and expansion of the workstream would be furthered in collaboration with the AIFCA and Eastern IFCA within a funded project, Coastal health, livelihoods, and environment.

In respect of KEIFCA's annual whelk fishery, the LSCO informed Members that this had been an unusual year in terms of the market value of whelks. Prices had increased to £1,300 per tonne for most of the year and to £1,600 per tonne by the end of the year. Both MMO and IFCA landing data showed that in 2023 there had been a drop in catches.

Whelk fishing in the District had significantly reduced in 2023 with fishing effort and landings at their lowest level since the whelk permit byelaw was introduced in 2023. Fewer commercial permits had also been issued than in previous years.

Of the four fishing areas that the IFCA managed, the majority of whelks had been landed in Area 4 (Folkestone to Dungeness). Area 2 (Thames Estuary) suffered a significant whelk mortality event in 2022 with catches reduced in that area since then. This mortality event had had a big impact on the fishermen with a number having to fish further afield. Eleven out of the nineteen permit holders fished in Area 2, but only landed 15% of the total catch for the district. By contrast, three permit holders that fished in Area 4 landed almost 60% of the total catch.

Members were advised that compliance with the byelaw was very good. Fifteen vessels had their catch checked with two minor infringements for retention of undersized whelks. With regard to research being carried out, the LSCO informed Members that KEIFCA had partnered with Essex University in 2022 to study the effect of water temperature on whelks. Early observations had suggested that there were higher levels of mortality, reduced egg laying and smaller eggs at higher temperatures. Whelks in colder temperatures appeared more active, with those at warmer temperatures unable to orientate themselves.

In addition to this research the mark and recapture experiment was still going ahead with the help of Whitstable fishermen.

Members were reminded that they had the ability to review the management of the whelk fishery each year. Taking into account the most recent landing and catch data it was recommended that the current management measures were maintained for the 2024/25 permit.

Members made the following comments:

- Worried for local fishermen that fished for whelks as they couldn't fish for anything else. They were now running out of options and couldn't afford to go to sea. There was a ban on the landing of pollock with only a small monthly quota of bycatch allowed. If this was to come into the recreational market then charter fishing could be impacted.
- There was no data for 2024 within the report. Was there any improvement on the die off situation – in response the CFO said that it was taking a long time for it to improve. Tagged whelks appeared to have moved into deeper waters. It had been fortunate that the hot weather experienced in 2023 did not occur over a long period as it had in 2022. No reports of very poor condition whelks had been received. Fishermen had been spoken to very recently and had reported a westward move of the banded whelks. They did seem to be returning to Area 2 but it would take a long time – it was a three month journey from the edge of Area 2 to the middle.
- There was an issue with water quality across the Thames Estuary. Fishermen were having to go into deeper, purer water than that off the coastline. The Thames Estuary had become the dirty water sump of the North Sea. Water authorities had failed across the board. There had been massive developments across the district

with more water discharged into the sea. There was more to answer than just global warming.

- The squid fishery outside of the district had been taken over by large vessels that were taking squid and brood stock. There had been an issue with pulse beamers, now this was fly shooters. Going forward it was necessary to look at some form of regional management otherwise there was no point in being given stock that was not found in the area. Bass and dover sole were the main species for this area. There was little quota on bass and it wasn't possible to catch sole as it was being fished out before it could get into the district.
- With regard to the whelk FMP, how was this fitting into the whelk management in the area – the CFO advised that DEFRA were beginning to start to roll out the implementation phase to the shellfish team. There were a lot of aims. DEFRA were intending to hold a series of meetings and workshops in the next six to nine months to see how these aims will emerge and what to prioritise.

Members **AGREED** that the pot limit, the riddle size and the number and size of escape holes should remain set at:

Pots – 300 for category 1 permits and 10 for category 2 permits

Riddle – 25mm spacing between bars

Escape holes – 10 @ 25mm per pot

42. MANAGEMENT OF BCRC MCZ NATIVE OYSTER FISHERY FOLLOWING FURTHER DECLINES IN THE NATIVE OYSTER POPULATION IN 2023 (B4)

Members were reminded that they had introduced a byelaw in 2019 to manage the native oyster beds in the Blackwater, Crouch, Roach and Colne Estuaries MCZ (BCRC MCZ). The area had remained closed to allow the beds opportunity to recover from fishing pressure. The byelaw required that before the fishery was opened the stock levels were required to show a sustained recover trend and for the biomass to exceed an estimation on 800 tonnes.

The LSCO advised that KEIFCA had carried out the annual native oyster survey in the MCZ during November 2023. One hundred and thirty-four sites were sampled. Results showed that the total number and the spatial distribution of native oysters within these sites had significantly declined. These reductions were spread throughout the MCZ. Officers had spoken with local fishermen in the Blackwater who agreed there had been a decline in populations in the area to the extent that they were now fishing further afield or looking to go into different fisheries.

The LSCO informed Members that it was likely that the reason for the decline would be environmental. Shellfish mortality was a common issue and could be due to disease and parasites as well as more frequent and intense marine heatwaves.

In October 2023 ZSL had chartered Tamesis to carry out a native oyster survey of the subtidal beds off the Isle of Sheppey. This was completed over four days and showed a

far greater abundance of pacific and native oysters in this area than in the BCRC MCZ or in the Medway area which had been surveyed in 2022.

Members were advised that the IFCA continued to support the work carried out by ENORI to create an area where native oysters could be encouraged to grow. ENORI had begun a detailed seabed survey in September 2022 which would be written up as part of a MSc thesis.

Members **APPROVED** the following management measures:

- i. that the BCRC MCZ Native Oyster Fishery remained closed in 2023/2024 because the requirements for the fishery to open had not been met, namely, a minimum of 800 tonnes biomass (calculated at 20 % dredge efficiency, or 1600 tonnes at 10% and evidence of sustained levels recovery in native oyster populations are required) in Blackwater, Crouch, Roach and Colne Estuaries (KEIFCA 2019 Oyster Survey Report);
- ii. that the Authority continued to review the recommendations regarding the current closure of the native oyster fishery within the BCRC MCZ site on an annual basis, with the next review scheduled for the November 2024 KEIFCA meeting; and
- iii. the update to recommended minimum population size based on updated dredge efficiency parameter was noted.

43. PROCUREMENT OF NEW CABIN RIB (B5)

The CFO informed Members that officers had met with KCC procurement team and the National Shipbuilding Office (NSO) to discuss the requirements and procedures that were required to allow the purchase of a cabin RIB to go out to tender. Members were advised that the required documents had been drafted and a final review was being undertaken by KCC prior to the tender being published on the KCC ProContract System. The NSO would also highlight the tender to all boatyards held on their records.

It was intended that this would be published by the end of January 2024, it would run for thirty days following which KEIFCA officers would then evaluate any responses and submit their evaluation and recommendations to the Authority at an extraordinary meeting to be held in March.

In response to a question from a Member on the scoring process, the CFO advised that KCC legal advice was that the evaluation of the tenders should be an officer led process with the full Authority reviewing the decision.

Members **NOTED** the report

44. FISHING OPPORTUNITIES IN THE THAMES (VERBAL UPDATE)

The CFO informed Members that there had recently been a lot of publicity around manilla and razor clam fisheries in the Thames Estuary, with suggestions that the fishery could be worth between £30million to £60million. The matter had been raised in Parliament and the Prime Minister had come to Leigh on Sea to meet the industry. Manila clams were found in similar locations to the cockle stock and had been surveyed by the IFCA since 2018. As the water temperatures had increased, this species had grown steadily and was seen as a fishery for the future. The IFCA had worked with the industry to allow the landing of this species under the umbrella of the Cockle Permit Byelaw as cockles were the dominant species. The commercial viability of the manilla clam was in an emerging category. Industry had found clams, but not in quantities or with yield that appeared particularly economic. This year, although fishermen had reported finding clams, they concentrated on landing cockles. Although it was seen as a significant fishery in the future, it was not at present.

With regard to razor clams, the IFCA had been working with local fishers since 2001 to identify beds, the best way to exploit them and to understand their economic viability. Razor clam fishing had a similar impact to that of cockles and could cause significant impact to the seabed within MPAs and would require an HRA. Natural England would need reassurance as to how harvesting of these clams could go ahead in any MPA. Officers' advice to the industry had been to find stocks that were outside MPAs, that would not require HRAs. As a result, the majority of stocks that had been identified had been found outside the IFCA district. There was a national minimum size of 10cm, however there were two types of razor clams, the native species was usually found at larger than 10cm with the invasive species found at less than 10cm. In order to exploit these stocks, there was a requirement to understand the distribution of the stocks, to understand which of these two species they were, whether they were mixed and to understand how they could be exploited.

This had received a large amount of political coverage and the IFCA had been working closely with DEFRA to update them on the actual position of this fishery as quite a niche fishery. Officers felt that it was more suitable for canned products than a live market. The IFCA had been asked by Government for assistance in answering questions on the economic viability of the fishery. As mentioned previously a small amount of the fishery was within the IFCA district, but most was outside. As the IFCA had more experience with shellfish they would take the lead on any work undertaken with the MMO to be able to manage this and prepare any legislation that might be needed in the future to manage these stocks

45. DRAFT ANNUAL PLAN (B6)

Members were provided with the draft Annual Plan 2024/25 for discussion. They were advised that DEFRA had agreed to fund IFCAs an additional £150,000pa to assist with the progression of national priority workstreams. KEIFCA intended to use the money to fund two posts, a cockle officer and a fisheries liaison position.

A Member requested that the new environmental duty be included within the Annual Plan which would link into the marine strategy.

Members **APPROVED** the draft Annual Plan subject to amendments.

46. MATTERS FOR REPORT (C1-C6)

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)

Public meeting ended 12:25

Exempt items

12:25 MOTION TO EXCLUDE PRESS AND PUBLIC EXEMPT ITEMS

That under Section 100A of the Local Government Act 1972 that the public be excluded for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act.

Staff Matters (E1)

Members discussed and approved the granting of a one-off cost of living payment to all staff for the 23/24 financial year.

12:40 meeting ended