

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Council Chamber, Gravesham Council, Windmill Street, Gravesend, Kent DA12 1DD on Tuesday 17 September 2024

Present: Mr J Lamb (MMO), Mr J Nichols (MMO), Mr J Rowley (MMO), Mr R Turner (MMO), Mr E Hannam (MMO), Mr P Wexham (MMO), Ms T Ferry (MMO), Cllr D Crow-Brown (KCC), Cllr T Hills (KCC), Mr W East (MMO), Mr C Collins (MMO)

Apologies: Mrs E Gilson (MMO), Mr A Baker (NE), Cllr S Curry (Medway Council), Cllr G Coxshall (Thurrock Council), Cllr L Hyde (SCC), Cllr A Goggin (ECC), Cllr J Fleming (ECC), Cllr M Skeels (ECC), Mrs D O'Shea (Office Manager)

In Attendance: Mr J Cook (Clerk, KCC), Ms S Martin (Financial Advisor, KCC), Dr W Wright (Chief Fishery Officer), Mr D Bailey (Assistant Chief IFC Officer), Dr P Haupt (Lead Science IFC Officer), Miss K Stuart (Science IFC Officer), Mrs K Woods (Admin Assistant)

Laid around the table: email from Mr P Gilson, in relation to agenda item B7
 blank skills audit form, in relation to agenda item B6

The Chairman advised Members that Cllr Lydia Hyde, who was unable to attend the meeting, had been appointed to the IFCA by Southend-on-Sea City Council. Cllr Tony Hills and Mr Joel Cook were delayed due to traffic and would join the meeting in due course.

15. DECLARATION OF MEMBERS' INTERESTS (A1)

The Chairman requested Members to declare any interests and advised that those with 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.

Mr Turner declared his membership of the governing board of ROFF as a personal interest and asked that it be recorded at all future meetings unless otherwise advised.

Mr Collins declared a personal interest in matters relating to recreational angling.

16. MINUTES

Mr Turner asked that his personal interest declared as detailed above be added to the minutes as he did declare them at the meeting. Members agreed that the minutes of the

meetings held on 22 May 2024 were correctly recorded, aside from the one amendment, and that they be signed by the Chairman. No matters were arising.

17. REVENUE BUDGET MONITORING (B1)

The Accountant to the IFCA provided Members with details of the estimated financial outturn for the Authority as of 31 August 2024. An underspend of £5,700 was currently forecast, although this was subject to change as the year progressed.

Members were advised that the second Toyota Hilux was purchased early on this year and showed as a variance in the revenue budget; this cost would be capitalised at the end of the year and there was a corresponding credit forecast, detailed in Appendix 1. The amount of DEFRA MPA/FMP grant allocated was not known when the budget was set so this was also shown as a variance but was offset by expected expenditure across the whole budget.

Members were provided with details of the assets and reserves position as of 31 August and advised that when the second Toyota Hilux had been purchased, the old vehicle had been part exchanged. Both the VW Caddy vans were due to be replaced this year, new vehicles had been ordered and the old ones would be part exchanged. Members were informed that all associated costs for the new vehicles would be capitalised.

The Chairman thanked Ms Martin for a clear report and invited questions from Members:

There was a request that in future, the table in Appendix 1 be presented in a larger format as it wasn't easy to see all the entries. The Admin Assistant agreed to improve the presentation of this report for future meetings.

A Member asked specifically about income to be received next year from cockle licences and in response the ACIFCO explained that the figure was as yet unknown, but he would explain more on this question in Agenda Item B 3: TECFO 24 Regulating Order update confirming number of licences & update.

In response to a Member's question as to why, when the new vehicles will be capitalised, was depreciation not shown, the Accountant explained that depreciation was calculated over 5 years and the first year's depreciation would be reported on at year-end.

10:20 Mr J Cook joined the meeting

Members **APPROVED** the forecast underspend of £5,700.

10:25 Cllr T Hills joined the meeting

18. 2024 COCKLE FISHERY MANAGEMENT UPDATE (B2)

The Assistant CIFCO reported that the TECFO cockle fishery had opened on 16 June 2024. Catch rates during the season had generally been good to very good, with good growth rates on some beds but only average or below average growth on others. The maximum of 11 tonnes per trip had been consistently landed and the weather had been generally good during the season. Overall, the beds were in a good condition, but the Maplin Sands had not had good spat fall this year.

A Member asked how the good or average rates were calculated and the ACIFCO replied that all rates were calculated numerically. The TAC was set in April each year based on that year's survey and average 10-year sizeable growth rate data, with overall biomass measured as tonnage.

Members were advised that Area 15 had opened for the first two weeks of the fishery and then closed. Officers had conducted an additional survey on Area 15 in August which resulted in two additional trips being granted on this bed during September. The overall number of trips had remained at 30 trips for the season and the original TAC of 4620 tonnes had remained unchanged.

In response to a Member's question "what do you attribute good growth in Area 15 to?", the ACIFCO advised that the grounds were fantastic; in a good position and with a good food source.

Members **NOTED** the report.

19. TECFO 24 REGULATING ORDER UPDATE (B3)

The ACIFCO reported to Members that the new Regulating Order (RO) was due to come into force next year but there had not been communication from Defra recently on when the new RO would be signed off.

Members were reminded that they had already agreed to increase the number of licences to be issued for the first 7-year cycle to 15 from the current 14 licences issued under the TECFO 94 RO. However, it had also been decided that the number of licences would only be confirmed by the Authority following the September 2024 surveys after considering stock levels. The results of the surveys revealed that stocks were stable and had been

for two years. Therefore, the Officers' recommendation to the Authority was to issue 15 licences for the first 7 years of TECFO 2024.

The Chief Officer commended the ACIFCO and his team on a great job in preparing work for the Authority to ensure they could make their decision based on good information. In response to a question regarding risk of an objection resulting in a Judicial Review (JR), the CIFCO advised Members that there was a potential risk of JR over the decision to increase the number of licences. However, a JR could not be brought over the decision itself, rather the process which had been followed to reach that decision. It would cost a company/individual a lot of money to apply for a JR and there was no guarantee that the applicant would be the beneficiary of an additional licence. There was a discussion over the backlog of paperwork and new legislation to be made by the new Government, including the TECFO 24 Regulating Order.

Members **CONFIRMED** the decision made in March 2023, that the number of licences issued for the first 7 years of TECFO 2024 will be 15.

The Chairman left the room, the Vice Chairman took the Chair

20. 2024 PERMIT COCKLE FISHERY MANAGEMENT UPDATE (B4)

The ACFO reminded Members of the results of the April surveys which had been reported to them at the last Authority meeting held in May. In addition to the usual beds within Area 7, cockles had also been found in Area 14 on the North Kent coast and that work was ongoing to get this bed classified for food health purposes. Members were also reminded that there had been 31 permit applications received, of these 21 vessels had presented for biosecurity inspections and had been eligible to take part in the fishery.

In respect of classification of commercial shellfish beds, the ACIFCO reported that within area 14, the Food Standards Agency (FSA) and CEFEAS had defined two specific fishing zones, South Margate Sands and Margate Hook. South Margate Sands was now classified, and Margate Hook was due to be classified the following day. Future classification was hoped for in Pegwell Bay and Minnis Bay but at the moment there were not consistently sufficient cockles in these beds for commercial harvesting.

Members were informed that Area 7 was quite small and part of it had been designated for the Manila clam trial. Area 14 looked to have improved since last year with catches similar to those previously fished in Area 15. Early feedback from permit fishers was positive with a 3 tonnes limit per trip considered good. The CIFCO informed Members that it had taken a lot of work to develop a small-scale cockle fishery which would provide a regular but small fishery, as well as allow for new entrants, e.g. fishers from the north Kent coast.

A Member asked Officers to indicate on the cockle areas chart where the private fishing grounds were, for example those in Area 10. The ACIFCO responded that it was not within the jurisdiction of the IFCA to protect or enforce private grounds. Surveys were conducted in Area 10 but there were not sufficient cockles for commercial harvesting. Classification of shellfish beds was a complicated process which would not respect private/IFCA ground boundaries. Furthermore, private grounds owners were not always forthcoming in providing their grounds boundary information.

A Member pointed out that there were no costs associated with the fishery included in the papers. The Vice Chair thanked the Member for raising the point and asked that these be included in future papers.

In response to a Member's question about fishing for cockles in Pegwell Bay which was situated within a SSSI, the ACIFCO responded that it would take a lot of work and, although there were cockles there, it was a long way off being able to be open.

Members **NOTED** the report.

The Chairman re-took the Chair

21. MANILA CLAM FISHERY TRIAL UPDATE (B5)

The CIFCO reminded Members that at the May Authority meeting, they had approved the development of a Manila clam trial for a limited number of fishers to commercially harvest clams from specified fishing areas which had been set aside by use of a scientific and fisheries management exemption under the cockle fishery flexible permit byelaw.

The CIFCO reported to Members that following the May Authority meeting, officers had engaged with the local industry and asked for expressions of interest from fishers who would like to take part in the trial. Thirty eight fishers had expressed an interest, of these 15 subsequently submitted a formal application to participate. Overall, the standard of applications was very high, and following discussions with Natural England, KEIFCA had increased the number of trialists to 8. Following the process agreed by the Authority (that the number of trialists planning to use hydraulic suction dredges was limited to 2), 6 vessels planning to use batch dredges were awarded a place on the trial as well as 2 vessels planning to use hydraulic suction dredges.

On 26 August Officers met with the trial fishers to discuss KEIFCA's proposal for the running of the trial. Trialists expressed their expectations for a potential future clam fishery to be small-scale, sustainable and of high value. The CIFCO stated that KEIFCA were keen to promote a fishery which would create on-shore jobs through depuration. The CIFCO thanked Science FO Stuart for her great work in managing the project to date

and drew Members' attention to Appendix 1; Manila Clam Trial Newsletter Issue 1, which had been sent in August to industry and other stakeholders to keep them up to date with the trial. Further issues would be sent out every few months.

The CIFCO reported that the Manila clam trial had been set up using best practice gained from experience in managing the cockle fisheries, e.g. the number of trips and weekly fishing periods. The industry was keen to increase the number of proposed non-landing trips just for gear testing purposes in the first week of the trial. KEIFCA had agreed as it was important to collect as much evidence as possible from the trial before moving forward to a full fishery. In the final week of the trial, fishers were permitted to land 500kg of clams; it would be useful to see if the smaller vessels could cope with this amount and what the depuration capability would be for that quantity. A post-trial meeting with the trial fishers was planned to learn about trial outcomes, use of different gear types and other feedback, with another trial scheduled next October to look at the impact of more vessels on the seabed.

A Member thanked the Officers for their hard work but expressed his concerns over whether Natural England would allow it to go any further.

A Member asked if KEIFCA had worked with the Port Health Authority? The CIFCO responded that Science FO Stuart had informed the Local Authority of the project, it had all been done properly and there was a real opportunity for high quality clams. The ACIFCO added that Manila clams had been harvested from fishing areas which were already classified for cockles. However, a separate application had been made to classify the areas for clams as it was a different fishery. The CIFCO and ACIFCO highlighted the differences between the two fisheries: clam shells were not as robust as cockle shells, the cooking process was different, catching clams was a much slower, gentler operation than for cockles which can be collected very quickly.

A Member asked how far west the fishery might extend as he had seen clams in Hythe Bay, St Mary's Bay and Dungeness. The CIFCO responded that fishers had been asked to report to KEIFCA where they had seen clams and agreed that they were present in other parts of the district as well as where the trial had been held, but that they needed to be in sufficient numbers for commercial harvesting.

In response to a question about razor clams, the CIFCO reported that KEIFCA were in liaison with Defra and that Lead Science FO Haupt was working on a report looking at razor clam fisheries in the UK, Ireland and Europe. It had the potential to be a hugely valuable fishery, but the value was in them being sizeable and undamaged. The size of razor clams within KEIFCA district was not what the market demanded and that current fishing practices were very invasive.

The Vice Chairman suggested that further discussion on razor clams could continue after the meeting as it was not pertinent to the current Agenda Item and asked Members to consider the Officers' recommendations as laid out in the meeting papers.

Members **AGREED** the recommendations that:

- Working in the boxes outlined in Fig.1 (page B5:3), the trial will be divided into weekly specified periods.
- The first week will start at 05:00hrs on Tuesday 1st October and run until 18:00hrs on Saturday 5th October. Trialists will be allowed a maximum of 5 trips during this period for the purpose of setting up and testing gear and no landings will be permitted.
- For each of the subsequent weeks (Week 2 – Week 4) the trial will run from 18:00hrs on Sunday to 12:00hrs on Friday and the trialists will be permitted to make the following specified number of landings, with the following specified quantities of Manila clams (*Ruditapes philippinarum*) per landing.

22. AIFCA – SKILLS AUDIT FEEDBACK (B6)

Members were told that skills audits were used in a range of governance settings to provide a systematic approach to supporting the development of effective committee governance. The Association of IFCAs (AIFCA) had worked with Devon & Severn IFCA to develop a skills audit to be trialled by KEIFCA and Members' feedback was requested by the AIFCA to ascertain if it would be suitable and beneficial for all IFCAs. The CIFCO commented that a key strength of the IFCA model was its Members and asked for initial comments and feedback.

Members discussed the report and pertinent comments made were:

- The links didn't work in the electronic version of the form.
- It doesn't always relate to the way the IFCAs are set up e.g. MMO appointees are selected for their relevant skills and knowledge, whereas Councillors aren't.
- You need people who have the ability to see evidence then take a decision.
- I see it as an opportunity to fill in knowledge gaps on the Authority and to train and expand the skills of Members. I would be open to that opportunity.
- There's a lot on there that I wouldn't need to know.
- It does seem to be an over-reach by the AIFCA and feels like more of an MMO duty when interviewing candidates. It is too long, too waffly, and too admin focused e.g. 'have you run a meeting?' not 'have you any fishery knowledge?'
- What will happen once I've identified gaps in my knowledge – will you teach me?

The Chair thanked Members for their comments and advised that the skills audit would highlight how KEIFCA as a group could be strengthened and encouraged Members to complete the questionnaire.

The Clerk addressed the meeting to explain that this was part of a national piece of work to improve governance in organisations. The Clerk delivered a brief explanation on the role of Authority Members in relation to governance of the KEIFCA.

The CIFCO thanked the Clerk for his input and explained that KEIFCA were lucky to have the infrastructure in place for sound decision making as not all IFCA's had a Clerk. There was a lot of goodwill behind the project but also doubt as to how materially useful it would be. The CIFCO advised that he would feedback to the AIFCA the main issue raised for inclusion in the revised version of the skills audit questionnaire, i.e. the difference between the MMO and the LA appointees.

Members **NOTED** the report and agreed to take part in the Skills Audit trial

23. STOCK AND SPECIES CHANGES IN THE DISTRICT (B7)

The CIFCO reported to Members that KEIFCA sought approval to develop and run a project designed to record and quantify changes in species seen across the district. Members were told of ongoing and increasing concerns from the fishing industry over significant reductions in key commercial species and a general decline in species diversity. Netters had begun to enter the whelk fishery to avoid going out of business as finfish landings were no longer supporting them. Members were told that there were many theories which attempted to explain the situation, such as climate change, more cable laying, windfarms, dredging and sewage and chemical spills to sea.

KEIFCA had a duty to engage with the industry and respond to its concerns and by trying to quantify what had changed could help to highlight this issue both at a national level and to other regulators. The CIFCO drew Members' attention to the list of species shown on page B7:2 of his report and explained that the proposed project would aim to use national data sources e.g. CEFAS and ICES as well as evidence from KEIFCA commercial and recreational fishers collected from individual interviews asking standard questions.

Members were told that the proposed project would be funded with some of the DEFRA Fisheries Management Plan (FMP) money. Officers would develop an interview questionnaire and 'road test it' with a few fishers before rolling it out across the district. Initial findings would be reported back to the next KEIFCA meeting in November.

A Member commented that he was very concerned about this situation and how climate change continued to impact fisheries. There were not any young people coming into the industry and fishers had to adapt to what climate change was bringing. He advised that he was working on the Environmental Strategy for KCC, and a conservative estimate was that sea temperatures would rise 4 degrees by 2080. He suggested writing to MPs regarding hardship payments to keep the fishing fleet going.

A Member thanked the CIFCO and gave his full support to the project. He advised that the MMO were involved in windfarm studies amongst others and offered liaison with KEIFCA. The MMO were also working on some global projects such as exotic fish being sold Billingsgate fish market.

A Member commented that this would be just a snapshot and should be revisited in 2/4/6 years' time. He stated that there was recognition that there was a decline along the east coast.

The Vice Chairman echoed that there had been massive changes along the coastline over the past 60 years and as well as a decline in fish stocks, he had noticed that the Thanet and south Kent coastline was devoid of weed.

Members suggested other species to be added to the list, including: mullet, brown and pink shrimps, spurdog, squid, cuttlefish, octopus, mackerel

The CIFCO thanked Members for their good comments and the suggestions of additional species to be included.

Members **DISCUSSED** the changes in abundance of species in the district and **AGREED** to develop and run a project designed to record and quantify changes in species.

24. NEW VESSEL UPDATE (B8)

The ACIFCO gave a verbal presentation as supplement to his written report and commented that this was a fast-moving project. The contract, based on a standard shipbuilding contract, had been drafted and was with Ribcraft for signing.

Members were reminded that they had previously approved a budget of up to £400k plus 10% and the ACIFCO advised that the full funding of £300,000 had been received from Central Government. The current delivery date was end of March which the ACIFCO advised was a realistic date but added that penalty clauses had been written into the contract. The ACIFCO confirmed that 35% payment would be held back until delivery.

Members were shown an image of Southern IFCA's new vessel, which had been built by Ribcraft and was very similar in specifications to KEIFCA's.

The Chair thanked the ACIFCO for the update and suggested a launch visit be arranged for all Members.

Members **NOTED** the report

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)
- Recreational Angling Report (C5)
 - A Member pointed out that this report did not include an author
- Enforcement Report (C6)
 - A Member requested that there were many acronyms used in the report, and it would be helpful to know what they were

ACTION: report authors to use full terms or explain acronyms in future reports

- A Member questioned how the 29 offences reported might affect applicants for the new T24 cockle fishery. The ACIFCO explained that the offences in the report related to the current TECFO94 cockle fishery and that there was a different, very clear system for the new T24 Regulating Order (RO), under which all fisheries offences would impact the vessel owner and vessel skipper in applying for a licence. The Member gave an example of a previous issue whereby the Company had blamed the skipper for an offence and had pressured the skipper to take full responsibility for it. The ACIFCO reiterated that moving forward both the vessel owner and the vessel skipper would be liable for offences but clarified that just one or two verbal warnings would not prevent someone from getting a licence.

Members **NOTED** the reports

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.

Members of the public, Dr P Haupt and Miss K Stuart left the meeting

E1. STAFF MATTERS

Members discussed and **AGREED** the proposed staff and pay structure in principle, subject to consultation with staff.

E2. NOTES OF MANILA CLAM TRIAL APPLICATION PANEL MEETING

Members discussed and **APPROVED** the Notes of a Manila Clam Trial Application Panel Meeting held online on 15 July 2024 at 10:30hrs

Meeting ended 13:45