

## **Kent & Essex Inshore Fisheries and Conservation Authority**

**Present:** Cllr J Lamb (Southend CC), Mr J Nichols (MMO), Mr J Rowley (MMO), Mr A Baker (NE), Mr R Turner (MMO), Cllr J Fleming (ECC), Cllr A Goggin (ECC), Cllr M Skeels (ECC), Mr P Wexham (MMO), Cllr T Hills (KCC), Cllr M Dendor (KCC), Cllr H Tejan (Medway Council), Ms T Ferry (MMO), Mrs E Gilson (MMO)

**Apologies:** Mr E Hannam (MMO), Mr M Kirkham (EA)

**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 Scientific Officer), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

**By Invitation:** (public meeting only) Dr J Davies (Defra)

**Members of the public:** (public meeting only) Mr A Rattley, Mr D Deal, Mr J Bates, Mr A Lawrence

The Chairman informed Members that Cllr Coxshall had stepped down as the representative for Thurrock Council since his appointment as Leader of the Council. He thanked Cllr Coxshall on behalf of the IFCA for his work.

### **20. 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.

Mrs Gilson declared a disclosable pecuniary interest in respect of Agenda item B1 and a personal interest in respect of Agenda items B2 and B4

Mr Turner declared a personal interest in the cockle fishery as a member of Rochester Oyster and Floating Fishery (ROFF).

Mr Wexham advised Members that he had been involved in the setting up of Leigh Port Partnership and had been Chairman of this for some time. Due to the use by Thames Estuary Fishermen's Association (TEFA) of the letter heading which used Leigh Port Partnership, he had resigned as Chairman as he would have had to declare an interest and not take part in discussions.

## **21. MINUTES OF 26 MAY AND 19 OCTOBER 2022 (A2)**

Members agreed that the minutes of the meetings held on 26 May 2022 and 19 October 2022 were correctly recorded and that they be signed by the Chairman. No matters were arising

### **Exempt items**

#### **10:15 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.**

Mrs Gilson declared a pecuniary interest in this item and left the room

The CFO provided Members with details of the actions taken following the meeting of the 19 October in additional engagement with stakeholders.

10:40 Exempt meeting ended.

Mrs Gilson re-joined the meeting

10:45 Public part of meeting started

## **22. COCKLE FISHERY REVIEW; PRE CONSULTATION 3 ENGAGEMENT (B2)**

The CFO advised Members that following the meeting of the 19 October 2022 when the Authority agreed the new framework, the Chairman agreed to add an additional step to the consultation process that a letter should be sent to all stakeholders to provide them with the opportunity to submit suggestions as to the criteria, weighting and ownership of licences. This letter was sent on 20 October and responses were required by 7 November. The CFO acknowledged the short turnaround but wanted to give stakeholders an opportunity to feed into the process before the Authority met again. Members were provided with copies of thirty three letters that had been received, which the CFO stated he was happy to recommend were taken forward to the meeting on 29 and 30 November 2022 for consideration when deciding on the options to be included in Consultation 3.

The Chairman invited those stakeholders who had applied to address Members to make their comments:

*Statements made to Members by these stakeholders have been written verbatim within these minutes*

### **Mr A Rattley – TEFA**

Further to our submission on proposals, the weighted criteria of the stage 3 of the consultation process. TEFA fully supports the local ports of Leigh on Sea, Whitstable and Queenborough and fully recognises that some of our members have different needs and all businesses within the association have different business models that they need to support. All of the businesses use and support the local ports for moorings, unloading, unloading services, repairs, renewables, consumables, along with crews etc. We would encourage anyone granted a licence or a permit for small scale fishery to consider using the local processing plants in Southend on Sea and Leigh on Sea. It is unfortunate that there are no processing facilities within the port of Queenborough. The processing plant in the port of Whitstable closed due to the increased cost of the lease making the previous plant become unprofitable.

TEFA members are fully united in wishing to see new licences be granted for a new Regulating Order to be issued in limited companies to ensure that full investment can continue in the industry. It is felt that we need to ask the Members that if no licences were to be issued to the current limited companies what the socio economics would do to those companies and the staff that they currently employ as they have a legitimate right of expectation to continue to trade and employ their staff after 2024.

TEFA was unable to comment on its initial proposal with regards to compliance as the question is too broad and far reaching in its overall meaning, however if a specific set of questions were asked with regard to this it would enable further discussion. If the process is to encompass compliance from a national geographical level this would be a fair proposal in how to set the criteria. If it was to only encompass the Kent and Essex IFCA district it could possibly give an unfair advantage to anyone from outside of the Kent and Essex IFCA district that may apply for a licence.

We do, however, believe that our proposal of using the basics of the road traffic transport industry would give a very fair and balanced approach to compliance as all mitigating circumstances could be taken into account, holding skippers and companies liable for their actions.

With regard to CO2 reduction, TEFA would like to bring to Members' attention the criteria for the reduction of CO2. This is currently a minefield with restrictions from both a cost point of view of trying to renew engines within the current fleet. Tier three engines, clearly best for the environment, are too large to fit any of the current vessels without major alterations which become cost prohibitive due to the enormity and size of them. Trying to fit enormous exhaust systems and extra tanks although we hope to do so (*unclear*) and near one hundred pages of form filling to adhere to licence conditions and on top of that on some engines a two year lead time. Tier two engines currently in use can be rebuilt but at an enormous cost.

### **Mr A Lawrence**

We too are a local family processing business in the heart of Leigh old town and along with Fruits of the Sea and Deal Bros we also employ local highly skilled people in the running of our businesses.

As in any business your staff are your most valuable assets, without them you cannot function as a company. Therefore, we need to prioritise local processing within the district. We have also added value to our catch. We have just built a new IQF processing plant. Individually quick frozen this stands for. This has allowed us access into British supermarket retailers and other big frozen wholesale distributors within the UK. That is why we have won the Great British food awards for cockles two years running, keeping this Great British icon for the next generation to enjoy. But this can only be done by supporting local family run processing. Tourism is massive for the local economy creating even more jobs and all being brought about because people want to see the local boats and local processing. These people then head to the various seafood cafes and pubs to try the local delights. Southend council has been awarded the levelling up fund of £14 million. The port of Leigh is to get a brand-new quay and hard standing, improving the infrastructure so that even more boats can land their catch into the local processors.

Reducing CO2 emissions is top of the list for every government at the moment. So, by processing locally we can help reduce the 50,000 miles a year that are produced by lorries exporting live cockles out of the district.

We are an ageing fleet and it's not just the boats I'm talking about. The new OTRO fleet whoever they are will need to reinvest in low emission engines or even into a new vessel. Seven years is a long time but not in investment terms. With this sort of commitment should come reward with security that your business and the people within it will have jobs for the entirety of the order.

WG & SJ Dell, SJ Meddle Ltd, Mathew Smith of Seabreeze Trawlers are all in full support of this proposal.

### **Mr D Deal**

My dad left school aged 15 and went straight onto the cockle boats and worked down in Old Leigh all his life. Aged 50, he and his brother bought C&A Osborne which became Deal Brothers. I have been there 40 years now and my son, in his mid-30s now, came into it straight from school. It is an established, local family business producing cockles on sale into the UK market. Demand for our cockles is way higher than our production capability, given that most of the cockles landed locally go straight onto lorries and are transported to Kings Lynn and Boston for processing. That is why I would support more local processing. The new port regeneration is an ideal opportunity to grow our local industry. Since DP World channel dredging in 2010 we have seen a decline in available cockle stock. The new regulating area will be smaller than the current one that has barely supported 14 licences over the past few years. The criteria used for issuing more than 14 licences should also be used prior to the 2025 season as well as each seven year review. MSC status is very prestigious and should be looked after at all costs. There is a very fine line between sustainability and overfishing. When the current regulating order started in 1994 our licence was in my dad's name and it was non-transferable. If that situation had continued when he died four years ago the business would effectively have ceased to exist. Having a licence held in a limited company ensures the future of the company and its staff. We employ nine staff during the season, eight of which are paid

all year round to ensure we have skilled staff at the start of each cockle season. Continued investment is imperative but can only be considered with a secure stable future.

### **Mr J Bates**

I'd like to talk about the importance of processing locally. My family business holds one of the current TECFO licences. After many years of planning in 2016 my dad, brother and I took the bold decision to build a cooking and canning plant in the district. We went from a fishing vessel employing just my brother and I to a factory that employs at peak season as many as thirty people. At our factory we cook our catch, we place the cockles into tiers and then we export to the Spanish market. We are not a multi-national operated at a UK site by business at cost but rather a small local family business that is taking a British product, adding value to it in Great Britain and then exporting it to Spain at Spanish market prices which in turn draws much needed Euros into our country's economy. In recent other family businesses such as Osbornes have also made huge investments into the Industry in order to add value to the cockles and serve the growing UK market. As local processors our investments have bucked the trend within the Thames. You only need to visit cockle row in Leigh on Sea to see that many historic family run plants have already closed. The processing capacity of the remaining four processors within the Thames is capable of handling the entire fishery, so ensuring the majority of cockles caught in the Thames stay within the district will as the vision statement set out to achieve support a viable local cockle industry recognising its important long term contribution to coastal communities. In a fishery that increasingly looks like it is being monopolised it is our local businesses that are the backbone of our traditional fishery. It's a bit greater than just the businesses involved in the whole licences, it's about supporting our local families, supporting local infrastructure and the local jobs within our district.

The Chairman thanked all those who had addressed Members and invited Members to ask questions

- In response to a question asked as to what were the driving factors behind family processing plants closing in Leigh, Mr Bates advised that larger players had entered the market and were buying cockles. It was a decision individual businesses made to close but he believed it had become a struggle for them to compete. Some also made the decision that it was easier to send cockles on a lorry rather than have to manage a factory
- Mr Bates confirmed that Mr Rattley represented TEFA at the meeting, and that he was speaking as a local processor. He informed Members that he strongly supported TEFA but from the social economic side was speaking for his individual company.
- In response to a question whether the cooked cockles sent to Spain were branded, Mr Bates advised that the cockles he processed were sent to the supermarkets to

be sold on under the supermarket's brand, although they did plan for them to be marketed under their own brand in the future

- Mr Rattley confirmed that all twelve companies were private limited companies and that none were multi nationals

Members **AGREED** that the written proposals included in Appendix 2 were taken forward to the Special Authority meeting on the 29 and 30 November 2022.

### **23. REVENUE BUDGET MONITORING 2022/3 (B3)**

The Financial Advisor informed Members that for the most part the expenditure had been within the current planned budget. The underspend for the year was forecast at £55,823 which was predominantly due to staffing; the Science Officer vacancy had been carried for a whole year and additional resignations would result in part year vacancies. The Financial Advisor pointed out to Members that without these staff vacancies, the budget would be much closer to a break-even position. Other areas of underspend included legal fees for court cases and travel & subsistence for Officers due to a number of training courses being held online. The Financial Advisor informed Members that there were some areas of overspend, the most significant of which was increased fuel costs for the patrol vessels at £17,602. Other areas of budget pressure were due to necessary upgrades to email archiving, cyber security and 2 replacement laptops. Offsetting the budget overspends were areas of un-forecasted income including £5,870 in awards from court cases, £10,000 contribution from Natural England for survey work and £7,170 from ZSL for hire of FPV Tamesis.

In response to Member's question regarding opportunities for additional income from hire of KEIFCA patrol vessels, the CIFCO responded that this year's income from ZSL had been for a specific project (oyster survey) which would possibly run for 1 more year but that KEIFCA would welcome such project opportunities in the future.

A Member expressed concern over the resignations and the impact to KEIFCA in terms of time/money invested in training as well as workload pressures to the remaining staff. The Chairman responded that unfortunately staff did move on and encouraged all Councillors present to support raising the levy contribution.

In answer to a question from a Member regarding delegated authority on spending limits, the CIFCO responded that the Standing Orders stated that any significant budget spend should be put to the Authority for a decision, but that the CIFCO & ACIFCO were authorised to approve operational spend, such as renewal of laptops. The CIFCO thanked the Financial Advisor for her clear and thorough report.

Members **APPROVED** the underspend of £55,823.

The Chairman left the room, the Vice Chairman took the Chair for the next agenda item.

#### **24. 2022 COCKLE FISHERY MANAGEMENT (B4)**

The ACIFCO reported that the 2022 TECFO fishery had been poorer than expected due to a combination of factors including periods of extreme heat, little or no rainfall resulting in reduced runoff from land and consequently minimal nutrient release into the sea. These factors coincided with low tides over the key fishing beds in areas 4, 5 and 6 and as a result cockles were repeatedly exposed to very high temperatures. Industry had reported very low yield, no growth and very little spawn or spat this year.

The scheduled number of trips had been reduced from 38 to 35 with the TAC dropping from 5,852 tonnes to 5,390 tonnes. Further surveys had been completed in Area 15, Margate Sands, which resulted in an additional 3 trips per vessel in this area, where both the yield and the size of cockles were better than in other beds.

The ACIFCO advised Members that the outlook for the 2023 fishery was not clear and that spatfall would be critical for next year and the longer term. The concerns about low stock numbers, a possible harsh winter and low 2022 spatfall were not just felt in the Thames but also in The Wash and elsewhere.

The ACIFCO reminded Members that at the May 2022 Authority Meeting they had approved the opening of the Permit fishery, also referred to as the outside area, based upon the results of the spring surveys, allowing 3 trips per permit holder. Following the poor growth and catch rates experienced within the TECFO fishery, the industry requested that the permit fishery area be resurveyed. Surveys were carried out in September which revealed approximately a third of adult cockles present compared to the spring survey.

As a result, and following discussion between the Chief Officer, Chairman and Vice Chairman, the decision was made to keep the fishery closed for 2022 and refund all permit fees as per the requirements of the permit byelaw.

Members were reminded that the management for the 2023 Permit fishery had been approved at the October 2022 Special Authority Meeting and that both Category 1 and Category 2 permits would be issued, with Category 2 permit holders being permitted to fish 4 weeks earlier than Category 1 permit holders. The matters of whether TECFO licenced vessels would be permitted to fish and what the tonnage level would be for each permit category would be discussed following the spring 2023 surveys.

The ACIFCO advised Members that climate science suggested higher temperatures will become normal which may result in changes to the fishery, such as a new clam fishery like the Poole Harbour fishery which used to be just a cockle fishery but was now a clam and cockle fishery.

Members **NOTED** the report.

The Chairman resumed the Chair.

## **25. UPDATE ON NATIVE OYSTER RESEARCH IN KENT & ESSEX (B5)**

The Lead Science Officer reported to Members on the results of the oyster surveys carried out within the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (BCRC MCZ). Members were advised that FPV Tamesis was used to collect 132 samples from the survey sites where native oysters were found during the previous oyster survey carried out in 2019. Restrictions caused by COVID had prevented any surveys taking place between 2019 and 2022. Analysis of the 2022 survey results revealed a very substantial decline in the total number of oysters in the MCZ overall since 2019. The mean native oyster abundance declined by 77% with widespread decline observed across most sampling sites. The most likely cause for the decline was environmental given that reduced numbers of oysters were recorded across the entire study site.

Members were informed that ZSL chartered FPV Tamesis in September 2022 to conduct a native oyster survey in the Medway MCZ as part of a study to identify sites for potential future restoration projects. Twenty-six native oysters and 100 Pacific oysters were recorded, clearly showing native oyster presence but at lower densities in the Medway MCZ compared to the BCRC MCZ. The Lead Science Officer advised Members that management recommendations were to continue KEIFCA's commitment to long-term stock population monitoring for this potential fishery. In addition, increased surveillance of the Crouch by IFCA officers may be required to identify causes of population loss from this less well understood area of the BCRC MCZ.

In response to a question from a Member regarding the level of fishermen's engagement with the survey, the Lead Science Officer advised that the oyster survey was a standard IFCA-led survey with the results communicated back to the oyster fishermen. It was important when surveying to be consistent with sample collecting and analysis. A collaborative industry & IFCA survey had been planned but, due to the restrictions put in place following COVID, had not taken place. The ACIFCO advised that the work had been scheduled from last year's budget but due to pressure on this year's budget, a joint survey may no longer be possible. There was still an option for conducting a joint survey with oyster fishermen onboard FPV Tamesis, but this would be outside of a standard IFCA survey. KEIFCA were still in contact with ENORI and the oyster project via Essex University. ENORI theory was to lay cultch to replicate the ground sediment of the Crouch and Blackwater private oyster beds but this had proved very difficult. There had been some success with industrial scale aquaculture to restore oyster beds, but it did not seem to work on a small scale. The general management advice on Marine Protected Areas (MPA) for protecting a fishing bed was to close it.



Members **APPROVED** the following management measures:

- (a) the Blackwater, Crouch, Roach and Colne Estuaries MCZ Native Oyster Fishery remains closed in 2022/2023 because the requirements for the fishery to open have not been met namely, 800 tonnes biomass and evidence of sustained levels recovery in native oyster populations are required) in Blackwater, Crouch, Roach and Colne Estuaries (KEIFCA 2019 Oyster Survey Report); and
- (b) KEIFCA will endeavor to carry out the annual oyster survey in 2023 to inform the November 2023 KEIFCA meeting when consideration will be given to the future management and opening of the native oyster fishery within the BCRC MCZ site.

## **26. RIVER ROACH OYSTER FISHERY ORDER (B6)**

The ACIFCO reported to Members on the history and background to the making of the Roach River Fishery Order in 1965 which assigned the native oyster fishery rights to the Kent & Essex Sea Fisheries Committee. The River Roach Oyster Fishery Order followed in 1992 and was granted for 20 years, then in 2013 a replacement Order was applied for by KEIFCA to act as an interim measure whilst future management for native oysters was developed. Over the duration of the 2013 Order, the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (BCRC MCZ) Native Oyster Permit Byelaw had been made by the Authority and was in force.

Historically the Roach Oyster Fishery had been very productive but had declined over time and there was now very little fishing activity.

Members were advised that the 2013 Order was due to expire in August 2023. If the Order expired, the area it covered would then fall within the BCRC MCZ Native Oyster Permit Byelaw which currently did not permit any dredging for native oysters on public grounds but would do so once number of oysters were above specified trigger points.

In response to a question from a Member, the ACIFCO advised that the costs involved in renewing the lease would be £5,000 per year for the lease itself plus associated legal fees.

Members **AGREED** to not renew the River Roach 2013 Several Order.

Members received a presentation from Dr Jon Davies of Defra on Fisheries Management Plans' (FMPs) progress and future development and were advised that a copy of the presentation would be made available to them.

In response to a question from a Member regarding who would be responsible for managing the 15 FMPs scheduled to be in place by 2025, Mr Davies advised that a more detailed presentation which gave full details on this matter was available and could be distributed to Members if they wished to receive it. The Chief Officer added that all

IFCAs, through the Association of IFCAs, had a role in delivering national legislation at a local level, much like with the MPA network. With whelks for example, most IFCAs had their own whelk byelaw to protect breeding stock as whelk size at maturity varied by region, but these all fed into the national FMP.

The Chairman thanked Dr Davies for his attendance and presentation to the Authority.

## **27. MPA UPDATE: SABELLARIA SURVEY AND MANAGEMENT FOR GOODWIN SANDS MCZ (B7)**

The Lead Science & Conservation Officer (LSCO) updated Members with results of the 2022 side-scan sonar surveys carried out in the Goodwin Sands MCZ to detect and map the presence of Sabellaria. Natural England (NE) financially contributed to this project for a second year, to fill essential data gaps from the previous surveys conducted in 2021. Members were advised that during the 2022 surveys a total of 5 x 5km long transects were completed to map the extent of the inshore Sabellaria reef, a further 39 x 1km long transects were revisited to assess the persistence Sabellaria reefs at sites surveyed in 2021 and data was obtained from the deeper sites where it had not been possible to obtain reliable data in 2021.

Members were advised that future work for this project would include processing the 2022 side-scan sonar data, collection of grab samples to validate the data collected in 2021, feedback of data to stakeholders such as NE and MMO for consideration when developing management and increased engagement with fishermen and other stakeholders.

The LSCO informed Members that the evidence collected from the past 2 years had been very useful to inform site management, but that ongoing annual surveys would not be required. It would be more appropriate to survey every 2-3 years as this would align better with the temporal scales at which the reefs appeared to be changing. Once all data had been ground-truthed KEIFCA would look to develop management for the site.

The Authority **NOTED** the following decisions:

- (a) KEIFCA to collect grab samples at selected sites to confirm the presence of Sabellaria where information from the side-scan sonar suggests presence of Sabellaria reefs; and
- (b) Develop management for the MCZ using the evidence collected during the Sabellaria survey.

## **28. ANNUAL REPORT (B8)**

The ACIFCO reminded Members that they had previously received a draft copy of the Annual report by email.

Members **APPROVED** the Annual report for 2021-2022.

### **29. REPRESENTATION ON THE CROUCH HARBOUR AUTHORITY (B9)**

Members were advised that the Crouch Harbour Authority (CHA) Act of 1974 required that the CHA Advisory Committee members should include two nominated from the Kent and Essex Sea Fisheries Committee (now Kent & Essex IFCA) to represent professional fishing interests and that Cllr Jane Flemming had kindly volunteered.

Members **APPROVED** Cllr Fleming's appointment as KEIFCA representative to the Crouch Harbour Authority.

### **30. MEETING DATES 2023/2024 (B10)**

The Office Manager proposed that the following year's meetings be held on:

Tuesday 12 September 2023  
Tuesday 21 November 2023  
Monday 30 January 2024  
Wednesday 24 May 2024

Members **APPROVED** the proposed meeting dates for 2023/2024.

### **31. 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)

12:50 public meeting ended

### **Exempt items**

### **12:50 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 22/23 financial year.

**Vessel Length and Engine Power Byelaw (E2)**

Members were provided with information and background to a request from a fisherman to allow his over 14m vessel to fish in the District. Members noted the content of the submission from the fisherman and agreed that the complaints procedure was the appropriate method for them to follow.

13:35 meeting ended