

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

**Present:** Cllr J Lamb (Southend CC), Mr J Nichols (MMO), Cllr J Fleming (Essex CC), Cllr M Skeels (Essex CC), Cllr A Goggin (ECC), Mr P Wexham (MMO), Mrs E Gilson (MMO), Mr E Hannam (MMO)

**Apologies:** Mr A Baker (NE), Mr J Rowley (MMO), Mr R Turner (MMO), Cllr T Hills (KCC), Cllr M Dendor (KCC), Cllr N Baker (KCC), Cllr G Coxshall (Thurrock BC), Ms T Ferry (MMO), Ms L Faulkner (EA), Mr J Cook (Clerk)

**In Attendance:** Ms H Savage (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)

### **1. ELECTION OF CHAIRMAN AND VICE CHAIRMAN (A1)**

The Clerk to the Authority was in the Chair for this item.

Members were advised that they were required each year to nominate and select a Chairman and Vice Chairman.

Mr Wexham nominated Cllr John Lamb as Chairman seconded by Cllr Fleming

No other candidates were proposed so Cllr Lamb was elected unopposed as Chairman.

Cllr Lamb took the chair.

Cllr Goggin nominated Mr John Nichols as Vice Chairman seconded by Cllr Fleming

No other candidates were proposed so Mr John Nichols was elected unopposed as Vice Chairman.

Cllr Lamb and Mr Nichols thanked the Authority.

Cllr Lamb advised Members that Mr Tom Brown who had been a member of Kent & Essex Sea Fisheries Committee from 1983 to 2005 had recently died following a short illness. Members offered their condolences to his family.

Members were informed that Southern Water and DP World had been invited to attend this meeting but were unable to do so. DP World had stated that they would be able to attend the meeting in September. Members made the following comments:

- Members were directed to look at Defra's plan for water. This was a high level issue which covered all aspects from use of sprinklers to water quality.
- An MP had called a public meeting with Essex and Suffolk water companies. It had been a lively meeting, however pressure needed to be maintained.
- The MP for Whitstable had met with a Member. She was strongly against the actions of the water companies and had said she would write to Southern Water to ask them to attend.

The CFO informed Members that he felt it would be constructive to bring together the water companies and DP World/London Gateway to a meeting where they could present to Members not just in the context of water issues but also those of dredging and disposal of waste. Other water companies aside from Southern Water could be invited.

## **2. DECLARATION OF MEMBERS' INTERESTS (A2)**

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

Mrs Gilson declared a pecuniary interest in respect of Agenda items B3 and B4

## **3. MINUTES OF 26 JANUARY 2023 (A3)**

Members agreed that the minutes of the meetings held on 26 January 2023 were correctly recorded and that they be signed by the Chairman. No matters were arising.

## **4. 2022/2023 FINAL BUDGET MONITORING OUTTURN REPORT, ANNUAL RETURN AND INTERNAL AUDIT REPORT (B1)**

Members were presented with details of the final position for 2022-2023 which included income and expenditure as well as reserve balances for the year. The net operating expenditure was £107,226. The actual underspend was £29,575 which had resulted from in year staffing vacancies. The other elements of the net underspend were £27,500 set aside for refurbishment of the Essex office which had not taken place and would be returned to the general reserve for use in the 2023-2024 financial year. In addition, the interest payment from KCC was much higher than forecast at £44,071 due to rising interest rates.

Members attention was drawn to Appendix 4 which detailed changes that had been made to the IFCA's investment account. Members were reminded that queries had been raised at a previous meeting regarding the amount held in it and following investigation with KCC's Chief Accountant it had been established that payments for staffing since 2017/18 had not been paid to KCC. This had now been corrected and procedures put in place to ensure that future transfers were made in a timely fashion.

Members were also advised that there had been a significant change to the pension fund bought about by two key events; a change in the discount rate and a predicted decrease in future inflation rate assumptions. The pension fund had now become an asset, rather than a liability, with a net worth of £1.9million. Members were informed that they could be sent a copy of the IAS19 pension report if they required it.

The Financial Advisor informed Members that £698,528 was held in renewals reserves and £857,698 in general reserves.

Members received the annual return for PKJ Littlejohn and the Internal Audit recommendations.

The Chairman thanked the Financial Advisor for the work that she had undertaken for the IFCA and for providing a report that was easy to follow. He asked the Financial Advisor to provide more detail in respect of the entry for debtors and creditors on page 3 of her report. In response the FA stated that the balance sheet for debtors and creditors should sit as nil, however the IFCA were carrying a debtor balance of £500 and a creditor balance of £5,500. She had looked back to 2017/18 to try to establish where these figures came from but was unable to find anything, so following discussion it was decided to clear the balance and move it to general reserves.

Local Authority Members commented that County Councils were cutting their budgets on key issues and were under pressure to consider expenditure. It was difficult to do this and then fund a body that was doing well. In their experience bodies did tend to have a habit of stashing money away. As Local Authority Members they needed to provide best value for their County Councils.

The Chairman reminded Members that the IFCA did not have as many staff as it had previously and was not going to sea as often. The IFCA had a statutory right to request contributions from its Local Authorities.

A Member commented that the IFCA primarily had a surplus because of unexpected interest and carrying vacancies due to fewer staff. This would not always be the case. IFCA's could not borrow money so there was a real need to generate a surplus as a method to allow the purchase of replacement vessels.

Members **RESOLVED** that:

- i. the final outturn for the year together with the associated financial statements be approved;
- ii. £44,071 underspend relating to surplus on the budget of KCC interest to KEIFCA and the remaining overall surplus of £29,575.05 be moved to the Renewal Reserve
- iii. the Annual Return and Governance Statement for submission to the external auditors, PKF Littlejohn be approved; and
- iv. the internal audit report for 2022/23 be noted.

## **5. TREASURY MANAGEMENT STRATEGY (B2)**

The FA informed Members that the funds held by KCC on behalf of KEIFCA were currently invested on their behalf based on the advice of their Treasury Advisors. This allowed KEIFCA to take advantage of favourable interest rates as their money was invested with that of KCC. Interest was calculated at year end and paid to the IFCA. The Chairman advised Members that he had asked the Financial Advisor to enquire if money could be invested in short term accounts for a higher rate of interest.

Members **RESOLVED** that Kent & Essex IFCA monies would continue to remain on deposit with Kent County Council

## **6. COCKLE TECFO LICENCED FISHERY MANAGEMENT (B3)**

The ACFO reminded Members that the 2022 cockle season had finished early as cockles had not grown at the rate expected. The fishery had been opened from 26 June 2022 until 7 October 2022 and a total of 5390 tonnes of cockles had been landed.

Stock surveys had taken place on the main harvesting areas in April 2023. Analysis of the results showed that stocks had remained stable on the main harvesting beds and consisted of mainly 2020 and 2021 year class cockles. Members were advised that low level of recruitment had been experienced over the previous four years and this would affect the TAC that could be set for the 2023 fishery. Although stock levels were good, the size of the cockles was poor. It was thought that the hot weather throughout the summer of 2022 had resulted in a significant reduction in biomass. Only 29% of the stock survey was above 16mm, and as a result, it was felt that stock would require more time to grow during the early summer prior to the opening of the fishery.

Members were informed that Area 15 (North Margate Sands) had been surveyed. It contained sizeable amounts of stock but mainly the 2021-year class @ 3.5gm per cockle. The ACFO advised that because of this it would be suggested that this area be closed, resurveyed at the end of July and hopefully opened at the beginning of August. This should allow more trips for the licence holders if the stock grows. Members were advised that more surveys than usual had taken place this year using the same methodology as used every year. The MSC had carried out a peer review of the surveys and had found no concerns with them. TAC was suggested to be set at 4620 tonnes.

On 10 May 2023 a meeting was held with the cockle fishery licence holders to discuss the management of the 2023 fishery. Officers received strong representations from some licence holders and their representatives that Area 15 – North Margate Sands should have more trips taken from it and the accuracy of the survey was questioned by some of the licence holders. Officers advised that the area would be resurveyed in July/August and the number of potential trips on that bed recalculated. Officers invited licence holders to send a representative to join officers and assist with the additional

survey work. In addition, the licence holders did not agree with the increase in the licence fee and suggested that the licence fee should remain the same as it was in 2022.

Members discussed the report and asked the following questions:

- with regard to the allocation of additional TAC, would that be restricted to +/-10% only – the ACFO stated that it would be unlikely to be above 10%. It was hoped that additional trips to Area 15 would take away effort from the other beds
- there was some suggestion that Area 15 would be fished hard as it was going to be taken away from licence holders – the ACFO informed Members that this bed was still part of the TECFO and all 14 licence holders could fish it. For those who would fish it after the current TECFO, if the stock was there it would be opened. Area 15 had not been fished for 23 years, but as a result of very high levels of spat fall had been able to be fished. Members were reminded that in 2021 it had been closed to allow for spatfall. No spatfall had been found in 2022 and the majority of cockles found were the 2021 year class. It was entirely possible that in 2025 if there was no spatfall there would be no fishing as there would be no cockles.
- Concern that with a reduction in trips to 30 that there would be more pressure on the Maplin Sands grounds – in response the ACFO advised that the number of trips did vary. In 2017 the number was 28 with the same level of access.
- Pleased still undertaking surveys for DP World. At the public enquiry DP World advised they would not dredge in the Spring. This year dredging had taken place which meant that sole were being affected – the ACFO advised that the IFCA had no control over dredging. They had spoken to the PLA over this and it was unclear where these dredgers were operating. Any dredging was managed by the MMO, who had been spoken to. DP World were legally permitted to dredge around the harbour but no other dredging operation had taken place
- Is the sampling for DP World carried out on a regular basis and does the IFCA get the results – these surveys take place twice a year and have been carried out for the last 15 years. The IFCA had asked for the results to be provided to them but as they are a commercial operation we had no right to receive them.

Members **APPROVED** the following management measures:

- (i) The Total Allowable Catch (TAC) should be set initially at 4620 tonnes and that information related to the stocks will be continually reviewed throughout the season to ensure future sustainability.
- (ii) Allocation of additional TAC may be made in the event of significant new beds of cockles being located in the first four weeks of the fishery, to allow time for any necessary survey work. Reduction in TAC, and therefore a reduction in the number of trips, may be made in the event of very poor growth in the size of cockles.

- (iii) That the Chief IFCO be authorised, after consultation with the Chairman and Vice Chairman, to implement changes to fishing controls (+/-10% only) to ensure future sustainability including for the purposes of (ii). These will be communicated to Members following decisions being made.
- (iv) That the fishery will commence at 1800 hrs on **2 July 2023**.
- (v) Provisional fishing allocations will be as follows, this will also be subject to further amendment;

The fishing season will be divided into weekly specified fishing periods which will run from 1800 hrs on Sunday to 1900 hrs on Friday and during these periods licence holders will be permitted to make the following specified numbers of landings (Reg. No. 7). This will maximise production when meat yields and quality are at their best.

2 July – 28 July (4 weeks)	2 specified landings per period
30 July – 25 August (5 weeks)	3 specified landings per period
27 August – 29 September (4 weeks)	2 specified landings per period

(vi) The maximum quantity of cockles that may be landed or carried on board will remain at 13.6m<sup>3</sup>/500 baskets per fishing trip (approx. equivalent 11 tonnes).

(vii) All areas of the TECFO will remain open, with the exception of Area 15 which remain closed for at least the first four weeks of the fishery and will be opened subject to further survey work by KEIFCA.

(viii) Sections of Areas 1, 2 and 3 should be closed at all times during the period June - September inclusive. These areas are defined as inshore sections of Areas 1, 2 and 3 from Two Tree Island at Leigh-on-Sea in the West to The Coastguard Station at Shoeburyness in the East and also within the area of Shoeburyness East Beach. (This closure applies only to the area inside the moorings and where there are no moorings closer to the shore than a distance of 300 metres measured from mean high water mark.)

Note: Within Areas 1 and 2 Southend Borough Council licencing conditions apply.

(ix) the licence fee be increased to £7419

(x) That the number of licences should be restricted.

(xi) The Regulating Order gives a right, to those that held a licence last year, to be granted a licence for this coming season and therefore those 14 licences should be granted as adequate stocks are available.

## **7. PERMITTED COCKLE FISHERY (B4)**

Members were reminded that the permitted cockle fishery had not been opened in 2021 due to insufficient stock. Although spring surveys had suggested the fishery could be opened in 2022, following the hot weather in the summer another survey had been

undertaken which showed that the amount of stock had significantly decreased. As a result a decision was made to not open the fishery for that year as well.

The ACFO advised Members that the review of the cockle fishery management that had been undertaken had concluded that the way the Permitted Fishery was run did not result in a sustainable fishery as too many vessels worked grounds that were too small and took too many cockles in one go.

In order to create a more sustainable fishery, officers had looked to establishing a small-scale fishery which took less per trip. In doing this, it would allow the IFCA to open up more beds across the district which should allow the fleet to operate more efficiently spatially and temporally.

Members were advised that thirty-six applications had been received for the 2023 fishery. Thirty-three applications were for a Category One permit (13.6m<sup>3</sup> per trip) and three for a Category Two permit (3.4m<sup>3</sup> per trip). Stock surveys had taken place in April and May in Areas 7, 10, 14 and the South Margate Sands. All these beds contained cockles in various quantities and sizes, although Areas 7 and 14 contained the majority. Of these two main areas, only Area 14 contained sufficient stock to open under the current Management Plan criteria for one trip of the fleet based upon the default Category 1 permit catch allowance of 12 bags/tonnes. The ACFO informed Members that officers considered that stock levels were not at a level to be able to operate a sustainable fishery using the management measures provided for in the permit byelaw. The areas of higher density cockles were too restricted and the number of vessels too high to be able to remove 12 tonnes/bags of cockles per trip per vessel. It was suggested that two main changes for 2023 be made:

- reduce the amount of cockles caught by each vessel during a trip to allow more, smaller areas to be opened up to spread the effort of the fleet.
- Extend the period of time the fishery took place over to reduce the compression of effort into a short period of time which meant the seabed would be turned over intensively.

The current byelaw allowed two categories of permit. Category 1 permits either being 12 tonnes or 6 tonnes per trip, and Category 2 permits either being 3 tonnes or 1.5 tonnes per trip. Officers considered that the IFCA should restrict all permits to Category 2 only, which would enable the Authority to open a 3 tonne per trip fishery for all vessels. This would allow vessels more flexibility in where they worked and would allow the fleet to exploit smaller beds of cockles than had been possible whilst operating on a 12-tonne limit. This would make full use of the stocks within the District. All Category 1 permit holders would be offered the opportunity to transfer to a Category 2 permit and have the difference in permit fee refunded, alternatively they could withdraw their application and have all of their permit fee refunded. This would result in a fleet of no more than 36 Category 2 vessels, each permitted to take no more than 3 tonnes per trip. This would meet the guidance of the Authority to start the establishment of a small-scale fishery with the 36 vessel fleet taking 108 tonnes per fleet trip.

It was also recommended that the fishery opened at the start of September which would allow for tie-in with the TECFO fishery in terms of transport and cooking of cockles as well as allowing a four week fishery to take place during the summer when the cockles had as much time as possible to grow but before poorer weather started to limit small vessel operations in the autumn.

Members were advised that Areas 10 and 14 were not currently classified by the Food Standard Agency. Officers had spoken to the Local Authorities and agreed with them that if Members approved these management measures to organize samples to be collected to be sent off for classification.

Members **APPROVED** the following management measures:

- (i) No Category 1 permits shall be issued. All Category 1 applicants will be given the opportunity to convert their application to a Category 2 permit application and have the difference in permit fee refunded or withdraw their application entirely and have the whole permit fee refunded.
- (ii) The Management Plan requirement that any open areas shall contain a minimum of 350 tonnes of cockles shall be waived for the 2023 season, subject to continual review throughout the fishery.
- (iii) The Total Allowable Catch (TAC) should be set initially at 432 tonnes and that information related to the stocks will be continually reviewed throughout the season to ensure sustainability.
- (iv) Reallocation of TAC, and therefore extension of the fishing season, may be made in the event of any remaining TAC.
- (v) All areas shall be opened to fishing, and that information related to fishing activity, catch rates and vessel density will be continually reviewed throughout the season to ensure sustainability.
- (vi) That the Chief IFCO be authorised, after consultation with the Chairman and Vice Chairman, to implement changes to fishing controls to ensure future sustainability including for the purposes of (ii). These will be communicated to Members following decisions being made.
- (vii) That the fishery will commence at 1200 hrs on 4 September 2023.
- (viii) Provisional fishing allocations will be as follows, this will also be subject to further amendment;
- (ix) The fishing season will be divided into weekly specified fishing periods which will run from 1200 hrs on Monday to 1200 hrs on Friday and during these periods permit holders will be permitted to make the following specified numbers of landings.

Dates	Specified landings per period
4 September – 29 September	1

- (x) the maximum quantity of cockles that may be landed or carried on board will be 3.39m<sup>3</sup>/125 baskets per fishing trip (approx. equivalent 3 tonnes).



## **8. WHELK MORTALITY ISSUES – NORTH KENT COAST (B5)**

Members were informed that since the last meeting the CFO and LSCO had met with the MP for Whitstable and had provided them with an update on the mortality issues and work being carried out by the IFCA around these.

Officers had met with fishermen to speak with them over the problems they were experiencing and carried out the following actions:

- Formally meeting and informally speaking with impacted whelk fishermen and inspecting their catches taking note of whelk condition.
- Carried out an assessment of KEIFCA and MMO whelk landings data, environmental data with emphasis on water temperature.
- Cross referenced the issue with neighbouring and other IFCAs with whelk fisheries in their districts and whelk bait retailers that supply our district.
- Consulted with relevant experts from the Environment Agency, CEFAS, DEFRA, Natural England, Bangor University, Herriot-Watt University, IFCAs, SeaFish, the NFFO, and the Whelk Working Group over individual calls and two workshop calls covering a wide range of topics from causes to monitoring programmes.
- Arranged a histology assessment and biotoxin screening of whelk samples on two occasions with the (CEFAS) Fish Health Inspectorate.
- Developed a monitoring programme that records environmental data and monitored the whelk population, to be carried out in partnership with impacted whelk fishermen.

The LSCO advised Members that the IFCA had looked at a range of causes for the whelk mortality and that the evidence suggested this was as a result of the elevated water temperatures in 2022, especially in the summer months. However other causes had not been ruled out and the IFCA was working with the industry and CEFAS to investigate further.

Members made the following comments:

- Great and comprehensive work and a brilliant collaboration with the Industry. The situation with whelks in Whitstable was very worrying and it was good that the IFCA was trying to work out what was happening.
- Where were you looking at the water temperature; whelks could be 15 foot below the surface – in response the LSCO advised that the areas where the whelks were affected were in the shallow sub tidal areas so the range of temperature was not extreme. The water temperature loggers had been fitted to whelk pots so they would record the temperature at high and low water.
- On page 6 of the report it refers to long term, what did you class as long term – in response the LSCO advised that he had looked at temperature data back to 2007. A 2 to 4 degree increase in a short space of time was worrying.
- It was very difficult for the fishing industry to take in. Global warming was playing a part, but Members did know that an amount of discharge is being released by

Southern Water and Essex Water. It would be helpful to visit a water treatment plant to see what is done to treat the water and he try to understand their side of the matter.

The CFO informed Members that the issue was not just with whelks and that the IFCA was seeing more issues with cockles and oysters. The Mediterranean type species such as clams were increasing in abundance.

Members **NOTED** the report and thanked the Lead Science and Conservation Officer for the work he had undertaken on this.

## **9. MPA UPDATE (B6)**

Members were provided with an update of the work undertaken in developing fisheries management measures on the Goodwin Sands MCZ. Officers had attended an MMO meeting about management of the site with Thanet Fishermen's Association and the Goodwin Sands Conservation Trust and had worked with Kent CC to respond to a consultation on the objectives of the Marine Kent Biodiversity Strategy.

Members were advised that a new science officer would be recruited to work with stakeholders to develop the management of the site in more detail. Funding for this would come from a DEFRA grant to further MPA work in the district.

Members **NOTED** the report.

## **10. UPDATE ON PROGRESS IN DEVELOPING FISHERIES MANAGEMENT PLANS (FMPs) (B7)**

The CFO informed Members that FMPs were being developed by DEFRA and would replace the EU Common Fisheries Policy. Their goal was to help revitalise the fishing sector and coastal communities and would describe how fishing in the future would be regulated.

The AIFCAs had been working with all the IFCAs to contribute to this process, especially the six front runner projects of:

- Whelk FMP
- Bass FMP
- Scallop FMP
- Crab & Lobster FMP
- Channel Non-Quota Demersal FMP
- Southern North Sea & Eastern Channel Mixed Flatfish FMP).

These FMPs had gone through an initial development stage with stakeholders and a draft form of them was expected to be published in the next few weeks. Although no date had been confirmed it was likely to be in June or July with a consultation period of six to eight weeks. The CFO advised Members that the FMPs were likely to be very detailed and

it was suggested that an afternoon workshop be held following the meeting due to be held on 11 July so that Members could provide input into the IFCA's formal response. In addition to this workstream, it was suggested that as potting was a key sector across all IFCA districts that a project be run which focused primarily on the Crab and Lobster FMP and the Whelk FMP. Its main objective would be to engage IFCA members across all the IFCA districts, using their local knowledge and their experience of implementing fisheries management measures. The project would be split into 2 phases, the first phase would collect and collate the views of IFCA members through a survey and online recorded interviews. The second phase would involve running a workshop where two members from each IFCA would review the evidence collected in the first phase and coordinate a national response. All of the information collected throughout the project would be collated and stored on a bespoke website that would link to the AIFCA site. Funding for these projects would come from DEFRA's contribution of £50K a year to each IFCA over the length of the Parliament to address and further the FMP workstreams. The AIFCA had also indicated that it wanted to support the project, with both parties agreeing to split the £40K estimated cost of the project. KEIFCA would take the lead in delivering the project as we have already run many of the components of the project, and costs have been kept down by directly replicating websites etc. that were developed in the cockle review. Based on meetings and discussions other IFCAs are also using their £50K to run research projects, gather data and help engagement that will contribute to relevant FMPs both at a regional level at a national level.

Members **APPROVED:**

- (i) holding a workshop with Members on the 11 July, after the Consultation 4 cockle meeting to discuss relevant Fisheries Management Plans and help identify key points in KEIFCAs replies subject to confirmation that the date of 11 July is suitable; and
- (ii) KEIFCA officers working with the AIFCA to develop and deliver a national engagement project for the Whelk FMP and the Crab and Lobster FMP and contributing an estimated £20,000 from the DEFRA FMP income to deliver the project.

## **11. HEALTH & SAFETY UPDATE (B8)**

Members were advised that no incidents had occurred since the last report that were required to be reported to them and were provided with details of training that staff had undertaken since May 2022.

Members **NOTED** the report

## **12. TERMS OF REFERENCE AND STANDING ORDERS (B9)**

Members were reminded that they were required to review the Terms of Reference and Standing Orders on an annual basis. Officer had reviewed these and did not recommend any changes.

Members **APPROVED** the current Terms of Reference and Standing Orders

## **13. APPROVAL OF THE ANNUAL PLAN 2023-2024 (B10)**

Members **APPROVED** the Annual Plan for 2023-2024

## **14. 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)

13:15 meeting ended