

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of an extra-ordinary meeting of the Authority held in the Belmont Suite, Thurrock Hotel, Ship Lane, Aveley, Thurrock, Essex at 10.00am on Friday 15 August 2014

Present: Mr J Nichols (MMO), Cllr P Channer (Essex CC), Cllr A Wood (Essex CC), Cllr M Harrison (Kent CC), Cllr D Baker (Kent CC), Cllr A Bowles (Kent CC), Mr W Baker (MMO), Mr L Roskilly (MMO), Mr A Rattley (MMO), Mr B Smart (MMO), Mr M Sharp (MMO), Mr P Wexham (MMO), Cllr S Liddiard (Thurrock Council)

Apologies: Cllr J L Lamb (Southend BC), Ms I Chudleigh (Natural England), Dr L Fonseca (MMO), Mr C Hazelton (Environment Agency), Mr S Abbotson (MMO)

In Attendance: Mr P Wickenden (Clerk, KCC), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mrs K Woods (Administration Assistant)

Mr J Nichols, Vice Chairman of the Authority presiding

The Chairman welcomed members of the public that were in attendance and for their benefit those present introduced themselves.

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 interest may not vote on that Agenda item.

The following Members declared interests:

- Mr A Rattley – agenda item B1, B2 & B3 – personal interest (owns cockle processing plant)

The Chairman proposed that agenda item B1 and B2 be discussed at the same time in order for Members to be best informed to make a decision regarding the approval of the Emergency Byelaw. The proposal was agreed by all.

21. COCKLE FISHERY BIOSECURITY EMERGENCY BYELAW (B1) AND OUTSIDE AREA COCKLE FISHERY (B2)

Prior to any presentations being made, a Member drew the Chairman's attention to the wording of Agenda item B1's recommendation that Members 'discuss and approve' the making of the byelaw. The Member commented that he considered this to be presumptuous and that Members may not wish to 'approve' the byelaw. The Chairman and Chief Fishery Officer accepted the Member's comment and asked that it be noted.

The Assistant Chief Officer advised that biosecurity measures had been put into an Emergency Byelaw which would cover the cockle fishery for the rest of 2014, in addition to all current existing byelaws. He informed the Authority that work was ongoing to incorporate the six existing byelaws into a new single permitting byelaw.

The Assistant Chief Officer reminded Members that in order to make an emergency byelaw, certain 'unforeseen' and 'urgent' criteria must be met. He advised that when developing new legislation, an assessment of the new legislation on the existing regulatory landscape was carried out once the byelaw wording reached a final draft stage. It was not possible to do this sooner as the wording had not yet been developed. Members were advised that when this assessment was carried out it was found that some of the existing byelaws which applied to the area of the Thames Estuary Cockle Fishery Order 1994 and provided mitigation of impacts on MPAs as part of the Habitat Regulations Assessment, weren't encompassed within the Regulating Order itself. The Assistant Chief Officer advised that if the existing byelaws were to be revoked with the licence conditions and regulations of the TECFO in their current form, management measures essential to the sustainability of the TECFO and to the compliance with the Habitats Regulations would be lost.

Legal advice had been sought from KCC and the MMO who were satisfied that 'unforeseen' and 'urgent' criteria had been met.

The Chairman invited questions from Members; Mr A Rattley asked questions on behalf of a group of Leigh fishermen:

1. *In the Wash, skippers are required to have at least 3 years' experience to fish, could this be considered for our fishery?*

The Chairman replied that the question was not relevant to this agenda item. The Chief Officer agreed and commented that it could be looked at for the longer term management of the fishery during the consultation phase.

2. *4 x trips of 6 bags is not a green option, 2 x trips of 12 bags would be more cost effective and better environmentally.*

The Chairman advised that this would be discussed in due course.

3. *All the Thames Estuary fleet are built for 12 tonne loads*

Again, the Chairman advised that this would be discussed.

4. *Fishermen already have bags for the outside area, why can't they be re-used?*

Mr Rattley stated that this question had already been answered.

5. *Not all vessels are set up for landing bags and currently free load. Is there any flexibility to allow for this method of landing?*

The Chief Officer replied that in terms of equity for all fisherman, using bags would provide that for standardisation and equity. To free load, vessel holds were currently marked to allow for a catch of 13.6m³ and would therefore need to be re-measured and marked at 6.8m³. This was a time consuming, estimation process and not viable given the short amount of time available.

6. *Is suction dredging to be the only method allowed as drag dredging was banned by the KESFC?*

The Assistant Chief Officer replied that current byelaws did not ban drag dredging but that the matter could be discussed when reviewing the full byelaw, not the emergency byelaw.

The Chairman invited members of the public to ask questions.

Mr Steven Dell (Leigh cockle fisherman & processor) stated that in his opinion pressure washing alone will not prevent the spread of disease. He questioned whether the Authority should open the outside area if it was not confident that the proposed biosecurity measures would work. He noted that vessels from outside the area would be required to be inspected and washed in their home port and questioned whether they should also be re-inspected and re-washed once in our district.

The Chief Officer responded that it was a complex subject and reminded Members of their previous agreement to employ an independent expert (Dr Woolmer) to give advice on best practice for mitigation of risk. Members were reminded that Dr Woolmer produced a report on atypical cockle mortality which was presented to the Authority in May 2013.

Members discussed the issue of biosecurity and the lack of knowledge as to whether the infection was viral, bacterial or parasitic.

The Chairman reminded Members that the industry had asked the Authority to open up the area outside the Thames Estuary and drew their attention to appendix B, agenda item B1 (letters from cockle fishermen requesting the area be opened up).

A Member questioned what would be done if a vessel was found to be in breach of the Emergency Byelaw regulations? The Assistant Chief Officer responded that an Enforcement Plan was in place and KEIFCA officers had powers under MaCAA (Marine and Coastal Access Act) to seize gear and detain a vessel in port.

A Member expressed concern over fulfilment of the criteria for making an Emergency Byelaw. The Chief Officer reiterated that professional advice had been sought from the MMO Byelaw team as well as the legal advisory service at KCC and that reassurance had been given from both organisations.

Mr Michael Bates (Leigh cockle Fisherman) stated that he would like the fishery to be opened for as long as it was viable, rather than for a fixed number of days/trips.

The Chief Officer responded that surveys are carried out to determine the number of cockles available.

Mr Andrew Martin (Whitstable cockle fisherman) stated that in his opinion landing 500 baskets rather than 250 would half the risk of disease.

Mr Steve Meddle (Leigh cockle fisherman) stated that most of the Leigh boats were geared up for bulk loading not bag loading.

The Assistant Chief Officer presented members with proposed management measures and information regarding the possible opening of part of the area outside of the Thames Estuary cockle fishery. The stock surveys carried out during June and July 2014, identified a modest amount of cockles in area 7. Members were advised that a total allowable catch (TAC) of 448 tonnes would be set for the fishery. The actual number of trips would be based upon the number of vessels being inspected and would be discussed with the Chairman and Vice Chairman for final approval just before the commencement of the fishery. There would be no further trips assigned to the fishery. The fishery would not be extended even if less vessels actually took part in the fishery, further stocks were located or vessels suffered mechanical breakdown.

The Chairman invited questions from Members and the public.

Mr Steven Dell stated that certain types of drag dredge caused damage; although damage to cockles within the dredge were not high the damage to the ground was significant.

The Chief Officer responded that management measures were in place to monitor damage rates and certificates of inspection were not issued for damage rates greater than 10%.

Mr Andrew Rattley stated that all his earlier questions had been answered but requested that loose loading and the option 2 x full loads rather than 4 x ½ loads be discussed further. He suggested that vessels which could take full loads did so and smaller boats take ½ loads.

The Assistant Chief Officer responded that all vessels must be treated the same and that the Authority would need to decide whether to allow either 2 x full loads or 4 x ½ loads. The Chief Officer added that under an emergency byelaw there wasn't the flexibility to allow for 2 different amounts, but this could be looked at for the new permitting byelaw. The Chief Officer stated that if the Authority was minded to allow 2 x loads of 13.6m³ then loose loading could be considered. Members discussed the cockle fishery management measures and approved taking 2 x loads of 13.6m³ in 1 week of fishing to commence 5 October 2014.

The Assistant Chief Officer suggested amending the Emergency Byelaw to allow for the provision of loose loads to be landed and processed within the district. He presented an amended Emergency Byelaw to Members for their consideration which included a new paragraph and re-numbered subsequent paragraphs:

9. Paragraphs 7 and 8 shall not apply provided that the cockles are landed to a port within the KEIFCA district and are processed and cooked in the port of landing.

This amendment was unanimously agreed by the Authority.

A member asked for clarification of the meaning of the explanatory note immediately following the byelaw. The Assistant Chief Officer apologised for a typo error and advised that the final sentence in the first paragraph required the words 'to fishing' to be added to the end of it.

A member asked whether the fishery could be extended if weather was extremely bad during the proposed week of fishing.

The Chief Fishery Officer responded that the Chairman, Vice Chairman, Chief Officer and Assistant Chief Officer could, with the approval of the Authority, alter the date of the fishery for poor weather. Members gave approval for this action.

RESOLVED that:

- (i) the making of the Cockle Biosecurity Emergency Byelaw as amended be **APPROVED**; and
- (ii) the opening of Area 7 with amended management measures be **APPROVED**

23. COCKLE FLEXIBLE PERMITTING BYELAW (B3)

The Assistant Chief Officer reported that the full flexible cockle permitting byelaw was currently with the MMO legal department for review. A copy of the byelaw would be submitted to the next Authority Meeting to be held on 4 September 2014 for consideration by the Authority to make the byelaw. Following the meeting the byelaw would be publicised for consultation and the statutory process followed and the byelaw would come into force on 1 January 2015.

RESOLVED that the report be **APPROVED**

The meeting closed to the public at 11:50 hrs