

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Robinson Room, Whitstable Castle, Tower Hill, Whitstable, Kent at 10.00am on Thursday 4 September 2014

Present: Cllr J L Lamb (Southend BC) (Chairman), Mr J Nichols (MMO), Cllr P Channer (Essex CC), Cllr J Jowers (Essex CC), Cllr A Wood (Essex CC), Cllr K Tolhurst (Medway Council), Cllr M Harrison (Kent CC), Cllr D Baker (Kent CC), Cllr A Bowles (Kent CC), Mr W Baker (MMO), Ms I Chudleigh (Natural England), Mr L Roskilly (MMO), Mr A Rattley (MMO), Mr C Hazelton (Environment Agency), Mr B Smart (MMO), Mr M Sharp (MMO), Mr P Wexham (MMO), Mr J Labbett (MMO)

Apologies: Cllr S Liddiard (Thurrock Council), Dr L Fonseca (MMO)

In Attendance: Mr P Sass (Clerk, KCC), Ms B Gibbs (Financial Adviser, KCC), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

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

The Chairman welcomed Cllr Kelly Tolhurst to the meeting as the new representative of Medway Council.

The following information, previously emailed, was laid around the table:

- Agenda item B4 – correspondence relating to Sea Bass

24. MINUTES (A1)

A Member advised that the minutes of the meeting of 20 May 2014 should be amended on page 4 to read 22 June 2014 rather than 2013.

RESOLVED that the Minutes of the meetings held on 20 May 2014, as amended, and 15 August 2014 were correctly recorded and that they be signed by the Chairman.

25. 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 pecuniary interest may not vote on that Agenda item.

The following Members declared interests:

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

- Mr L Roskilly – agenda item B4 & B8 – personal interest (recreational angler and independent member of C-bass)
- Mr J Nichols – agenda item B4 – personal interest (Chairman of Thanet Fishermen’s Association)

26. BUDGET MONITORING 2014/15 (B1)

Members were provided with details of the estimated revenue outturn as at the end of July 2014.

This showed an estimated underspend of £13,000, although Members were advised that this was subject to change as the year progressed.

Members were informed that a new lease had been negotiated for the Ramsgate office, which was also in the process of being redecorated. Equipment had been installed to allow video conferencing between the two offices and an additional container had been purchased for storage of seized equipment at the Brightlingsea office. This expenditure had not been budgeted for and had resulted in an additional expenditure of £6,456. A new server and associated software had also been purchased with payment being met from the renewals reserve.

Members were also advised that DP World had again commissioned officers to carry out cockle surveys on their behalf resulting in an income of £22,400 which had not been included in the original budget.

RESOLVED that the report be approved

27. COCKLE FISHERY (B2)

1. Thames Estuary Cockle Fishery Order (TECFO)

Members were advised that the area had been opened on 22 June 2014 and was due to close on 26 September 2014.

Members were reminded that they had approved a Total Allowable Catch (TAC) at the previous meeting of 6160 tonnes. They were advised that following discussion with the Chairman and Vice Chairman the allocation of fishing trips had been altered, but the number of trips had remained the same with no change to the TAC. Licence holders had reported that catch rates were good with meat yield and growth reported as excellent. As a result licence holders had requested that consideration be given to increase the number of trips. Correspondence relating to this was provided to Members as part of their papers.

Members were advised that although these were positive indicators they should consider the concerns of officers regarding the significant mortality of cockles over the 2013/14 winter period and their advice that the long term sustainability of the population was dependent upon a good spat fall for 2014 with existing cockles reaching their maximum reproductive capability for that year and the next.

Surveys were due to take place of the cockle beds from 10 September 2014 and it was proposed that officers consider the results of these and if stock appeared to be available to discuss with the Industry the option of extending the fishery.

2. Outside Area Fishery

Members were advised that at an extraordinary meeting of the Authority held on 15 August 2014 they had approved the making of a biosecurity emergency byelaw allowing the fishery to open for 1 week on 5 October 2014 with two trips allowed catching no more than 13.6m³ each trip. The area opened was that in Area 7 (Buxey Sands)

Members were informed that to date 37 vessels had applied for permits and 17 applications had been received for permits to harvest by hand raking.

The Assistant Chief Officer advised that the Authority had no experience of managing a hand raking fishery as since 1970 all management measures had been designed around a dredge fishery. Officers had concerns as to how the handrakers intended to fish the area as the length of exposure of the cockle beds depended on the tides at that time. As a result they had written to those permit applicants to ask how they intended to access the bed and how they intended to remove any cockles. Officers had also written to Natural England (NE) to ask how these activities would affect the site, to the Marine and Coastguard Agency to make them aware of their concerns for the safety of any permit holders on the beds and to Cefas to enquire how the bio security measures would work with any activity other than suction dredge.

Mr Rattley advised that the site was not accessible from land unless access was gained through private farmland and expressed his concern over the use of hand raking and tractor dredging to harvest cockles on this site. In his opinion the site was totally unsuitable for both these activities, with a serious risk to life should it go ahead. He reminded Members of the tragedy in Morecombe Bay where 22 lives were lost.

The Chairman stated that he was concerned with regard to tractor dredging taking place in a Marine protected Area (MPA) with the associated damage to flora and fauna.

Ms Chudleigh (NE) advised that their main concerns were the access issues and damage that could be caused. She advised that both hand raking and tractor dredging as harvesting methods did not have an appropriate assessment and therefore no mitigation. She also stated that she was aware of the letter written to NE and would arrange a response.

Cllr Jowers advised that he felt that access would normally be by boat. He believed that tractor dredging should not be allowed but felt that the debates that had taken place over the previous years were to encourage and allow a more artisanal fishery and that he felt the main thrust of artisanal was a hand raking fishery. He would therefore support a hand raking fishery on that site, subject to appropriate safeguards. Other Members agreed with the suggestion that tractor dredging should not be allowed due to the environmental impacts and some felt that the legislation should allow for the area to only be open to local boats.

The Chief Officer reminded Members that they had closed the fishery for the past four years due to concerns of potential cockle mortality. The emergency byelaw and the flexible cockle permit byelaw had been devised to address these concerns by having a bio security requirement. In respect of dredge fishing the dredge would be inspected to ensure it was clean and complied with the legislation. This would then be the only physical thing to touch the ground. With regard to hand raking there would be a number of people on the sand bank with equipment and bags for which the Authority would not have the equivalent bio security measures. In his view it was important to understand how the fishermen intended to work the ground and then obtain expert opinion to try to mitigate any risk. Members had made it clear that they wanted a fishery in the long term that allowed a different range of operators. This particular byelaw had been brought in to deal with the fishery in the short term as the area was due to open in four weeks. Some fishermen were not local and would not be used to the conditions. It was important that the fishery was fished safely, sustainably and was biohazard protected.

RESOLVED that:

- (i) following the surveys of cockle beds in September, officers should meet with the Industry and in consultation with the Chairman and Vice Chairman decide whether to extend the fishery in the TECFO; and
- (ii) to note the comments of the officers and note the making of the emergency byelaw

28. NEW COCKLE BYELAW (B3)

Members were reminded that at their meetings on 24 January and 20 May 2014 they had discussed the making of a byelaw to replace the six existing cockle byelaws currently in operation within the district. Recommendations from a Technical Panel meeting had also been taken into account in making their decision.

Members were provided with a draft Cockle Fishery Flexible Permit Byelaw which took into account their previous requirements and decisions.

The Assistant Chief Fishery Officer provided Members with a presentation which is attached to the minutes.

Permits would be required to be applied for by 31 March each year and would be issued to one person per vessel who would then be able to nominate two other persons to be named on the permit. It was intended that surveys would be completed by 30 April each year in time for the Authority at their May meeting to decide how they required the fishery to be managed. The fishery would then be opened in June or July, if the Authority were so minded, to permit holders as the yields were higher at that time of the year.

Members were advised that a byelaw would need to be in place by 1 January 2015 otherwise there could be a legislative issue with the current permitting system. In order to achieve this the

consultation period and subsequent submission to the MMO would need to be completed by November 2014

Members discussed the issue of the use of bags to land cockles as opposed to that of loose landing. They raised the point that the emergency byelaw had been amended to allow for loose landing if required by the permit holder and asked for this to be included in the new byelaw.

The Chief Officer advised that by requiring all permit holders to use bags it would bring in a standardisation to the Industry. It would also allow officers to use their time in a more cost effective way as it took less time to ensure the bags were of the required size as opposed to officers measuring the hold of a vessel and then re-measuring once cockles were landed and cross calibrating that against the truck they were being loaded into. In respect of the Emergency Byelaw it was considered that the timescale available to the Industry to change their operating procedures was limited and therefore the permitting of loose loading was seen as reasonable. In respect of the Cackle Fishery Flexible Permit Byelaw the Industry would have sufficient time to change over to bags.

Members discussed this matter in detail and commented that there would be significant cost implication for boats to alter their operating procedures. It was pointed out that smaller artisanal vessels may not have the capacity for a hold and that there could be issues with stability if bags were kept on deck.

Members suggested that existing boats that operate loose loading be allowed to continue to do so if they wished to. Any new vessels applying for a permit would be required to use bags and any changes that were made to existing boats who loose loaded would necessitate their changing to a bag system.

RESOLVED that the Cackle Fishery Flexible Permit Byelaw be amended to require any new permit holder to use bags to load cockles but that existing permit holders could continue to loose load cockles unless they changed vessels or they made the decision themselves to transfer to bags.

29. SEA BASS MANAGEMENT (B4)

The Chief Officer advised Members that there were concerns at a European level over the poor state of stocks of bass, with a meeting held in 2014 to discuss this in depth. Members were provided with copies of the report for their information. Defra had contacted the Authority to request advice on possible future management measures of sea bass in 2013 which the Authority had contributed to.

Members were reminded that they had a duty under the Marine & Coastal Access Act to ensure that species were exploited in a sustainable way. They were informed that bass was a key fishery for most of the IFCA's around England for both commercial and recreational anglers and that although sea bass stocks moved outside the Authority's district, evidence indicated that adults did return to their spawning grounds.

The Chief Officer advised Members that they should consider that Europe was also looking at management measures for the control of stocks and they would need to consider how they as local regulators would fit into these measures, bearing in mind that they could develop management measures for these to be superseded at a national level. Officers had considered the options available to the Authority:

1. Keep a watching brief and support, encourage Defra's national and international approach to sea bass management.
2. Work with and through the Association of IFCAs to promote sea bass management and develop and coordinate a possible IFCA lead approach
3. Work on a regional basis with neighboring IFCAs to develop combined management sea bass management approach
4. KEIFCA to develop a sea bass management approach and develop its own legislation.

The Chairman invited comments from Mr Tony Hills, vice chairman of Dungeness Angling Association.

Mr Hills informed Members that his Association had a large base of anglers with over 1000 members. He felt that the IFCA had made great strides in making people aware of the minimum sizes and breeding limits for fish in the area.

In the last three years he felt that the commercial fleet had established where to fish for bass and as a result he felt that stocks ran the risk of being decimated. He informed Members that beach fishing was still good.

He advised Members that the IFCA should continue to try to educate the community on when to return fish by using the IFCA website to promote responsible retention sizes with charter boats and clubs signing up to a voluntary agreement to adhere to these. He felt that it was necessary to change the mind-set of people and to re-educate them in these matters. By doing this he felt that the Authority would allow sports fishing to survive.

Members discussed this matter in detail and made following pertinent points:

- There were nursery areas for bass in the Thames and other estuaries and that it was important to protect bass in these nursery and spawning areas.
- Commercial fishermen were targeting bass as a non-quota species once they ran out of quota for other species. Sole and Thornback Ray were traditionally the species targeted. It was therefore important to ensure the sustainability of sole and ensure there was a healthy population
- Commercial fishermen would support an increase in mesh size and minimum landing size and a reduction in the catch limit.
- Consultation with the fishing industry was necessary.
- Byelaws were already in place to protect bass around Bradwell nuclear power station and in the Thames Estuary.

The Chief Officer brought to the attention of Members the report in Appendix 1 which showed that the majority of the catch of sea bass was by French-registered vessels and fishermen (at 65%)

RESOLVED that:

- (i) a questionnaire be developed to send to both commercial and recreational fishermen;
- (ii) both Eastern and Sussex IFCA be contacted to discuss their approach to the matter; and
- (iii) officers would approach the AIFCA to develop management plans that could be adopted by all IFCAs

30. MARINE PROTECTED AREAS (B5)

The Chief Officer provided Members with an update on discussions held with Defra as to how the Authority and the AIFCAs could develop more detailed plans which would help create an integrated approach to management across the MPA network. He advised Members that Defra had requested more information from officers and discussions were continuing. Members would be provided with a full update once Defra had determined its actions.

Defra had held a series of meetings to discuss the proposed Swale MCZ site and the Dover to Deal and Dover to Folkestone MCZ sites. Officers had attended and supplied evidence to both meetings.

Members were informed that a meeting held on 25 July 2014 of the MPA working group had proved constructive with a number of recommendations proposed. Members were provided with a copy of the minutes of that meeting. The next meeting of the group would take place on 4 November 2014.

Members **NOTED** the information provided by the Chief Officer and **RESOLVED** that the recommendations of the MPA working group, as listed below, be accepted:

- the IFCA should contact Defra to ask that they attend the next meeting so that the Group could be informed as to how the wider MPA process is implemented and fits in with national strategy;
- the IFCA to write to Defra to enquire on the progress of the Hythe Bay site;
- the key gear/feature interactions discussed within the group and the outline management plans be given priority;
- the sites at Folkestone Pomerania MCZ, Blackwater, Crouch, Roach and Colne MCZ, Essex Estuaries SAC and Hythe Bay MCZ be given priority by the IFCA in the developing of management plans to maintain and recover the habitats and features of the sites considering the gear/feature interactions upon them;
- that the two sites in Dover be combined with Folkestone Pomerania MCZ and Hythe Bay MCZ when considering management plans; and

- the next meeting should be held in November 2014 in Folkestone to discuss in more detail the Folkestone Pomerania MCZ site as well as management of the proposed Dover to Deal and Dover to Folkestone MCZ sites (Tranche 2) and Hythe Bay MCZ site (Tranche 3). Fishermen and Stakeholders to be invited to attend the first part of the meeting, following which the Group would discuss matters by itself.

31. FISHING IN THE THAMES (B6)

Members were reminded that at their previous meeting they had requested that officers arrange a joint agency workshop with the MMO and EA to review the state of commercial fishing stocks in the Thames.

This meeting was originally arranged for 18 July 2014 but due to unforeseen issues the meeting had been postponed to 25 September 2014.

Members were provided with details of the proposed agenda and persons invited to attend.

RESOLVED that:

- the agenda and focus of the meeting be approved;
- an independent chairperson be appointed; and
- the list of invited persons be approved with the addition of Mr M Sharp as a member of the IFCA from the recreational angling sector

32. COMPLIANCE AND ENFORCEMENT STRATEGY (B7)

The Assistant Chief Fishery Officer provided Members with a draft copy of the Authority's Compliance and Enforcement Strategy. He advised that the document set out the Authority's approach to achieving compliance with local, national and EU legislation and had been developed in conjunction with all other IFCAs to standardise the approach taken by them all.

Members **APPROVED** the Compliance and Enforcement Strategy

33. SMOOTHOUND STOCKS (B8)

The Chairman invited Mr Stuart Belbin to address Members regarding this item.

Mr Belbin informed Members that he was the Chairman of the North Thames Professional Boatman's Association representing Bradwell, Mersea and Brightlingsea ports. He advised that in the last five years he had received reports of a reduction in the Smoothound fishery, which his members targeted as charter boat skippers. As charter boats approximately 80% of their fishing was targeted towards this species with 95% of their catch returned alive. Each trip taken by him and other skippers brought in about £2,000 to the local community. Smoothound were a slow growing species that did not mature until an older age, with low spawning numbers. He advised Members that he believed this was now also being fished commercially with reports of unsold fish being dumped. He requested that the Authority bein procedures in place to save this fishery.

The Chief Fishery Officer advised Members that the EU had reported that stocks of Smoothound were acceptable although records showed that there had been increased landings of the species especially in France. He understood this to be a key fishery for four commercial boats who operated out of Ramsgate for three weeks of the year.

Members discussed this matter in detail and made the following pertinent comments:

- 70 to 80 charter boats operated in the district which generally operated a catch and release policy.
- Reduction in stock could also effect on-shore fishing
- Consultation with the recreational and commercial sector would be required to ascertain what is being caught and returned

RESOLVED that officers would arrange to consult with the Industry to gather data on catch rates

34. LOCAL GOVERNMENT PENSION SCHEME – POLICY STATEMENT (B9)

Members were advised that following the introduction of the Local Government Pension Scheme on 1 April 2014, all scheme employees were required to review their existing discretionary pension policy statement and publish a new one.

Members were provided with an overview of the pension policies that required reviewing and provided with a draft policy statement.

RESOLVED that the Pension Policy Statement be approved

35. ANNUAL REPORT (B10)

Members were provided with a draft copy of the Annual Report which the Authority was required to publish. They were asked to review the report and contact the office if they wished to make any comments on it.

Members **NOTED** the Annual Report

36. MATTERS FOR REPORT

Members received:

- the quarterly report of the Kent IFCO (C1)
- the quarterly report of the Essex IFCO (C2)
- the quarterly report of the patrol vessel 'Ken Green' (C3)
- the quarterly report of the patrol vessel 'Tamesis' (C4)
- Sea Angling report (C5)
- Communication Update (C6)

- Update on new vessel build (C7) – the Chief Fishery Officer informed Members that one side of the boat had now been released from its mould and that the wheelhouse had been constructed. Delivery was expected to take place mid 2015. The working group would be visiting the boatyard on 26 September to review progress. Members were advised that once the cockle season had concluded it was the Chief Fishery Officer's intention to put the patrol vessel "Ken Green" up for sale. The delivery of the RIB and trailer would then be brought forward to enable coverage of the inshore area to continue.
- Enforcement report (C8)
- DP World/London Gateway newsletter (C9)
- Crouch Harbour Authority minutes and Chairman's report (C10)

The meeting closed at 13:05hrs