

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Garden Suite, Thurrock Hotel, Ship Lane, Aveley, Thurrock, Essex at 10.00am on Friday 18 January 2013

Present: Cllr J L Lamb (Southend BC), Mr J Nichols (MMO), Cllr M Harrison (Kent CC), Cllr S Liddiard (Thurrock Council), Cllr P Channer (Essex CC), Cllr J Jowers (Essex CC), Cllr D Morris (Essex CC), Mr W Baker (MMO), Ms L Jenner (Natural England), Mr L Roskilly (MMO), Mr M Sharp (MMO), Dr L Fonseca (MMO), Mr A Rattley (MMO)

Apologies: Cllr A Mackness (Medway Council), Cllr C Hibberd (Kent CC), Cllr B Cope (Kent CC), Mr C Hazelton (Environment Agency), Mr B Smart (MMO), Mr S Abbotson (MMO)

In Attendance: Mr A Tait (Clerk, KCC), Ms B Gibbs (Financial Adviser, KCC), Mr J Wiggins (Chief IFC Officer), Dr W Wright (Assistant Chief IFC Officer), Mr D Bailey (Senior Scientific/Conservation Officer), Mr A Senechal (IFCO), Miss D Lee (Office Manager)

The Chairman advised Members that due to work and family commitments Dr des Clers had resigned from the Authority as a MMO representative. The Chairman wished to record the thanks of the Authority for the tremendous input, knowledge and expertise that she had brought to the Authority at its meetings and at its Technical Panels.

Members were informed that it was necessary to hear legal advice in respect of the Whelk Byelaw, which was classed as exempt, prior to hearing the report on the making of the Byelaw.

Resolved: that under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1, paragraphs 5 and 7 of Schedule 12A of the Act:

- A report was made to Members on vessels that had been operating, or wished to operate, within the District that had vessel registration documentation indicating that their engine power was above that which was permitted under the Vessel Size and Power Byelaw. Members were asked what action they wished the Authority to take.
- Legal advice which related to the making of a Whelk Fishery Permit Byelaw was discussed. Members also discussed Technical Permit requirements.

The meeting re-opened to the public at 10:40

109. MINUTES (A1)

RESOLVED that the Minutes of the meeting held on 18 January 2013 are correctly recorded and that they be signed by the Chairman.

110. DECLARATION OF MEMBERS' INTERESTS (A2)

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

The following Members declared interests:

- Mr W Baker – agenda item E2 – personal interest (knowledge of 2 of the owners of the vessels involved).
- Mr J Nichols – agenda items E1 and B1 – personal interest (involved with Thanet Fishermen's Association)
- Mr W Baker - agenda item B6 – personal interest (participates in the Blackwater Fishery)
- Cllr P Channer – agenda item B6 – personal interest (elected Member of Maldon DC)
- Cllr J Lamb – agenda item B7 – personal interest (elected Member of Southend BC)
- Dr Fonseca – agenda item B10 – personal interest (defra employee)
- Cllr J Jowers – agenda item B10 – personal interest (defra rural commissioner)
- Mr L Roskilly – agenda item B11 – personal interest (involved in development of strategy)
- Mr M Sharp – agenda item B11 – personal interest (involved in development of strategy)

111. WHELK BYELAW (B1)

Members were reminded that on 28 November 2011 the Authority had made an Emergency Whelk Permit Byelaw. The byelaw had been implemented for 12 months and with the approval of the Secretary of State it had been extended for a further 5 months.

Members were also advised of the decisions they had made since 28 November 2011 in respect of this Byelaw; specifically at the IFCA meetings on 25 May 2012 and 20 November 2012 and a Technical Panel meeting on 16 July 2012.

Members were informed that on 14 December 2012 the MMO finalised their recommendations and as instructed at the meeting of the 20 November 2012 the principals of the previously worded draft byelaw had now been integrated into the wording agreed with the MMO.

Notification of the intention to make a Byelaw had been sent to Members on 2 January 2013.

Members were asked to take into account the Impact Assessment sent to them with the notification of the intention to make a Byelaw and the legal advice they had received during the exempt part of the meeting before deciding to make the byelaw.

Members were also asked to note that the proposed Byelaw required that, prior to the first review, the Technical Permit Requirements of the Byelaw, as detailed on the report, needed to be agreed separately taking account of the Impact Assessment already provided. These Technical Permit Requirements would be reviewed every 3 years.

RESOLVED that:

- (i) using its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 and taking into account the Impact Assessment provided, the making of the Whelk Fishery Permit Byelaw be approved; and
- (ii) taking into account the Impact Assessment provided, the recommended Technical Permit Requirements as given under 28 (a) to (g) of the Whelk Fishery Permit Byelaw be approved as follows:
 - (a) The maximum number of whelk pots that may be set by the holder of a Category One Permit referred to in paragraph 4 will be **300**
 - (b) The maximum number of tags to be issued to the holder of a Category One Permit referred to in paragraph 9 will be **300**;
 - (c) The maximum number of whelk pots that may be set by the holder of a Category Two Permit referred to in paragraph 10 will be **10**;
 - (d) The maximum number of tags to be issued to the holder of a Category Two Permit referred to in paragraph 14 will be **10**;
 - (e) The size of the gauge referred to in paragraph 21 will be ;
22 millimetres
 - (f) The number of escape holes referred to in paragraph 23 will be;
2
 - (g) The diameter of the bar referred to in paragraph 23 will be.
22 millimetres

112. REVENUE BUDGET MONITORING 2012-13 (B2)

Members were advised that the estimated budget outturn surplus as at December 2012 stood at £27,000. Details of variations to the budget were provided and explained.

Members asked if it were possible to invest some of the renewal reserve funds in a short term account.

RESOLVED that:

- (i) the Financial Advisor would investigate the possibility of investing monies in a short term investment; and
- (ii) the report be noted.

113. DRAFT AUDIT PLAN (B3)

Members were provided with a draft audit plan for 2013/14. This plan was similar to that presented to Members in 2012/13. Internal Audit had been consulted and was happy with the content.

RESOLVED that the report be noted

114. DRAFT BUDGET 2013-14 (B4)

Members were reminded that at the Authority meeting held on 17 January 2011 they were presented with a report outlining a medium term plan which showed a reduction in the levy for each Local Authority, excluding new burden money, over the three years to 2013-14.

It was therefore proposed that £868,000 was levied on the constituent authorities, divided on the basis contained within the statutory instrument that came into force on 1 October 2010.

Members were advised that the budget allowed for a pay increase of 1% together with an allowance for career progression. The budget also included the use of reserves of £40,900 to support the following:

- £15,400 Research
- £19,000 Training
- £6,500 Geographical Information Systems (GIS)

Members were also made aware that a budget of £10,300 had been allocated to enable Officers to provide an in-house Communication and Engagement programme.

It was noted that although there had been a reduction in the levy, the increase in income from the cockle licences had offset this.

Members were advised that the renewals reserve would be approximately £1.2million at the end of 2013-14.

RESOLVED that:

- (i) the report be noted; and
- (ii) the Draft Budget and levy as set out in Agenda item B4 be approved. The total amount of levy payable by each Local Authority being as follows:

• Kent County Council	£374,300
• Medway Council	£65,500
• Essex County Council	£374,300
• Thurrock Council	£32,900
• Southend-on-Sea Borough Council	£21,000

115. DRAFT ANNUAL PLAN (B5)

Members were advised that the IFCA were required to publish an Annual Plan setting out the Authority's main objectives and priorities for the year ahead. This plan, once approved by Members, would be submitted to the Secretary of State by 31 March 2013.

Members were informed that the main priorities of the IFCA for the coming year were:

- the introduction of the byelaw review process
- the introduction of an enforcement strategy
- the replacement of the Ken Green
- implementation of an angling strategy

A copy of the draft annual plan was presented to Members.

RESOLVED that the draft Annual Plan be approved

116. PROGRESS WITH RENEWAL OF RIVER ROACH ORDER AND BLACKWATER/CROUCH MANAGEMENT MEASURES (B6)

Members were reminded that at a previous meeting they had approved the formal application for a new River Roach Fishery Order. It had been hoped that this Order would have been placed before Parliament by the end of 2012 but Defra had requested more information before agreeing to proceed with the granting of the Order. It was now hoped that the Order would be put before Parliament this month.

In respect of shellfish management within the proposed MCZ area, Members were advised that a questionnaire had been developed by Officers which it was proposed to send to all those with a fisheries interest and to other sea users within the area. This would include fishermen (commercial and recreational), yacht owners and anglers.

Members were reminded that the Authority had previously approved the closure of Native Oyster beds within this area until 28 May 2013. Officers had met with representatives from the Oyster Industry who had expressed the view that by closing the fishery the oyster beds had benefited but they now believed some work would be required in order for the stocks to continue to be rejuvenated. Industry had requested that they be allowed to undertake two to four weeks of fishing undertaken in a controlled manner during April 2013. As part of these controls it was

intended to enforce the minimum landing size for Native Oysters in a more stringent manner. It was now intended to provide measuring rings to fishermen so as to ensure they were familiar with the byelaw in that area.

RESOLVED that:

- (i) the questionnaire relating to shellfish management within the proposed MCZ area be sent out;
- (ii) dispensation be given to all applicants to allow persons to obtain consent under the Native Oyster Fishery –Shellfish Beds Byelaw to fish, subject to the conditions given below:
 - the fishery for native Oysters be opened for an initial period of two weeks (1 – 12 April 2013) on the basis that:
 - fishing be permitted for no more than 6 hours per day between 6am to 6pm, 5 days per week, Monday to Friday.
 - a log book return would be required showing fishing position and catch data.
 - fishing activity would be monitored by KEIFCA patrol vessels and catches would be randomly checked by KEIFCA officers. The method of measurement would be enforced in a more clearly defined way in that the narrowest part of the oyster would be laid against the measuring ring. If the narrowest dimension of the oyster passed through then the oyster would be considered undersized.
 - similar to management of the cockle fishery outside the Regulating Order, when catch rates dropped below 5kg of oysters/ hour/ one metre dredge (oysters above minimum size) the fishery would be closed (maximum four dredges permitted under byelaws). If catch rates remained above this level consideration would be given to extending the fishery for a further two weeks.
 - if fishing was very intense and it was considered to be damaging the oyster bed, or the oysters upon it, the fishery should be closed before the completion of the first two weeks fishing and;
- (iii) this opening under the byelaw would be accompanied by an Industry Expectation that all vessels taking part in the fishery would undertake two additional days of conditioning of grounds in May/June so as to improve the chances of a successful settlement of oyster spat in 2013

The Chairman then took the opportunity to inform Members that both Cllr Hibberd and Cllr Cope were not standing for election at the forthcoming Kent County Council elections. Cllr Cope had been a member of the former Sea Fisheries Committee and then the IFCA since July 2005 and Cllr Hibberd since November 2007. The Chairman expressed the thanks of the Authority for all their hard work and gave his best wishes to them for the future.

11:15 Cllr Harrison left the meeting

117. SOUTHEND FORESHORE OYSTERS (B7)

Members were reminded that Mr M Sharp had brought to the attention of the Authority observations relating to coastal erosion and the harvesting of non-Native *C.gigas* oysters on Southend Foreshore.

Recent history had shown that gathering of these oysters were taking place; but although suggestions had been made that persons were hand gathering on a commercial scale without the appropriate documentation this would not appear to be the case. Members were informed that dredging for oysters had been carried out by local fishermen although this had now ended but that hand gathering was continuing.

Southend Borough Council, who own the Foreshore, and Natural England have engaged in consultation with various bodies over this matter in the past and recently. Members were advised that any decision or recommendations would need to involve these organisations.

Members discussed this matter in some detail and considered the possibility of implementing a Byelaw or facilitating the Industry to adopt a Code of Practice which would allow harvesting to take place without affecting the habitat.

RESOLVED that:

- (i) Officers would approach Southend Borough Council to discuss ownership of the problem; and
- (ii) if required to arrange a meeting with relevant stakeholders to facilitate a local Code of Practice

118. BYELAW REVIEW -JOINTWORKSHOP (B8)

Members were reminded that the Authority is obliged to review all its Byelaws.

In order to do this it was proposed that a series of workshops/technical panels be held, to include Eastern and Sussex IFCAs, in order that the Authority can review the key management issues for each species and to start to prioritise and triage fisheries management plans and management options. By working with the other IFCAs it was hoped that this would result in a cooperative approach being adopted by the three Districts.

It was envisaged that the first of these workshops would take place in May 2013.

RESOLVED that:

- (i) the report be noted and;
- (ii) the workshop to be held in May 2013 should consist of Officers, Chairmen and Vice Chairmen of the relevant IFCAs

119. EUROPEAN MARINE SITES (EMSs)- A CHANGE OF DIRECTION (B9)

Members were advised of further discussions that had taken place regarding the change of approach being adopted by Defra in respect of EMSs.

The chalk reef site on Thanet that had been deemed as high risk would require a byelaw to be put in place by the end of the year in order to protect it from towed fishing gear. Members were advised that an initial discussion had taken place with Natural England and that it would be necessary to provide stakeholders with information regarding the site and to discuss the impact of a byelaw on current activity with them.

It had also become apparent that another site is likely to be classed as high risk on the Foulness/Maplin Sands area where the protected species was Eel Grass. Members were advised that an Appropriate Assessment was already in place for this area as the Cockle Fishery already mitigates for the protection of Eel Grass. Members were advised that further survey work may be required and that they would be provided with an Impact Assessment and draft byelaw at the next meeting.

It was hoped that a representative from Defra would attend the next Authority meeting in order to discuss progress with this project and answer any questions issues relating to it.

RESOLVED that:

- (i) the CIFCO and Chairman should continue to engage in consultation with regard to this matter and;
- (ii) Officers should continue to work towards the development of byelaws to provide protection to the "high risk" sites.

120. DRAFT CONSULTATION OF FIRST TRANCHE MARINE CONSERVATION ZONES (MCZs) ANNOUNCEMENT (B10)

Members were advised that in December 2012, Defra announced a consultation on proposals for the designation of a first tranche of MCZs, six of which were within the Kent & Essex District.

Details of these sites were provided to Members. They were informed that of all the sites the one at Hythe Bay would be likely to be the most contentious and that depending on the management measures that would be introduced could place a burden on the Authority's resources.

Members were advised that the closing date for responses to this consultation was 31 March 2013 and that a draft response had been written for the consideration of Members.

RESOLVED that:

- (i) the report be noted and;

- (ii) the draft letter drawn up by Officers be submitted to Defra as the Authority's response to the consultation process.

121. KEIFCA ANGLING STRATEGY (B11)

Members were provided with a copy of the Angling Strategy that the Authority hoped to put into practice in order to develop a productive partnership with the Angling Sector and to include them in the Authority's long term planning.

Members were advised that the Authority intended to meet with local businesses and clubs to consult with them and then bring the final document back to the Authority for approval.

RESOLVED that:

- (i) the report be noted and;
- (ii) the draft angling strategy be approved.

122. MEETING DATES (B12)

Members were reminded that the next Authority meeting was arranged for 14 May 2013 and that the following dates had been suggested as suitable for the meetings following that:

- Thursday 5 September 2013
- Friday 22 November 2013
- Friday 24 January 2014
- Tuesday 20 May 2014

RESOLVED that the dates be accepted.

123. MATTERS FOR REPORT

Members received:

- the quarterly report of the Chief IFCO (C1)
- the quarterly report of the Kent IFCO (C2)
- the quarterly report of the Essex IFCO (C3)
- the quarterly report of the patrol vessel 'Ken Green' (C4)
- the quarterly report of the patrol vessel 'Tamesis' (C5)
- Windfarm report (C6)
- Sea Angling 2012 Report (C7)
- Staff update (C8)

The meeting closed at 12:05hrs