

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Council Chamber, Chelmsford Council offices, Civic Centre, Duke Street, Chelmsford, Essex at 11.00am on Tuesday 19 May 2015

Present: Cllr J L Lamb (Southend BC), Mr J Nichols (MMO), Cllr P Channer (Essex CC), Cllr A Wood (Essex CC), Cllr J Jowers (Essex CC), Cllr A Bowles (Kent CC), Ms I Chudleigh (Natural England), Dr L Fonseca (MMO), Mr A Rattley (MMO), Mr C Higginson (Environment Agency), Mr R Mason (MMO), Mr S Abbotson (MMO), Ms S Allison (MMO), Mr P Wexham (MMO), Ms B Chapman (MMO), Ms B Perkins (MMO)

Apologies: Cllr K Tolhurst (Medway Council), Cllr S Liddiard (Thurrock Council), Mr E Hannam (MMO), Cllr M Harrison (Kent CC), Cllr L Burgess (Kent CC), Mr C Hazelton (Environment Agency)

In Attendance: Mr P Wickenden (Clerk, KCC), Ms B Gibbs (Financial Adviser, KCC), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Dr J Heywood (Lead Scientific & Conservation Officer), Mr T Clegg (IFCO), Mrs K Woods (Admin Assistant), Mrs D O'Shea (Office Manager)

The Chairman thanked Mr Peter Sass, KCC, for providing to Members a presentation on the Code of Conduct prior to the commencement of the meeting.

The Chairman informed Members that Cllr Baker was no longer an appointed Member for Kent County Council and that his place had been taken by Cllr Lee Burgess. He wished to record the Authority's thank to Cllr Baker for his work in supporting the IFCA.

The Chairman welcomed Mr Nichols, Dr Fonseca and Mr Abbotson as returning MMO appointees and Ms Chapman, Ms Allison, Ms Perkins and Mr Hannam as newly appointed MMO members.

The Chairman introduced Mr Thomas Clegg to Members as the new Inshore Fisheries and Conservation Officer for Kent and welcomed him on behalf of the Authority.

The following information was laid around the table:

- Letter from Mr R Lankester in respect of Agenda item B6
- Letters from Mr Ben Ralph, Mr K Brewster, Mr W Brewster and Mr R Brewster Correspondence in respect of additional cockle licences (Agenda item B4)
- Letter from Professor Sam Evans, Defra, re options for joint working between IFCAs and the MMO

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.

Cllr Jowers nominated Cllr John Lamb as Chairman, seconded by Cllr Bowles. No other candidates were proposed so Cllr Lamb was elected unopposed as Chairman.

Cllr Lamb thanked the Authority and resumed the Chair.

Cllr Jowers nominated Mr John Nichols as Vice Chairman, seconded by Dr Fonseca. No other candidates were proposed so Mr Nichols was elected unopposed as Vice Chairman.

2. MINUTES (A2)

RESOLVED that the Minutes

- (a) of the meeting held on 22 January 2015, subject to the recording Of Cllr Bowles apologies and;
- (b) the minutes of 6 March 2015

were correctly recorded and that they be signed by the Chairman.

3. DECLARATION OF MEMBERS' INTERESTS (A3)

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.

The following Members declared interests:

- Mr A Rattley – agenda item B4 & B5– personal interest (owns cockle processing plant)
- Dr L Fonseca – agenda item B6,7 & 9– personal interest (Defra employee)
- Cllr P Channer – agenda item 6 – personal interest (Maldon DC member). Cllr Channer advised that as she is Chair of the Planning Committee of Maldon DC she would absent herself for this item so that she would not be compromised when the matter comes before her.
- Mr J Nichols – agenda item B8 – personal interest (Chair of Thanet Fisherman's Association)
- Mr S Abbotson – agenda item B7 – personal interest (member of ROFF)
- Ms B Chapman – agenda items 8 & 9 – personal interest (employee of Kent Wildlife Trust)
- Ms S Allison – agenda item B6 – personal interest (employee of Essex Wildlife Trust)
- Cllr J Jowers – agenda item B6 – personal interest (members of the regional flood defence committee)
- Ms B Perkins – agenda item B6 – personal interest (member of Essex NORI)

4. STATEMENT OF ACCOUNTS 2014/15 (B1)

Members were provided with the final revenue accounts for the Authority, capital expenditure, the balance sheet at 31 March 2015 and a statement of reserves and balances.

They were advised that the overall outturn for the year showed a surplus of £25,892. Details of the major components of the surplus were provided for Members information.

A query was raised whether this surplus should be put to the research budget taking into account that a payment from Natural England (NE) had been made for oyster research which had contributed to the underspend. The Financial Advisor informed Members that she recommended holding the outturn in general reserves to enable it to be easily accessible. She also advised that research funds had not been drawn upon during the financial year and remained ring fenced.

Capital expenditure for the year, totalling £722,304 was the purchase of a Toyota Hilux vehicle and stage payments for the new vessel. Financing of these items was taken from the renewal reserves.

Members were also advised that an interim audit had been conducted in October 2013 and a final audit in May 2014 which resulted in no action or report by Internal Audit. The summary accounts and governance making up the annual return now needed to be submitted to the Audit Commission with the approval of the Authority.

RESOLVED that:

- (i) the sum of £25,892 be transferred to General Reserves;
- (ii) the annual return be signed and submitted to the auditors; and
- (iii) the outturn position be noted

5. TREASURY MANAGEMENT STRATEGY (B2)

Members were provided with details of the Authority's strategy of 2015-2016. They were advised that there was no change to last year and that although Santander UK was listed as acceptable by advisors to KCC, as requested previously this bank would not be used.

RESOLVED that KEIFCA continue to invest via Kent County Council

6. DRAFT INTERNAL & EXTERNAL AUDIT PLAN 2015-2016 (B3)

Members were provided with details of the testing that the internal auditor would carry out for 2015-2016 and advised that this had not changed from the previous year.

Members were also advised that from 1 April 2015 it would no longer be a statutory requirement for the Authority to prepare accounts to be audited by the Audit Commission. This meant that statutorily KEIFCA would only need to be audited by an internal auditor, something that was carried out two times per year by KCC internal audit staff.

Members discussed the necessity to appoint an external auditor taking into account the costs involved.

RESOLVED that

- (i) the internal audit programme as described in the report be approved; and
- (ii) the Financial Advisor should consult with KCC internal audit to see if they could fulfil the role of an external auditor as well as an internal auditor

7. COCKLE TECFO LICENSED FISHERY MANAGEMENT (B4)

1. The Lead Scientific and Conservation Officer advised Members that the 2014 TECFO cockle fishery began on 22 June 2014 and finished on 26 September 2014 giving a total of 14 weeks fishing and that during this period a total of 6468 tonnes of cockles were taken.

Stock surveys had started on 3 April 2015 and had taken place over a period of five days. Analysis of this survey data had shown that survival of all age classes over the winter of 2014/2015 had been better than the poor survival experienced during the previous winter. Because of the severe mortalities experienced across all areas during the 2013/14 winter this depleted age class would still continue to limit the Total Allowable Catch (TAC) that could be set. However as there had been an increase in the winter survival the recommended TAC could be set at a higher level of 7700 tonnes.

Members were advised that a meeting had been held with licence holders on 6 May 2015 who had agreed the proposed dates and times for the fishery.

Members were informed that the methodology for setting the TAC was developed in the 1980/90s with Cefas to allow for an improvement in stock over time. The model used allowed for one third of the stock to be predated on, one third to be fished and one third to remain. Historical data had shown that as long as the TAC never exceeded a maximum of one third then the stock would not drop by more than a third.

1.4 Members were advised that once again operating costs had been kept to a minimum during the 2014 fishery. Members were reminded that they had expressed an interest in utilising the Vessel Monitoring System (VMS) which had now been fitted to all but one of the current cockle fishing fleet with the remaining vessel due to be having it fitted before the opening of the season. This VMS would help to provide additional monitoring of the cockle fleet during the fishery. In order to achieve this, the 'ping' rate would be required to be varied and this would involve additional costs to the Authority to arrange for it to be done. It was therefore proposed to increase the cockle licence fee from £4,968 to £5,346 to cover these costs.

RESOLVED that

- (i) an initial Total Allowable Catch (TAC) be set at 7700 tonnes and that further information related to the stocks would need to be continually reviewed throughout the season to ensure future sustainability;
- (ii) a further allocation of additional TAC, and therefore extension of the fishing season, may be made in the event of previously unknown or un-surveyed stocks of cockles being located, conversely if by monitoring of catch rates stocks in individual areas are shown to be falling then those areas may have to be closed;
- (iii) the Chief IFCO be authorised, after consultation with the Chairman and Vice Chairman, to implement changes to fishing controls within the limitations of the agreed TAC;
- (iv) the fishery would commence at 21.00 hrs on 14 June 2015;
- (v) the fishing season would be divided into weekly specified fishing periods which would run from 21.00 hrs on Sunday to 12.00 hrs on Friday and during these periods licence holders would be permitted to make the following specified numbers of landings (Reg. No. 7). This would maximise production when meat yields and quality are at their best.

14 June – 19 June (1 week) 2 specified landings per period

21 June – 9 October (16 weeks) 3 specified landings per period

- (vi) the maximum quantity of cockles that may be landed or carried on board would remain at 13.6m³/500 baskets per fishing trip (approx. equivalent 11 tonnes);
- (vii) sections of Areas 1, 2 and 3 should be closed at all times during the period June - September inclusive. These areas were 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.); and
- (viii) the licence fee would increase to £5346

1.5 Members considered the matter of issuing additional licences for the 2015 Fishery. As required by the Order consultation had taken place with those persons likely to be substantially affected by a limitation on the number of licences issued. Copies of correspondence received as a result of this consultation were provided to Members.

Members considered the issues raised in these letters and **RESOLVED** that:

- (i) the number of licences would be restricted;
- (ii) 14 licences be granted in respect of the 2015 fishery which would be allocated to those that held licences last year; and

(iii) no additional licences be granted.

8. PERMITTED COCKLE FISHERY MANAGEMENT (B5)

Members were advised that the Cockle Fishery Flexible Permit Byelaw came into force on 10 February 2015. This meant that anyone wishing to apply for a permit to fish cockles in the area outside of the Thames Estuary Cockle Fishery Order (TECFO) were required to do so by 31 March in that year. All stock assessment surveys had been completed and an appropriate assessment provided to Natural England for their consideration.

The ACIFO informed Members that 42 permit applications had been received; 40 for Category One permits and 2 for Category Two permits. Stock surveys of the area had been undertaken between 7 and 24 April 2015. These had shown that the areas known as the Ray, Dengie and Buxey sands were the most productive beds with the other areas containing very few cockles. As a result the recommended TAC for the permitted area would be less than 780 tonnes which would allow each vessel that had applied for a permit to undertake only one fishing trip.

RESOLVED that:

- (i) the beds in the permitted cockle fishery should not be opened in 2015; and
- (ii) all permit fees paid to the IFCA should be refunded;

12:15 Cllr Channer declared a personal interest as Chairman of the planning committee of Maldon DC who would hear a planning application at Old Hall Farm. In order not to fetter herself in any planning committee decision at a local level she left the room.

8. BLACKWATER/CROUCH MCZ OYSTER MANAGEMENT MEASURES AND RIVER ROACH ORDER (B6)

1. Native oyster management within the Blackwater, Crouch, Roach and Colne MCZ area

Members were advised that meetings of the Essex Native Oyster Restoration Initiative (NORI) had taken place on 21 January and 15 April 2015.

Oyster fishermen had provided a presentation to NORI promoting a proposal to undertake trial oyster dredging/harrowing within a defined area of the Ray Channel in order to clean silt from the cultch and improving the chances of a successful settlement of oyster spat. Fishermen had wanted to sell on any oysters harvested as a result to pay for this work, however NE and the IFCA did not want any oysters removed from the area due to the low populations found there. As a result the ACIFCO proposed that the IFCA used some of their research funds to pay commercial oyster vessels to undertake the restoration work as described in the fishermen's proposal as follows:

Site 1 – Ray Channel

In the Ray Channel a defined area would be fished during early summer with oyster dredges and by doing this silt would be cleaned from empty shells (cultch) on the seabed. The cleaned cultch

would then present good conditions for native oyster spat settlement as water temperatures rise and spawning takes place. This work would require 120 hours of vessel time in the Ray Channel. Detail of all works undertaken would be accurately recorded and annual monitoring of the site would be undertaken. Vessel time, not including transit time to the site, would be paid at £50/hour giving a total cost of £6,000 per annum for 3 years.

Site 2 Entrance to Blackwater

This proposed cleaning of silt from cultch would take place at the entrance to the Blackwater estuary, just to the east of the Private Several Order where there was a strong adult native oyster spawning stock. This would be undertaken by local vessels towing chains supported by a spreader bar across a defined area. The cleaned cultch would then present good conditions for native oyster spat settlement as water temperatures rise and spawning takes place. This work would require 30 hours of vessel time @ £50/hour giving a total cost of £1,500.

Annual surveys would be conducted on these sites during the restoration works and the evidence gathered from these would then be used to apply for grant funding in order to continue the project. It was proposed that the PhD student who will be starting with the Authority in late summer/early autumn would monitor these projects.

In response to a query, Members were advised that the work would be undertaken on public grounds, not private ones.

Members considered the points raised in the letter from Mr Lankester regarding an application by the RSPB to raise the water level in Old Hall Marsh, potentially affecting the water quality for the MCZ area and thereby the native oyster. Members were concerned that the IFCA had not been consulted on the potential impact on the marine environment.

RESOLVED that:

- (i) the stock restoration trials as detailed be approved;
- (ii) funding of £7,500pa be allocated from research budget for these trials; and
- (iii) Maldon BC be contacted to request they consult with the Authority and EA on the planning application made in respect of Old Hall Marsh

12:45 Cllr Channer re-joined the meeting

2. Closure of Native Oyster Beds

Members were reminded that for the last three years they had authorised the prohibition of harvesting Native Oysters from the area of the MCZ.

Surveys carried out in 2013 and 2014 continued to show low population of these oysters and it was considered that recovery would be likely to take at least another five years. The fishery for

native oysters was currently closed in the MCZ area until 31 May 2015 and it was proposed that the fishery remained closed for a further three years once that period had ended.

RESOLVED that;

- (i) the fishery for native oyster should be closed within the MCZ area under the KEIFCA Shellfish Beds Byelaw, until 31 May 2018; and
- (ii) officers should give consideration to allowing the removal or disturbance of oysters as referred to in the byelaw in line with the Authority's stock restoration policy and MCZ conservation objectives.

3. River Roach Oyster Fishery Order

Members were advised that Mr William Baker had been in discussions with officers regarding the taking up of a lease within the Order. Once this was formally requested Members would be advised.

9. SEA BASS MANAGEMENT (B7)

Members were informed that since the last Authority meeting a Technical Panel meeting had been held to discuss in more detail KEIFCA's part in developing bass management measures. Copies of the notes and recommendations of the Technical Panel were provided to Members. Members were also informed that the EU had introduced a three bag limit for recreational anglers. In relation to the Technical Panel notes, Members queried that the need to focus on enforcement measures had not been included in the policy statement.

Following the Technical Panel meeting, all IFCA's and the MMO had met with Defra to discuss this matter with one of the outcomes being the possibility of Defra reviewing and updating the current bass nursery area Statutory Instrument. This would then look at the issue from a national point of view rather than a regional one. It would also have the effect of the work and emphasis of the IFCA changing from one of leading the process to that of helping to support and working with Defra.

Members were advised that officers had spoken with the Rochester Oyster & Floating Fishery (ROFF) of which KEIFCA member Mr Abbotson was a member. They were informed that ROFF owned rights to certain aspects of the river relating to dredging for oysters and floating fish and had proposed to work jointly with KEIFCA to create a no-take nursery area on the north side of the River Medway. ROFF would use their powers to stop fishing in this area and KEIFCA would create a byelaw to do the same. This would be of benefit to Bass and a range of other fish and the area would be three times greater than any other no take zone in the country. Details of suggested wording for the byelaw was provided to Members. ROFF would discuss this proposal at their next Admiralty Court meeting on 20 June 2015 which, if approved, would mean the site would receive protection from that date onwards.

It was suggested that a Technical Panel meeting be held in late June/July 2015 to discuss and agree the wording of a Medway nursery area byelaw and to invite Defra and Eastern IFCA to attend to discuss how IFCAs could be involved in a bass nursery area SI consultation.

RESOLVED that

- (i) the notes of the Technical Panel, amended to include enforcement measures within the policy statement, were approved;
- (ii) Officers should prioritise work on a nursery area in the River Medway;
- (iii) Officers should work with Eastern IFCA and Defra to develop an evidence base and consultation material; and
- (iv) hold a Technical Panel meeting by July 2015 to:
 - Discuss and agree the wording of a Medway Nursery Area byelaw; and
 - Discuss with Eastern IFCA and Defra how IFCAs can be involved in any SI consultation in relation to bass nursery area and give feedback to any evidence and consultation material

10. HYTHE BAY UPDATE (B8)

Members were reminded that it had been the intention of officers to recommend the making of a byelaw at an extraordinary meeting in March 2015. However due to concerns raised by members of the fishing community this did not go ahead.

Members were provided with details of the work undertaken by officers in developing a management plan for Hythe Bay and were reminded that this work had been carried out as a result of the intent and direction given by the Fisheries Minister George Eustice in his press statement of 7 April 2014.

The Chief Officer informed Members a number of aspects of the project required clarifying:

- Cefas had developed a number of project funding options that had been sent to Defra in December 2014. To date no contact had been received from Defra that any of the projects would be funded. Without funding KEIFCA would not be able to carry out the experimental and evidence gathering aspects of the proposed byelaw.
- One aspect of the proposed byelaw involved vessel tracking. Inshore Vessel Monitoring System (IVMS) was a new technology which the MMO were currently looking to obtain approval for from the EU. It was likely that this technology would not be ready for six to nine months. This made it very difficult to discuss with the Industry the issue of costs and potential funding for these.

Members also needed to be aware that Hythe Bay had not yet been designated. There were other sites that had been designated that would also require time and resources spent on them to meet the Defra 2016 EMS review deadline.

Members discussed this matter and **RESOLVED** that:

- (i) a letter be written to the Minister seeking clarification of the intent of Defra as to the future of the site and the possibility of funding for gear impact surveys; and
- (ii) officers continue to work with the MMO on vessel tracking and update the Authority of any progress at the next meeting

11. MARINE PROTECTED AREAS (MPA) UPDATE (B9)

1. European Marine Sites (EMS) management:

The Lead Scientific and Conservation Officer provided Members with an update on the progress made with MPA assessments. They were advised that tests of likely significant effect (LSE) had been carried out on 13 of the 16 European Marine Sites (EMS) to test the impact of fishing gear on the feature(s) that the area was protecting. These were carried out on a prioritised basis agreed by the MPA Working Group and Natural England. Any LSE that failed would then have to undergo an Appropriate Assessment (AA)

Three hundred and eighty five tests had been carried out, which had since been reviewed and approved by Natural England. Of these, thirty five failed the test of LSE and would progress to the AA phase. The sites where the gear/feature interaction showed a potential significant effect were found at:

- Essex Estuaries SAC
- Thanet Coast SAC
- Margate and Longsands SAC
- Mid-Essex Estuaries SPA
- Outer Thames SPA
- Thanet Coast and Sandwich Bay SPA

Members were informed that due to the large volume of paperwork involved the results of all the tests were not provided in the report, however it would be made available to Members and stakeholders if required.

Members **APPROVED** the selection for undertaking appropriate assessments and the outcomes of the test of LSE

2. MPA Working Group:

This working group had met on two occasions since July 2014. Their work had been very useful in ensuring the IFCA has been able to deliver its MPA duties.

Members were reminded that the working group had consisted of members of the IFCA and other stakeholders with an interest and expertise in the area. Due to changes in the Authority and the change on focus from development to implementation of management plans it was felt that it would be appropriate to change from the structure of a working group to that of a Technical Panel.

RESOLVED that:

- (i) any site specific meeting that was required would be held close to the MPA site;
- (ii) this meeting would be held as a Technical Panel meetings;
- (iii) non-members of the IFCA would be invited to attend the meeting to share their knowledge and expertise with regard to the site; and
- (iv) the current members of the MPA Working Group would be invited to attend the meetings and would be updated with any developments

12. FOUR YEAR REPORT INTO IFCA CONDUCT AND OPERATION (B10)

Members were reminded that in May 2014 Defra had publicised a call for evidence from stakeholders into the conduct and operation of all IFCAs.

This report had now been completed and laid before Parliament and included comments on the work undertaken by KEIFCA over the last four years. Members were provided with a copy of the report.

Members **NOTED** the contents of this report

13. SALE OF FPV KEN GREEN AND BUILD OF NEW VESSEL (B11)

Members were advised that the Ken Green had been marketed since January 2015. The broker that had been used had not been successful in finding a buyer and it was now proposed to use another broker who had been involved in the sale of two other IFCA's vessels.

Members were reminded that at the previous meeting they had been asked to recommend a name for the new patrol vessel. The names provided could not be used and it was suggested that the patrol vessel be named "FPV Nerissa", meaning "daughter of the sea". The build of the new vessel was progressing with an expected date of delivery of mid August 2015.

RESOLVED that:

- (i) the sale of the Ken Green be transferred to Lochin Marine Services
- (ii) the new patrol vessel should be registered as "FPV Nerissa"

14. TERMS & CONDITIONS OF EMPLOYMENT (B12)

Members were provided with a draft copy of the terms and conditions of employment that it was proposed be adopted by the IFCA for all staff. They were advised that staff had been consulted with regard to this policy and KCC HR had advised with regard to employment legislation.

Members **APPROVED** the adoption of these terms and conditions of employment.

15. ANNUAL PLAN (B13)

Members were advised that the Annual Plan had been submitted to the Secretary of State subject to their final approval. No significant changes had been made to it since Members had considered it on 22 January 2015

RESOLVED that the Annual Plan for 2015-2016 be approved

16. 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)
- Enforcement Report (C7)

17. ANY OTHER BUSINESS

The Chairman drew Members attention to the letter received from Professor Sam Evans of Defra regarding options for joint working between IFCA's and the MMO. He advised Members that this request was being considered and discussed by all Chairs and Chief Officers within the IFCA's to allow for efficiencies and joint working.

The meeting closed to the public at 14:00hrs