

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Council Chamber, Gravesham Borough Council, Windmill Street, Gravesend, Kent at 10.00am on Tuesday 24 November 2015

Present: Cllr J L Lamb (Southend BC), Mr J Nichols (MMO), Cllr J Jowers (Essex CC), Cllr A Wood (Essex CC), Cllr M Harrison (Kent CC), Cllr A Terry (Kent CC), Cllr H Tejan (Medway Council) Ms I Chudleigh (Natural England), Dr L Fonseca (MMO), Mr A Rattley (MMO), Mr C Hazelton (Environment Agency), Ms K Hill (MMO), Ms S Allison (MMO), Ms B Perkins (MMO), Mr E Hannam (MMO), Ms B Chapman (MMO), Mr S Abbotson (MMO)

Apologies: Mr P Wexham (MMO), Cllr P Channer (Essex CC), Cllr A Bowles (Kent CC), Cllr S Liddiard (Thurrock Council)

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), Dr J Heywood (Lead Scientific and Conservation Officer), Mr R Watson (Fishery Officer), Miss V Foster (Fishery Officer), Mrs D O'Shea (Office Manager)

The following information was laid around the table:

- Natural England's updated advice on Native Oyster Recovery Initiatives within the Blackwater, Crouch, Roach and Colne Marine Conservation Zone (BCRC MCZ) - Agenda item B6
- Letter from Marine Conservation Society in respect of Tests of Likely Significance - Agenda item B4
- Statement from West Mersea Fishermen's Association regarding Essex Estuaries Special Area of Conservation (SAC) - Agenda item B4

The Chairman advised Members that he intended to add an urgent, exempt item at the end of the meeting to update the Authority with regards to the new vessel. He informed Members that there would be no written report as the situation had been fluid in recent days, but that an oral report would be provided. He reminded Members that this discussion would be private and that no information provided or discussed under this item could be communicated to anyone after the meeting

35. 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 prejudicial interest may not vote on that Agenda item.

The following Members declared interests:

Mr A Rattley – agenda item B3 – personal interest (owns cockle processing plant)
Ms B Chapman – agenda item B3 & B4 – personal interest (Kent Wildlife Trust employee)

Ms B Perkins - agenda item B4 & B6 – personal interest (Secretary & Treasurer of Blackwater Oystermen’s Association).

Dr L Fonseca – agenda item B4, B5, B6, B8, B10 – personal interest (Defra employee)

36. MINUTES (A2)

RESOLVED that the Minutes of the meeting held on 4 September 2015 and 6 November 2015 were correctly recorded and that they be signed by the Chairman.

10:10 Cllr Wood and Mr Abbotson arrived

37. BUDGET MONITORING 2015/16 (B1)

Members were provided with an estimated revenue outturn report as at 31 October 2015. This showed an estimated underspend of £60,006 although Members were advised that this was subject to change as the year progressed.

Members were provided with reasons for the variances under the individual budget headings

Members requested that in future the budget figures be shown in full and not rounded up or down to the nearest pound.

Members **NOTED** the estimated outturn position.

38. EXTERNAL AUDIT 2015/16 UPDATE (B2)

Members were reminded that at the Authority Meeting held in September the Financial Advisor was asked to investigate further the position of the IFCA with regard to the requirement of an external audit. This was as a result of conflicting advice received from the Audit Commission and the Department for Communities and Local Government (DCLG)

Members were advised that, according to Defra, IFCA's were classed as Joint Committees and were not Authorities in their own right. However it appeared that other IFCA's had differing opinions and therefore the Chief Officer would raise this matter at the next Chief Officer Group. If IFCA's were to be treated as Joint Committees then this meant that the IFCA could be included in the main audit of its lead Authority and did not need to have an external audit of its own. The Financial Advisor informed Members that this would be difficult for KEIFCA to do as it was not currently included in KCC's statement of accounts.

RESOLVED that the Financial Advisor would request quotes from Accountancy firms to provide an external audit based on the Annual Return and financial statements.

10:14 Cllr Harrison arrived

39. COCKLE FISHERY MANAGEMENT (B3)

Members were reminded that the cockle fishery within the area of the Thames Estuary Cockle Fishery Order (TECFO) had opened on 14 June 2015. It was closed for two weeks from 21 June to 3 July due to concerns from the Industry over low meet yields. Following surveys in September which revealed low spat fall and poor growth rate a meeting was held with the licence holders when it was decided to reduce the fishing allocations and close the fishery on 16 October 2015. This meant that the initial TAC was reduced from 7700 tonnes to 6622 tonnes.

This survey had also shown that the number of adult cockles were slightly higher than the previous year, although the weight of each cockle was lower. Members were advised that unless there was a late spat fall and a mild winter then the outlook was likely to be a lower TAC for the 2016/17 fishery. More accurate information would be known following the spring survey.

10:20 Mr Hannam arrived

In response to a question from Members, they were advised that the Industry would be spoken to following the spring survey and would be told then if there were likely to be any restrictions with regard to the amount of the TAC. Members also asked if there was a reason for the poor growth rate. They were advised that the late start to summer this year meant that temperatures were low and that this could affect growth rates. The winter storms two years ago had also severely impacted stocks.

Members **APPROVED** the actions of KEIFCA Officers for the management of the TECFO

The Chairman informed Members that he intended to put back Agenda item B4 in order for a representative from West Mersea Fishermen's Association to be present

40. COMMON FISHERIES POLICY REFORM; DEMERSAL LANDING OBLIGATION (B5)

The Chief Officer reminded Members that the demersal landing obligation (discard ban) would come into force on 1 January 2016. Whether a vessel would be subject to a discard ban would depend on where they fished and what gear they used. KEIFCA's district encompassed two separate areas with differing approaches; the North Sea plan and the North Western Waters plan.

Members were provided with a summary of the key points from the two discard plans providing details of the species and the type of fishing gear involved. The Chief Officer emphasised that this was not a definitive list and that for more detailed information Members should look at the MMO website or contact the local MMO office.

The Chairman advised Members that a number of meetings had taken place with the Industry and the Minister with regard to landing obligations and quotas.

Ms Katie Hill from the MMO provided Members with a presentation on Common Fisheries Policy reform.

10:35 Ms Allison arrived

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

- Available information appeared to be very unclear for the inshore fleet. Fishermen were unsure what was expected of them and found the whole process too complicated.
- MMO and IFCA officers still needed to be trained in order for them to cascade this information down to the Industry. Members expressed concern that this had not yet taken place. Enforcement of the discard ban would not be able to take place until officers were fully trained.
- There were no facilities in the Kent ports to handle the discards, with the nearest in Essex being Lowestoft.

In respect of this comment Members were informed that Sea Fish had carried out Defra funded research into how discards could be managed. This had suggested as an example the availability of grant funding for freezers in ports and use of discards for pot bait demand, with details of these reports available on line. It was suggested that these reports and links to them could be put on the IFCA website.

It was pointed out that with only five weeks to go until the introduction of the discard ban it would be difficult to obtain grants in time and that these grants were required to be match funded which fishermen were unable to afford

- Officers should identify which organisations are responsible and what action they are undertaking in three key areas in support of Industry:
 - ❖ Understanding – communication and consultation were referenced in the presentation. How or where did these contact details come from as a large number of the Industry were unaware of them and had not been contacted.
 - ❖ Adaptation – changes to gear, new routes to market etc – how and where would advice and support for these come from?
 - ❖ Finance – with regard to the EMFF, 40% of this fund would go towards enforcement and research. The remaining 60% for fisheries would include provision for community, and social, environmental protection. These funds would only be available to those who made specific application for them with no national or regional coordination and support for fishermen on how to make those applications. A clear steer was needed on who was responsible, what they were doing and when and what the implications would be to this Authority and its officers
- The Chairman should formally write to Defra to advise them of Members' concerns.

The Chief Officer informed Members that KEIFCA would be able to use its website and newsletter to communicate information to the Industry.

The Chairman reminded Members that the Common Fisheries Policy reform had been discussed previously and it had been known it was being introduced. He felt that the information required to allow the Industry to manage its landing obligations was not clear and he stated that Defra had been made aware of these concerns by the AIFCA.

RESOLVED that:

- i) a letter be sent from the Chairman on behalf of Members to Defra advising them of our concerns;

- ii) officers should update the website with links and information regarding the discard ban

41. BLACKWATER, CROUCH, ROACH AND COLNE MCZ (B6)

The Lead Scientific and Conservation Officer advised Members that in September 2015 a survey had been carried out in the public fishing grounds of the Blackwater, Crouch, Roach and Colne (BCRC) to re-sample the areas where native oysters had been found the previous year. Oysters had been found in most of the sampling areas as the previous year. Members were advised that these stocks would continue to be surveyed annually in order to provide data to assess whether the conservation objectives of the MCA were being met and to inform further management decisions.

The BCRC MCZ was designated in November 2013 with its conservation objective to recover native oysters and native oyster beds to favourable condition. As agreed at a previous meeting test harrowing had taken place in the River Blackwater and the Ray Sand channel. Results from these tests had shown that harrowing had caused alterations to the features of the seabed with the effect of this lasting longer in more sheltered, low energy environments.

The Chief Officer informed Members that this area was highly designated. As well as the area being designated for the protection and recovery of native oysters it was also a SSSI, protected for the communities that resided underneath the oysters, as an EMS. The problem now became how to fish for oysters while protecting the animals that lived in the mud underneath them. He advised Members that Natural England (NE) had provided updated advice which had been distributed to Members prior to the meeting.

Ms Chudleigh (NE) provided a presentation to Members providing background information on the advice that had been issued. The conservation advice package for the Essex Estuaries SAC had recently been updated. NE remained fully supportive of native oyster restoration in the SAC and were involved in this process by sitting on the E-NORI group, taking part in harrowing trials and by updating the advice on this site. NE wanted to assure Members that current native oyster restoration projects were supported but that any future initiatives should be halted until the key priority strands of work had been completed. A cradle to grave assessment was required to include the effect of dredging activity.

Members were reminded that the revised approach by Defra to manage fishing activities within the EMS meant that every site required all features to be tested against it. Anything that touched the seabed would have an effect but the frequency and the recovery from that needed to be established.

The Chairman stated that the advice from NE was very helpful and officers would look at and see what the results were.

Members **NOTED** the report and the updated advice from Natural England

42. MARINE PROTECTED AREAS UPDATE (B4)

The Chief Fishery Officer reminded Members of the revised approach of Defra to the management of fishing activities within European Marine Sites (EMS) in the District and of the work carried out by officers regarding gear feature interaction. All Tests of Likely Significant Effect (TLSE) that had been carried out were available to Members to inspect. Ms Chapman and Ms Allison had met with officers over these and had raised some technical issues which were being actioned.

Members were provided with information on the work carried out on high priority sites at:

- Folkestone Pomerania MCZ
- Blackwater, Crouch, Roach and Colne MCZ
- Essex Estuaries SAC
- Hythe Bay MCZ

Appropriate Assessments (AA) had been undertaken which had suggested that additional management measures were required in respect of clam dredging in the River Crouch and trawling in the Essex Estuaries SAC. It appeared that Cefas had involvement with clam dredgers in the Crouch and therefore the IFCA were discussing with Defra who should lead on this area of management.

12:00 Ms Chapman left

Essex Estuaries SAC

Members were provided with a presentation by the Assistant Chief Fishery Officer in respect of the Essex Estuaries SAC. They were advised that this site covered most of the Essex coastline and included three important estuaries; the Blackwater, Crouch and Colne. The initial assessment made had suggested that trawling would not pass an AA in respect of habitats of subtidal mud, subtidal muddy sand and subtidal mixed sediment. Natural England had advised that pressure from bottom towed gear on this site should be reduced. In the region of 13 to 14 boats operated in the area, some full time, some part time. As they worked at the moment there was no scientific evidence to say that this did not have an effect on the features. Members were reminded of the legal position in respect of EU Habitats Directive legislation and case law; the operator had to show that the activity they carried out would not adversely affect the integrity of the site beyond reasonable scientific doubt. Defra had faced challenge from Client Earth around assessment of fishing activity in UK MPAs. Client Earth had said that if there was not sufficient evidence to suggest that level of proof had been met then they advocated the precautionary principle should be used and proactive scientific measures should be introduced where there were areas of concern.

Members were informed that it was possible to have bottom towed activity taking place in an MPA provided there was appropriate recorded mitigation in place as shown by the existing cockle fishery. A byelaw could be introduced to address the impact of trawling by reducing the trawling

on the site by way of a number of management measures which could include permit schemes or closed areas. Natural England had said that river habitats were more sensitive than open seas. Informal discussions had taken place with the Industry to talk about activities and mitigation with a meeting held on 10 November at West Mersea and on 16 November with Non-Government Organisations (NGOs). All sectors had been encouraged to outline their point of view to the IFCA and Members had been provided with letters from West Mersea Fishermen's Association and from the Marine Conservation Society.

Members were advised that it was proposed that management measures be developed and presented at the January IFCA meeting as a dedicated item. Efforts would also be made to collate information from fishermen and obtain data as to the gear used on the site, areas fished and the intensity of fishing.

The Chairman advised Members that he felt it was important to work with the Industry in this matter. He invited Mr Craig to comment on this matter to Members

Mr Craig informed Members that the fishermen believed that they could prove beyond any reasonable doubt that they had no impact on the area.

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

- ❖ This area is fished by a non-nomadic fleet. There was already legislation in place which restricted engine size and boat length, although the majority were under 10m.
- ❖ The area trawled was only lightly trawled. Fishermen would not want to trawl over mud as it snagged their nets
- ❖ Fishermen had been spoken to by a Member who reported that he had been told that if the alternative to the whole area being closed was to say some areas would not be fished then they would be prepared to accept that. If the proposal was to close the whole area then this Member would be bringing the matter up with a meeting of 18 MPs that he would be attending.

The Chairman reiterated that it was important that the IFCA worked closely with the Industry and reminded Members that all representations would be taken into account but that the decision was theirs to take.

The Chief Officer informed Members that it was the intention of officers to discuss with the Industry the development of management options which they would then put to the NGOs to bring before Members at the next meeting in January 2016. This was the beginning of a process and it was his wish to work collaboratively.

In respect of a question regarding the Freedom of Information request contained in the statement from West Mersea Fishermen's Association, the Chief Fishery Officer advised that this was in hand and that Natural England had been forwarded a copy to respond to.

RESOLVED that management measures would be developed and brought before Members for consideration at the next IFCA meeting

Margate and Long Sands SAC

The Chief Fishery Officer informed Members that the area known as Margate and Long Sands covered an area out to 12 nautical miles. As it straddled the jurisdiction of the MMO and KEIFCA the MMO had been taking the lead in undertaking appropriate assessments for the site which had suggested that additional management measures would be required. The MMO had provided a paper listing their first initial ideas which had been provided to Members with their papers. Members were advised that there was still more evidence to be considered and advice from Natural England was still to be provided. The MMO had asked if KEIFCA wished to take on responsibility for the management measures of this area. The Chief Fishery Officer informed Members that they should be aware that there was a lot of work being taken on with the development of management plans for the Essex Estuaries which would take priority over this.

In response to questions from Members the Chief Fishery Officer advised that the NFFO had employed consultants to provide them with data for this site and the potential impact they may have had. He wanted to arrange to meet with them to discuss their findings. Taking on the management of this site would be very challenging and involve a lot of work to do it properly, however it was important to find a solution that would be as practical as possible. If the decision was that the IFCA took on the development of management measures then he would approach Defra for additional resources.

RESOLVED that Officers provide a fuller report at the January meeting detailing their actions and the options available

43. VOLUNTEER POLICY (B7)

Members were provided with a draft volunteer policy which included provision for paid leave up to a maximum of three days per year for all staff. This voluntary leave would encompass both public duties and other voluntary work. Members were made aware that the reservist policy that had been put before them at the September meeting had been amended to show three days paid leave allowed rather than five days but all other terms remained the same.

Members requested that the Volunteer Policy and Reservist Policy be shown as two separate documents

RESOLVED that:

- the Volunteer Policy be approved;
- the Reservist Policy as amended be approved; and
- these policies would be treated as separated documents

44. MEETING DATES 2016/2017 (B8)

Members were asked to note the meeting dates for the year 2016/2017 as follows:

Monday 12 September 2016

Tuesday 29 November 2016

Monday 23 January 2017

Tuesday 23 May 2017

45. UPDATE ON THE KEIFCA WHELK FISHERY MANAGEMENT (B9)

Members were reminded that in 2013 they had made a flexible whelk permit byelaw that allowed the number of whelk pots, the riddle gap size and the number and size of escape holes to be periodically reviewed. Since 2013 officers had been working with permit holders and scientist to gather evidence to allow these management measures to be reviewed as required by the byelaw.

In order to review the current evidence regarding the whelk stocks in the district and to make recommendations to the January 2016 meeting it was proposed to hold a technical panel meeting on 7 January 2016. Whelk permit holders and producers as well as representatives from CEFAS and other IFCA's would also attend to allow Members to receive as much information as possible in order to inform their recommendations to the full IFCA meeting

RESOLVED that a technical panel meeting would be held on 7 January 2016 to review the current evidence regarding whelk stocks and make recommendations in respect of management measures.

46. DRAFT REVISED IFCA PERFORMANCE FRAMEWORK (B10)

Members were advised that the current framework that the IFCA worked within to assist it with achieving its statutory duties was now out of date. This was as a result of the high level objectives set within the framework either having been achieved or now being of date.

IFCA Chief Officers and Defra had been involved in the drafting of a revised set of success criteria and high level objectives which were presented to Members for information. Members were advised that this document would be submitted to all ten IFCA's and that with the agreement of Members would then be submitted through the AIFCA to the Minister requesting that he agrees to IFCA's adopting these sets of high level objectives.

Members **APPROVED** the draft revised IFCA performance framework

47 ANNUAL REPORT (B11)

Members were advised that following the previous meeting no comments had been received regarding the draft Annual Report. The Report was now published on the Authority's website and would be submitted to the Secretary of State by 30 November 2015.

Members **NOTED** the Annual Report

48 CRISIS MANAGEMENT PLAN UPDATE (B12)

Members were advised that officers continued to work on the development of this plan and had taken part in two training exercises which had proved to be of assistance.

Members **NOTED** the report

49. MATTERS FOR REPORT

Members received:

- Quarterly Report of the Kent IFCO (C1)
- Quarterly Report of the Essex IFCO (C2)
- Quarterly Report of the Patrol Vessel 'Ken Green' (C3)
- Quarterly Report of the Patrol Vessel 'Tamesis' (C4)
- Sea Angling Report (C5)
- Communication Update (C6)
- Enforcement Report (C7)

13:25 meeting closed to the public

Members were provided with a verbal update by the Project Officer on the sea trials that had been undertaken with the new vessel FPV Nerissa and the concerns arising from these that had been raised with the boatyard.

13:35 meeting closed