

## **Kent & Essex Inshore Fisheries and Conservation Authority**

**MINUTES** of a meeting of the Authority held in the Marconi Room, Chelmsford Borough Council, Duke Street, Chelmsford, Essex at 10.00am on Monday 12 September 2016

**Present:** Mr J Nichols (MMO), Cllr A Terry (Kent CC), Cllr M Harrison (Kent CC), Ms G Holly (Natural England), Dr L Fonseca (MMO), Mr A Rattley (MMO), Ms S Allison (MMO), Ms B Perkins (MMO), Mr E Hannam (MMO), Ms B Chapman (MMO), Mr P Wexham (MMO), Cllr H Tejan (Medway Council), Ms E Dixon-Lack (MMO)

**Apologies:** Cllr J Lamb (Southend BC), Cllr P Channer (Essex CC), Cllr A Wood (Essex CC), Cllr S Walsh (Essex CC), Cllr A Bowles (Kent CC), Mr S Abbotson (MMO)

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

### ***Mr J Nichols, Vice Chairman of the Authority presiding***

The Vice Chairman advised Members that due to problems with traffic a number of Members had been delayed. In particular, there were no Local Authority representatives, which meant that the meeting would not be quorate as the standing orders required at least one Local Authority member to be present. He advised that he intended to delay the start of the meeting to 10.30am. If at that stage no Local Authority member had arrived, he would ask Members to meet on an informal basis with the intention of requesting the Local Authority Member who arrived after this time to ratify any decisions made. Cllr Terry arrived at 10.30am which allowed the meeting to begin as quorate.

Members were advised that Ms Emma Dixon-Lack had been appointed as the new representative of the Marine Management Organisation, Ms Giulietta Holly had been appointed as the new representative for Natural England and Cllr John Allen had been appointed as the new representative for Thurrock Council.

### **19. MINUTES (A1)**

A Member asked what progress had been made in respect of longer term whelk management. The Chief Officer advised that more practical assessments were in the process of being undertaken in relation to an increase in escape holes, size and riddle designs. Once these had been undertaken the Industry would be consulted.

**RESOLVED** that the Minutes of the meeting held on 20 May 2016 were correctly recorded and that they be signed by the Vice Chairman.

10:35 Cllr Harrison arrived

## **20. 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 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 B6 – personal interest (Kent Wildlife Trust employee)

Dr L Fonseca – agenda item B2, B4, B5, B6, B7, B8 – personal interest (Defra employee)

Ms S Allison – agenda item B6 – personal interest (Chair of E-NORI group)

## **21. REVENUE BUDGET MONITORING 2016-2017 (B1)**

Members were provided with details of the estimated financial outturn position for the Authority to 31 July 2016. The Financial Advisor informed Members that the forecast underspend for the year was likely to be £43,694 although this was subject to change. The underspend had resulted from savings in fuel and staff.

**RESOLVED** that the underspend of £43,694 be approved

## **22. ESSEX ESTUARIES BOTTOM TRAWLING (PROHIBITED AREAS) BYELAW (B2)**

Members were advised that this matter had been discussed at the last Authority meeting when Members had approved the wording of the draft byelaw and Impact Assessment. The MMO had now been consulted with regard to the wording which they also had approved. As required the intention to make the byelaw had been provided to Members 14 days prior to the meeting. Members were informed that the next stage of the process was for them to make the byelaw ready for it to go out to statutory consultation.

In response to a question from Members, they were advised that the proposed byelaw would not affect the cockle industry. Any management required to protect the SAC in the area where cockle beds were harvested would be carried out under the Flexible Permit Byelaw.

A Member asked if it would be possible to produce a map showing where the private, tenanted and public grounds were in the District. The ACIFCO advised that, although officers knew where grounds operated under the Crown Estate and Royal Charters were, those that were created back to Magna Carta were not as straightforward to map. He stated that it would be simpler to create these maps on a local basis and that he would ensure that any future byelaws for specific areas would include this information.

10:50 Cllr Tejan arrived

In response to a concern regarding the wording in the Impact Assessment (IA) regarding the estimated annual loss of UK landings, the CIFCO stated that this particular part of the IA was

required by Central Government to have an economic assessment included within it. Members were advised that the IA went into more detail and in plainer language further into the document to explain what these costs were. Members asked that the IA be amended to link to the section where this was made clearer.

Ms Chapman requested that it be noted that, although she supported the byelaw, she wished to register a concern that it did not go far enough to meet Defra's new approach to manage commercial fishing activities in EMS and that the byelaw should protect all features within the SAC including those not yet established. Ms Alison supported Ms Chapman's statement.

**RESOLVED** that:

- i) the Impact Assessment be amended to include a link on page 3 to pages 16 to 18 to make the economic assessment more understandable;
- ii) Members be provided with a map of the District showing private, tenanted and public grounds; and
- iii) taking into account the associated Impact Assessment, the Essex Estuaries Bottom Trawling (Prohibited Areas) Byelaw be made.

**23. COCKLE FISHERY UPDATE (B3)**

Members were informed that the cockle fishery had opened on 26 June 2016 and had remained open. Catch rates were reported to be good with most vessels landing the maximum 13.6m<sup>3</sup> allowed each trip.

Mr Rattley, on behalf of the Cockle Industry, advised Members that the Industry believed they were in a better position this year as a result of the decision of the IFCA to close the fishery for a period of time the previous year. Yields were up by 50% on 2015 and the Industry were very happy that the fishery was being managed correctly. They had advised that a lot of young 8-10mm cockles were being seen on the ground and that a spat fall three times that seen previously had been reported by a number of vessels.

A Member queried the cost of cockles and why they were being exported in such large quantities. Mr Rattley advised 95% of the cockles harvested around the whole of the UK were sent to Europe and that as a result the prices were dictated by Europe not the UK. If this market did not exist, then there would not be a cockle industry within the UK.

The ACIFCO informed Members that more cockle surveys would take place the following weekend which would confirm the presence and extent of any spat on the ground. The allocation of TAC, fishing trips and weeks would remain as agreed at the May meeting with the fishery due to close on 7 October 2016.

In addition, the ACIFCO advised Members that as agreed at the previous meeting the Authority had asked for approval from the Minister to revise some of the regulations which applied to the TECFO. These revisions had been approved by the Minister on 4 August 2016 and licence holders had been notified that they were now in force.

Members **RESOLVED** that the report be noted

As the representative from Cefas had not yet arrived the Chairman advised Members that he intended to take agenda item B5 next

#### **24. THORNBACK RAY FISHERY (B5)**

Members were informed that in 2006 quota management had been introduced for all skate and ray stocks. At that time thornback ray one of the four main species fished in the district together with bass, dover sole and cod. Unlike dover sole and cod which had a quota directly assigned to them, thornback rays were not treated as an individual species and were combined with all other skates and rays' species with quota levels set on that basis. It went from an unregulated fishery to one of a catch rate restricted to 200kg per month.

The CIFCO advised Members that the thornback ray fishery was one of the key commercial and recreational fisheries within the district. Fishermen had reported that thornback rays were spending more time in inshore waters in the Thames Estuary area with some thought to be resident all year round. Reports had also been received of sustained and significant catches of thornback rays throughout the whole district. Officers and local fishermen had worked with Cefas to establish a better understanding of the fishery.

Thornback rays were managed as an individual stock by ICES with stock advice given at an individual stock level. However, although ICESA advice suggested that thornback ray stock had increased and consequently quota levels had increase, because of the combined nature of the fishery this could mean that species that might need more protection were not receiving it.

Members were informed that the Authority had written to Defra to stress that the thornback ray was an iconic local species with a heavy regional bias. A lot of work undertaken by Cefas in the Shark By-Watch UK 2 project had shown that the Thames Estuary was a breeding area with the vast majority of the stock breeding there. As a result, it was felt that regional management could work well, but only if thornback ray received their own TAC. The CIFCO stated that in trying to move forward he considered that it was important for the Minister and Defra to understand the need to disentangle these stocks to allow thornback rays to have their own quota and the need for management at a local level.

In response to a question of the possibility of skates and rays being misidentified, the Chairman advised that it was simple to differentiate between the species and that in his experience very few species other than thornback ray were caught.

In response to a concern raised by a Member with regard to the workload involved and in particular raising this particular issue with the Minister, the CIFCO advised that almost every fisherman in the district, both commercial and recreational tended to fish thornback ray. The fisherman associations had tried to make a case themselves for the last 10 years, making representations to their MPs and working with Cefas on the Shark By-Watch projects. He stated that fisherman saw this as a very good example of a stock that could be managed regionally. Cefas had also identified it as a key stock to take forward at an EU level.

**RESOLVED that:**

- i) The Minister and Defra be written to requesting:
  - a) A review of the current Skate and Ray TAC system and requesting a thornback ray specific TAC; and
  - b) A commitment and time scale to develop an ICES thornback ray management plan
- ii) The IFCA invite the Minister to a meeting with local fishermen, Wm Morrison Supermarkets and Cefas regarding the state of the thornback ray stocks and options for future management

**25. MARINE PROTECTED AREAS UPDATE (B6)**

The Lead Scientific and Conservation officer (LSCO) advised Members that all Appropriate Assessments (AA) had now been completed and approved by Natural England. Any management measures in respect of the second tranche of Marine Conservation Zones (MCZ) would need to be introduced by the start of 2018.

In response to a question from Members the LSCO advised that as a result of the Test of Likely Significant Effects undertaken by the Authority, nine AAs had been submitted to NE and of these, Essex Estuary SAC and Margate and Long Sands SCI required management measures to be implemented.

Margate and Long Sands Site of Community Importance (SCI) Management

Members were advised that at their last meeting it had been agreed to hold an extraordinary meeting to discuss management measures for this site. Due to a change in advice from Defra with regard to the use of regulatory notice byelaws a decision was made to postpone this meeting to allow officers time to develop alternative management options. The LSCO stated that management options being considered were closed areas for bottom towed gear or the development of a specific permit byelaw. Both options had been discussed with NE.

The CIFCO reminded Members that the area was managed by the IFCA and the MMO as part of the site extended beyond the IFCA six mile limit. The MMO were intending to consult after 6 October and it was the intention of the Authority to meet with the Industry and other stakeholders once the MMO consultation was released. It was intended to report back to Members at the next Authority meeting of the results of these meetings and to present management options.

Native Oyster Permit

The LSCO advised Members that it was intended to begin a process of developing a Native Oyster Permit to allow the management and restoration of native oysters in the Blackwater, Crouch, Roach and Colne MCZ

### Native Oyster Research

Members were advised that cultch cleaning had been carried out by three local oystermen in the Ray Sand Channel and River Blackwater in June 2016. Surveys had since taken place by officers with samples from the River Blackwater site sent off for analysis. This would provide improved data to allow a better estimate of the effectiveness of the cultch cleaning and the impact on the site of the activity of other species.

Members **NOTED** this report

## **26. STRATEGIC EVIDENCE PLAN (B7)**

Members were presented with an updated Strategic Evidence Plan (SEP) for the period 2016 to 2021. This had been updated to take into account the requirement of a clearer process for identifying new research projects made by Members at a previous Authority meeting. If approved, then the SEP would be sent for consultation for a period of six weeks with key stakeholders.

In response to a question from Members, the LCSO informed them that this document would work in conjunction with the Annual Plan. Any new project would be required to address the evaluation criteria set out in the SEP. The LCSO also advised that the Authority would approve any new project before it would be undertaken. Members asked that this be included in the SEP.

With regard to a question regarding funding the LCSO stated that research work was dependant on the other requirements of the IFCA. The SEP was a planning document relating to research and not enforcement and this work could only go ahead if staff and vessels were available. She was confident that grants could be found to fund research, from the EU, charities, trusts and nationally. Central Government had said they would support scientific funding. The Chairman advised that the AIFCA was lobbying for additional funds from Central Government.

Members **RESOLVED** that:

- i) the Strategic Evidence Plan be amended to show that the Authority would approve any new research project before it was undertaken; and
- ii) the Strategic Evidence Plan (as amended) should be sent for consultation for a period of six weeks

## **27. UPDATE AND REVIEW OF BASS MANAGEMENT (B4)**

Members were reminded that since 2014 the Authority had discussed bass management at nine quarterly meetings and had held two technical panel meetings on the subject. Members were advised that at each stage new bass legislation had been introduced the Authority had either discussed it or translated it into local relevant management.

Recreational angling enforcement had increased with inspection of catch incorporated as a matter of routine into shore patrols. Charter boat skippers in particular had been approached to inform them of their responsibilities as skippers with increased numbers of boarding of these vessels

being undertaken at sea. Information packs and measurement stickers had been produced which had been distributed to individual anglers and tackle shops. Members were informed of a targeted operation that took place over the May bank holiday weekend where 380 anglers were inspected in the Kent and Essex district on shore. Collaboration with the MMO also taken place over this time with a MMO officer joining IFCA officers on the RIB 'Blue Jacket'. Twenty inspections at sea took place with a number of offences found and fish returned to the sea. Warnings were given and an obstruction offence were detected.

The Authority had focussed on spawning and nursery areas and had supported the Defra review of Bass Nursery Areas. The Medway Nursery Area built on the bass nursery area theory, taking the bass nursery area at Kingsworth North, expanded it out into the intertidal area and tightened the legislation making it easier to enforce. This had been possible because the community worked together to ensure its success.

Members were informed that the Environment Agency had been carrying out small fish surveys in the River Medway, from Grain to Allington Lock, since the late 1990s. There was a potential to expand these surveys and create new ones. Currently the research used for the small fish survey was used for the Water Framework Directive as well as being used for the River Medway Byelaw.

In response to a question from Members in respect of enforcement of bass legislation amongst charter boats, the ACIFCO stated that a meeting had been held with charter boats and anglers when the legislation was discussed. Officers gave advice to charter boat skippers. They were not asked to police the legislation but were given information which would assist them to show they were doing everything in their power to comply.

Members were pleased that there had been joint working carried out with the MMO and asked if there was potential to develop more working with them. They were advised that there were two levels of working with the MMO, through the national directive and also local willingness. The Eastern MMO office had always worked closely with the IFCA and at a national level the MMO were interested in joint working.

In respect of the recommendations that Members were asked to approve, it was pointed out that without the presentation from Cefas it was difficult to approve the bass tagging project that Cefas were proposing. The CFO advised that he would include details of this at the next Authority meeting.

**RESOLVED** that:

- i) the IFCA would support Defra in the review of the Bass Nursery Area Statutory Instrument; and
- ii) the IFCA would continue to conduct joint bass enforcement operations with the MMO

## **28. RIVER MEDWAY NURSERY AREA – MEMORANDA OF UNDERSTANDING (B8)**

1. Members were advised that the River Medway Nursery Area byelaw that they had made by the Authority was a Regulatory Notice byelaw. Defra had reviewed the mechanisms and legality of these types of byelaws and had decided not to approve them. As a result, the byelaw that was signed by Defra on 22 June 2016 removed flexible elements of the byelaw, which meant that although the byelaw enforced the management measures that the Authority had agreed it did not give a mechanism for review or adaptation. This had meant that if the byelaw needed to be changed then a new byelaw would be required to be made.

Members were advised that procedures and wording that were previously written into the byelaw should be adopted to allow the byelaw to be reviewed.

### **RESOLVED** that:

I. The procedure for reviewing the River Medway Nursery Area (Prohibition of Fishing) Byelaw will include the Authority taking the following steps:

(a) the Authority will consult in writing with the Rochester Oyster and Floating Fishery and all such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any proposed management;

(b) the Authority will make a decision whether to issue, remove or vary management based upon that consultation.

(c) following a decision to issue, remove or vary a management measure, the Authority will notify in writing all such persons as were consulted in accordance with paragraph 10 (a) prior to that decision coming into effect.

II. The information for the purposes of paragraph 1(b) includes any one or more of the following:

(a) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority thinks fit;

(b) Scientific advice provided by Centre for Environment Fisheries Aquaculture Science or such other bodies, organisations, or persons as the Authority thinks fit;

(c) An impact assessment of any proposed changes;

(d) Advice given by Natural England or such other bodies, organisations, or persons as the Authority thinks fit;

(e) Any such information as the Authority considers relevant.

III. The Authority will review the River Medway Nursery Area (Prohibition of Fishing) Byelaw no less frequently than every three years

2. Members were informed that officers had attended the Medway River Festival on 9 July to promote the River Medway Nursery Area. Staff from Defra, EA and Kent Wildlife Trust volunteered their time to help run the event and a stall from NE and the Institute of Fisheries Management also attended to promote their work in the area.

3. Members were provided with a proposed Memorandum of Understanding (MoU) between the IFCA and Rochester Oyster Floating Fishery (ROFF) which aimed to focus on the enforcement of the River Medway Nursery Area and also a MoU between the IFCA and the Environment Agency (EA) which would aim to continue the small fish surveys that were being currently undertaken in the River Medway. This MoU would also allow for cross warranting between the two agencies

**RESOLVED** that the wording of the Memoranda of Understanding between the IFCA and ROFF and between the IFCA and EA be approved

## **29. ANNUAL REPORT 2015-2016 (B9)**

Members were advised that the IFCA was required to publish a report each year setting out the main achievements of the Authority. A draft version of the report was provided to Members who were asked to provide any comments to the CIFCO prior to it being presented to the Authority for approval at the next meeting

Members **NOTED** the report

## **30. 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 'Tamesis' and 'Blue Jacket'(C3)
- Sea Angling Report (C4)
- Communication Update (C5)
- Enforcement Report (C6) – Members requested that a short summary of the offences detected be included within the report
- Health & Safety update (C7)

13:00 Meeting closed to the public

Members resolved that the exempt minutes of the meeting held on 20 May 2016 were correctly recorded and were signed by the Vice Chairman.

Members were provided with an update by the ACIFCO on the progress of the build of the patrol vessel 'Nerissa'. They were advised that the vessel was currently in a boatyard having necessary works carried out. Consultants had been engaged to provide technical support to officers to ensure the vessel was suitable for operations.

Members were informed that the Clerk to the Authority, Peter Sass, would be leaving this post and as Head of Democratic Services at Kent County Council to take up a new position at the London Borough of Wandsworth. Mr Sass had been clerk to the IFCA since its inception and prior to that the SFC since 2008. The Vice Chairman thanked Mr Sass for the help and advice he had given to Members and officers and wished him every success in his new position.

13:35 Meeting closed