

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

**MINUTES** of a meeting of the Authority held in the Marconi Room, Chelmsford City Council, Duke Street, Chelmsford, Essex at 10.00am on Monday 23 January 2017

**Present:** Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Cllr A Terry (Kent CC), Cllr M Harrison (Kent CC), Cllr P Channer (Essex CC), Cllr S Walsh (Essex CC), Cllr A Wood (Essex CC), Cllr H Tejan (Medway Council), 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), Mr S Abbotson (MMO), Mr C Hazelton (EA), Ms E Dixon-Lack (MMO)

**Apologies:** Cllr A Bowles (Kent CC)

**In Attendance:** Mr J Lynch (Clerk, KCC), Mr P Wickenden (KCC), Mrs B Gibbs (Financial Advisor), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mr R Dyer (IFC Officer) Mrs D O'Shea (Office Manager)

**By Invitation:** Ms Victoria Bendall (Cefas)

The following information was laid around the table:

- Agenda item B8
- Emails from Mr Bradley and Mr Step regarding the discussion of Members on sea bass management at the previous meeting
- Email from Mr Step regarding Agenda item B8
- Copy of an article regarding toxins in shellfish from Mr Lankester

The Chairman advised Members that Mr Lankester had asked permission to address the Authority in respect of toxic algal blooms in the Greater Thames Estuary.

The Chairman also informed Members that Cllrs Harrison and Terry would not be standing at the County elections due to be held in May 2017. The Chairman thanked them both for their work and commitment to the IFCA and in Cllr Harrison's case his involvement with the Sea Fisheries Committee.

10:10 Cllr Channer arrived

### **43. 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:

Ms B Chapman – agenda item B4 – personal interest (Kent Wildlife Trust employee)

Dr L Fonseca – agenda item B8 – personal interest (Defra employee)

Ms B Perkins – agenda item B7 – personal interest (Chair of E-NORI)

#### **44. MINUTES (A2)**

A Member queried the decision of Members as recorded in Minute 36 and advised that they did not recollect that this was the recommendation of the Authority. The Office Manager was asked to check this and respond directly to that Member.

In respect of Minute 39, a Member asked that this be amended to include that a review had been asked to be carried out to more evenly space the meeting dates.

**RESOLVED** that the Minutes of the meeting held on 29 November as amended and pending clarification of Minute 36 were correctly recorded and that they be signed by the Chairman.

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

Members were provided with details of the estimated financial outturn position for the Authority to 31 December 2016. The Financial Advisor informed Members that the forecast underspend for the year was likely to be £34,873 although this was subject to change. The underspend had resulted from savings in fuel and staff. She advised there would be an overspend on training due to additional enforcement training.

**RESOLVED** that the underspend of £34,873 be approved

#### **46. DRAFT BUDGET REPORT 2017/18 (B2)**

Members were presented with the draft budget for 2017/18 showing a levy of £889,600 to be divided between the constituent authorities. This levy remained the same as the previous year, as agreed by Members at a meeting of the Authority on 24 January 2014.

The Financial Advisor to the Authority informed Members that a 1% pay increase had been allowed together with an allowance for career progression. The contributions made by KEIFCA to the pension fund had decreased from 23.5% to 23% but this would be offset by an apprenticeship levy of £2,100 that would be payable from April 2017. KEIFCA would be contributing to this fund as it came under KCC's payroll. It would be



#### **47. TERMS OF REFERENCE AND STANDING ORDERS (B3)**

The Clerk to the Authority reminded Members that they had last reviewed their Terms of Reference and Standing Orders in 2011. Amendments had been made to the existing terms to reflect changes in structures and working practices, to ensure they reflected current best practice and strengthen areas where there had been known gaps. This included Financial Regulations and Scheme of Delegation.

Mr Hannam had provided Members with an email with comments and suggested changes to the draft.

11:00 Cllr Channer leaves

Members reviewed and discussed the draft document in detail and suggested changes to it. Due to the time constraints involved the Chairman recommended that the remainder of this item was discussed after AOB. Members voted as follows:

In favour	11
Against	3

#### **48. MARGATE AND LONG SANDS SCI BOTTOM-TOWED GEAR BYELAW (B4)**

The Chief Fishery Officer reminded Members that they had approved the development of a byelaw to protect areas within the SCI having discussed the matter at length at their previous meeting. This byelaw mirrored the timing and intent of the MMO's byelaw for the area outside the Kent and Essex district. Members had been emailed following that meeting to ask that they contact officers if they wished to discuss or be provided with any additional information regarding the site.

If Members wished to approve the making of the byelaw it would then be necessary to carry out formal consultation with all interested parties. The byelaw would be advertised for two consecutive weeks with persons wishing to comment or object able to do so for a period of 28 days following the advertising. Following this, consideration would be given to comments or objections as set out in Defra guidance and the Secretary of State asked to confirm the Byelaw.

A Member requested clarification that the proposed sites prescribed in the draft byelaw to be closed to bottom towed gear were no different to those provided to Members at the previous meeting. The Assistant Chief Officer advised that there had been no changes to the designated areas and they remained the same as had been discussed at the meeting in November. In response to a question regarding what gear was banned the Assistant

Chief Officer informed Members that mid water gear would continue to be allowed to fish on the sites, only bottom towed gear would be banned.

Ms Chapman informed Members that she wished to record an ongoing concern that the prohibited areas were not sufficient as she considered there was insufficient survey data to say which sites were the most sensitive. She felt that the IFCA should increase the areas that were to be protected. The Assistant Chief Officer informed Members that survey data had been received from Natural England and in respect of some of the areas he agreed there had been very little. He reminded Members that the SCI was very large and extended out beyond the 6nm limit. The particular sites included within the proposed byelaw were decided on based on Natural England's advice as being the more sensitive areas.

Members asked what consultation had taken place with stakeholders prior to the development of the byelaw. The Chief Fishery Officer advised that a meeting had been held with the fishing industry on 10 October 2016 when management options had been put forward to them. The meeting discussed the wider issues around MPAs, where the evidence came from, what advice was given and what the legislation meant. Fishermen understood why the sites required protection although they did not necessarily agree with it. Officers had met with the industry following that meeting with follow up information they had requested. It had been stressed to fishermen that they should write to the IFCA to share their concerns and they were encouraged to attend Authority meetings. Thanet Fishermen's Association had written in to the November meeting and their letter had been read out.

Members asked for clarification on the coordinates provided within the schedule of the byelaw for East Margate Sands – specifically prohibited area 6, point 3 as the area on the chart did not look correct. The Chief Officer agreed that this was not correct and advised the coordinate would be amended.

Mr Andrew Craig asked the IFCA if each Authority had to close a percentage of its area under EU directives and whether there were any reasons why management measures would not be imposed. The Assistant Chief Officer advised that there was no prescribed percentage. The IFCA would only introduce management measures if the activities that took place on a site had an impact on that site. The Chairman suggested that Mr Craig spoke to officers following the meeting if he required any other information.

In respect of the making of the Margate and Long Sands SCI Bottom Towed Gear Byelaw taking into account the associated Impact Assessment, Members voted as follows:

In favour	14
Against	3

11:45 Cllr Channer returns

#### **49. WHELK RESEARCH UPDATE (B5)**

Members were informed that data collected from permit holders suggested that landing of whelks from within the district had declined and that aside for two months were the lowest recorded since 2013. As had been stated at their previous meeting, large whelks had been fished to a low level within the district and now fishermen were fishing outside the 6nm limit and catching larger whelks there. The Chief Fishery Officer advised that the smaller whelks were still present but there had been concerns over the stock remaining.

Members were advised that enforcement of the Whelk Permit system had been a priority before and after Christmas with five offences found, mainly associated with undersized whelks.

The Chief Fishery Officer informed Members that two options to amend the technical requirements of the Whelk Permit Byelaw had been developed for Members to consider. He advised that he did not believe that no change to the technical requirements of the byelaw was an option. There was a need to increase the riddle size, number of escape holes and the size of those holes. Tests had shown that the number of escape holes the majority of pots could hold were ten. Members were advised the two options were:

Option 1:

In 2017/18 increase the size of the riddle to 25mm, the number of escape holes to 10 and the size of the escape holes to 25mm.

Option 2:

In 2017/18 increase the size of the riddle to 24mm, the number of escape holes to 10 and the size of the escape holes to 24mm

In 2018/19 increase the size of the riddle to 25mm, the number of escape holes to 10 and the size of the escape holes to 25mm

In addition, it was proposed that the Authority committed to developing a new technical measures byelaw which would allow the IFCA to:

- Open and close whelk harvesting areas for defined periods
- Require specific dimensions or set up in a whelk riddle used in the fishery
- The ability to set a district wide minimum size

Members were advised that research now suggested that the length of time that a whelk would take to grow the additional 8 to 10mm required to pass through a 25mm riddle would be five to seven months. It was accepted that amendments to the technical requirements would have a significant short term impact on permit holders' landings. The industry had been asked to comment on the proposed changes to the riddle, escape

holes and size of escape holes over either the one or two year period. Out of thirty five permit holders contacted, seven responded with their preference being an increase to the 24mm option. There had been very little feedback on any economic impacts from these increases, although fishermen had been encouraged to write in regarding this.

A Member asked whether 25mm would be sufficient to protect whelk stocks. They were informed that increasing the riddle to 25mm would have a big impact on the number of whelks returned to sea and that 25mm was the largest size used in Europe.

In response to the proposal to commit to developing a new technical measures byelaw a Member suggested that rather than agreeing to commit the Members should agree to begin the development of the byelaw.

Other pertinent comments made were:

- The proposals were the way forward and would be similar to the decisions taken with the cockle industry. The development of a successful riddle and closed areas would create a good fishery but in the meantime there would be hardship. Whelks had been fished out. The proposals were for the long term future benefit of the industry not short term gain.
- The work of the officers over the last 12 months had been good and viable. More enforcement of the byelaw was needed as in certain areas whelks were being landed which were undersized and being cooked and sold. The management needed to be brought in now and the new byelaw introduced as soon as possible. One year ago the changes to the technical requirements were not supported as there was insufficient evidence, it was now felt the evidence to support the changes had been supplied. A mechanised riddle would help considerably
- A trigger should be set so that if the latent capacity began to be used up additional management would be brought in.

Members voted on the following proposals:

1. The Authority agree that the pot limit and number of tags issued is not increased and remains set at 300 for category 1 permits and 10 for category 2 permits.

In favour	13
Against	0

2. The Authority agree to increase the riddle gap size to 25mm and to increase the number of escape holes to 10 and the size of escape holes to 25mm under the KEIFCA whelk fishery permit byelaw (Option 1)

In favour 18  
Against 0

3. The Authority agree to begin developing a new technical measures byelaw that would allow the Authority to:

- Open and close whelk harvesting areas for defined periods
- Require specific dimensions or set up in a whelk riddle used in the fishery
- The ability to set a district wide minimum size

In favour 18  
Against 0

The Chairman advised that these three proposals had therefore been approved

## **50. ANNUAL PLAN 2017-2018 (B6)**

Members were provided with a draft copy of the Annual Plan for 2017/18.

The Assistant Chief Officer advised Members that the plan had been written to try to utilise staff and asset resources in the most effective way to carry out evidence and survey work as well as the enforcement and compliance work that the IFCA undertook. Additional information had been included in the plan to highlight key priorities and times of year for use of staff and equipment. Members were informed that there was a strong possibility that the outside cockle area would be open in 2017. If this were to be the case, the oyster harrowing survey would not take place as there would not be enough staff to allow both the biosecurity checks for the cockle fishery and the surveys prior to and following the oyster harrowing to be carried out.

A Member asked if it would be possible to put in place a report mechanism to indicate the progress that had been made throughout the year. The Chief Fishery Officer advised that a report could be made every six months which could also highlight any variations.

In respect of a comment regarding the appointments of MMO Members and the lack of representation from the recreational angling sector, the Chairman informed Members that the MMO were responsible for the appointments and not the IFCA, although the MMO would talk to the Chairman and Chief Officer to ask for guidance. No one had volunteered to be appointed to the IFCA who was an angler.

A Member asked if it would be possible to see a quantitative report on research and information on how funding was drawn down. The Chief Fishery Officer advised that the annual plan tried to achieve that by highlighting research priorities which showed the work involved, the number of officer days and number of boat days, together with when and how this would be carried out. The overall objectives were provided within the strategic plan and detailed within the annual plan.

Mr William Baker informed Members that he was disappointed that a decision had been made not to continue with the oyster harrowing project. He felt that the data provided by this had been useful as had the decision to engage with the fishermen in carrying out the surveys. A Member asked that if a Native Oyster Permit byelaw was to be progressed then why at this point would the IFCA withdraw from this survey. The Chief Fishery Officer advised this was not a funding issue but was one of time. The survey work required to be carried out by officers before and after the harrowing work carried out by the fishermen coincided with the biosecurity checks for the cockle fishery. It would not be possible to do both. He stated that he would look into the matter further and come back to Members with clearer pros and cons. The Chairman commented that as the funding had been agreed for three years and there was only one year left he would like to see how the issue could be overcome.

Members **RESOLVED** that:

- i) Members would contact the Assistant Chief Fishery Officer with any comments regarding the Annual Plan;
- ii) The Chief Fishery Officer should report back to Members with details of whether it would be possible to continue with the oyster harrowing surveys; and
- iii) Members would be updated every six months on the progress of the Annual Plan to include any variations.

Mr Lankester addressed Members on the issue of toxic algal blooms and the vector of ships ballast water in the Greater Thames Estuary. He informed Members that an increase in toxic algal blooms was being seen in the Pacific. Taking on of ballast water in this area and discharging it into the Estuary could allow these blooms to survive in these waters due to high nutrient levels, sunlight and increasing sea temperatures. This could have a severe impact on the shellfish industry. Mr Lankester advised Members that the IFCA had a crucial role in assisting ports within its district to mitigate this potential damage, particularly with the introduction of the IMO Ballast Water Convention that would come into force on 8 September 2017.

The Chairman thanked Mr Lankester for the information that he had provided. Mr Chris Hazelton as the MMO representative from the Environment Agency advised that he would report back to the IFCA on this matter.

## **51. KEIFCA NATIVE OYSTER PERMIT BYELAW (B7)**

Members were reminded that there was a ban on native oyster fishing within the Blackwater, Crouch, Roach and Colne Estuaries MCZ (BCRC MCZ) using the KEIFCA Shellfish Beds Byelaw. This was due to expire in March 2018. The BCRC MCZ had been designated in 2013 for the protection of:

- Intertidal mixed sediment
- Native oyster
- Native oyster beds

Members were provided with the conservation objectives for the site as specified within the Designation Order and were advised that it needed to be closely managed until the native oyster population and native oyster beds were in a favourable condition. Legislation suggested that during this phase the removal of oysters by fishing would need to be stopped.

The Chief Fishery Officer informed Members that the development of a flexible native oyster permit byelaw would act as a longer term management measure for this site in order to manage fishing effort. Members were advised that officers had worked closely with Natural England as well as officers from other IFCAs to develop the key features of a byelaw that would work within the strict criteria of the MCZ legislation. The key proposed features were:

1. Anyone fishing for native oysters on public oyster beds would be required to have a permit.
2. The permit would be restricted to one per person per vessel.
3. The fishery would be open for a limited period each year.
4. The byelaw would divide the MCZ into a number of different fishing areas. A specific area or areas would be opened.
5. Each permit would be allocated an equal percentage of the overall Total Allowable Catch (TAC).
6. There would be a fee charged for a permit.
7. The adult size would be controlled by ring size
8. There would be controls on vessel size, gear size and dimensions
9. Each permit holder would be required to complete a detailed landing declaration
10. Vessels would be required to have vessel tracking whilst taking part in the fishery.

11. A management plan would look to set trigger points at which the fishery would be opened; guidelines or an expert officer assessment process that would consider the following

- the composition of the oyster population in terms of
  - number (including biomass and density)
  - age (age range typical of a natural population)
  - sex ratio
- the quality and quantity of the habitat

The IFCA intended to hold a series of meetings with stakeholders and Members as detailed:

1. Industry meeting - 6-8pm, 20 Feb 2017 (West Mersea Yacht club)
2. Stakeholder workshop - 10am-3.30pm, 30 March 2017 (West Mersea Yacht club)
3. Feedback to the May Authority meeting - 23 May 2017
4. Initial consultation – June to August 2017
5. Feedback to the September Authority meeting – 15 September 2017
6. Technical Panel – 11am-2pm, 28 September 2017 (West Mersea Yacht club)
7. Draft byelaw November Authority meeting – 30 November 2017

The Chief Fishery Officer informed Members that they were welcome to attend all the meetings as they would assist Members in obtaining a clear appreciation of the issues and would help to develop the byelaw.

Members **RESOLVED** that:

- i) The key proposed features of the native oyster flexible permit byelaw should be used as a basis to start to engage with stakeholders; and
- ii) The engagement and development process as stated be agreed.

## **52. BASS LEGISLATION FOR 2017 (B8)**

Members were advised that as bass stocks were continuing to decline new legislation would be introduced by the EU in mid-January of 2017 which would provide additional restrictions on fishing for bass.

Members were informed that it was recognised that the new measures would cause difficulties for both commercial and non-commercial fishermen. Officers had met with the MMO and other IFCA's to discuss the likely impacts of enforcement of the new measures and this had been reflected in the Annual Plan.

Ms Victoria Bendall, a fish behaviour ecologist from Cefas, provided a presentation to Members on the population movements and dynamics of sea bass.

The Chairman brought to Members' attention the emails sent to the IFCA by Mr Bradley and Mr Step regarding their discussions at the previous meeting. The Chairman stated that Members had regard to both the recreational and commercial sectors with the comments made at that time with regard to specific issues. However, he empathised with the recreational sector as they were affected by the restrictions. He also stated that the IFCA would welcome the appointment of a recreational angler to its Authority.

A Member asked if it would be possible to see a copy of the letter that was sent to the Minister following the November meeting.

Members **NOTED** the report.

### **53. 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)
- Enforcement Report (C5)

13:35 Meeting closed to the public

Members resolved that the exempt minutes of the meeting held on 29 November 2016 were correctly recorded and were signed by the Chairman.

Members were provided with an update on the work carried out on Nerissa and patrols undertaken by her since her return from South Boats, Cowes. It was agreed that Cllr Harrison would continue to be a member of the boat committee although from May 2017 would no longer be a Local Authority appointed member of the IFCA.

13:50 Meeting closed