

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Council Chamber, Gravesham Council Offices, Windmill Street, Gravesend, Kent, DA12 1DD at 10.00am on Tuesday 23 May 2017

Present: Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Cllr P Channer (Essex CC), Cllr S Walsh (Essex CC), Cllr A Wood (Essex CC), Cllr H Tejan (Medway Council), Ms C Relf (Natural England), Ms B Perkins (MMO), Mr E Hannam (MMO), Ms B Chapman (MMO), Mr P Wexham (MMO), Mr N Dunlop (EA)

Apologies: Cllr A Bowles (Kent CC), Ms E Dixon-Lack (MMO), Mr A Rattley (MMO), Mr S Abbotson (MMO), Ms S Allison (MMO)

In Attendance: Mr J Lynch (Clerk, KCC), Mrs B Gibbs (Financial Advisor), Mr J McCoy (KCC), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mr J Holl (Lead Enforcement/IFC Officer) Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation:

The following information was laid around the table:

- three letters from cockle fishermen regarding Agenda item B5 (previously emailed)
- notes from Environment Agency on the importation of invasive non-native species in the ballast water of ships

54. 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.

Mr Wexham nominated Cllr John Lamb as Chairman, seconded by Cllr Channer. No other candidates were proposed so Cllr Lamb was elected unopposed as Chairman.

Cllr Lamb thanked the Authority and resumed the Chair.

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

A minute's silence was observed as a mark of respect to those who had lost their lives in the bombing in Manchester the previous day.

55. 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 P Wexham – agenda item B10 – personal interest (member of Thames Estuary FLAG project and Leigh Port Partnership)

Cllr Lamb – agenda item B10 – personal interest (member of Thames Estuary FLAG project and Leigh Port Partnership)

56. MINUTES (A3)

RESOLVED that the Minutes of the meeting held on 23 January 2017 were correctly recorded and that they be signed by the Chairman.

10.10 Cllr Tejan arrived

57. INTERNAL AUDIT REPORT 2016/2017 AND INTERNAL AUDIT PLAN 2017/2018 (B1)

The Principle Internal Auditor advised Members of the results of their checks into the IFCA's systems of risk management, governance and control of core financial areas. Some recommendations had been made to improve these controls, however the issues found were not high risk. There was some outstanding work to be carried out with regard to the completion of the asset register, which had been complicated by the delays in respect of Nerissa and it had been agreed that this work would be completed by October 2017.

Members were provided with a report detailing the recommendations made Internal Audit and the response of the IFCA to these, together with a report detailing the proposed plan for 2017/2018. In response to a query from a Member regarding how the asset register was maintained, Members were advised that any asset held by the IFCA over £50 was listed on the register which also stated where it could be found and, if it had been disposed of, any value from that disposal.

Members **RESOLVED** that the 2017/2018 Annual Internal Audit Plan be approved

58. 2016/17 FINAL BUDGET MONITORING OUTTURN REPORT AND ANNUAL RETURN

Members were provided with details of the financial position for the Authority to 31 March 2017. The Financial Advisor informed Members that the underspend for the year was £83,045.76 which had resulted from savings in fuel, staff and a lower spend on support charges than forecast. Funding of £86,999 had been taken from the renewal reserves to allow capital expenditure to be made in respect of Nerissa and the purchase of a Toyota Hilux. Monies from the sale of the older Hilux and the Land Rover offset some of those purchases. Members were also advised that the

pension reserve deficit had increased to £425,000, although the fund would be revalued in 2018 and this deficit would probably change.

Members were informed that transferring the underspend to the general reserve allowed the money to be used in a more flexible way than if it were placed in the renewals or one of the specific reserves.

Members were also provided with a copy of the Annual Return and Governance Statement for the Authority for their approval. Members were advised that it had been reviewed by Kent County Council's internal audit and it would now be required to be approved by them.

Members **RESOLVED** that:

- i) the underspend of £83,045.76 be approved;
- ii) the underspend of £83,045.76 be transferred to the General Reserve; and
- iii) the Annual Return and Governance Statement be approved

10:25 Ms B Perkins arrived

59. TREASURY MANAGEMENT STRATEGY (B3)

Members were provided with details of the treasury management strategy for 2017/18, which mirrored Kent County Council's (KCC) strategy. This had provided a good return for the Authority in the previous financial year. KCC were now looking at an investment strategy for the future; leaving the funds invested with KCC would allow the IFCA to benefit from this strategy.

The Chairman reminded Members that, in particular, Local Authority appointed members should be considering the changes from 2020 in how funding may be streamed to the IFCA. They should be mindful that IFCAs may have a change in the way that the levies are funded and whether their Local Authorities could absorb that impact.

Members **RESOLVED** to approve KEIFCA monies remaining on deposit with Kent County Council

60. TERMS OF REFERENCE AND STANDING ORDERS (B4)

The Clerk to the Authority reminded Members that they had reviewed the proposed draft Terms of Reference and Standing Orders at their last meeting when they had made a number of recommendations and suggestions for revision to them. Due to time constraints, it had been requested that officers review the suggestions for revision that had been supplied by Mr Hannam and report back. The changes requested by Members had now been made and in respect of those not discussed at the meeting the Clerk had reviewed them and amended them where appropriate.

Members **APPROVED** the Terms of Reference and Standing Orders

61. COCKLE TECFO LICENCED FISHERY MANAGEMENT (B5)

The Chairman advised Members that Mr Steve Dell had requested permission to address the Authority regarding this item. He reminded Members that they had received three letters from cockle fishermen that they should have read in conjunction with the report.

Mr Dell introduced himself to Members and advised he had been working on his own boats for over 30 years in the cockle industry. He did not have an issue with the Total Allowable Catch (TAC) that had been recommended be set. However, he did have strong concerns regarding the management measures that were being proposed by the IFCA. He had been asked to address the IFCA to highlight some of the problems that they had whilst fishing and the difficulties that would arise during the fishery if these management measures went ahead. Fishermen did not tend to target a specific area on a specific day as weather and other factors dictated where they could work. To restrict effort to one area would cause very big problems. Areas 5 and 6 were in a firing range area which meant that the times that they could be accessed were dictated by the MOD; as a result, fishing tended to take place at night as they did not often fire then. Because of this, Areas 3 and 4 were the most convenient to work. It had been suggested that Area 3 remained closed, with only a few days allocated to Area 4. This would result in the fishermen concentrating most of their effort into Area 5 with some effort into Area 6 which were the areas that they were normally most restricted into entering. If they were to concentrate working the night tide in Area 5 or 6 and were unable to collect all their quota of cockles on that one tide they would then want to work on the following tide which would be a day tide when the army could be firing. This meant they would have to come off the sands and either return to port or wait in the tide & then return the following night. During the summer once cockles were taken out of the water they started to die and therefore it was necessary to get them processed as quickly as possible. Should they be forced to stay out for an additional 12 hours to get the rest of their quota, those already caught would most likely be dead. If allowed to come off Areas 5 and 6 and go to Areas 3 and 4 there would not be a problem. Licence holders felt there were cockles on the East Burrows Sands and Area 3 that had not yet been surveyed. As far as they were aware there were young cockles on the ground, with a good proportion of them capable of being harvested. In his experience if there were a lot of young cockles on the ground then as they grew they would touch each other, push up out of the ground and die. If the stocks were thinned by towing up and down through them then this would allow them to grow on and improve the quality of the cockles. Mr Dell offered the use of one of his boats to use to carry out a dredge survey, with a fishery officer on board, before the fishery started to give an indication of how they were growing.

The Assistant Chief Fishery Officer provided Members with a presentation on how the surveys were undertaken, using quad bikes on Area 2, 3, 4, 5, 6 and 7 out to 3 miles and at sea for areas 7, 8 and 12. He advised Members that East Burrows (Area 8) had already been surveyed. In respect of the quad bike surveys, Members were advised that 685 individual samples had been taken using the same methodology as had been used since 1994. After the loss earlier last year of two quad bikes, these surveys were now undertaken by four experienced officers (the ACIFCO, two skipper and a fishery officer). During these surveys spat was seen in significant quantities, however there was not a good spread of adult cockles across the site. Analysis of the results had shown that there were fewer adult cockles compared to any in the previous 10 years and that for Areas 2 and 3 due to the reduction in adult cockles it would be prudent to close these two areas

to fishing for the 2017 fishery. Members were advised that there was 700 tonnes less adult stock of cockles in Area 3 than there had been the year before. The Total Allowable Catch (TAC) that would be recommended this year would be 4053 tonnes, the lowest TAC set in the history of the TECFO 1994. Cockle licence holders had been met with on 10 May and the management discussed.

Members were informed that for the past two years, vessels had been required to have vessel tracking fitted. The IFCA were able to use this data to see where fishing had taken place. The reason for more specific management was that whilst some boats were spreading their effort out, as a fleet this was not happening. It was therefore necessary that the effort was significantly more spread out than it normally was. In the 2016 fishery Area 6 contributed 800 tonnes to the TAC and Area 4 contributed 900 tonnes. The total amount taken from area 6 in 2016 was declared at 80 tonnes. The ACIFCO acknowledged that Area 6 was more difficult to work as boats got less time on the sands and there was more shell which could cause problems. However, in recent years this area had been used to contribute to the TAC of the fishery and had not been worked. A decision had been made to close Area 2 as it had almost no adults in it and very little spat together with Area 3 which had a good quantity of spat but 700 tonnes less adult stock than it had at this time last year.

Members were advised that the last time there had been spat-fall comparable to that found this year was in 2006. The fishery in the years following 2006 had been the best it had been in recent years. Members could continue to listen to the management measures that had always been used to give the fishery the best chance or could choose to do something different and risk that. Specific area management was not new to the fishery. In 2006 the fishery opened on 19 June with Areas 2, 3, 4 and 8 closed. During that year Area 5 was also closed as a good quantity of undersized cockles and spat had been found there. For the 2017 fishery, Areas 2 and 3 would be closed with Areas 4, 5 and 6 open on a specific trip basis as specified within the report. Young cockles had been found on East Burrows (Area 8) however cockles on the East Burrows grew much quicker than that on the Maplin Sands so it was likely that mid way through the season the majority of the cockles there would have reached minimum size. With regard to the thickness of stock on the ground, there were only two points on the surveys where cockles were pushing out of the ground. In 2006, the minimum size of cockles that could be landed was reduced because the density of cockles on the ground met the management plan that allowed the stocks to be thinned out. The stock this year did not meet that criteria.

Members were reminded that as was usual the management of the fishery would be reviewed as the season progressed. The recommendation regarding this review was the same as always in that the Chief Officer in consultation with the Chairman and Vice Chairman could implement changes to the TAC and fishing areas should it prove necessary.

In response to a question from a Member the ACIFCO confirmed that if additional beds of cockles were found then they would be surveyed and if necessary the management plan would be reviewed to either open areas or increase TAC. The entire area was not surveyed as it was too big. However, 10% was added to the stock numbers to take this factor into account.

The ACIFCO informed Members that he had asked licence holders to fish Area 6 for the last two to three years, but this had not happened. He acknowledged that it was further for the boats to steam, however the stocks needed to be fished. The TAC had been set taking into account the stock available in Area 6. This year there was more stock in Area 6 than there was in Area 4.

In response to a question from a Member, the ACIFCO informed the Authority that Natural England had verbally approved the management measures and would be confirming this in writing.

The ACIFCO also confirmed that an officer would be available to go out on one of the cockle fishing boats to conduct additional surveys with them if required. He pointed out that the cockle surveys had taken place since 1992. They were taken as a representative, not absolute state of the stocks. However, the survey was relatively comparable to every previous survey with the information provided from these used to set the TAC. The fishery needed to be opened and officers would continue to listen to the Industry and react appropriately.

Members **RESOLVED** that:

(i) The Total Allowable Catch (TAC) should be set initially at 4053 tonnes and that information related to the stocks would be continually reviewed throughout the season to ensure future sustainability;

(ii) 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 were 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 0900 hrs on 26th June 2017;

(v) The fishing season would be divided into weekly specified fishing periods which would run from 0900 hrs on Monday 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 were at their best.

26th June – 29th September (14 weeks) 2 specified landings per period

(vi) Within these specified landings, licence holders would make one landing from Area 5 and one landing from one of Areas 4, 6 or 13. Details of the number of trips to be carried out in each of these areas would be provided to licence holders;

(vii) 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);

- (viii) Sections of Areas 1, 2 and 3 should be closed at all times during the period June to 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 applied only to the area inside the moorings and where there were no moorings closer to the shore than a distance of 300 metres measured from mean high water mark);
- (ix) In addition to the above closure, all of Areas 2 and 3 should be closed at all times during the period June to September inclusive. This was to protect the significant spat populations in Area 3 and allow recovery of depleted stock in Area 2;
- (x) The licence fee should remain at £5,346;
- (xi) The number of licences be restricted to 14; and
- (xii) These 14 licences be granted to those existing licence holders who held a licence in 2016

62. PERMITTED COCKLE FISHERY MANAGEMENT (B6)

The ACIFCO informed Members that the cockle fishery outside the TECFO had not been opened for 2015 and 2016 due to limited biomass and stock size. The byelaw introduced in 2015 required any person wishing to fish for cockles to apply for a permit by 31 March of that year. For the 2017 year, 35 permits had been applied for which was a similar number to the applications for 2014 when the fishery was last opened.

Members were advised that surveys had been carried out totalling 14 days covering an area of 54.5km². The main harvesting area was found in Area 7 where there were three cockle beds (Ray, Dengie and Buxey). These beds showed an increase in the total number of adult cockles since the previous survey in 2016.

The ACIFCO informed Members that the recommended TAC for this fishery was 482 tonnes. This meant that each permit holder could undertake one fishing trip to land 13.6m³ of cockles. This would allow the vessels to maintain a track record and keep the impact on the ground to a minimum. It was intended that the fishery would open at 0900 on 3 October 2017 and close at 1200 on 5 October 2017.

In response to a question from a Member regarding the timing of the fishery, the ACIFCO advised that Area 7 was next to an area that could only be fished by cockle licence holders. If both fisheries were to be open at the same time, there was a possibility that non licenced vessels could fish in the TECFO area. The IFCA had also spoke to the processors who had asked that the two areas not be opened at the same time.

The ACIFCO also confirmed that the issue of bio security would also be covered. All boats that had applied for a permit that took part in the TECFO would be checked prior to that fishery. All other boats would be checked prior to 3 October.

A Member requested that in future the management recommendations for this fishery be set out clearer.

Members **RESOLVED** that:

- (i) Cockle beds would be opened in Area 7 from 0900 3 October 2017 to 1200 5 October 2017;
- (ii) Permit holders would be allowed a maximum of one trip per permitted vessel; and
- (iii) The maximum landed volume of cockles would be 13.6m³

63. BREXIT AND THE IMPLICATIONS FOR IFCAS (B7)

The CFO and Chairman advised Members that with the triggering of Article 50 the Government had now entered into negotiations regarding the UK leaving the EU. This could lead to significant change in the management of the seas and fisheries. The Association of IFCAs had worked with the MMO and Defra to discuss possible options and would continue to do so. It was intended that an update would be given at each meeting for Members to be made aware of potential changes and opportunities for English fisheries and marine environmental management.

The Chairman asked that any comments regarding this process and the paper published by the Association of IFCAs (provided with papers) to him or the CFO.

Members **NOTED** this report

64. THORNBACK RAY – SUMARIS PROJECT (B7)

The CFO reminded Members that following their previous meeting, he and the Vice Chairman had attended a meeting in Lille where the key elements of the project were discussed. For this project to go ahead a UK partner was required. Cefas was not able to participate and the IFCA had been asked to participate as the UK representative. Members were provided with an outline of the project:

- Build fishery knowledge - by working with local fishermen
- Help develop an understanding of ray and skate survival
- Roll out a cross border training programme for species identification and handling
- Develop a shared cross-border management strategy

The financial commitment from the IFCA would be £10,000 together with a commitment of 166 officer days over the next three years. In return KEIFCA would have access to match funding of just under £90,000 together with feeding into and influencing a joint project spend of €1.5M.

Members **RESOLVED** that:

- (i) KEIFCA would act as the UK partner for this project; and

- (ii) A resource commitment of 166 officer days over the next three years be approved and a financial commitment of £10,000 be provided from the Research Fund.

65. NATIVE OYSTER FLEXIBLE PERMIT BYELAW UPDATE (B9)

The CFO informed Members that since the last meeting two meetings had been held to discuss the creation of a permit byelaw. The first meeting had been held with the Industry with Natural England also in attendance. Details of the intent, structure and key features of the byelaw were provided to stakeholders who agreed in broad terms with them. Seven questionnaires were returned to the IFCA which provided a lot of data for officers to work with. Members were provided with examples of the types of questions that would be used in the written byelaw consultation.

A stakeholder meeting had also been held which was attended by representatives from thirteen different organisations. This meeting focused on underpinning the management plan and discussed options and approaches on the conditions and information required to open and run the fishery in the first few years and how to respond to any issues with stock declining.

The CFO advised Members that he considered there was real benefit in continuing with these types of meeting and suggested that a follow up stakeholder meeting be added to the consultation process previously approved at the January meeting. This would then include an additional meeting on 6 July prior to the initial consultation period from mid July to September 2017.

Members **RESOLVED** that:

- (i) The key features of the native oyster flexible permit byelaw proposed at the stakeholder meeting be used as a basis to start to engage with stakeholders; and
- (ii) the engagement and development process of:
- Follow-up stakeholder meeting – 11am-3pm, 6th July (West Mersea Yacht club)
 - Initial consultation – Mid-July - End of September
 - Feedback to the September Authority meeting – 15th September
 - Technical panel – 11am-2pm, 19th October (West Mersea Yacht club)
 - Draft byelaw November Authority meeting – 30th November

be approved.

66. WHELK MANAGEMENT UPDATE (B10)

The CFO reminded Members that at their last meeting they had approved changes to the management measures under the whelk permit byelaw. Although the Industry had understood the reasons for these changes they had asked for greater clarity on the reasons for doing this. Correspondence that had been received from Mr A Craig was provided to Members.

The IFCA had applied for funding to the EMFF for a project to study seasonal maturity within the district. In the meantime, they had met with Dr Hollyman of Bangor University who was asked to develop a project which could study the growth and maturity data of whelks from various parts of the district. Fishermen that have been spoken to about this project have said that this would address their concerns. Dr Hollyman will be reporting back to the fishermen the results of this work. The cost would be £7,107 + vat with the results reported back to the IFCA in October or November 2017.

Members were also advised that, in addition to this, work would be taking place at looking at a more efficient riddle. Discussions had taken place with the North Thames FLAG project to establish if the IFCA could capitalise on their funding scheme. The intention would be to develop four to five different riddles that could be fabricated and given to fishermen to try and provide feedback on.

Members **RESOLVED** that:

- (i) The correspondence between the industry and KEIFCA be noted;
- (ii) The research project with Dr Hollyman be approved; and
- (iii) Further engagement with the Thames FLAG project be approved

67. HEALTH & SAFETY UPDATE (B11)

Members were informed that two incidents had been reported; one reported to them previously regarding an incident that had occurred during a cockle survey and one which was an accident on board FPV Tamesis. Risk assessments had been updated to reflect the issues raised from these incidents.

Details of all external training, including refresher training, were provided and Members were advised that an external audit of the Health & Safety procedures that were in place would take place later that year.

Members **NOTED** the report

68. APPROVAL OF THE ANNUAL PLAN 2017-2018

The Plan had been provided to Members at the previous meeting when they had been asked to contact officers with any changes they wished to have made.

Members **APPROVED** the Annual Plan

69. 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)
- Quarterly Report of the Patrol Vessel 'Nerissa' (C4)
- Sea Angling Report (C5)
- Enforcement Report (C6)

12:25 Meeting closed to the public

Members resolved that the exempt minutes of the meeting held on 23 January 2017 were correctly recorded and were signed by the Chairman.

Members were provided with an update on the work carried out on FPV Nerissa and patrols undertaken by her since the previous meeting, together with an update of the findings of the boat committee meeting of 29 March 2017. Details of the discussions that had taken place with the IFCA's legal advisors were also supplied.

Members were asked to consider a request from a member of staff to decide if a decision to recover an overpayment of salary was appropriate. The decision to recover the overpayment was upheld.

70. ANY OTHER BUSINESS

Mr Nichols informed Members that over the last 25 to 30 years he had watched how the Thames Estuary had been developed. He had been told that a new interconnector cable would be laid from the Isle of Grain to Germany with surveys due to begin shortly. Two export cables from Thanet Windfarm which came out from the Pegwell Bay area were failing and were required to be replaced as soon as possible. There was also talk that the Thanet Offshore Windfarm would be extended. All this work was taking place in SSSI areas. He felt that it was important to look at what was taking place and seek funds from these projects to investigate the effects they were having. He requested that the IFCA provide a presentation at the next meeting to show all Members what was happening in the Thames Estuary.

13:10 Meeting closed