

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Council Chambers, Gravesham Borough Council, Windmill Street, Gravesend, Kent at 10.00am on Tuesday 30 January 2018

Present: Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr A Rattley (MMO), Cllr A Wood (Essex CC), Cllr P Channer (Essex CC), Cllr S Walsh (Essex CC), Mr E Hannam (MMO), Ms B Chapman (MMO), Mr P Wexham (MMO), Cllr R Binks (KCC), Cllr T Hills (KCC), Cllr H Tejan (Medway Council), Ms M Jack (NE), Ms B Perkins (MMO)

Apologies: Ms S Allison (MMO), Mr C Hazelton (EA), Ms E Dixon-Lack (MMO), Dr L Fonseca (MMO), Mr S Abbotson (MMO), Mr D Bailey (ACIFCO)

In Attendance: Mr J Cook (Clerk, KCC), Mrs B Gibbs (Financial Advisor), Dr W Wright (Chief IFC Officer), Mr R Dyer (LS&CO), Mr B Hughes (S&CO), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation: Dr P Hollyman (Bangor University)

The following information was laid around the table:

- Report from Dr Hollyman – age & growth rate of whelks in Kent & Essex waters

93. 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:

Cllr J Lamb – agenda item B2 – personal interest (LA Member)

Cllr P Channer – agenda item B2 & B4 – personal interest (Essex CC Member & Maldon DC representative)

Cllr T Hills – agenda item B2 – personal interest (LA Member), agenda item B6 – pecuniary interest (owner of tackle shop)

Cllr A Wood - agenda item B2 – personal interest (LA Member)

Cllr S Walsh - agenda item B2 – personal interest (LA Member)

Cllr H Tejan - agenda item B2 – personal interest (LA Member)

Cllr R Binks - agenda item B2 – personal interest (LA Member)

Mr P Wexham – agenda item B3 – personal interest (Member of Thames FLAGG)

94. MINUTES (A2)

RESOLVED that the Minutes of the meeting held on 30 November 2017 were correctly recorded and that they be signed by the Chairman

95. REVENUE BUDGET MONITORING 2017/2018 (B1)

Members were provided with details of the financial position of the Authority to 31 December 2017. The Financial Advisor informed Members that the underspend for the year was likely to be £30,774 which was an increase to that reported in the previous monitoring report. This variation had resulted from a decision to keep two of the four quad bikes for two years which meant that they qualified as an asset to be capitalised. Forecasted overspends in research, training and GIS would be funded from their specific reserves

Members **RESOLVED** that the projected underspend of £30,774 be approved

96. DRAFT BUDGET 2018/2019 (B2)

Members were presented with the draft budget for 2018/19 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. There would be an increase of £40,000 in staff costs due to the new structure, some of which would be funded from general reserves.

The Financial Advisor also informed Members that the budget included the use of reserves of £82,483 as follows:

- Research £7,100
- Training £13,200
- GIS £650
- Staffing costs £31,533
- Nerissa £30,000

The Financial Advisor explained that the £30,000 for Nerissa would be set aside for possible major repairs within the financial and may not be needed.

Members were advised that at 31 March 2019 the renewals reserve budget was likely to be £773,375 and the general reserve budget was likely to be £513,485, a total of £1,286,860

In response to a question from Members the Financial Advisor informed them that she planned to present a new medium term plan relating to the levy to the Authority at the May meeting.

THE AUTHORITY UNANIMOUSLY RESOLVED:

- i) that the draft budget of £889,600 and levy as set out in Agenda item B2 be approved.
The total amount of levy payable by each Local Authority being as follows:

- Kent County Council £383,600
- Medway Council £67,200

- Essex County Council £383,600
- Thurrock Council £33,700
- Southend-on-Sea Borough Council £21,500

ii) that the amount of £82,483 be drawn from reserves to be used as follows:

- Research £7,100
- Training £13,200
- GIS £650
- Staffing costs £31,533
- Nerissa £30,000

10.20am Mrs Gibbs left the meeting

97. WHELK PERMIT BYELAW AND MANAGEMENT (B3)

The Chief Fishery Officer reminded Members that the Flexible Whelk Permit Byelaw allowed the Authority to review each year the pot limit, riddle size and number and size of escape holes. The report provided to them contained analysis of landing data as provided by the fishermen in the District, a report from Dr Hollyman regarding the age and growth rate of whelks in the district as well as the results of the annual stakeholder questionnaire.

The Chairman then welcomed Mr Andrew Craig to the meeting and invited him to address Members on this matter

Mr Craig informed Members that he had fished commercially from 1977 to 1997 and was now in boat design and building. His son was still a commercial fisherman in the area. He advised Members that poison from London Gateway had killed most of the marine life in the Thames Estuary, with only skate left. Most trawlers now worked away from the Thames Estuary. This poison had also killed off a lot of whelk and cockle beds. There were areas of small whelks to be found such as in an area known as The Wallet, however they were not viable to catch as only 10% were sizeable. All whelks within the 6 mile area were smaller than those found outside and in the river no whelks reached 45mm. During the spawning season in December and January, the whelk pots were covered in spawn with those whelks spawning measured down to 38mm. The majority of whelks in this area would not reach 55mm in their lifetime. The Industry agreed with the theory of pulling back from this fishery, letting them grow and then coming back to fish them as they would then be in the position that the whelks would be the same size as the ones they were now fishing. The main Korean market wanted big whelks, not small ones. The idea of not fishing for one year to let them grow up to a good size was good in theory but would not work as the majority of whelks caught in this area were between 45mm and 55 mm. Even if untouched for 10 years they would still be under 55mm because they were all such small whelks in the area. However, now would be a good time to bring it in because a lot of the boats had moved off as they needed the bigger whelks. The grounds could be rested to allow the whelks to get to a larger size while the boats were working outside 6nm. They could then come back in and save themselves hours steaming backwards and forwards and work the bigger whelks, however that would not happen as nobody in the Industry thought it would be viable.

The other problem was that there were now only two fisheries; dover sole and whelks, everything else was basically a by-catch. If this was closed down it would mean no whelk boats would work in the area and would have to go into trawling for dover sole which would put more strain on that fishery.

The Industry did not want or need any more rules. The only reason the pot limit was in place was because the Industry asked for it. If there were any other conservation concerns, the Industry would ask for it straight away. Members should remember that all the main conservation measures in place today that were effective and respected by everyone were designed and introduced at the request of the Industry.

Whelk riddles were a disaster and were useless. Whelks could be wider one way than another and it depended on how the whelk hit the riddle bars as to whether it went through or not. Fishermen had found that mature whelks were going through as well as the small ones. They were doing the best they could but would always be over on immature whelks because of this system. Members were asked if it were possible for the Authority to give leeway on the number of immature whelks allowed in a catch. No fisherman benefited from landing immature whelks as the processor threw them out and therefore there would be no financial incentive to do so.

With regard to escape holes; these were designed by the Industry for crab, lobsters and prawns. They were not suitable for whelks. When a whelk attempted to exit through an escape hole he had to increase his diameter to do so and would not be able to get out. Fishermen were finding far more very small whelks in the pots as the escape holes were at the bottom. Prior to the holes being there it was more difficult for them to get in.

He recommended returning the riddle bars to 22mm to suit the small whelks in this area. The 22mm riddle had been introduced at the request of the Industry.

The IFCA report stated that catches per pot across the District had remained steady for many years. That was the only proven evidence in the report as stocks could not reduce and catches stayed the same. This showed there was no problem with stock in any area of the district with the minimum size that it was now.

Mr Craig believed that the whelks referred to within Dr Hollyman's report were caught outside 6nm and that they could not have come from within 6nm. Dr Hollyman advised Mr Craig that they were landed by the fishermen noted within the report within the 6nm area and that the GPS co-ordinates had been provided to him to confirm that.

In response to a question from a Member regarding where the evidence was that everything within the Estuary had been poisoned, Mr Craig advised that it was from information provided to him through evidence provided by fishermen in the area. Mr Craig also informed Members that he did not represent anyone specifically, however the group he belonged to, Kent and Essex Fishermen, had fifty members of which there were approximately five whelk fishermen.

The Chairman thanked Mr Craig for his comments and asked Dr Hollyman to address Members.

Dr Hollyman advised Members that he had been contracted by the IFCA to carry out a study of whelks within the District to provide a broad overview of differences in size-at-maturity and growth rate in populations of whelk from the four main fishery areas covered by Kent and Essex IFCA. He had spent the previous four years working on developing tools to improve the management of whelk fisheries, working with fishermen in Wales, the English Channel and the Shetlands. He had developed a method to age whelks and carried out monitoring of size at

maturity for a number of fisheries across the UK. A lot of the variation in growth was controlled by water temperature. Whelks were more comfortable in colder water.

Dr Hollyman gave a presentation to Members which explained how he had conducted the whelk study and displayed graphs of the results. He explained that four fishermen (whelk permit holders) had agreed to collect whelks from within the 6nm limit from the four whelk fishing areas in the District. With regard to size distribution, although a wide range of sizes was collected, the results showed that Areas 1 and 3 were clustered with smaller sized whelks. Size distribution could vary hugely by area, water depth and water temperature. Dr Hollyman explained that all animals taken were measured both in length and minimum width, as whelks were sorted by their width when riddled. These measurements had been plotted on a graph which showed more immature whelks were protected by an increase of 3mm to the riddle spacing. In addition to measuring the 1,000 whelks sampled, these were also assessed visually for their maturity level. Dr Hollyman showed some photographs of whelks at varying stages of maturity and explained that as whelks changed from immature through to mature and at peak of reproduction, the gonad changed colour. This assessment was widely used for fisheries management; when 50% of a population has reached maturity, it was considered mature. This study showed that size at maturity did vary by area from the smallest at 45.3mm in Area 1 (Essex) which was closest to the MLS of 45mm, to the largest at 56.1mm in Area 2 (North Kent). Around other parts of the UK size at maturity figures were higher still. Dr Hollyman gave a brief explanation of the method he had developed for ageing whelks using a very small internal structure called a statolith which grew over the life of the animal and had very clear growth lines. Dr Hollyman had combined this age data with the maturity data to produce growth rates for each of the four fishing areas. The combined results showed that all areas had a growth rate which was quite quick in the first two years then gradually slowed down and that whelks in Area 2 grew slightly quicker than whelks in the other three Areas. The final graph in the presentation summarised that whelks in the KEIFCA district at year 2 were only 10-20% mature, by year 3 they were 50-72% mature but with only a 20% likelihood of having reproduced and by year 4 64-85% were mature with a 50-70% likelihood of having reproduced.

In response to a question from a Member about whether sub-species had developed across the district, Dr Hollyman replied that he would be very surprised if that were the case. It was much more likely that whelks had adapted to local environmental factors. Two other Members asked if it was something in the water which was making whelks in Area 2 grow faster than in the rest of the district and if whelks in the Wallet (Essex) stayed small as they used to have water from Bradwell & Sizewell power stations. Dr Hollyman replied yes to both questions adding that there were still lots of unknowns about whelks e.g. nursery grounds where warmer waters could be keeping whelks smaller.

Members were informed that the IFCA were waiting for funding approval for genetic research to be carried out within the district and just outside to see if there was a sub population.

In response to comments made regarding the measuring of whelks using a riddle, the Chief Fishery Officer stated that the IFCA had discussed previously how to help the Industry to develop a more reliable method to sort whelks. An automated riddle had come on the market that looked sensible. It was hoped that it would be possible to send a delegation of local fishermen to the

company to see how it worked and to see if it were possible to trial it over a period of time with the local industry to see if it were fit for purpose. If this were found to be of use the IFCA would then work with the Industry to see if grant funding would be available to help with purchase costs.

In response to a question from Mr Craig as to whether it was possible for a degree of leniency or leeway on the landing of undersized whelks, the Chairman advised him that at the moment the legislation stated that whelks had to be landed at no less than minimum size, therefore there would be no leniency or leeway applied to the byelaw.

The Chief Officer informed Members that as a condition of the byelaw, permit holders were expected to complete monthly catch returns. A number of permit holders were not completing these returns and as a result it was proposed to issue a final warning letter to those permit holders who had not provided catch returns since September 2017. If the returns had still not been made within the specified time then a Fixed Administrative Penalty would be made against the permit holder.

Members **RESOLVED** that:

- (i) the pot limit, the riddle size and the number & size of escape holes remain set at:
 - Pots – 300 for category 1 permits and 10 for category 2 permits
 - Riddle – 25mm spacing between bars
 - Escape holes – 10 @ 25mm per pot; and
- (ii) the issuing of a final 14 day warning letter to all permit holders that have not completed catch returns since the beginning of September 2017, explaining that the next step would be KEIFCA pursuing legal action in the form of Fixed Administrative Penalties (FAPs) or a prosecution be approved.

98. NATIVE OYSTER PERMIT BYELAW UPDATE (B4)

The Chief Fishery Officer advised Members that the actions identified to be addressed from the Technical Panel meeting on 30 October had been the need to discuss the location and the management of the restoration box and to hold a further Technical Panel meeting to agree the wording of the byelaw and management plan.

A meeting was held on 11 December between NE, Essex University and local oystermen to discuss how the restoration box should be managed and developed. The coordinates of the restoration box were agreed as:

Point 1 (51 degrees 46.140 minutes North, 00 degrees 55.620 minutes East)

Point 2 (51 degrees 46.140 minutes North, 00 degrees 57.420 minutes East)

Point 3 (51 degrees 45.600 minutes North, 00 degrees 57.420 minutes East)

Point 4 (51 degrees 45.600 minutes North, 00 degrees 55.620 minutes East)

This meeting also recommended that the management of activities in the box other than oyster harvesting should be by community led voluntary measures rather than regulatory ones. This

would involve engaging with local fishermen and NGOs. This approach was agreed by NE. It was recognised that if this approach failed then developing a byelaw would be the next step.

Members were informed that a Technical Panel meeting would be held on 7 February to discuss and agree the wording of the Native Oyster Permit Byelaw and its accompanying schedule.

The Native Oyster beds in the BCRC Estuaries were currently closed under the Shellfish Beds Byelaw. Stock surveys carried out showed that stocks were still severely depleted and were not in a favourable condition. As a result, it was proposed to extend the current closure for another two years or until the new Permit Byelaw came into force.

A Member pointed out that although E-NORI had oyster fishermen within the group it did not contain representation from the fishing industry. It would be worthwhile to recruit or co-opt representatives from the fishing industry to E-NORI. The Chief Fishery Officer agreed it would be helpful to have their input. He reminded the Authority that although the IFCA could help to facilitate the voluntary measures, E-NORI had the responsibility to run their meetings.

Members **RESOLVED** that:

- i) Management of activities other than oyster harvesting in the restoration box should initially try to be managed using the vehicle of a voluntary agreement rather than a byelaw;
- ii) The ENORI group and other invited stakeholders would be asked to develop such an agreement; and
- iii) The fishery for Native Oysters should be closed within the BCRC Estuaries MCZ site until the 31 May 2020, using the powers under the Shellfish Beds Byelaw. KEIFCA would give consideration to allowing the removal or disturbance of oysters, as referred to in the byelaw, as long as this was for stock restoration purposes as approved by Natural England. "Under the KEIFCA Shellfish Beds Byelaw it is prohibited during the two year period 31 May 2018 to 31 May 2020 to remove or disturb any Native Oyster (*ostrea edulis*), without the consent of the Authority, from within the area known as the Blackwater, Crouch, Roach and Colne Marine Conservation Zone defined by a line drawn from a position on the coast at Clacton 51°47'.223N 01°09'.325E, connecting through points at: 51°43'.853N 01°09'.178E, 51°41'.969N 01°08'.367E, 51°40'.021N 01°05'.053E to Foulness Point at position 51°37'.206N 00°57'.475E and thence following the line of mean high water along the Essex coastline and across the entrance to Havengore creek returning to a position on the coast at Clacton 51°47'.223N 01°09'.325E"

99. SCOPING PAPER – REVIEWING VESSEL LENGTH (AND ENGINE POWER) BYELAWS (B5)

Members were advised that the IFCA had inherited four byelaws from the previous Sea Fisheries Committees and Environment Agency that all set maximum vessel lengths and two of which set maximum engine power. These four byelaws covered different areas within the KEIFCA district and provided a mixture of legislation. These were byelaws that were not managed at an international level and were regionally focused therefore the current EU exit negotiations would

not cause any difficulties should the IFCA wish to consider amalgamating the existing byelaws into one.

The Chief Officer informed Members that the combination of vessel length and engine power provided a good indication of the gear that could be towed by the inshore fleet. The more powerful the engine the heavier and larger gear it can operate. A limitation on engine power of 221KW (243KW before derating) has been in place in the KEIFCA district for all towed gear vessels since 1997.

Members were provided with three options:

OPTION 1 - Postpone a review of the vessel length byelaws until after the fisheries regulatory landscape becomes clearer post Brexit (revisit this paper at the January 2019 Authority meeting next year).

OPTION 2 – Develop a 'no change' byelaw that combines the current byelaws into one vessel length byelaw for the whole KEIFCA district. The byelaw would effectively look to make 17m vessel length and keep the KESFC engine size criteria as the district standard apart from area B where the 14m vessel length would be retained, with no engine size requirements. Although little would effectively change there would still need to be the same consultation and byelaw making process with the equivalent costs.

OPTION 3 – Develop a new byelaw that has one constant overall vessel length for the whole KEIFCA district. The most logical approach, given the current fleet profile, would be to standardise the vessel length in the KEIFCA district to the overall vessel length used by Sussex IFCA, e.g.14m, whilst also looking to standardise the engine size requirements.

Consultation would be carried out with those likely to be impacted, with the responses provided to form the basis of a Technical Panel meeting to agree the structure and detail of the byelaw. This consultation would ask for feedback to whether the byelaw should apply to trawl nets, dredges or other towed fishing instrument or if it should apply to fishing for sea fish. It was also proposed that there would be provision for vessels that currently worked in the district that would not meet the new requirements to be given grandfather rights in order for them to continue to work.

The Vice Chairman informed Members that this proposal had been discussed at a recent meeting of Thanet Fishermen's Association. No objections had been raised to reducing the vessel length to 14m, however their members had asked that the horsepower of the engines not be reduced for non-towed gear as allowing horsepower to increase on non-towed vessels would give them the opportunity to spread effort.

11:50 Mr Hannam left

In response to a question from a Member, the Chief Fishery Officer advised that there was one vessel resident in the District that was over 14m, although as vessels did move about it was possible that there were more.

With regard to grandfather rights it was possible that legal opinion would be required to ensure that the correct wording was used within any possible byelaw.

Members **RESOLVED** that:

OPTION 3 – Develop a new byelaw that has one constant overall vessel length for the whole KEIFCA district be approved.

100. SEA ANGLING REPORT (B6)

The Chief Officer informed Members that recreational angling was a key activity within the district. Over the last few years angling had raised its profile and it was important that the IFCA discussed the challenges and changes that were impacting the sector to identify actions that the IFCA could take engage with the angling sector. Cefas had developed a project called "Sea Angling Diary 2018" which officers were promoting whilst on patrol.

Members RESOLVED that:

- (i) Officers work with CEFAS to promote Sea Angling Diary 2018;
- (ii) the CEFAS angling team be asked to present at an Authority meeting;
- (iii) write to angling clubs and charter boats in the district asking for feedback using a tick box/ quick reply questionnaire; and
- (iv) Use the feedback from the industry to write a report to the Minister/ DEFRA outlining the key issues in our district, whilst extending an invitation to visit the district.

101. DRAFT ANNUAL PLAN (B7)

Members were provided with a draft copy of the annual plan for 2018-2019

Members were asked to comment on the plan direct to officers in order for the document to be submitted to the Secretary of State by 31 March 2018

Members **NOTED** this report

102. STRATEGIC EVIDENCE PLAN UPDATE (B8)

Members were informed that due to staff changes the Strategic Evidence Plan (SEP) that had been presented previously to them had remained as a draft. Since the plan had been developed new priorities had emerged and it was now proposed that the SEP be updated to include:

European Marine Site projects – In 2018, a system for logging the number and frequency of enforcement patrols with European Marine Sites (EMS) would be developed. This would allow for increased understanding of the effectiveness of management measures

Marine Conservation Zone projects -The tranche 3 MCZ designations were likely to enter the consultation phase this year. KEIFCA would work closely with all stakeholders through the consultation process, and would identify knowledge gaps and options for management to maintain or recover protected features of the MCZ.

KEIFCA would continue to fund a PhD student at the University of Essex, looking into the restoration of the native oyster in the Blackwater, Crouch, Roach and Colne (BCRC) MCZ. In addition, KEIFCA would continue to work closely with stakeholders through the Essex Native Oyster Restoration Initiative (ENORI), who were carrying out research projects to evaluate the viability of active management techniques within the BCRC MCZ.

The same system for logging enforcement patrols in EMS would also be applied to MCZ sites within the district.

Sustainable Fisheries projects - Following the testing of VMS data collection during the 2016 cockle season, this program was expanded for the 14 TECFO boats during the 2017 season. This data would be analysed to give a much clearer picture of the impacts of the cockle fishery. The work of Dr. Hollyman on the whelk population in the KEIFCA district had provided an insight into the differences between whelks from each of the four specific whelk areas within the district. This work fed directly into two further research projects which would take place in 2018. EMFF funding had been approved for a two year study into whelk populations in the district, while funding was pending for a one year whelk genetics project to be carried out in collaboration with the University of Essex.

For finfish, KEIFCA was actively involved in a European project (SUMMARiS Interreg Project) to better understand the Thornback Ray population across the southern North Sea. KEIFCA would continue to support the annual survey of small fish within the Medway Estuary MCZ, and work closely with the Environment Agency to complete this project.

Access to Information and Development of Evidence projects - Ongoing training for staff in data collection, handling and analysis would occur in 2018.

If Members agreed the updates to the plan then this would be sent for consultation with the wider research community.

A Member informed the IFCA that the MMO had been approached by the cockle licence holders to ask for funding to apply for MSC accreditation of the Thames Estuary Cockle Fishery. The VMS data from the cockle boats would be used and it was likely that other information would be needed from the IFCA to assist with the process.

The Chief Officer informed Members that the IFCA had met with the MMO in November 2017 regarding the South East Marine Plan and had raised the issue of how licences were issued under the licensing process. They were due to meet again in February.

With regard to a question regarding the issue of plastic waste in the sea, the Chief Officer advised Members that regular meetings were held at a national level with other agencies and Defra to address this concern. Projects were being developed to encourage individuals to dispose of plastics; in particular the Port of London were working on a scheme to supply skips for fishermen to dispose of plastics.

Members **RESOLVED** to:

- (i) update the KEFICA Strategic Evidence Plan; and

(ii) send it for consultation with the wider research community

103. BASS LEGISLATION FOR 2018

The Chief Fishery Officer informed Members that the EU journal had not been updated to provide details of the new Bass legislation. Until it was the old legislation remained valid. Enforcement of the new legislation would be carried out jointly with the MMO.

Members **NOTED** the report

104. 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) – Members asked when it would be possible to see the evidence and progress made by the Essex University sponsored student. The Chief Officer stated that he would ask the student to attend a meeting to present her findings once completed.
- Quarterly Report of the Patrol Vessel 'Nerissa' (C4)
- Enforcement Report (C5)
- SUMARiS update (C6)

105. AOB

The Vice Chairman spoke to Members regarding a visit he had made to the Faroe Islands to look at alternative fishing methods to that of the quota system and in particular how the fishing industry ran their fisheries. Copies of a report that he had written would be made available to Members at their request.

12:55 Meeting closed to the public

Members resolved that the exempt minutes of the meeting held on 30 November 2017 were correctly recorded and were signed by the Chairman.

Members were advised that officers had been notified that Blyth Workcats Ltd had been placed into Creditors Voluntary Liquidation. Members agreed that no further action would be taken against the company.

13:05 Cllrs Channer and Walsh left

13:10 Meeting closed