

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

**MINUTES** of a meeting of the Authority held in the Council Chambers, Gravesham Borough Council, Windmill St, Gravesend, Kent at 10.00am on Friday 14 September 2018

**Present:** Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr A Rattley (MMO), Mr E Hannam (MMO), Ms B Chapman (MMO), Cllr A Bowles (KCC), Cllr T Hills (KCC), Ms C Relf (NE), Cllr I Thomas (KCC), Mr N Brain (EA),

**Apologies:** Mr P Wexham (MMO), Cllr A Wood (ECC), Cllr H Tejan (Medway Council), Cllr P Channer (ECC), Mr S Abbotson (MMO), Dr L Fonseca (MMO), Mr P Tyack (MMO), Cllr R Binks (KCC)

**In Attendance:** Mr J Cook (Clerk, KCC), Mrs B Gibbs (Financial Advisor), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mr R Dyer (Lead Scientific Officer), Mr H Hurst (IFCO), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

**By Invitation:** Ms A Lown (University of Essex)

The following information was laid around the table:

- Appendix A to Agenda item B1
- Letter from Mr R Brewster in respect of Agenda item B2
- Agenda item B7 and Appendix A

### **17. MINUTES (A1)**

**RESOLVED** that the Minutes of the meeting held on 22 May 2018 were correctly recorded and that they be signed by the Chairman

### **18. 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 B2 – personal interest (shellfish processor)  
Cllr I Thomas – personal interest (Whitstable Harbour Authority member)  
Cllr T Hills – personal interest (member of harbour advisory committee)  
Ms B Chapman – agenda item B4 - personal interest (Kent Wildlife Trust)

## **19. REVENUE BUDGET MONITORING 2018/2019 AND TEN YEAR CAPITAL RENEWALS PLAN (B1)**

Members were informed that the projected underspend for the financial year was £62,598. This had resulted from a combination of additional income, not budgeted for, from the opening of the permitted cockle fishery and from the hire of Nerissa by the Marine Management Organisation with less fuel than forecast used by the patrol vessels.

Members were also provided with a copy of the 10 year capital renewals plan for information. They were advised that this relied on a continuing annual contribution of £80,000 to reserves from the annual budget and the continuation of the New Burdens Funding from Central Government.

Members **RESOLVED** the following:

- (i) The forecast underspend of £62,598 was approved; and
- (ii) The ten year renewals plan was noted

## **20. COCKLE FISHERY UPDATE (B2)**

10:30 Cllr Bowles arrived

The ACIFCO informed Members that the TECFO had been opened on 17 June 2018. Catch rates had been excellent although yields had varied significantly throughout the season. Additional cockle beds had been found outside Leigh and on Area 8 off the Maplin Sands. As a result of finding these additional stocks the number of trips were increased on 29 June for each boat from 35 to 40 in total. The number of trips was increased further on 20 August to 43 in total with the proviso that one of those trips took place in Area 6. These additional trips increased the TAC from its original amount of 5390 tonnes to 6622 tonnes. This increased amount did not go above the maximum amount specified within the Habitat Regulations Assessment provided to NE for the fishery. The cockle fishery was due to end on 28 September 18.

Surveys had taken place at the beginning of September which appeared to show a good number of cockles coming through, although there was some concern over the survival of spat over the winter.

Members were advised that the Permit Fishery was due to start in the first week of October. In total 35 boats had applied for a permit and bio security inspections were being arranged for boats intending to fish. There had been several calls received from permit holders stating that one trip was not financially viable. These permit holders had been asked to write into the Authority with their concerns. One letter from a permit holder had been received which was provided to Members for their consideration.

In response to a question from Members regarding cost recovery, the ACIFCO advised that the inside area (TECFO) operated at full cost recovery. For the permit fishery, when the byelaw was made in 2013, the Authority made a decision to introduce specified charges which would increase yearly until 2020. This had been done as prior to the introduction of the byelaw the fishery had been free to access. It was not permitted to vary the fee as the Authority saw fit under this byelaw, so a decision had to be made at the time it was introduced regarding fees. Members were

advised that the costs of surveying the permit fishery were similar to that of the TECFO as all the surveys had to be carried out at sea rather than from land and sea as was the case with the TECFO.

Members made the following comments:

- With regard to the decision to change the management plans following their approval by Members, it would be sensible to include within the papers a more detailed breakdown of why and how officers would approach the Chairman and Vice Chairman to request that variations be allowed and how that decision was reached. This would allow the officers and Members to be protected in any decisions made.
- It was for the IFCA to decide if a fishery was viable based on its stock and not whether it was financially viable.

Members **RESOLVED** the following:

- (i) The actions of the Officers were noted;
- (ii) The report provided for the TECFO in 2019/20 should include a detailed breakdown of the processes that would be undertaken by the Chief Officer when consulting with the Chairman and Vice Chairman on altering any management measures previously agreed by Members; and
- (iii) The letter from Mr Brewster be responded to.

## **21. REPORT TO PARLIAMENT ABOUT THE CONDUCT AND OPERATION OF INSHORE FISHERIES AND CONSERVATION AUTHORITIES (B3)**

The CFO informed Members that Defra was required to report to Parliament every four years on the conduct of IFCAs. This report would be the second submitted and would cover the period from September 2014 to September 2018. Its aim was to assess the performance of the IFCA against their five high level objectives as set out in the IFCA Vision and Success Criteria document. Individual IFCAs were required to submit their information by way of a self-assessment form by 4 September. A public consultation was also run by Defra from 24 July to 4 September to allow stakeholders to report separately.

The CFO advised Members that he had invited Defra to attend the meeting, however was disappointed that workload had made their attendance not possible. He felt strongly that the strength of the IFCA was through its membership; it was the Members of the Authority rather than officers who steered the IFCA and were vital to the work of it. He had submitted the self-assessment to Defra and had made clear within it that a lot of time and effort went into submitting the Annual Plan and Annual Report to them each year; documents which were key to answering the questions asked. The report had to be submitted by 4 September so there had not been time to put it before the Authority, however if Members wished to highlight any other points he would be happy to submit these comments to Defra.

Members commented that they were frustrated with the support that was received from the MMO once appointed. No training was received from them and no opportunity provided for them to

feed back to the MMO. They echoed the CFO's disappointment that Defra were unable to attend and considered it a lost opportunity to engage

Members **NOTED** the report to Parliament

## **22. STRATEGIC EVIDENCE PLAN (B4)**

Members were reminded that they had been presented with a draft Strategic Evidence Plan (SEP) in 2016. They had requested some amendments be made to it and then for it to be submitted for consultation.

The SEP had been amended but not sent for consultation. This had now been carried out and the original SEP updated to reflect the current situation.

Members made the following comments:

- although the SEP included a great deal on the work on Appropriate Assessments and Tests of Likely Significant Effect in European Marine Sites, it appeared to not include Marine Conservation Zones and that there should be a comment incorporated within it to advise that this was ongoing work.
- The report mentioned project evaluation and prioritisation criteria but did not clarify how Members would be involved in deciding if a project would be approved. At what stage did officers decide from the projects available to them would be the ones to bring forward.

Members **RESOLVED** the following:

- (i) Members would be provided with a paper in November which detailed the projects considered by the IFCA with full information provided for those intended to be undertaken; and
- (ii) The Strategic Evidence Plan be approved.

## **23. BCRC NATIVE OYSTER FISHERY FLEXIBLE PERMIT BYELAW UPDATE(B5)**

The ACFO informed Members that the Byelaw made by them on 22 May 2018 had been sent for formal consultation which had closed on 12 July 2018. All responses to the consultation had been responded to and some amendments made to the Byelaw and management plan, however these amendments were not substantive and had not altered the intent of the byelaw. Natural England also had no concerns. The Byelaw had been sent to the Minister for signing.

Members were directed to a letter received from Mr Elbra in response to the IFCA's initial reply to concerns raised by him regarding the introduction of the Byelaw. The ACFO advised Members that a number of the issues raised within this letter had been addressed at stakeholders' meetings. In respect of comments regarding the complexity of the management measures, it was acknowledged that these were complex however the site and its designation was complex which could not be changed.

Members **NOTED** and **APPROVED** the actions taken

Members were provided with a presentation by Miss Alice Lown which gave Members a general overview of her PhD on the ontogenetic development and community ecology of the native Oyster.

The CFO reminded Members that Miss Lown's PhD was the first that the IFCA had helped to fund and had assisted with, by use of IFCA vessels and integrating some of the officers' research work with hers. Officers were proud of the work that she had carried out and there had been a good exchange of knowledge. The work with regard to management, in particular, would allow the IFCA to be able to make judgements on management of the fishery.

Members were also provided with a presentation by the Lead Scientific and Conservation Officer on native oyster restoration trials that had been taking place in the BCRC MCZ since 2015. Members were advised that in that time twelve surveys had taken place to look at the effect that harrowing had on the grounds. The data produced would be provided to Essex Native Oyster Restoration Initiative (ENORI) for them to consider their interpretation.

#### **24. ANNUAL REPORT (B6)**

Members were provided with a copy of the draft Annual Report required to be sent to the Secretary of State by 30 November. Members were asked to provide the ACFO with any comments regarding this report by the end of October.

Members **NOTED** the Annual Report

#### **25. WHITE PAPER 'SUSTAINABLE FISHERIES FOR FUTURE GENERATIONS' (B7)**

Members were provided with the Association of IFCA's response to the Government's white paper 'Sustainable Fisheries for Future Generations' that set out the Government's vision for future fisheries management.

Members **NOTED** the response of the AIFCA

#### **26. iVMS UPDATE (B8)**

The CFO reminded Members that they had agreed to participate in a project with the MMO and Defra to submit a bid to the European Maritime and Fisheries Fund (EMFF) to fund inshore Vessel Monitoring Systems (iVMS) for the under 12m fishing fleet.

Since that meeting a number of legal issues had been identified and as a consequence the Association of IFCAs had asked for legal opinion on the application by an IFCA for funding of a iVMS unit that would then be passed onto fishermen. Having taken into account the potential issues that the legal opinion found the MMO Project Board were now looking to find a new funding module to fund the purchase of the units.

Members were advised that a pilot project undertaken by Devon & Severn IFCA had been completed and 70 to 90 boats had had the units installed.

Members **NOTED** the report

## **27. 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)
- Science and Research update (C7)

## **28. SUMARIS UPDATE (B9)**

The Chief Fishery Officer updated Members on the progress of the European project INTERREG 2 Seas SUMARIS (Sustainable Management of Rays and Skates). This project worked with partners in Holland, France and Belgium to put together the necessary knowledge and evidence in order to implement a species specific cross-border management strategy for rays and skates fishery in the English Channel and the North Sea by setting up common and cross-border management.

In answer to a question from a Member regarding the increase in Thornback Rays in the district the CFO advised that quota restrictions had had an effect on stock. Ten years ago, from there being no restrictions on landing a quota was introduced of 200kgs which had a considerable impact. Rays and skates were a sensitive species that required to be of a large size to reproduce, so there did need to be some precautions. Common skate was beginning to recover, and this was the case with most of the species.

Members **NOTED** the report

## **29. AOB**

Ms Tanya Ferry from the Port of London Authority (PLA) spoke to Members on more positive engagement between the PLA and KEIFCA and fishermen. Members requested that officers speak to Ms Ferry following the meeting

13:20 Meeting closed to the public

Members agreed that a group made up of Members and officers and led by the Chairman would meet to review the KEIFCA remuneration package for its staff and make recommendations to the Authority at the November meeting.

13:30 Meeting closed