

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Marconi Rooms, Chelmsford Borough Council, Duke Street, Chelmsford, Essex at 10.00am on Friday 30 November 2018

Present: Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr A Rattley (MMO), Mr E Hannam (MMO), Ms B Chapman (MMO), Ms C Relf (NE), Cllr I Thomas (KCC), Mr A Cansdale (EA), Cllr P Channer (ECC), Cllr A Goggin (ECC), Cllr S Walsh (ECC), Mr P Tyack (MMO), Mr P Wexham (MMO), Mr S Abbotson (MMO), Dr L Fonseca (MMO),

Apologies: Cllr A Bowles (KCC), Cllr T Hills (KCC), Ms B Perkins (MMO)

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), Miss A Plumeridge (S&C IFCO), Mr C O'Laoi (Skipper), Miss A Highton (1st Mate), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation: Dr E Willstead, Ms A Pryor (TEP)

30. 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 I Thomas – personal interest (Whitstable Harbour Authority member)
Ms B Chapman – agenda item B2 - personal interest (Kent Wildlife Trust)
Dr L Fonseca – agenda item B3, 4 & 7 – personal interest (Defra employee)

31. MINUTES (A2)

In respect of item 20, the decision of Members be altered to read that the report would confirm the processes that would be undertaken by the Chief Officer rather than it should include a detailed breakdown. This would now read:

“Members **RESOLVED** the following:

- (i) The actions of the Officers were noted;
- (ii) The report provided for the TECFO in 2019/20 should confirm 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.”

RESOLVED that the Minutes of the meeting held on 14 September 2018 as amended were correctly recorded and that they be signed by the Chairman

32. REVENUE BUDGET MONITORING 2018/2019 (B1)

Members were informed that the projected underspend for the financial year was forecast as £74,273. 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 informed that there were several items of expenditure that had been considered for inclusion in the 2019/20 budget that could be purchased within the current financial year. This would reduce the forecasted underspend and reduce pressure on the 2019/20 budget. Details of this additional expenditure would be provided to Members.

Members **RESOLVED** the following:

- (i) The forecast underspend of £74,273 was approved; and
- (ii) The use of this underspend to purchase items not originally budgeted for be approved.

33. VESSEL LENGTH AND ENGINE POWER BYELAW UPDATE (B2)

The Chief Fishery Officer reminded Members that in January 2019 they had agreed to review the Vessel Length and Engine Power Byelaw that had been inherited from the Sea Fisheries Committee.

Feedback from a consultation document had proved useful and the comments received from this had been provided to the Technical Panel that had met to discuss the options and wordings of the key components of the new byelaw. The Technical Panel had made a set of recommendations that had been translated into legal wording of a new byelaw. These recommendations and the byelaw had been provided to Members for their consideration within the report. The Technical Panel had agreed that there should be an exemption criteria within the byelaw for vessels over 14m to include legal definition of ownership, a requirement for proof of fishing within the District and a sunset clause to provide an end date at which the exemption would finish. The Technical Panel asked that officers report back with more information on the use of sunset clauses, specifically the time period, to the full IFCA meeting for a decision to be made at that meeting on its length.

The Chief Fishery Officer advised Members that in deciding on the length of a sunset clause, any decision needed to take into account the possibility that vessels currently in build could be impacted. Officers were aware of one boat currently in build that could be affected. The longer the exemption period the longer a business would have to adapt and plan for the future with potentially less impact on their business. The Technical Panel had discussed the setting of a sunset clause at 10, 15 or 20 years but were unable to reach agreement on the most rational and proportionate time scale. Having researched the matter as requested it had become apparent that the IFCA also needed to take into account the possibility that it may wish to review the byelaw in the future. To have a sunset clause of 20 or 25 years could be viewed as setting an expectation

that the IFCA would be expected to honour and could limit the flexibility of the IFCA in carrying out any review. An option that the IFCA could use would be to set a byelaw review date where the byelaw would be reviewed within 15 years. This would give flexibility in addressing any vessels still exempted at the time of the review.

10.30 Mr P Tyack joined the meeting

Members commented that the definition of fishing would need to be reviewed. To say that fishing should be defined as greater than 6 knots per hour as currently stated could impact on otter trawlers who could tow at 2 to 3 knots per hour. The Chief Officer advised that a better definition would be provided and would also be covered within any consultation with Industry.

Members **RESOLVED** the following:

- (i) The recommendations of the Technical Panel meeting of 10 October 2108 be approved;
- (ii) The exemption package recommendations be approved, ie.
 - a) Option 8b – issue an exemption only if the vessel remains in the same legal and beneficial ownership as on the date of the byelaw being made.
 - b) Option 8d(ii) – issue a two yearly exemption based on previous years exemption and proof of fishing within the district using vessel tracking and log book records (VMS) minimum 100 hours fishing within a 2 year period. The definition of fishing to be clarified following consultation with stakeholders
 - c) Option 8c(iv) – set a byelaw review date which is, at the latest, fifteen years after the byelaw is made to assess the appropriateness of the exemption criteria;
- (iii) The draft byelaw wording as amended and subject to consultation be approved; and
- (iv) A consultation should be carried out regarding the preliminary byelaw wording and Impact Assessment with Stakeholders.

34. BREXIT UPDATE (B3)

Members were provided with an update by the Chief Fishery Officer on the national and international progress on fisheries matters concerning the UK exit of the EU. Guidance had been released by the Government on a “no deal” Brexit. This was factual rather than political. Defra were continuing to plan for the possibility of a no deal situation. The duties of the IFCA could change and although it was expected that IFCAs would remain there was no guarantee of this. The IFCAs were talking to Defra regarding a catch certification system which would be required with the understanding that Industry needed to be informed of this as soon as possible. IFCA were happy to work with the Industry to explain how it would work and how it would be implemented. Defra were doing a good job of prioritising work streams and planning for a number of outcomes. Kent & Essex IFCA had put forward to Defra the key requirements for the Kent & Essex district which Defra had taken on board.

Mr Tyack (MMO) advised that the MMO had applied for funding for the provision of 30 new posts, mainly relating to enforcement. Recruiting would be taking place by March 2019.

A Member advised that Defra had requested via the FSA for information on all fish and shellfish exported out of the UK to be received by 12 December 2018.

Members **NOTED** the report

35. FISHERIES BILL UPDATE (B4)

The Chief Fishery Officer informed Members that the White Paper and consultation in respect of this Bill had finished in September 2018 and that the Bill was now before Parliament. The Fisheries Bill would provide the legal framework for the UK to operate as an independent coastal state after the UK left the EU and the CFP and would create a common approach to fisheries management between the UK government and the fisheries administrations and make reforms to fisheries management in England.

Although the profile of the fleet within the District was predominately inshore the Fisheries Bill didn't talk about the inshore fisheries. It appeared that there were some good ideas within the Bill and it would be useful to have a policy statement of what the UK Government wanted from its fisheries. One of the details in the Bill was the intention to give the MMO the ability to make byelaws within the IFCA districts. There was little information within the Bill as to how this would work in conjunction with IFCA's who had the same duty under the same Act.

The Chairman advised Members that he had been asked to attend a select committee at Parliament on 6 December to represent IFCA's. He asked any Member that wished to comment on the Bill to contact him prior to that date. He reminded Members that IFCA's were funded from local Authorities not just Defra and that these Local Authorities may not want to fund a central government organisation if IFCA's were removed.

Members **NOTED** the report

36. REPLACEMENT OF PATROL VESSEL RIB 'BLUE JACKET' (B5)

Members were reminded that the RIB 'Blue Jacket' had initially been purchased in 2016 to fulfil operational needs following the sale of Ken Green and for Nerissa to become operational. Blue Jacket was a 7.8m Ribcraft boat powered by one 250cc engine, capable of 43 knots. It was coded as a category 3 vessel capable of working up to 20 miles offshore in daylight, 3 miles at night. This vessel had proved very versatile and had found a niche in patrolling the Essex coastline. Its speed allowed it to reach fishing vessels quickly and its design and specification meant it coped well in rough weather. It was in good order; however, it had worked in a harsh environment and was 10 years old. Members had approved in September the 10 year renewals plan which had included costings for a replacement for Blue Jacket. Officers had approached manufacturers to obtain details on vessels that could replace the existing RIB and the likely costs. The IFCA needed a similar vessel but with twin engines which would give resilience and better capabilities.

In response to a question from a Member, the ACIFCO stated that, depending on the manufacturer the RIB would cost approximately £135,000.

Members **APPROVED** in principle the replacement of Blue Jacket subject to a final decision to be made at the 30 January 21019 meeting.

37. 2018 COCKLE FISHERY MANAGEMENT (B6)

The Lead Scientific Officer advised Members that the TECFO had opened between 17 June and 28 September 2018 and in that time, with the approval of the Chairman and Vice Chairman and reported to Members, the TAC had increased from that approved at the May meeting of 5390 tonnes to 6622 tonnes. Yields improved as the season went on, although the hot, dry summer had not allowed for good growth. Vessel monitoring System (VMS) had been used to track where and when the fleet had fished; this data would be used to establish the physical impact of the dredges on the sea bed and would be fed back to Natural England.

The cockle stock surveys had been completed over four days in September 2018. There were a good number of adult cockles and spatfall found, although the spat was small which could be an issue if there was a harsh winter.

Members were informed by the ACIFCO that towards the end of the TECFO fishery, licence holders had reported that additional populations of cockles had been found in other areas of the Thames Estuary. Officers had decided that in addition to the meeting held in May with licence holders, they would also meet with them in January to discuss with them the management measures necessary for the fishery to take place within the MPAs in the district and if additional stock was found how it could be incorporated in the fishery.

In respect of the outside area; Members were advised that a total of 35 permits had been applied for by the end of March 2018. Stock surveys carried out in April 2018 showed there was sufficient stock to set a TAC of 535 tonnes to open the fishery for one trip per boat. Biosecurity checks were carried out on 22 vessels who had confirmed they would be fishing. A number of vessels based in the Wash had advised that they would not be coming down for the fishery as it would not be cost effective to do so. The Fishery was opened for three days between 2 and 5 October 2018, with a total of 264 tonnes of cockles harvested. The majority of vessels took their full allocation.

Members were reminded that an issue had arisen prior to and during the fishery with regard to the issue of TAC not being taken up and whether it could be allocated to those boats that had taken part. A copy of a letter written to the Chairman and his response was provided to Members with the report for information. The concerns raised in this letter had also been raised verbally by other permit holders. Officers considered that it would be useful to invite all permit holders to attend the May IFCA meeting when the decision on the management of the fishery would be discussed and made and to obtain legal advice on whether TAC could be reallocated.

The Chairman reminded Members that the management aim of both fisheries was to increase stock and for it to be sustainable.

A Member advised the IFCA that KEIFCA had been lucky to have a fishery at all that year. In Denmark and Holland, the spatfall had not survived. He stated that the Industry was working very hard with the IFCA to ensure the sustainability of the fishery and he welcomed the meeting in January. In respect of the outside area, if a permit was paid for and then not used then that was a commercial decision made by the holder and not the responsibility of the IFCA. He also reminded Members that the cockle licences were held by English companies paying tax to the UK government. Approximately 15% of cockles were sold within the UK, the remainder were exported to France and Spain.

Members **RESOLVED** the following:

- (i) That the report be noted;
- (ii) Permit holders should be invited to attend the May meeting of the IFCA; and
- (iii) Legal advice should be obtained relating to cockle TAC allocation in the permitted cockle fishery

38. INSHORE VESSEL MONITORING SYSTEMS (IVMS) UPDATE (B7)

The CFO reminded Members that all IFCAs had been asked by Defra to submit a bid for EU funding to reduce the financial burden on the under 12m fleet of the cost of purchasing and installing IVMS units. Although the IFCAs went through the process it became apparent that legally it would not be possible for IFCAs to apply for the funding. The MMO had now taken on the role and had established a national funding project. All other requirements that had been asked of the IFCAs would continue to be committed to.

As part of the project EU funding had been allocated to support IFCAs installing IVMS units on their patrol vessels which would allow them to link in with other Government enforcement agencies.

Mr Tyack (MMO) advised Members that as a result of the Industry expressing a concern on the lack of security surrounding the data gathered, the MMO had looked in the matter but had found no evidence of problems with security.

Members **NOTED** the report.

Members were provided with a presentation by Ms Amy Pryor and Ms Julia Lanoue from Thames Estuary Partnership (TEP) on the work TEP had been undertaking to collect and analyse environmental and biological data across the Thames to identify patterns and relationships over time.

Members were also presented with a presentation by Dr Edward Willstead on the use of cumulative effect assessments as an aid to strategic marine management.

12:55 Miss B Chapman left the meeting

39. EVALUATION AND SCHEDULE OF PLANNED RESEARCH FOR 2019/2020 (B8)

The Lead Scientific Officer provided Members with details of the scientific and research projects, ongoing and new that KEIFCA intended to undertake during 2019/20. These consisted of:

- Cockles

Stock surveys would be conducted in the spring and autumn from Tamesis and Nerissa, along with quad bike surveys of the Maplin Sands.

- Oysters

In order to support the new flexible permit byelaw for native oysters a spring survey would be conducted over wider areas of the BCRC MCZ.

Development of a Habitats Regulations Assessment for the oyster fishery flexible permit byelaw.

Development of an 'Oyster Report'.

Cultch laying experiment within the River Blackwater, run via ENORI.

- Whelks

The EMFF funded whelk population study would continue.

A candidate for the Whelk Genetics MSD project had been identified and would be working at Essex University in 2019. KEIFCA would work closely with the University to supervise this project to its conclusion.

The whelk riddle that KEIFCA purchased in 2018 would be the focus of a testing and commissioning project in 2019.

- Juvenile Fish Surveys

Fish surveys in the River Medway would continue in collaboration with the Environment Agency.

On the Essex coast KEIFCA would work with Essex Wildlife Trust and Essex University to conduct juvenile fish surveys. Early work had focussed on the River Colne, but the Blackwater and the Crouch were being proposed for survey work during 2019.

- SUMARiS Skates and Rays Project

KEIFCA would continue its contribution to the Interreg SUMARiS project; undertaking surveys at sea with fishermen, helping achieve better skates and ray species identification and hosting a meeting with our European partner organisations.

- Pre Recruitment Bass Surveys

KEIFCA was working closely with Cefas on a variety of bass related projects to support measures to better understand and manage bass stocks.

- Marine Protected Areas

KEIFCA would continue to assess fisheries impacts within MPAs in the district.

- South East Marine Plan

Better data layers for essential fish habitat would be developed, exploring the opportunities of Cumulative Effects Assessments and exploring ways of engaging the local community and

providing expert local input into the planning and licencing system. Over 2019/20 officers would look to work with partners to develop these themes and ideas, either by working on joint projects or developing projects with partners.

Members **APPROVED** the planned research for 2019/2020

40. ANNUAL REPORT (B9)

Members were reminded that they had been presented with a copy of the draft Annual Report 2017/2018 at their previous meeting. Comments that had been received had been taken into account in the final draft which was now on the website and would be submitted to the Secretary of State.

Members **APPROVED** the Annual Report

41. MEETING DATES 2019/2020

Members were asked to note the meeting dates for the year 2017/2018 as follows:

Monday 16 September 2019

Friday 29 November 2019

Friday 31 January 2020

Monday 25 May 2020

42. 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)

13:10 Meeting closed to the public

Members discussed the work carried out by the Working Group to review staff turnover, recruitment and salaries and approved the recommendations made by the Working Group at their meeting of 24 October 2018.

Meeting ended 13:35