

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 at 10.00am on Wednesday 30 January 2019

Present: Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr A Rattley (MMO), Mr E Hannam (MMO), Ms B Chapman (MMO), Ms R Korda (NE), 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), Cllr A Bowles (KCC), Cllr T Hills (KCC), Cllr H Tejan (Medway Council)

Apologies: Ms B Perkins (MMO), Cllr I Thomas (Kent CC), Mrs B Gibbs (Financial Advisor)

In Attendance: Mr J Cook (Clerk, KCC), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mr R Dyer (Lead Scientific Officer), Mr R Watson (IFCO), Mr M Ward (IFCO), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation: Ms A Freeman (Defra), Ms P Eames (Defra)

43. DECLARATION OF MEMBERS' INTERESTS (A1)

The Chairman requested Members to declare any interests on the Agenda item prior to it being dealt with and advised that those with a disclosable prejudicial interest may not vote on that Agenda item.

The following Members declared interests:

Dr L Fonseca – agenda item B5 – personal interest (Defra employee)

44. MINUTES (A2)

RESOLVED that the Minutes and Exempt Minutes of the meeting held on 30 November 2018 were correctly recorded and that they be signed by the Chairman

45. REVENUE BUDGET MONITORING 2018/2019 (B1)

Members were informed that the projected underspend for the financial year was forecast as £55,175. The use of £30,000 from Reserves that had been allocated to fund anticipated major repairs on Nerissa would now be removed from the 2018/2019 budget with any major repairs now funded from the projected underspend.

The majority of the underspend had resulted 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. As approved previously by Members it was proposed to use some of the underspend to purchase items that had been identified as required for the next financial year. Details of these items were provided to Members.

Members **RESOLVED** the following:

- (i) The forecast underspend of £55,175 was approved; and
- (ii) Noted the use of the underspend to purchase items not originally budgeted for.

46. DRAFT BUDGET REPORT 2019-20 (B2)

Members were presented with the draft budget for 2019/2020 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.

This budget included a 2% pay increase, together with an allowance for career progression. Taking into account the new career structure, previously approved, there would be an increase of £69,710 in staff costs, which would be funded from general reserves.

Members were informed that the budget included the use of reserves of £107,424 as follows:

- Research £5,000
- Training £23,550
- GIS £850
- Staffing costs £78,024

£30,000 would be set aside for Nerissa for possible major repairs within the financial year and may not be needed.

Members were advised that at 31 March 2019 the renewals reserve budget and the general reserve budget were likely to be a total of £1,286,976

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 £137,424 be drawn from reserves to be used as follows:

- Research £5,000
- Training £23,550
- GIS £850
- Staffing costs £78,024
- Nerissa £30,000

47. WHELK PERMIT BYELAW UPDATE (B3)

Members were reminded that each January the IFCA reviewed the whelk fishery in the District for Members to consider whether changes to the technical permit requirements were necessary. Overall catches, number of pots used, permits issued and days fished were among the information considered.

Feedback forms had been sent to all permit holders with 42% of these returned. Industry had reported that fishing had been average within the year which was an improvement on that reported the previous year of poor. Prices were reported as being good and a high number of juvenile whelks were reported as being on the ground. Catch return forms suggested that whelk landings had stabilised during 2018 following a downward trend that had begun in 2015. Fishing for whelks was taking place in two main areas; off the North Kent coast and Hythe Bay. Members were provided with data showing spatial and seasonal variations of landings within the District together with details of the total catch landed.

In respect of enforcement of the Whelk Permit Byelaw, Members were informed that operations were ongoing and offences had been found. However there had been an increase in compliance.

The Chief Officer advised Members that the increase in the whelk riddle size two years ago appeared to be bedding in with the result that the stock was becoming more stable and the downward trend of three years appeared to have evened out.

The Chairman advised that he was pleased to hear that the whelk population was becoming more established and sustainable.

Members **RESOLVED** that the pot limit, riddle size and the number and size of the escape gap holes would remain at:

Pots – 300 for category 1 permits and 10 for category 2 permits

Riddle – 25mm spacing between bars

Escape holes – 10 @ 25mm per pot

Presentation by Defra

Day One Readiness for Leaving the EU

Anne Freeman and Pippa Eames from Defra provided Members with a high level update on where Defra were in respect of leaving the EU and what was required to prepare for a “no deal” Brexit. Members were informed that although matters were still uncertain, as it stood at 11pm on 29 March 2019 Britain would leave the EU unless there was a change in the law and that it would be leaving without a deal in place. The Government position was that a deal was preferable, but it was clear that Parliament felt the current deal was unacceptable. The Government had been given a mandate to go to Brussels to renegotiate the Irish backstop and had a window of two weeks in which to do so. Parliament had voted to reject a no deal and although this was not binding it did show a commitment to suggest they wanted some sort of deal.

In respect of what a deal might mean. Ms Freeman advised that there would be an implementation period which would allow EU rules to be followed until 31 December 2020. In fisheries, this would mean that mutual access to waters would continue. The UK would have

observer status at the December Council and in 2020 would negotiate with the EU as an independent coastal state. During this implementation period the UK would need to negotiate a new agreement with the EU. The Fisheries Bill required that as part of the negotiations the Secretary of State was expected to ensure that the UK received a greater share of quota than it would have if it had stayed in the EU. Negotiations for future economic partnership had to be completed by June 2020. If a deal had not been achieved by then the Government could choose to either extend the implementation period or go to the Northern Irish backstop, which would mean no custom or border checks on the Irish border.

In respect of Defra's role in this, Ms Freeman informed Members that over the last two and a half years Defra had in her opinion dealt with the most complex set of issues they had ever had to deal with. Forty five staff had increased to one hundred and fifty plus since the referendum, which showed the seriousness which the Government attached to fisheries. Defra had put together a number of projects; looking at the negotiations on the divorce deal with the EU, Norway and the Faroes and how future relationships would work and, to ensure that a functioning legislation framework would be in place to ensure stability and certainty of what the law would be.

Industry and NGOs had been consulted on the Fisheries Bill which had been largely well received. The Bill had gone through the committee stage and was waiting to go through its third reading in Parliament. No date for this had been set as yet. Once the third reading had been held it would then go to the House of Lords. There was an emphasis on sustainability and a commitment to restoring stock. No changes to the IFCA were proposed at the moment, although this had not been discounted for the future. There was pressure for the redistribution of quota

It was expected that the relationship with devolved administration would change quite fundamentally. London, Edinburgh, Belfast and Cardiff would have the power to change fisheries and it was possible that we could see four different fisheries policies within the UK.

It would be necessary to redefine relations with the Crown dependencies to look at what their control and enforcement needs would be. There would also be a need to control access to waters by EU vessels. The MMO were working to assess what was required. Twenty new Marine Enforcement Officers were being trained and MMO were looking at procuring extra air and sea surveillance.

In respect of catch certificates, the EU would require any exports to be accompanied by a catch certificate to ensure that it had been legally caught. Any goods imported would require the same. The MMO had developed an IT system to issue these certificates. Several hundred were being issued at present, this would increase to several thousands. Exported goods would also require an export health certificate which would be issued by Local Authority Environmental Health Officers.

In respect of future fisheries, if agreement were reached to allow UK vessels to access EU waters and vice versa then a licencing system would be required to be developed. At present licencing would be devolved and there was a possibility that each vessel would need to apply for four licences. It was hoped that it would be possible to collaborate and have one agency issuing them.

In respect of additional quota and how it might be allocated. It was intended to keep the current allocation system for existing quota. Defra would look to allocate additional quota differently and had considered how best to engage the industry and stakeholders in this process. There was currently no agreement in the White Paper on how it should be shared out.

It was intended that a review of economic link conditions would take place. If no deal went ahead that this would not change this year but would be reviewed to strengthen UK economic benefit. There would also be a commitment to look at how recreational angling should be considered under any management system.

Looking at future funding, the Treasury would remain committed to continuing the EMFF to 2020. In December 2018 the Chancellor and Secretary of State announced that £37.2 million of extra money would go into EMFF with a commitment to replace the scheme on similar lines.

Should a no deal situation occur then automatic access to EU waters would stop. UK boats would not be permitted to fish in EU, Faroe or Norwegian waters. Fish caught in the UK could be landed in the EU but the EU would require 48 hours advance notice. Vessels could access EU waters in an emergency but not to fish. If there were an agreement that allowed some access than a licence to fish would be required. Some information has been provided on how that might work, but more was required from the EU, Faroe and Norway. Information on how to apply for a licence would be made available once known.

The UK will inform the Industry of the quota they are allocated. It was possible that quota swaps would not be allowed.

EU fishermen would not be allowed to fish in UK waters.

Exported fish would have tariffs imposed of between 7% to 25%

Members were advised that Parliament was working hard to secure a deal. Technical notices had been published since October 2018 setting out the impact of a no deal. These were being updated however Defra were aware that they were not necessarily reaching the people that needed to know the information. They asked for assistance with engagement with the Industry in order to best understand the issues and concerns they had to try to address these as quickly as possible.

In response to a question regarding an email address to be set up to allow feedback to be provided, Ms Freeman said she would look to set one up.

In respect of recreational angling, a concern was raised that some anglers thought that if there were to be a hard exit then the bass regulations would not apply. It would be useful to be provided with communication to set out what would happen.

In response to a question regarding payment for catch and export health certificates, Ms Freeman advised that the MMO had no plans at the present to charge for catch certificates, however it was possible that the Local Authorities would require payment to issue the export health certificates.

In respect of flagged boats, Defra were looking at the economic link condition. There would not be a change this year, however they would look to strengthen the requirement of economic benefit to the UK.

The Chairman thanked Ms Freeman and Ms Eames for their presentation.

Presentation by Rob Watson, IFCO

Members were provided with a presentation on the whelk riddle purchased from Solant Engineering and the work that had been carried out using it for enforcement as well as promoting it as a device the Industry could use to assist them with complying with legislation. Industry were interested in this, with three known to have purchased a similar device. It was acknowledged that the riddle was expensive, however it would be possible to purchase one using EMFF funding.

48. EMFF PROJECT: FILLING THE KNOWLEDGE GAP – WHELK POPULATIONS

The Lead Scientific Officer advised Members that in January 2018 survey work had begun on a whelk population study funded through EMFF. This study would collect two years' worth of whelk population data in order to provide information on the population structure of whelks and to allow management decisions to be made for the whelk permit fishery in the district. In addition to this project a genetics project was also being undertaken at Essex University.

Samples of whelks were provided each month to the IFCA by commercial fishermen which were being processed to obtain data which allowed the tracking of changes in the whelk population over the course of the project. Limited data meant that it would be difficult to draw conclusions at this time, however once all the 2018 data had been analysed then a fuller report would be issued.

In response to a question from Members with regard to the stock available, the Lead Scientific Officer advised that the IFCA did not have information on what the stocks had looked like in the past. Whelks moved around but it was unclear how far they moved and the distances they travelled to where the pots were placed. The Technical Advisory Group (TAG) for all IFCAs have had discussions on how to develop a methodology to create a whelk survey.

Mr R Cooper, a fisherman from Whitstable, advised Members that fishermen had taken up whelking as the price for them was good and due to the lack of other species to catch. He felt that the conservation effort was working and that small whelks were now being returned to the sea as a result.

Members **NOTED** the report

49. BREXIT UPDATE (B5)

Members were informed that the Chairman had given evidence in respect of the Sea Fisheries Bill to the defra committee in Parliament on 5 December 2018.

Planning for exiting from the EU was taking place which had involved closer working with the MMO established through housing two of their officers in the Ramsgate office and an increase in MMO inspections at sea with IFCA officers.

MMO Member, Mr Tyack thanked the IFCA for the positive way they had engaged with the MMO in placing MMO officers in their office and that Nerissa had been very useful in training up their boarding officers. This had allowed better intelligence exchange and increased enforcement capability across the organisations.

Members **NOTED** the report

50. REPLACEMENT OF PATROL VESSEL RIB 'BLUE JACKET' (B6)

Members were reminded that they had supported the replacement of the existing RIB 'Blue Jacket' at their previous meeting in November 2018.

Four suppliers had been approached to obtain quoted for the required type of vessel. Of these, three responded; Delta, Humber and Ribcraft. Copies of these quotes were provided to Members for their consideration.

Of these companies, Ribcraft had built the current RIB 'Blue Jacket'. This company had also built two RIBs for Southern IFCA and one for Northumberland IFCA with another two RIBs in build.

The majority of costs from the build would come from the vessels' renewal budget. The price of the RIB would be £105,000 with £20,000 to £22,000 potentially available through EMFF and approximately £15,000 from the sale of Blue Jacket to offset these costs. If an order were made in January 2019 then the RIB should be ready for delivery by October 2019.

In response to a question from a Member regarding the build quality, the ACFO advised Members that the type of RIB proposed by Ribcraft was one of which three were currently in service with other IFCAs and had been seen to work successfully. It was recommended that Members approve the use of Ribcraft to supply the RIB at a cost of £103,670.45 + vat. Should additional payments be identified this would be approved following consultation with the Chairman and Vice Chairman.

Members **NOTED** the actions taken since the last meeting and **RESOLVED** that:

- i) The purchase of a 7.8m RIB from Ribcraft at a cost of £103,670.45 + vat be approved;
- ii) Any payments required in excess of £103,670.45 would require consultation with the Chairman and Vice Chairman before approval was authorised; and
- iii) Variations to the cost be reported to Members

51. HOSTING OF NATIONAL IFCA LEAD TRAINING OFFICER (B7)

The Chief Fishery Officer advised Members that it had been identified that training for IFCAs across the country was not standardised. This had been discussed by the Association of IFCAs who recommended that a series of requirements be implemented to allow for a dedicated, centralised resource. In order to achieve these objectives, it had been decided to recruit a National Training Officer to be funded by each IFCA. This post would initially run for one 1 year for three days per week. In order to cover the cost of the posts, nine of the IFCAs would contribute £1500 per year with the Isle of Scilly contributed £300. Fees would be charged to cover the training courses provided by the Training Officer which would cover wages and other costs. As the Association of IFCAs did not have the resources to administer this post, it was requested that an IFCA take on the administration of the role. As the only IFCA involved on a regular basis with training the Association had asked Kent & Essex IFCA to take on this role.

In response to a question from a Member with regards to what would happen to the post at the end of the year, the ACFO advised that the Association of IFCAs would review the success of the post in October/November and make a decision on whether to continue it or not.

Members **NOTED** the report and **AGREED** to Kent & Essex IFCA hosting the administration of the role of National Lead Training Officer

52. DRAFT ANNUAL PLAN (B8)

Members were provided with a copy of the draft Annual Plan for comment by the end of February. The ACFO advised that this document now incorporated the annual research, enforcement and communication plan. The Annual Plan had been written on the assumption that the UK would leave the EU with a deal. If there was a no deal scenario then this would require changes to be made.

53. MATTERS FOR REPORT

Members received:

- Quarterly Report of the Kent IFCO (C1)
- Quarterly Report of the Essex IFCO (C2)
- Quarterly Report of the Patrol Vessel 'Tamesis' and 'Blue Jacket'(C3)
- Quarterly Report of the Patrol Vessel 'Nerissa' (C4)
- Enforcement report (C5)
- Research report (C6)
- Angling report (C7)

Meeting ended 13:10