

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Council Chambers, Chelmsford Borough Council, Duke Street, Chelmsford, Essex at 10.00am on Tuesday 21 May 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), Cllr P Channer (ECC), Cllr A Goggin (ECC), Cllr S Walsh (ECC), Mr P Wexham (MMO), Mr S Abbotson (MMO), Dr L Fonseca (MMO), Cllr T Hills (KCC), Cllr I Thomas (KCC), Ms V Gravestock (EA)

Apologies: Cllr H Tejan (Medway Council), Mr A Cansdale (EA), Cllr A Bowles (KCC), Dr W Wright (Chief FO), Mrs B Gibbs (Financial Advisor)

In Attendance: Mr J Cook (Clerk, KCC), Mr D Clayton (Financial Advisor, KCC), Mr D Bailey (Assistant Chief IFC Officer), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation: Ms J Small (Southern IFCA)

1. 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.

Cllr Walsh nominated Cllr John Lamb as Chairman seconded by Cllr Channer.

No other candidates were proposed so Cllr Lamb was elected unopposed as Chairman.

Mr Rattley nominated Mr John Nichols as Vice Chairman, seconded by Cllr Thomas and Mr Abbotson.

No other candidates were proposed so Mr John Nichols was elected unopposed as Vice Chairman.

Cllr Lamb and Mr Nichols thanked the Authority. Cllr Lamb resumed the Chair.

2. 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:

Dr L Fonseca – agenda item B4 – personal interest (Defra employee)
Cllr I Thomas – member of Whitstable Harbour Board

Mr A Rattley – agenda items B5 & B6 - prejudicial interest as representative for cockle licence holder

3. MINUTES (A3)

RESOLVED that the Minutes of the meeting held on 30 January 2019 were correctly recorded and that they be signed by the Chairman

4. INTERNAL AUDIT REPORT 2018/2019 AND INTERNAL AUDIT PLAN 2019/2020 (B1)

Members were provided with a copy of the Internal Audit report for 2018-2019. This detailed the checks that had been undertaken by Internal Audit to ensure that effective systems of risk management, governance and control were in place. Progress on previous issues raised were reported and one additional issue was raised regarding an independent spot check for petty cash. Members were also provided with a copy of the proposed Internal Audit plan for 2019-2020 for approval.

Members **RESOLVED** the following:

- (i) the Internal Audit plan be amended to read "Any significant risks..." rather than "Significant risks...";
- (ii) the Internal Audit plan 2019-2020 as amended be approved; and
- (iii) the findings of the Internal Audit report for 2018-2019 be noted

5. 2018-2019 FINAL BUDGET MONITORING OUTTURN REPORT AND ANNUAL RETURN (B2)

Members were provided with details of the financial position for the Authority to 31 March 2019. Members were informed that the final revenue outturn for the financial year was £111,493.96. This was an increase in the amount previously forecasted as a result of an increase in income from licence and permit fees as well as the hire of Nerissa together with a reduction in costs associated with legal fees and support costs. It was recommended that this underspend be transferred to the General Reserve.

In respect of capital expenditure, Members were advised that £12,980 had been spent on two quad bikes

Total reserves, including Renewals, General and Specific totalled £1,633,397

Members were also provided with the Annual Return for 2017/2018 which, if approved, would be sent to external auditors for their review.

Members **RESOLVED** that:

- i) the underspend of £111,493.96 be approved;

- ii) the underspend of £111,493.96 be transferred to the General Reserve; and
- iii) the Annual Return and Governance Statement be approved

6. TREASURY MANAGEMENT STRATEGY 2019/2020 (B3)

Members were provided with details of the treasury management strategy for 2019/2020, which mirrored Kent County Council's (KCC) strategy.

Members queried the need to invest in a 7 day money account and requested that the Financial Advisor look to consider if a 30 or 90 day account would be more cost effective.

Members **RESOLVED** that:

- (i) Kent & Essex IFCA monies would continue to remain on deposit with Kent County Council; and
- (ii) the Financial Advisor would investigate if those monies should be moved into a 30 or 90 day account to be reported to the Chief Fishery Officer. Any decision to be made by the Chief Fishery Officer in consultation with the Chairman.

7. BREXIT PAPER (B4)

Members were provided with an update of the work carried out by IFCA staff on their preparation for leaving the EU.

KEIFCA staff had worked with MMO, Border Force, Royal Navy, Police, Department of Transport and the MCA to ensure legislation was effectively enforced and to feed into Defra national planning and response structures. Officers had undertaken a number of patrols with the MMO outside of the district and also worked with them off the Sussex coast. In addition, staff had helped to inform fishermen of the actions they would be required to take to ensure they could continue to fish and trade in the event of a no deal situation.

In response to a question asking if the IFCA had sufficient resources to deliver all that was required of them both in the short and long term, the Assistant Chief Officer advised that it very much depended on when the exit took place. At present the Ramsgate office had a vacancy for one member of staff and as the year progressed there would be surveys that needed to be undertaken. The main issue would be moving staff around to cover the work required. In the long term much depended on the legislative landscape. EU technical conservation measures were changing and it was possible that IFCA's could be asked to extend their limit out to 12nm.

The Chairman informed Members that the Association of IFCA's were working closely with all IFCA's due to the potential cost implications involved in the taking on of additional duties.

The Vice Chairman advised Members that the Chief and Assistant Chief Fishery Officers had worked with Canterbury City Council Environmental Health to provide the fishing industry with the information they required to export their catch in the event of a no deal for which the Industry was grateful.

Members were concerned at the costs associated with this additional work. The Chairman reminded them that the IFCA received New Burdens Funding from Defra. The ACFO advised that the costs associated with additional patrols had been recovered through billing the MMO for their charters.

Members **NOTED** the report

8. COCKLE TECFO LICENSED FISHERY MANAGEMENT (B5)

The Clerk clarified for Members the meaning of prejudicial interest in relation to an agenda item.

Members were advised that all surveys by Tamesis had been undertaken and that the surveys undertaken using quad bikes had taken place over Easter. A high number of cockles had been found on the Maplin and Foulness Sands. There had been some very good years of spat fall and in the last few years stock had been increasing. However, Members should be aware that the growth rate was not exceptional and that a significant number were undersized. Should there be a mild winter then it was possible that a good growth season would continue to have a beneficial effect on future years TAC.

The Lead Scientific Officer advised Members that it was proposed to set the TAC for 2019 at 8008 tonnes; 1540 tonnes more than was landed in 2018. The results of the surveys and the provisional TAC had been shared with the cockle licence holders at a meeting on 10 May when the management options were discussed. At this meeting other projects were also discussed:

- Observer program to aid MSC certification of the cockle fishery and to improve recording of damage rates. This would involve a member of staff being on board the boat
- Gear-in-water technology which would allow the IFCA to estimate the speed and impact of the dredge when in water.

The cost of the observer program and gear in water technology would be approximately £1900 which would be shared by the IFCA and the Industry and recouped through the licence fee. The licence fee would remain the same as in 2018 at £6,244 but should Members agree to the introduction of both projects then the fee would increase to £7,144.

In respect of additional licences for the 2019 fishery. Members were provided with copies of nine requests for additional licences.

The Habitat Regulations Assessment had been sent to NE for approval. They had verbally approved the HRA and the IFCA were waiting for written confirmation of this.

In response to questions from Members the LCSO advised that the Observer position was a suggestion made by the Industry. It was believed that using a Fishery Officer would be difficult and so it was felt it would be more suitable to employ someone on a short-term contract. The

- (vii) As is usual it is recommended that sections of Areas 1, 2 and 3 should be closed at all times during the period June - September inclusive. These areas are 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 applies only to the area inside the moorings and where there are no moorings closer to the shore than a distance of 300 metres measured from mean high water mark.)

In respect of the licence fee:

- (viii) The licence fee will increase to £7,144 to include the cost of a pilot observer program and gear in water technology.

In respect of the issuing of additional Cockle Fishery Licences:

- (ix) That the number of licences should be restricted to 14.
- (x) The Regulating Order gives a right, to those that held a licence last year, to be granted a licence for this coming season and therefore those 14 licences should be granted as adequate stocks are available.

9. PERMITTED COCKLE FISHERY MANAGEMENT (B6)

Members were provided with a presentation by the ACFO regarding the history of the management of the "Outside Area". They were reminded that in 2014 the Authority had decided to open this Fishery for the first time since 2009 when it was closed due to bio security issues. Prior to this the fishery had not been managed using a TAC but based on catch rates. At that time an average of 20 boats fished for an average of 5 weeks.

In 2014 an emergency byelaw was introduced which required boats inside and outside the district to be checked to ensure there were no bio security issues with their vessels. This fishery had no TAC and was a trip limited one. In the following two years the fishery was closed due to stock issues.

In 2017 a new Byelaw was put in place which was based on the management measures of the TECFO. Thirty five boats applied for a permit to fish with a TAC of 482 tonnes. This allowed one complete trip per boat. There was a similar situation in 2018 with again 35 boats applying although only 30 actually fished. Again, the TAC was sufficient for one complete trip.

Surveys for 2019 had shown that the TAC was 480 tonnes. Thirty boats had applied for a permit and again there was insufficient TAC for more than one trip. NE had been consulted regarding the management of this fishery and had provided verbal advice. The ACFO informed Members that the IFCA had taken note of the concerns of the Industry and appreciated that some had to make a significant outlay to get down to the fishery. It was hoped that in the future this would be a two trip fishery but it was very unlikely to be a large fishery. The Industry had asked if it was possible to reallocate any unused TAC within a season. The IFCA had taken legal advice and been advised that it could only be reallocated if there was sufficient to allow one trip for all permit holders. It was not possible to choose which of the permit holders to reallocate to.

Members **RESOLVED** the following:

(i)The Total Allowable Catch (TAC) should be set at 480 tonnes which based upon the number of permits being applied for being 30, results in 1 trip per vessel of a maximum volume of 13.6m³.

(ii)All areas apart from the Dengie, Buxey and Ray Sands within Area 7 to be closed to fishing

(iii)The fishery will open on Tuesday 8th October 2019 and will close on Thursday 10th October. Fishing will be permitted between 0900 on the Tuesday until 1200 on the Thursday.

(iv)That 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. Members will be notified of any changes.

10. BYELAW PROGRESS UPDATE (B7)

Members were informed on the progress of the following byelaws:

Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone Native Oyster Flexible Permit Byelaw – this byelaw had been made by Members on 22 May 2018 after an extensive consultation process and using wording written by stakeholders. The byelaw was being reviewed by Defra’s legal department and the IFCA were waiting to hear from them for an update as to when it would be signed.

Vessel Length Byelaw – Members had approved the recommendations of the Technical Panel and the draft wording of the byelaw when they had met on 30 November 2018. This had been sent to the MMO byelaw team in January 2019 and again in April 2019 with some changes that had been required. Once the approved byelaw was received from the MMO then it would go out again for an informal consultation period before being brought back to the Authority in September 2019 to be made.

Sussex IFCA netting byelaw – Members were advised that Sussex IFCA were in the process of making a “nearshore trawling and netting byelaw”. As Sussex IFCA and Kent & Essex IFCA shared a boundary in the middle of Rye Bay, Sussex IFCA had approached Kent & Essex IFCA to ask if the IFCA would be prepared to include the Sussex IFCA measures in our own part of Rye Bay. This could be undertaken either by Kent & Essex IFCA making its own legislation or allowing Sussex IFCA to make a byelaw that covered that part of the Kent & Essex IFCA district.

12:00 Mr E Hannam left

Members **NOTED** this report and requested that the Chief Officer of Sussex IFCA be invited to attend the next IFCA meeting to report on their proposed byelaw

11. NATIVE OYSTER UPDATE (B8)

The LSCO informed Members that Alice Lown, who the IFCA had sponsored to write a PhD on Native Oysters, had finalised her thesis and would be defending this in June 2019. This was a hugely important piece of work that had helped to improve the IFCA’s understanding of native oyster stocks within the MCZ.

Members were advised that the Spring stock survey for specific sites had taken place in March over a 5 day period using Tamesis. The data collected suggested that there had been an increase in the number of oysters in the Blackwater and Ray Sands locations. It was intended to carry out a whole site survey later in the year in order to see if any additional areas had been occupied by oysters since the original 2014 survey.

In addition a stakeholder workshop would be organised to be held in September 2019 to include Industry and academia. This workshop would cover the stock survey aspects of the fishery and the Habitat Regulations Assessment.

Members were also informed that NE had secured funding to carry out dredge efficiency trials. The IFCA would take part in these trials with Essex University. E-NORI were also working in the Blackwater Estuary where they had carried out experiments. In the last few weeks they had laid 300 tonnes of stone to provide coarser substrate for 12,000 oysters and to monitor their growth.

Members **NOTED** the report

Members were provided with a presentation by Jamie Small on the management of Marine Protected Areas (MPAs) around the country by IFCAs. This was a project funded by Defra looking at external outputs and continued promotion of MPAs.

12. HEALTH & SAFETY UPDATE (B9)

Members were provided with an update of the work carried out to date to ensure that Health & Safety requirements and legislation were complied with

Members requested that an addition to matters listed to be discussed by the ACFO and OM should be "near miss monitoring"

Members **NOTED** the report

13. TERMS OF REFERENCE AND STANDING ORDERS (B10)

The Clerk to the Authority informed Members that they were required to review these documents annually to ensure they continued to be fit for purpose. No changes or amendments were recommended at this stage.

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

14. APPROVAL OF THE ANNUAL PLAN 2019-2020 (B11)

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

15. 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)
- Angling report (C5)
- Enforcement report (C6)

16. AOB

The Vice Chairman reported to Members that he had attended a SUMARiS conference hosted by the IFCA in Canterbury. This conference had involved 45 to 50 delegates from other countries who came together to discuss the work carried out by the project with regard to ray and skate management. He felt that it was well thought out and of use and wanted to thank the staff for the work they had undertaken to put the conference together.

Meeting ended 12:55