

## **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 10am on Monday 16 September 2019.

**Present:** Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr A Rattley (MMO), Mr E Hannam (MMO), Ms B Chapman (MMO), Cllr A Goggin (ECC), Mr P Wexham (MMO), Mr S Abbotson (MMO), Cllr T Hills (KCC), Cllr I Thomas (KCC), Ms V Gravestock (EA), Cllr H Tejan (Medway Council), Cllr A Bowles (KCC), Mr P Tyack (MMO)

**Apologies:** Mr A Cansdale (EA), Cllr P Channer (ECC), Cllr S Walsh (ECC), Ms R Korda (NE), Dr L Fonseca (MMO)

**In Attendance:** Mr A Tait (Clerk, KCC), Miss C Green (Financial Advisor, KCC), Mr D Bailey (Assistant Chief IFC Officer), Mr A Mohamed (IFCO), Mrs D O'Shea (Office Manager),

### **By Invitation:**

The Chairman advised Members that Mrs Beverley Gibbs who had served as Financial Advisor to the IFCA for seven years had been assigned to other duties within Kent County Council and would no longer act as the IFCA's Financial Advisor. The Chairman thanked Mrs Gibbs for all her hard work undertaken on behalf of the IFCA advising Members and keeping the IFCA in a good financial situation. He welcomed Miss Chelsea Green to the meeting who would be taking over this role.

In addition, Members were informed that Ms Sarah Allison had resigned as an MMO appointee. The Chairman thanked her for the work undertaken and advice provided by her to the IFCA and wished her well.

### **17. MINUTES OF 21 MAY 2019 (A1)**

**RESOLVED** that the Minutes of the meeting held on 21 May 2019 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:

Cllr I Thomas – member of Whitstable Harbour Board

Mr A Rattley - prejudicial interest as representative for cockle licence holder

## **19. REVENUE BUDGET MONITORING 2019-2020 (B1)**

Members were provided with details of the estimated financial outturn for 2019/20 based on records at the end of July 2019. They were advised that most of the budgeted income and expenditure was being spent as planned with some exceptions which were detailed in the report. Members were informed that additional payments may be required to be made if it were necessary to carry out additional duties due to exiting the EU.

10:15 Cllr Goggin arrived

In response to a question from a Member regarding any spend on Brexit, the Chief Officer informed Members that a memorandum of understanding had been signed with the MMO for the use of the IFCA's vessels and that a meeting would be taking place shortly with the MMO to look at resource planning.

Members **APPROVED** the forecast underspend of £73,785.

## **20. KEIFCA FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW (B2)**

The Chief Fishery Officer informed Members that there had been a change in the EU legislation that had allowed the IFCA to enforce Minimum Conservation Reference Sizes (MCRS) in the district. The new legislation specifically stated that from 13 August 2019 the MCRS did not apply to recreational fishers and feedback from Defra had suggested that no new legislation would be developed by them to address this issue. The Chairman and Vice Chairman were consulted and as a result impact assessments and wording for an emergency byelaw were drafted, in conjunction with Eastern and Northumberland IFCAs, to retain the status quo by maintaining protection for undersized fish that they had under the old EU legislation. Legal advice had suggested that the byelaw should be specific to each district so Officers looked at the MMO landings database to establish the species landed in their district and also made use of officer knowledge. As a result, some finfish were removed together with one species of shellfish not found in the district. The wording of the Emergency Byelaw was mirrored by Eastern and Northumberland IFCA but amended by these IFCAs to reflect the species caught in their districts. The Emergency Byelaw had been signed by the Clerk on 13 August 2019 and the Secretary of State notified on the same day and had been advertised on the IFCA's website and notices placed at key recreational fishing locations.

The Chief Officer informed Members that the IFCA wished to engage with anglers when putting together the permanent byelaw in an attempt to improve upon the content of the emergency byelaw

Members suggested that the sizes used within any new byelaw should be reviewed as the data used was based on information at 2012 and was now out of date. Whiting and cod in particular

should be reconsidered. It was also suggested that an indication of when 50% maturity was reached would be useful to include.

Members **RESOLVED** that:

- i) the KEFICA Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw be approved; and
- ii) Officers begin the process to develop a permanent byelaw to replace the Emergency Byelaw

## **21. VESSEL LENGTH AND TOWED FISHING GEAR ENGINE POWER BYELAW (B3)**

Members were reminded that the process of developing this byelaw had begun in January 2018. Officers had worked with the Industry and had run a number of consultations as they were aware that this was a significant piece of legislation which required detailed development.

The last consultation which took place in July and August 2019 concentrated on the agreed preliminary byelaw wording and the draft Impact Assessment. Three responses were received all of which concentrated on the exemptions for vessels that did not meet the requirements of the byelaw. As a result, the byelaw provided to Members for making had been amended to broaden the evidence that could be used to gain an exemption. The wording of the byelaw had also been refined to make it clear that a track record of legally towed gear within the District would be required in order to apply for an exemption.

Members discussed the matter and made the following comments:

- The byelaw was progressive and was the way forward. The under 10m fleet were the backbone of the Industry and there was a need to grow fishermen for the future
- Thanet Fishermens Association had been spoken to regarding the proposed byelaw and were in favour of it being made.

Members also discussed whether in the future CO<sup>2</sup> emissions rather than engine size should be considered. The CFO advised that the profiling of small boats and day boats had suggested that they were better for carbon emissions and for the food miles that fish travelled. These two aspects were useful when trying to set up a network to reduce carbon footprint. The IFCA encouraged the use of lower emission carbon engines. Across the board engines were better at achieving this and grants were available to assist Industry with obtaining them. The Vice Chairman advised Members that Defra and the MMO had talked about more quota being available to greener vessels.

Members **APPROVED** the making of the Vessel Length and Towed Fishing Gear Engine power Byelaw taking account of the Impact Assessment provided.

## **22. NATIVE OYSTER PERMIT FISHERY BYELAW UPDATE AND NATIVE OYSTER STAKEHOLDER WORKSHOP (B4)**

Members were advised that oysters in Essex were considered a key local species. The IFCA had been working with local fishermen and NGOs over a number of years regarding the management of the public native oyster fishery which had been closed for the last five years due to insufficient stocks.

The Byelaw made by Members to allow native oyster stocks to be harvested sustainably once they had recovered had been signed by the Minister on 1 August 2019. The IFCA had helped to fund a PhD which had provided four years' worth of baseline data to give a clear understanding of the situation with the fishery.

A workshop was held in Colchester on 11 and 12 July 2019 which was well attended by representatives from the local oyster industry, other IFCAs, Natural England, IFCA members, Essex University and Essex Wildlife Trust. This workshop used the expertise of those present to establish how the IFCA should monitor and report on stock and make decisions. Outputs from the workshop included:

- a commitment from KEIFCA to host an open meeting with industry to review and discuss the survey dredge used and the set up for surveying on board Tamesis.
- a commitment from KEIFCA to involve the oystermen with survey work at sea; KEIFCA would spend time at sea on industry vessels demonstrating survey techniques, and would work to allow industry to locate populations of native oysters in areas which currently were not covered by KEIFCA annual surveys
- KEIFCA would produce an annual oyster report, detailing the site, survey techniques, survey results and trends over time. This report would be presented to Members in November each year.

Members **NOTED** the report

## **23. KEIFCA WHELK FISHERY (B5)**

The whelk fishery in the District was now classed as a vital inshore fishery that had doubled in size in the last three to four years, with a 270% increase in landings. The IFCA had put in place management measures to ensure that it was being exploited as sustainably as possible. The riddling of whelks had received a lot of attention as the cone shape of the whelk meant it did not act in a standard way. The IFCA had given fishermen time to change their riddles and had been encouraging Industry to use mechanical riddles as they riddled more efficiently. However, the accuracy of the process and the fact that the byelaw used a riddle bar gap size rather than a minimum size or a combination of the two was now seen as an issue and had resulted in some negative feedback from the local fishing industry.

A meeting with fishermen had been arranged for 3 September to discuss technical measures and standardise enforcement and riddling. In order to include more fishermen and especially those from Essex the meeting had been rescheduled to take place in October in the form of a workshop. A questionnaire to obtain feedback had been developed and had been distributed to Industry.

Officers had also been working with Essex University to set up a work based PhD. The focus of the PhD would be to:

- Examine the growth rates and maturation variation of the common whelk within the district. Life history and catch data would be used to develop a greater understanding of population dynamics and harvest rates, as well as the spatial distribution of whelk stocks and fisheries efforts.
- Investigate current proxies for population structure looking at diet, temperature and habitat effects on life history for the first time in gastropods using stable isotope analysis of shells and trace element analysis of statoliths, comparing this to emerging results in our lab on population genetic structure.
- Investigate the onboard fishing and sorting process to understand their effects on catch and explore the use of innovative fisheries technology in providing data on discards to develop stock models.

An important aspect of the PhD would be for it to work closely with the local whelk industry and act as a conduit to help answer practical questions from the fishing industry and feedback the results of the research directly to the whelk fishermen.

The Vice Chairman commented that the Industry were not against management as they wanted a sustainable whelk fishery. There appeared to be a grey area on the riddling of catch and they wanted the process to be standardised. Fishermen had gone over to this fishery as it was a non quota species. The Vice Chairman had worked with Mr Rattley to develop the questionnaire.

Mr Rattley stated that he was encouraged to hear that it was accepted there was an issue with the Industry that needed resolving. He believed that it could be achieved. Prices were high but there was a huge financial risk due to the increase in MLS which closed the UK market as they did not want large whelks. He was aware that officers wished to resolve any issues and hoped that they would get full interaction from the industry. He felt that if the Industry lost confidence in management and the IFCA lost confidence in the Industry it would be difficult to come back from that. It was imperative that management was prepared to work fully with the Industry in this matter. He had never seen the Industry so low in their estimation of the IFCA and it needed to be addressed.

The Chief Officer stated that officers wished to work closely with the Industry, however it was important that enforcement was carried out. He was encouraged that a meeting would produce solutions. The aim was to find a balance and he felt it could be achieved.

Members **NOTED** the report and **CONFIRMED** their support for the PhD application.

#### **24. COCKLE FISHERY UPDATE (B6)**

Members were advised that the TECFO cockle fishery had opened on 16 June 2019. Yield checks had been carried out with the proceeds from the sale of those cockles harvested donated to the Fishermen's Mission. Catch rates had been good with maximum daily catches of approximately 11 tonnes per licence holder landed. However, growth had not been as high as expected which had led to lower meat yields. Further surveys had been carried out in September. The results

supported Industry's finding that growth was not as good as had been expected. Spat fall appeared to be poor which had been expected as there were large quantities of cockles on the ground. The adult year classes continued to be in a good position with large numbers available, however the 2020 fishery would need to see significant growth from these to allow a strong fishery to develop.

Due to the issue with growth the increase to four trips per week had been postponed from 28 July to 2 September. Fishing had mainly taken place on the Burrows, some off the Maplin Sands.

The ACFO informed Members that the project that had been proposed to put a fishery observer on board cockle vessels had not taken place. The licence fee had been increased by £900 to partially cover this cost. As the project was now not taking place the £900 would be refunded to each licence holder.

In respect of the Flexible Permit Byelaw Cockle Fishery, officers had contacted vessels that required bio security checks to arrange for them to take place. The fishery was due to open on 8 October 2019

The Chairman advised that a letter had been laid around the table from the Thames Estuary Fishermen's Association (TEFA) responding to a letter sent to all licence holders on 31 July 2019 and subsequent letters sent to some skippers. Members were given the opportunity to read this letter.

The ACFO acknowledged that there was some strain between the Industry and the IFCA in terms of enforcement. There had been a change in approach over recent years and since 2013-14 the IFCA had taken more cases and detected more offences. This was the result of more time spent training staff. One of the core functions of an IFC officer was enforcement; officers were warranted to enforce byelaws made by the IFCA. Specifically relating to cockles; in 2017 one case was taken to Court where a plea of guilty was made. In 2018 two cases were taken to Court for offences relating to contraventions of the licensing conditions. These also pled guilty. In 2019 during the first six weeks of the fishery 24 offences were detected, most of which were dealt with by way of verbal warnings. Since the letter referred to in TEFA's letter had been sent there had been an additional six offences detected. The measures enforced by Officers had not changed. Skippers were required to do three things: not to fish when they shouldn't, don't load cockles above the load line and let the IFCA know when they intended to return to port. The ACFO acknowledged that no one liked being enforced, however offences were being seen and as enforcement was a significant part of the function of an IFC officer they needed to be dealt with.

The representative for the MMO commented that there was no point to legislation unless breaches to it could be taken and managed. The IFCA had a proportionate approach to offences in line with the MMO.

Mr Rattley on behalf of the TEFA advised Members that TEFA was not disagreeing with the principle of enforcement. He stated that the Industry was under extreme strain, although that was immaterial. No one from the Industry would go to sea with an intent to commit an offence. This would be commercial suicide to do so with the TECFO under review in four years. In the opinion of TEFA the IFCA had adopted a more aggressive and heavy-handed approach. It was felt that issues should have been dealt with in a more pragmatic way. In the instance of overfull bags,

if one bag was over the load line but six were under then a more pragmatic approach should be taken rather than the issue of a caution for one bag over. The Industry would like to see more understanding of the issues by the IFCA; phone communication was difficult on the Burrows. TEFA requested that a meeting be held between them the CFO, ACFO, Chairman and Vice Chairman.

The Chairman stated that the IFCA had a number of byelaws and legislation in place. In the instance of the TECFO this had been in force since 1994. He accepted that no one deliberately went to sea with the intention of breaking the law, however the licence conditions had not been adhered to and the IFCA could not tell the Fishery Officers to turn a blind eye. Officers were there to check and enforce. If the Members of the IFCA did not give their backing to officers to enforce byelaws that they had made then they were not doing their duty.

The ACFO advised that 29 offences that had been detected since the start of the fishery, these related to starting before the fishery opened at 9pm on a Sunday, overloading of bags and failure to notify the IFCA of landing. Fishery officers had picked up 24 offences in the six weeks from the beginning of the fishery; verbal advice was not working so a decision was made to write to the licence holders. Since that letter had been written the number of offences detected were six. Of the six cases that were being investigated and required interviews these related to a total of ten offences. Part of the act of enforcement was if an offence was found it must be investigated. This may or may not result in a prosecution. He felt officers did take a pragmatic approach. In respect of overloaded bags they did look to see if there were any not fully loaded to take into account when making their decision. With regard to starting before time, he felt that was quite clear. In respect of dialogue, more meetings had been held this year than previously. He had met licence holders over the winter, in May and a few weeks ago.

The CFO stated that the cockle fishery was seen as managed in an exemplary manner. Meetings with the Industry took place and in general officers had a good working relationship with them. He was happy to hold a meeting with them.

In response Mr Rattley stated that he wished to reiterate to the IFCA that the Industry was not against legislation and if an offence had been committed then it should be dealt with. However, the letter sent to them was very strongly worded which had not happened in the past. The letter had said that if two offences were proved then the licence could be taken away. The tone of the letter had annoyed the whole fleet. It appeared that there had been more enforcement carried out in this year. Industry funded IFCA officers to manage the fishery, they needed to work together. The Industry was not against enforcement. If this were the case, they would not want the Regulating Order or worked to obtain MSC accreditation for the cockles.

The Chairman advised that comments had been heard and that a meeting would be arranged.

Members **NOTED** the report

## **25. NEW PATROL VESSEL – RIGID-HULLED INFLATABLE BOAT (RIB) (B7)**

Members were reminded that they had approved the purchase of a new RIB to replace Blue Jacket. The build would begin this month by Ribcraft and would be delivered before the next meeting. It was intended to name the new RIB 'Vigilant'. EMFF funding of approximately £21,000 was available.

Blue Jacket had required work over the summer and an engine rebuild had been carried out at a cost of £9,000. This had been approved as the boat would be unsaleable without it. As soon as the new RIB was received Blue Jacket would be put up for sale.

Members **NOTED** the report

## **26. ANNUAL REPORT (B8)**

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

## **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)
- Angling report (C5)
- Enforcement report (C6)

## **28. AOB**

A Member commented on the poor fishing that was happening in the Thames. He stated that it had originally be said that fishing would return to original levels five years from when dredging ended in the Thames. This had not happened and in particular sole had not come back. Fishermen were selling their boats and leaving the Industry as a result.

The Chairman advised that it was a difficult matter for the IFCA to take up. He was aware that the matter went to public enquiry and at that stage scientific evidence was given to suggest the fisheries would recover in the fifth year. Although the licencing conditions had said the channel would be self-scouring data had shown this couldn't be done and the area had needed to be re-dredged.

The representative from the MMO advised that he would look to see what stage any licensing application was at and report back to the IFCA

The CFO advised Members that the IFCA had fed into the original application. The technical problem is the modelling. The IFCA could point out that assumptions had been made in error, however the IFCA was a very small entity against a very large company. There was the same issue with wind farms. Officers would talk to the Port of London on the research that had been undertaken and report back to the IFCA with it.

Meeting ended 12:45