

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 29 November 2019

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

Apologies: Mr P Wexham (MMO), Cllr T Hills (KCC), Cllr H Tejan (KCC)

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

By Invitation: Mr M Uttley (E-NORI)

Resignation: The Chairman informed Members that Ms Beverly Perkins (MMO appointee) had resigned due to ill health and commented that her contributions to Authority Meetings would be missed.

29. 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)

Mr A Rattley – prejudicial interest, agenda item B4 (representative for cockle licence holder)

30. MINUTES (A2)

RESOLVED that the Minutes of the meeting held on 16 September 2019 were correctly recorded and that they be signed by the Chairman

31. REVENUE BUDGET MONITORING 2019/2020 (B1)

Members were informed that the projected underspend for the financial year was forecast as £76,824. This had resulted from a combination of additional income, not budgeted for, from the hire of Nerissa by the Marine Management Organisation, payment for use of Tamesis and Officer time for cockle MSC accreditation, receipt of costs from Court cases and an underspend on specialist fees in relation to research. Members were informed that there were several items of expenditure that had been considered for inclusion in the 2020/21 budget that could be purchased within the current financial year. This would reduce the forecasted underspend and

reduce pressure on the 2020/21 budget. Details of this additional expenditure would be provided to Members at the next meeting to be held on 31 January 2020.

In response to a question from a Member regarding additional income received by the IFCA from the Cockle Permit Fishery, the Chief Officer advised that he was more confident that the fishery would be opened in future years so this income stream would be included in future budgets.

Members **RESOLVED** the following:

- (i) The forecast underspend of £76,824 was **APPROVED**; and
- (ii) The intention to use the underspend to purchase items not originally budgeted for was **NOTED**; full approval would be sought at the January 2020 meeting when Members would be presented with further details.

32. KEIFCA MINIMUM FISH SIZES BYELAW UPDATE (B2)

The Assistant Chief Fishery Officer reminded Members that EU technical conservation regulation EU 850/98 was revoked on 13 August 2019 and replaced with EU 1241/2019, which resulted in Minimum Conservation Reference Size (MCRS) no longer being enforceable for recreational fishers. In order for MCRS to continue to apply to both the commercial and recreational sectors, Kent & Essex IFCA, along with Eastern, North Eastern & Northumberland IFCAs, had introduced an emergency byelaw. Members were reminded that at the September 2019 meeting they had approved the development of a full byelaw to replace the emergency byelaw which could be in place for a maximum of 18 months. The Assistant Chief Fishery Officer advised Members that Kent & Essex IFCA, along with the other eastern coast IFCAs, was still committed to a 2 stage approach to developing the byelaw; stage 1 to turn the emergency byelaw into a full byelaw and stage 2 to review the species list and add in any local stocks not already protected under existing Kent & Essex IFCA byelaws, such as whelks, cockles, mussels and oysters. Members discussed the paper and commented that:

- skates could be measured from head to tail as other EU countries do, rather than the current KEIFCA wing tip to wing tip measurement
- the minimum sizes could be included as an annexe to the byelaw as it would be easier to amend sizes in future without changing the legislation itself
- paragraph 6 needs an additional statement to the '75kg of detached crab claw may be landed' e.g. 'per vessel' or 'per year'
- the current list of species does not accurately reflect what local anglers catch

The Assistant Chief Officer thanked Members for their feedback and gave assurance that the points raised would be discussed with the other eastern coast IFCAs for consideration at stage 2 of the process.

Members **NOTED** the report

33. ENFORCEMENT REPORT (B3)

Members were provided with a report by the Lead Compliance Officer on a summary of the work undertaken in respect of enforcement of legislation by IFCA officers. Members were advised that

prevention activity had continued with the distribution of printed material to anglers and tackle shops across the district, such as minimum size fish ruler stickers and posters & stickers detailing the bass regulations. Intelligence activity continued to feed into the bi-weekly tasking & co-ordination group (TCG) meetings, which helped to prioritise enforcement activity for Kent & Essex IFCA Fishery Officers, as well as for external partner agencies such as neighbouring IFCAs, the Marine Management Organisation (MMO) and Border Force. Enforcement activity continued to target key fisheries e.g. cockles, whelks and bass with operations run from shore and at sea using fisheries patrol vessels Nerissa and Tamesis, and for MPAs such as the Essex Estuaries Special Area of Conservation (SAC) where the RIB Blue Jacket had been used. Members were reminded that one of the core functions of an IFCA officer was enforcement; officers were warranted to enforce byelaws made by the IFCA.

The Lead Compliance Officer gave a presentation to Members on Kent & Essex IFCA's enforcement strategy & process. Members were advised that the annual plan enforcement risk register was checked quarterly for progress made and this helped Officers to focus on delivering enforcement for seasonal fisheries at the most relevant times. Outputs from the fortnightly TCG meetings fed into bi-weekly work plans written by Kent & Essex vessel skippers and included targeted sea and/or shore patrols.

The Lead Compliance Officer advised Members that three senior Fishery Officers had recently attended a one week Advanced Officer training course delivered by the National Lead Training Officer, Ian Jones, which covered topics such as investigative legislation, court procedure, operational planning and case file management.

Members **NOTED** the report.

The Assistant Chief Fishery Officer gave a presentation to Members on cockle fishery enforcement. Members were reminded that at the previous Authority meeting held in September 2019, the matter of cockle fishery enforcement was discussed at length following receipt of a letter from the Thames Estuary Fishermen's Association (TEFA) in which the cockle fleet expressed their opinion that the management had been 'more aggressive' this year. The Assistant Chief Officer explained to Members how enforcement had been planned for the 2019 cockle fishery and stated that the cockle fishery had had more inspections than other Kent & Essex IFCA fisheries as a) it was a high value fishery with considerable financial gain to the vessels if they were not compliant and b) it was how KEIFCA would like to enforce every fishery.

Members were advised that the 2019 season started with a higher number of offences than was usual or expected. This was not across the entire fleet; some vessels had no offences, while others had multiple. As a result, enforcement effort was increased and a second peak of offences was experienced around week 8 of the fishery which resulted in a letter being sent to the fleet. Offences then decreased but by the end of the season offences had increased again, resulting in additional enforcement effort by fishery officers.

The Assistant Chief Fishery Officer informed Members that following the last meeting he had reflected on the management and enforcement approach for the cockle fishery each year from 2013, when data was easily available, to date. In 2017 there was 1 prosecution for fishing in a closed area, in 2018 there were 2 offences and in 2019 there were 29 offences. From 2013 to

2018 inclusive a total of 25 offences were recorded; four fewer than in 2019 alone. Members were advised that many factors contributed to the higher number of offences recorded in 2019; the entire TECFO fleet were required under EU regulations to have IMVS from 2017 so IVMS offences had not been detected prior to 2017, the NLTO role came into effect in 2109 so officers had received more training and were more enforcement aware this year. In addition there had been an expectation from industry & officers that 2019 would be a good year which had proved to not be the case. The Assistant Chief Officer advised Members that there were generally three offences; overloading, starting early and lack of notification of landing. In the case of overloading Officers would use their discretion and apply common sense; i.e. if one bag were overloaded but others were below the load line enforcement action would not be taken. In cases of starting fishing early and landing without any/sufficient notification, from a Fishery Officer point of view these were clear breaches of the TECFO regulation but the Assistant Chief Officer acknowledged that from an industry point of view weather conditions or pressure from processors could be factors.

The Assistant Chief Officer acknowledged that the industry and officers had been frustrated during the 2109 season and advised that more discussion with the industry would be planned ahead of next year's fishery. However, Members were reminded that there were four warranted fishery officers in each of the Kent and Essex offices so if the sole focus of all officers were to be on just one fishery, it would mean that resources will be removed from other areas of work.

A Member thanked the Officers for what had been achieved and commented that prioritisation and implementation of enforcement was well delivered.

In response to a question from a Member over officer discretion and whether that was always consistent, the Assistant Chief Officer responded that the Lead Compliance Officer regularly talked to fishery officers about previous cases to ensure that a consistent approach was always taken.

Mr Rattley thanked the officers for the level of work and the time that had gone into the presentations to the meeting. He wanted to clarify that it was the tone & wording of the letter sent by Kent & Essex IFCA that the fishermen had been offended by, not necessarily the enforcement activity itself. Mr Rattley stated that in his view an offence of overloading was unacceptable, however an offence of starting fishing early could be debateable if VMS data alone was used to record it and was an unsafe method of determining if fishing had taken place. An offence of landing without sufficient/any notification was usually due to an error or difficulty getting a telephone signal whilst at sea. He advised that there was no financial gain to the fishermen by landing early but time was of the essence when waiting in 30° heat for the lorry to arrive to collect the cockles. Industry still required a meeting with officers which had been delayed. It was hoped that this would take place in January.

In respect of the start time of the fishery, the Chief Officer commented that a clear start time and end time needed to be set and agreed. The Chair reiterated this and added that the start/end times were part of the TECFO regulation and were not recommendations. As an enforcement authority Officers must enforce whenever there was not compliance; if we had compliance we would not have to prosecute.

Members **NOTED** the report.

34. 2019 COCKLE FISHERY MANAGEMENT (B4)

The Lead Scientific Officer advised Members that the TECFO had opened between 16 June and 4 October 2019 and the TAC of 8008 tonnes approved by Members at the May meeting was maintained for the season. Members were reminded that at the September meeting they approved the industry's request to delay the increase in the number of fishing trips from three to four per week from 28th July until 1st September, due to poor growth of cockle stocks which had been seen across the North Sea, including in the Wash and the Netherlands, during 2019.

The Lead Scientific Officer advised Members that VMS+ was used again this year to monitor the 14 vessels in the TECFO fleet. The data collected fed into the annual Habitat Regulations Assessments (HRAs) of cockle dredging within the Marine Protected Areas (MPAs), which were required by Natural England for the opening of the fishery each year. In addition, a pilot experiment was run this year to assess the effectiveness of gear in/out sensors on the dredges of four of the TECFO fleet vessels. Initial findings suggested that more work was needed on this device before it would be ready to roll out to the rest of the fleet.

The cockle stock surveys had been completed over three days from 30th August 2019 and results showed high numbers of adult cockles but low growth, poor spatfall and few juveniles cockles. The Lead Scientific Officer advised Members that the outlook for 2020 was mixed as although adult stock numbers were high, poor growth over the past two years and high spatfall for three years from 2016 had resulted in slow growing cockles. The spring 2020 surveys would give a clearer picture of the fishery as winter survival rates would be known.

In respect of the permitted cockle fishery, Members were advised that the management intention for this fishery was that it should be a consistent, small-scale fishery open to all. A total of 30 permits had been applied for by the end of March 2019. Stock surveys carried out in April 2019 showed there was sufficient stock to set a TAC of 480 tonnes to open the fishery for one trip per boat. In September biosecurity checks were carried out on all vessels; subsequently, a number of vessels based in the Wash advised that they would not be coming down for the fishery as it would not be cost effective to do so. The Fishery opened at 09:00hrs on 8 October and closed at midday on 10 October, with a total of 146 tonnes of cockles harvested. The majority of the 22 vessels which participated in the fishery took their full allocation of 13.6m³.

Members were advised that following the closure of the fishery, a request was received from some of the Boston based vessels to be allowed to each complete their one fishing trip at a later date. After consultation with the Chairman, the request was denied due to strict temporal conditions stipulated in the HRA under which Natural England granted permission to open the fishery. Specifically, disturbance caused by the fishery to waterfowl populations present within the MPA which the fishery occurs in, was for a limited period of three days. Therefore, it was not possible to extend the duration of the fishery beyond 10 October 2019.

Members **NOTED** the report.

35. UPDATE ON NATIVE OYSTER PROJECTS (B5)

The Chief Fishery Officer reminded Members that the Blackwater, Crouch, Roach & Colne Marine Conservation Zone (BCRC MCZ) Native Oyster Fishery Flexible Permit Byelaw had been signed by the Secretary of State on 1 August 2019. Members were informed that the Native Oyster Permit Fishery would be set as an agenda item at each November Authority meeting when results of annual surveys would be presented and consideration given as to whether the fishery should be opened or remain closed for that year.

The Lead Scientific Officer informed Members that a stakeholder workshop had been held in July 2019 which was attended by representatives from industry as well as ENORI, Natural England, Essex University, Essex Wildlife Trust and Southern & Sussex IFCAs. In future years, a meeting would be held with stakeholders/permit holders to discuss technical measures of the permit byelaw and management of a potential fishery.

The Lead Scientific Officer reminded Members that the public Native Oyster Fishery within the BCRC MCZ had been closed since 2015 due to inadequate stocks; native oysters were a feature of the MCZ and stocks must increase significantly before a fishery could be opened. Members were advised that the 2019 survey results revealed insufficient evidence of native oyster recovery to open the fishery this year.

The Chairman thanked the Officers and Dr Alice Lown for their extensive work into restoring what would become a new fishery. He also thanked the Vice Chairman for attending many of the meetings, including the July workshop.

The Lead Scientific Officer delivered a presentation written by Dr Alice Lown on stock predictions and modelling.

Mr Matt Uttley of Blue Marine Foundation (BMF) delivered a presentation on the work that BMF have undertaken on oysters, including active management on an increasingly wider scale within the MCZ where over 400 tonnes of stones & substrate had been added to the restoration box. 10,000 mature breeding oysters had been put in to the restoration box this year, in addition to the 20,000 previously added. There was evidence of spatfall on the cultch and trials were planned to use different types of shell to see which would work best. Trials were also planned to use spat plates to see if they had any effect on over-winter survival rates.

The Chairman thanked Mr Uttley for an excellent presentation.

Members **RESOLVED** the following:

- (a) **AGREED** that the BCRC MCZ Native Oyster Fishery remain closed in 2019; and
- (b) **NOTED** the recommendation that:
 - i) the BCRC MCZ Native Oyster Fishery remain closed in 2020; and
 - ii) at the November 2020 KEIFCA meeting consideration be given as to the future management and opening of the native oyster fishery within the BCRC MCZ site.

36. EVALUATION AND SCHEDULE OF PLANNED RESEARCH FOR 2020/2021 (B6)

The Lead Scientific Officer provided Members with details of the scientific and research projects, ongoing and new that KEIFCA intended to undertake during 2020/21. These consisted of:

SHELLFISH

Cockles

- Continue to conduct stock surveys in spring and autumn from Tamesis and Nerissa, along with quad bike surveys of the Maplin Sands

Oysters

- Conduct a spring survey at the 99 BCRC MCZ sites surveyed in spring 2019 plus at some extra sites where oysters were identified in the autumn 2019 MCZ survey
- Continue to work with Dr Alice Lown (Essex University) to test her stock model
- Develop a Habitats Regulations Assessment for the oyster fishery flexible permit byelaw
- Re-issue annual Native Oyster Report following the spring surveys
- Train local oystermen in survey techniques
- Continue cultch laying experiment within the River Blackwater, run via ENORI
- Joint project with Essex University to test oyster dredge efficiency within the BCRC MCZ

Whelks

- Commencement of PhD in association with Essex University to expand current knowledge
- EMFF funded 2-year project concluded end of 2019, final report to be submitted July 2020

FINFISH

Small fish surveys

- Continue to work with Environment Agency on River Medway juvenile fish surveys

SUMARiS

- Interreg funded skates & rays project due to conclude June 2020, project findings and future management proposals will be reported to the Authority

Bass

- KEIFCA commit to engage further with the ongoing EMFF funded, Cefas led regional bass fishery management project

MARINE PROTECTED AREAS

KEIFCA will assess fisheries activities and impacts on designated features of the third tranche of Marine Conservation Zones designated in May 2019:

- Goodwin Sands MCZ
- Swanscombe MCZ
- T3 addition of Sabellaria to the Dover to Deal MCZ

In response to a question asked by a Member about future monitoring of the Medway No Take Zone, the Chief Officer advised that he was aware of a project called Living River and would report back further on this at a future meeting.

A Member notified the meeting that they were aware of the following projects that would be taking place:

1. Mapping artificial rock – Natural England
2. Looking at the impact of marine plastics on MPAs
3. Looking at the impact of seine gear on protected features

Members **APPROVED** the planned research for 2020/2021.

37. SUMARIS REPORT (B7)

The Chief Fishery Officer advised Members that a presentation on this project would be given at the next Authority meeting. Members were informed of the progress made to date by the project partners on the various work packages including Fishery Knowledge, Survival Rate Tests, Training and Joint Strategy. Members were reminded that the project was funded subject to an Interreg grant process and that to date a total of €103,942 had been spent on this project of which 60%, €62,365, was in the process of being repaid to Kent & Essex IFCA. It was expected that a further €69,927 would be spent, of which €41,956 would be claimed from Interreg.

Members **NOTED** the report.

38. ANNUAL REPORT (B8)

Members were reminded that they had been presented with a copy of the draft Annual Report 2018/2019 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.

39. MEETING DATES 2020/2021 (B9)

Members were asked to note the meeting dates for the year 2020/21 as follows:

Thursday 17 September 2020
Monday 30 November 2020
Friday 29 January 2021
Tuesday 25 May 2021

40. MATTERS FOR REPORT (C1-5)

Members received:

- Quarterly Report of the Kent IFCA (C1)
- Quarterly Report of the Essex IFCA (C2)
- Quarterly Report of the Patrol Vessel 'Tamesis' and 'Blue Jacket'(C3)
- Quarterly Report of the Patrol Vessel 'Nerissa' (C4)
- Sea Angling Report (C5)

13:30 Meeting ended