

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 10.00am on Friday 31 January 2020

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

Apologies: Dr L Fonseca (MMO), Mr P Tyack (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), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation: Ms T Ferry (Living River Foundation), Ms G Sutton (MMO)

41. 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)
Cllr T Hills – personal interest (members of Rye Harbour Association)

42. MINUTES (A2)

RESOLVED that the Minutes of the meeting held on 29 November 2019 were correctly recorded and that they be signed by the Chairman

43. REVENUE BUDGET MONITORING 2019/2020 (B1)

Members were informed that the projected underspend for the financial year was forecast as £65,162. This was primarily as a result of income of £57,651 received that had not been anticipated in the setting of the 2019/20 budget and variances of £7,511 from the actual budget. Details of the income and its sources were provided to Members for their information.

Members were reminded that at their previous meeting they had agreed that officers could use the projected underspend to purchase items not previously agreed in the 2019/20 budget. Details of items already purchased and due to be purchased were provided. The use of the underspend in this way would reduce the overall underspend for 2019/20 to £21,962

Members **RESOLVED** the following:

- (i) The forecast underspend of £65,162 was **APPROVED**; and

- (ii) The use of the underspend to purchase items not originally budgeted with the intention to reduce the forecast underspend to £21,962 was **APPROVED**.

44. DRAFT BUDGET 2020/21 (B2)

Members were provided with details of the draft budget and Reserves position for 2020/21. This budget included provision for a 2% pay increase with an allowance for career progression and included the use of reserves to support research, training and GIS licences and software. Members were reminded that the refurbishment of Tamesis' electronics and deck would be taking place in 2020/21 as detailed in the IFCA's ten-year plan. This would require the use of £170,000 from reserves and would be followed by an engine refit in the subsequent year to allow Tamesis to remain operational past its ten-year anticipated life span. Members were also advised that the RIB Vigilant would be paid for which would decrease reserves by £105,000.

The Financial Advisor informed Members that one increase in the levy had been requested from the Local Authorities since the IFCA's inception in 2011 which had taken place in 2015. They were advised that all other IFCAs had increased their levies by 2% in 2019/20, however KEIFCA had decided to adhere to their three year plan and had not requested an increase. In order to ensure sufficient reserves could continue to be held it was proposed that the levy be increased in 2020/21 from £889,600 to £904,585 split between the constituent Local Authorities. The medium term plan would then see an increase in levy in 2021/22 to £920,800 and in 2022/23 to £948,650. This increase would be reviewed each year to consider if it were still appropriate before being submitted to Members.

The Chairman advised Members that the 2020/21 levies had been agreed by the Finance Officers of the relevant Local Authorities as being affordable. Although he accepted that the IFCA had not had an increase in levy for a number of years, he felt that it was not correct to agree to the further increases of 3% and 5% at this stage. These proposed increases should be reviewed over the year to see how they could be spread and should involve the Finance Officers of the Local Authorities.

THE AUTHORITY UNANIMOUSLY RESOLVED:

- i) that the draft budget of £904,585 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	£390,057
• Medway Council	£68,296
• Essex County Council	£390,057
• Thurrock Council	£34,284
• Southend-on-Sea Borough Council	£21,891

- ii) that the amount of £42,650 be drawn from reserves to be used as follows:

• Research	£18,200
• Training	£23,550

- GIS £900
- iii) That the increase in levies for 2021/22 and 2022/23 are **APPROVED** in principle subject to further review by the Authority and to allow consultation with the constituent Authorities

45. WHELK PERMIT BYELAW UPDATE (B4)

Members were provided with a report giving details of the whelk landings data in the District, feedback from the Industry, an update on riddle testing and suggestions for future management. Members were advised that a meeting with the Industry had been held in December 2019 where Fishermen's frustrations over inconsistencies with riddling of whelks were discussed. Notes from this meeting were also provided to Members.

As a result of the meeting and to address these concerns, KEIFCA proposed that a minimum shell length rather than width was introduced and that a tolerance of whelks under the minimum shell length be allowed. Officers had written to all whelk permit holders following the meeting to inform them of the matters discussed and the conclusions reached. Members discussed the four options provided within the report to

- Do nothing
- Develop a non legislative code of practice
- Develop a new permanent byelaw
- Develop an emergency byelaw

Members **RESOLVED** that:

(i) the pot limit, the riddle size and the number and size of escape holes remained set at:

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

Riddle – 25mm spacing between bars

Escape holes – 10 @ 25mm per pot and:

(ii) Members agreed to review the requirement and details of making an emergency byelaw to be discussed in Agenda item B5

46. WHELK MINIMUM SIZE EMERGENCY BYELAW (B5)

Further to Members' decision from the previous agenda item, the CFO advised that officers had taken part in discussion with the Industry over current management of the fishery; in particular industry concerns over the riddle process and how the requirement for whelks to pass through a 25mm riddle gap would work in practice. KEIFCA had worked with riddle manufacturers and local fishermen to try to make the riddling process more consistent and accurate by investing in and developing mechanical riddles. Although the mechanical riddles helped to make the process more consistent there was still some variation. Officers had now concluded that there was a limit to how precisely a riddle could sort whelks and this unforeseen situation meant that a different approach was required. As a result of these discussions and feedback from Industry it was proposed that an emergency byelaw be made which translated the current riddle size into a

minimum shell height size and introduced a tolerance of 5% from a minimum representative sample of three samples of 5kg. It would still be illegal to land whelks under the current EU 45mm minimum length. An emergency byelaw was proposed as a quicker method of resolving the problem rather than Industry having to wait for at least one year for a permanent byelaw to be put in place. Effort would then be put into making a new permanent byelaw to combine the current permit byelaw, the proposed emergency byelaw and any recommendations which had come from the Industry following the introduction of the emergency byelaw. Members were reminded of the criteria for the making of an emergency byelaw and provided with an initial Impact Assessment. Members were also informed that the 25mm current riddle size was a proxy for the 53mm proposed shell height and was a direct translation from one metric to the other.

The CFO advised Members that a consultation document had been sent to whelk permit holders following the workshop in December which provided details of the proposed emergency byelaw and asked for comments. Details of the feedback from the six responses were shared with Members. Officers had also spoken to industry leaders in Whitstable and Leigh on Sea who felt this was a sensible way forward although they wanted to run trials to see how an inspection would work in practice. If the byelaw were made then officers would work with Industry to trial how it worked for a period of 8 to 10 weeks to then review its appropriateness.

Members discussed the matter in detail. Points raised were:

- An advantage of an emergency byelaw was that it could be changed if it was not seen to be working. Concern over a 5% sample being sufficient as it did not give sufficient latitude. Would prefer a higher percentage
- Concern that although an emergency byelaw would address a problem quickly it didn't allow the same level of feedback and consultation that a permanent one would. Concern over the poor responses received from Industry.
- Under the current byelaw if one whelk was undersized then an offence had been committed. If the emergency byelaw was approved then this would not be the case as a tolerance would be introduced.
- In principle the emergency byelaw did seem the way forward due to the confusion between the EU size and riddle. Accepted that 25mm width equated to 53mm height. This would appear to stop the ambiguity on size. Not sure on the 5% tolerance. Fishermen wanted to be sustainable. Many had been forced into whelk fishing due to lack of quota. Recommended that the results of enforcement be gradually introduced. ie:
 - 1st 3 months – any permit holder who retained whelks that measured less than 53mm found from a representative sample over 5% tolerance level but less than 10% would receive a verbal warning
 - 3 – 6 months - any permit holder who retained whelks that measured less than 53mm found from a representative sample over 5% tolerance level but less than 10% would receive a written warning
 - 6 months and over - any permit holder who retained whelks that measured less than 53mm found from a representative sample over 5% tolerance level but less than 10% would be open to the full range of enforcement action

The current byelaw did not offer tolerance. Brokering this type of deal would gain the trust of the Industry

The ACFO informed Members that they did have the option of making a full byelaw. Currently byelaws once made were then with the Minister for one year before being confirmed. Since October 2019 officers had backed off enforcement of the riddle minimum size under the current byelaw, however at some point it needed to be enforced. If an emergency byelaw was not made then officers would have to enforce the current byelaw which had led to the source of conflict. The introduction of the emergency byelaw would remove that conflict by the introduction of a tolerance and a process. It was intended to spend the first six to eight weeks reviewing and seeing how the process worked in practice which the emergency byelaw process allowed. Officers would test the process on different boats with different fishermen. An emergency byelaw lasted a maximum of 18 months. In that time Members could review and replace the full byelaw. With regard to the proposal to introduce gradual enforcement action then this could be included in the explanatory notes of the byelaw.

- i) Members **NOTED** and **AGREED** the initial impact assessment, feedback on the suggestions from the local industry and stakeholders and the wording of the Whelk Minimum Size Emergency Byelaw 2020; and
- ii) Members voted on the recommendation to agree to make the Whelk Minimum Size Emergency Byelaw 2020 with the additional inclusion in the explanatory notes of the following text:
 - 1st 3 months – any permit holder who retained whelks that measured less than 53mm found from a representative sample over 5% tolerance level but less than 10% would receive a verbal warning
 - 3 – 6 months - any permit holder who retained whelks that measured less than 53mm found from a representative sample over 5% tolerance level but less than 10% would receive a written warning
 - 6 months and over - any permit holder who retained whelks that measured less than 53mm found from a representative sample over 5% tolerance level but less than 10% would be open to the full range of enforcement action

For: 10
Against: 3

47. MINIMUM SIZE BYELAW (B3)

Members were reminded that changes in EU legislation had resulted in changes to the technical legislation that IFCA's enforced. As a result an emergency byelaw had been introduced in August 2019 to continue to allow KEIFCA to enforce minimum conservation reference sizes (MCRS). Officers had worked with three other IFCA's to produce a permanent byelaw to replace this emergency byelaw. As required Members had been provided with a copy of the proposed Byelaw and associated Impact Assessment 14 days before the meeting. This byelaw incorporated a number of legacy byelaws that the IFCA had carried over from its days as an SFC as well as from other SFCs and the EA. Members were provided with a list of those byelaws that would be revoked.

Members were advised that the proposed byelaw would establish a general management approach across the entire district for management of stocks. Informal consultation had taken place to seek

the views of potentially affected stakeholders, including the NFFO and the Angling Trust. This consultation had not raised any concerns, other than that other species should be included in the byelaw and that the minimum size of some species should be increased. Members were advised that the limited timescale allowed to progress the byelaw had meant that it was not possible to timely undertake a review of the current minimum sizes. This would be reflected in longer term workstreams working collaboratively with other IFCA's.

Should Members approve the byelaw then this would be sent to formal consultation as per Defra guidance. Once completed and if no substantial amendments were required the byelaw would be submitted to the MMO for quality assurance.

Members resolved the following:

- i) The making of the Minimum Sizes Byelaw be **APPROVED** taking into account the associated Impact Assessment; and
- ii) the second phase review of this byelaw should include the minimum conservation reference sizes of locally important species

Members were provided with a presentation on the draft South East Marine Plan by George Sutton, a Marine Planner with the Marine Management Organisation. Members were advised that the MMO were in the process of organising meetings and webinars to ask for feedback.

48. SUMARIS SPECIES ID TRAINING (B6)

The CFO reminded Members that SUMARIS was an Interreg funded project with French, Belgium and Dutch partners to put together the necessary knowledge and evidence in order to implement a species specific cross-border management strategy for rays and skates fishery in the English Channel and the North Sea, in particular by setting up common and cross-border management. In order to have reliable data to allow informed decisions to be made it was essential that skate and ray species were identified correctly both on board fishing boats and at fish auctions. Many of the skate and ray species looked similar and mistakes were made during identification. This was compounded by the different species being known by a local dialect name and certainly in France and Belgium the local names used there differed to that used in EU legislation. As part of the project English, French and Belgium fisherman had helped to develop a multinational training package.

A clear and easy to use identification guide and training videos had been developed which would demonstrate the identification and handling of skates and rays on board fishing boats and in fish auctions. These training materials would be used by IFCA officers when speaking with local fishermen while on patrol. Members were provided with a presentation of the training video for information.

Members **NOTED** this report

13:10 Ms R Korda left the meeting

Presentation by Tanya Ferry on the work undertaken by the Living River Foundation

13:20 Cllr Channer left the meeting

49. NEW VESSEL UPDATE (B7)

The ACFO informed Members that the build for the new RIB had commenced in September 2019 as scheduled and officers had viewed the build in late November. The vessel had now been registered and allocated an MMSI number. The hull was now in the factory for fitting out and when completed would be ready to undergo sea trials with delivery expected in early February 2020.

Members **NOTED** the report.

50. DRAFT ANNUAL PLAN (B8)

Members were provided with a copy of the draft Annual Plan for comment by the end of February.

Members **NOTED** the Annual Plan.

41. MATTERS FOR REPORT (C1-5)

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)

13:30 Meeting ended