

Kent & Essex Inshore Fisheries and Conservation Authority

Present: Mr J Lamb (MMO), Mr J Nichols (MMO), Cllr M Skeels (Essex CC), Cllr A Goggin (ECC), Mr P Wexham (MMO), Mrs E Gilson (MMO), Cllr T Hills (KCC), Cllr D Crow-Brown (KCC), Mr C Collins (MMO), Ms T Ferry (MMO), Mr A Baker (NE), Mr R Turner (MMO)

Apologies: Mr J Rowley (MMO), Cllr G Coxshall (Thurrock BC), Mr E Hannam (MMO), Mr W East (MMO), Cllr S Curry (Medway Council)

In Attendance: Mr J Cook (Clerk, KCC), Ms S Martin (Financial Advisor, KCC), Dr W Wright (Chief Fishery Officer), Mr D Bailey (Assistant Chief IFC Officer), Dr P Haupt (Lead Scientific Officer), Ms K Stuart (Science Officer), Mr M Nicolic (First Mate), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

Mr Lamb informed Members that the following documents had been laid around the table:

- Appendix 4 to Agenda item B1
- Letters requesting additional cockle licences – Agenda item B5
- Agenda item B4 (revised version)
- Agenda item B5 (revised version)
- Email from Mr Paul Gilson in respect of Agenda item B8

Mr Lamb welcomed Max Nicolic to the meeting as the new First Mate for Essex as well as Cllr Robert Thomas (KCC) who attended the meeting to observe in his capacity as Cabinet Member for Environment at Kent County Council.

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.

Mr Wexham nominated Mr John Lamb as Chairman seconded by Cllr Crow-Brown

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

Mr Lamb took the chair.

Cllr Crow-Brown nominated Mr John Nichols as Vice Chairman seconded by Cllr Goggin

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

Mr Lamb and Mr Nichols thanked the Authority.

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.

Mrs Gilson declared a personal interest in respect of Agenda item B4 and a pecuniary interest in respect of Agenda items B5, B6 and B7

3. MINUTES OF 22 MARCH 2024 (A3)

Members agreed that the minutes of the meetings held on 22 March 2024 were correctly recorded and that they be signed by the Chairman. No matters were arising.

4. 2023/2024 FINAL BUDGET MONITORING OUTTURN REPORT, ANNUAL RETURN AND INTERNAL AUDIT REPORT (B1)

Members were presented with details of the final position for 2023-2024 which included income and expenditure as well as reserve balances for the year.

Within the year, the IFCA had purchased a Toyota Hilux and two quad bikes, the cost of which had been offset by part exchange of the vehicles replaced. The cost of these were covered within the budget without depleting the Renewals reserve.

Costs for repairs to Nerissa totalled just under £130,000 and it had been expected to cover the overspend of this cost from reserves, however the interest from capital invested through KCC had been a lot higher than forecast at £117,500 and this had offset this spend.

Members were advised that Defra had provided grant funding of £136,500 in 2022/2023 with a further £50,000 in 2023/2024 for additional costs associated with the development of Fishery Management Plans and work in Marine Protected Areas. £43,600 had been spent in 2023/2024 with the balance ringfenced.

Members were informed that the pension liability had moved from an asset of £437,000 to a liability of £52,000. This was as a result of the accountants who undertook pension expenses on behalf of KCC introducing an asset ceiling calculation which provided a more accurate estimate.

The Financial Advisor informed Members that £757,360 was held in renewals reserves and £838,700 in general reserves.

Members received the annual return for PKJ Littlejohn and the Internal Audit recommendations.

The Chairman thanked the Financial Advisor for the work that she had undertaken for the IFCA and also passed on his thanks to the Auditors for their work with the IFCA in ensuring all audit control objectives were met.

Members **RESOLVED** that:

- i. the final outturn for the year together with the associated financial statements be approved;
- ii. the Annual Return and Governance Statement for submission to the external auditors, PKF Littlejohn be approved; and
- iii. the internal audit report for 2024-2025 be noted.

5. TREASURY MANAGEMENT STRATEGY 2024/25 (B2)

The Financial Advisor informed Members that the funds held by KCC on behalf of KEIFCA were currently invested on their behalf based on the advice of their Treasury Advisors. This allowed KEIFCA to take advantage of favourable interest rates as their money was invested with that of KCC. Interest was calculated at year end and paid to the IFCA.

Members **RESOLVED** that Kent & Essex IFCA monies would continue to remain on deposit with Kent County Council

6. BOTTOM TOWED FISHING GEAR (PROHIBITED AREAS) BYELAW (B3)

The ACFO reminded Members that at their last meeting they had agreed to develop a byelaw to manage the three remaining MPAs in the District. The proposed Byelaw and associated Impact Assessment had been sent out to them two weeks prior to the meeting as required by Defra. This Byelaw would be a technical update to an existing Byelaw which was itself last updated in 2017. The wording of the Byelaw was the same as in that update but now covered three new areas and would contain three new sets of coordinates and maps. The intention of the Byelaw was to prohibit the use of bottom towed gear from the Dover to Deal, Goodwin Sand and Swanscombe MCZs. Members were advised that the Goodwin Sands MCZ extended past the boundaries of the IFCA, and that the MMO were also introducing legislation to ban bottom towed gear from the sit they managed.

The ACFO informed Members that if they agreed to make the byelaw then it would go to formal consultation and then would be sent to the MMO for quality assurance. The MMO might require some minor changes to be made following this consultation. It was expected that this process would take six to nine months.

In response to a concern from a Member that the IFCA was continually banning bottom towed gear in more areas, the CFO advised that these were the last set of MCZs that required management. The IFCA did not anticipate adding any other areas that would have a similar ban to bottom towed gear.

The Vice Chairman stated that there had been a lot of consultation with Folkestone and Thanet fishermen over the Dover to Deal and Goodwin Sands management measures. The proposed byelaw did not affect these fishermen and they were happy with the proposal.

Members **RESOLVED** that:

- i. the making of the Bottom Towed Fishing Gear (Prohibited Areas) Byelaw 2024 be approved taking into account its associated Impact Assessment; and
- ii. The Chief Fishery Officer was delegated by the Authority, in consultation with the Chairman and the Vice Chairman, to make amendments to the byelaw pursuant of taking into account the consultation and the MMO formal quality assurance to the extent that such were not considered to alter the intended effect of the byelaw

7. TECFO 1994 STOCK SURVEYS (B4)

The ACFO informed Members that stock surveys had taken place on the main harvesting areas in April 2024. Analysis of the results showed that stocks had remained stable on the Maplin and Foulness Sands, mainly as a result of a good spatfall and survival of these through 2023 to 2024. The stock contained a large number of 2023 cockles which had not yet reached a commercially viable size and it was expected that some of these would reach minimum size during the course of the season.

Members were reminded that the Total Allowable Catch (TAC) was set based on the number of adults available. Due to poor survival of spat in 2022 the number of adult cockles were approximately half that was available in 2023. Current weather conditions were good for growth of the smaller cockles and it was possible that by August some of these would be sizeable. Normally the IFCA would delay the start of the fishery to allow more cockles to grow to minimum size, however as this was the last year of TECFO it meant that the fishery had to close on 27 September 2024 and this would therefore not be possible.

Surveys had also been carried out on cockle beds in Areas 8, 9, 12 and 15 and the numbers found there had been taken into account when setting the TAC. The ACFO informed Members that cockles found on Area 15 were the most sizeable, however no spat had been found. Officers would continue to survey beds outside the main harvesting areas to explore where additional stocks may be found.

In response to a question from a Member on the effect of rising sea temperatures on cockles, the ACFO stated that estuarine species were adapted to deal with changes in temperature, however they could not cope with high temperatures when exposed. A sea temperature of 14° was high but cockles could tolerate that and higher. Water temperature was less of a concern than air temperature as well as competition with other species that did well in warmer waters.

Members **NOTED** this report

10:45 Mrs Gilson declared a pecuniary interest and left the meeting

8. COCKLE TECFO 1994 LICENCED FISHERY MANAGEMENT (B5)

The ACFO advised Members that analysis of the survey data highlighted in the previous report indicated that the recommended TAC for this fishery should be 4,620 tonnes, which equated to 30 trips per boat. Officers had met with the licence holders on 7 May and had discussed the proposed management of the 2024 fishery with them.

In respect of the licence fee, Members were reminded that they had discussed and agreed the fee at their November 2023 meeting.

Members considered the requests for additional licences that had been sent to the Authority.

Members **APPROVED** the following management measures

- (i) The Total Allowable Catch (TAC) should be set initially at 4,620 tonnes and that information related to the stocks would be continually reviewed throughout the season to ensure future sustainability.
- (ii) Allocation of additional TAC may be made in the event of significant growth of cockles being seen across beds. Reduction in TAC, and therefore a reduction in the number of trips, may be made in the event of very poor growth in the size of cockles.
- (iii) That the Chief IFCO be authorised, after consultation with the Chairman and Vice Chairman, to implement changes to fishing controls to ensure future sustainability including for the purposes of (ii). These will be communicated to Members following decisions being made.
- (iv) That the fishery will commence at 1800 hrs on 16 June 2024.
- (v) Provisional fishing allocations will be as follows, this will also be subject to further amendment; the fishing season will be divided into weekly specified fishing periods which will run from 1800 hrs on Sunday to 1900 hrs on Friday and during these periods licence holders will be permitted to make the following specified numbers of landings (Reg. No. 7). This will maximise production when meat yields and quality are at their best.

16 June – 28 June (2 weeks)	2 specified landings per period which includes no more than 1 specified landing from Area 15
30 June – 23 August (8 weeks)	2 specified landings per period which includes no more than 1 specified landing from Area 8
25 August – 27 September (5 weeks)	2 specified landings per period
- (vi) The maximum quantity of cockles that may be landed or carried on board will remain at 13.6m³/500 baskets per fishing trip (approx. equivalent 11 tonnes).

- (vii) All areas of the TECFO will remain open, with the exception of:
- Area 15 which will be closed after the first two weeks of the fishery and will be opened subject to further survey work by KEIFCA.
 - Area 8 which will be closed for the first two weeks of the fishery and after the tenth week of the fishery subject to further survey work by KEIFCA
- (viii) 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.)
- (ix) That the number of licences should be restricted.

9. THE LICENCE APPLICATION PROCESS FOR THE NEW THAMES ESTUARY COCKLE FISHERY ORDER (T24) (B6)

The CFO advised Members that the statutory consultation process had been run for the new Regulating Order from 29 February to 29 March 2024. One objection had been received and the proposed Order was with the Minister to decide whether a public enquiry was necessary. Defra had indicated that the Regulating Order would be laid in Parliament towards the end of June 2024 if a public enquiry was not thought to be necessary. Officers had contacted the local MPs in the area to ask them to lobby the Minister to ensure that the legislation was dealt with.

Members were informed that it was intended to run the application process to apply for a licence under TECFO 24 from 22 July 2024 to 23 August 2024. Members were reminded that they had consulted on the nature and structure of the process in the consultation process and this had been laid out in the management plan that accompanied the new Regulating Order. It was necessary to appoint an Applications Panel to score and rank the applications. This would consist of five Members from the IFCA and two independent experts. The Chairman and Vice Chairman had already indicated that they would sit on the Panel and officers had approached Tim Smith from the Association of IFCAs and had asked CEFAS to nominate an appropriate person to appoint. The CFO explained the process that would then follow and that it was envisaged that the licences would be confirmed at the IFCA meeting due to be held on 26 November 2024. This timeline would allow operators six months to set up their vessels.

In response to a question from a Member on what would happen if the Regulating Order was not signed the CFO advised that the existing Regulating Order could not be extended. The Regulating Order needed to be signed by June 2025. If a general election was called this could affect the timeline. Officers had contacted local MPs and had asked them to contact the Minister to inform him of the importance of the Order. If the

Regulating Order was not in place then management of the area would then fall under the existing Permit Byelaw, however it would not be possible to restrict the number of vessels that could fish the area using this legislation. It was very unlikely that unrestricted fishing would pass a NE HRA.

Members **RESOLVED** that:

- i. the following Authority Members and independent members be appointed to sit on the Application Panel:
 - Mr John Lamb
 - Mr John Nichols
 - Mr Richard Turner
 - Ms Tanya Ferry
 - Cllr Derek Crow-Brown
 - Mr Tim Smith (AIFCAs)
 - CEFAS employee
- ii. Approved the Licence Application Process meeting dates pending confirmation of the new Regulating Order

10. PERMIT BYELAW COCKLE FISHERY (B7)

The ACFO reminded Members that the cockle fishery within the area of the Permit Byelaw opened from 11 September 2023 to 6 October 2023 with a TAC of 432 tonnes to be spread over four fishing trips per vessel. Thirty vessels held a permit for this fishery and nineteen participated. Only Category Two permits were issued.

Yields were lower than found on the main TECFO beds and in the first week large number of clams were caught, however the numbers of clams caught as bycatch had reduced in the second week. In total 159 tonnes of cockles were landed.

Members were informed that the fishermen had told the IFCA that they would prefer the fishery to have an earlier start time in 2024 to make better use of the available fishing time and to avoid worsening weather. They were happy with the decision to open the fishery at the same time as the TECFO fishery as it allowed the factories to cook the smaller quantities landed at the same time as the larger quantities from the TECFO.

The ACFO informed Members that in April 2024 the IFCA had begun working with Thanet District Council to collect samples to enable classification of the cockle beds in Area 14. This should be completed prior to the start of the fishery in September.

Thirty-one applications had been received for a permit to fish in the 2024 fishery. These were all Category Two permits which would allow up to 3.4m³ per trip to be landed.

Stock surveys had been conducted in April and May 2024 by Nerissa and Tamesis using day grabs and covered a total area of 37.6km² within the main production areas outside the TECFO. Analysis of data had shown that Areas 7 (Buxey Sands) and 14 (Minnis Bay, South Margate Sands) both contained stocks of sizable adult cockles.

Members were informed that Area 7 contained three main beds – the Buxey Sand, Ray Sand and Dengie Sand. The Buxey contained 551 tonnes of sizeable adult stock over 16mm. The Dengie and Ray Sands within Area 7 had a good number of cockles but they were below minimum size and unlikely to reach the minimum size required to allow them to be fished. The Ray Sands also contained good numbers of sizeable manila clams. It was proposed that zonal management of Area 7 was undertaken; the Dengie Sand and Ray Sand would be closed to cockle dredging but the Ray Sand would be used as part of the manila clam trials and the Buxey Sand would be opened to cockle dredging. With regard to the maximum tonnage that could be landed per trip, Members could allow a maximum of 3 tonnes or 1.5 tonnes per trip. The ACFO suggested that 3 tonnes per trip would allow vessels more flexibility to exploit smaller beds of cockles and provide a better economic return. It was also envisaged that the use of VMS would be required for all vessels that took part in the fishery.

Members **APPROVED** the following management measures:

- (i) The Management Plan requirement that any open areas shall contain a minimum of 350 tonnes of cockles shall be waived for the 2024 season, subject to continual review throughout the fishery.
- (ii) The Total Allowable Catch (TAC) should be set initially at 372 tonnes and that information related to the stocks will be continually reviewed throughout the season to ensure sustainability.
- (iii) Reallocation of TAC, and therefore extension of the fishing season, may be made in the event of any remaining TAC.
- (iv) That the described zonal management of Area 7 within the report be undertaken in order to provide for a manila clam fishery trial.
- (v) The Buxey Sand bed of Area 7 and Area 14 shall be opened to fishing, and that information related to fishing activity, catch rates and vessel density will be continually reviewed throughout the season to ensure sustainability.
- (vi) That the Chief IFCO be authorised, after consultation with the Chairman and Vice Chairman, to implement changes to fishing controls to ensure future sustainability including for the purposes of (ii). These will be communicated to Members following decisions being made.
- (vii) That the fishery will commence at 1800 hrs on Sunday 1 September 2024.
- (viii) Provisional fishing allocations will be as follows, this will also be subject to further amendment; the fishing season will be divided into weekly specified fishing periods which will run from 1800 hrs on Sunday to 1200 hrs on Friday and during these periods permit holders will be permitted to make the following specified numbers of landings.

Dates Specified	landings per period
1 September – 27 September	1
- (ix) The maximum quantity of cockles that may be landed or carried on board will be 3.39m³/125 baskets per fishing trip (approx. equivalent 3 tonnes).

11:45 Mrs Gilson rejoined the meeting

11. SMALL SCALE MANILA CLAM TRIAL OUTLINE (B8)

The CFO informed Members that the IFCA had been carrying out surveys and recording Manila clams in the TECFO area as warmer waters had meant this was becoming a common stock. There was a potential for a fishery, but there were a number of matters that had to be considered for it to become sustainable. It was important to trial the proposed gear to ensure that it didn't damage the seabed as well as clams and cockles. Members were reminded that the outline of a trial had been provided to them at their meeting in March. Officers had emailed Industry to ask for expressions of interest, which resulted in thirty-eight fishers responding. However, there were only four to five spaces on the trial due to the clams being found in Marine Protected Areas (MPA). Members were requested to consider the matters raised by Mr Paul Gilson who had emailed the IFCA with some suggestions with regard to the planned trial process.

Members were advised that it was intended to run an application process as well as request information from the Industry on additional areas where clams may be found in the District. If coordinates were provided then officers would carry out surveys and add this information to the existing stock assessments. If significant quantities of clams were found outside those already known then it was possible that Natural England would approve an increase in the number of places available on the trial, especially if they were outside MPAs. Fishers who wished to take part in the trial would be asked to send in a photo of the boat and gear they proposed to use and how they intended to set it up. They would be asked how they intended to sort out the clams from any cockles and how they would process and market them. They would also be asked to provide an outline of how they intended to test and develop their gear to meet the technical requirements. Vessels would also need to have an ivms tracking system as well as all required MCA paperwork.

Members would be asked to nominate three of their number to sit on a panel. The CFO informed Members that Mr Gilson had suggested that someone from outside the IFCA should sit on the panel, possibly Rob Clark from the AIFCAs. The CFO advised Members that he felt this was a sensible idea. The Panel would evaluate the applications using a scoring scheme which would be set out in the application and if necessary hold appeal meetings. This would be done online. The CFO informed Members that it was important that it was clear through the process that the act of taking part in a trial did not set up any legitimate expectation of future access to the trial for that individual.

Any trial would run from 2 October to 8 November, with two to three trips to try out their gear and then five to seven trips to catch and land clams. The amount able to be landed would probably be set at a few hundred kilos rather than tonnes until a clear idea could be gathered on the stock available.

All information gathered would be reported back to Members at their January meeting.

Members asked the following questions:

- This could mean a change in method of fishing for some vessels. Would they require approval from the MCA - in response the ACFO advised that a stability test

would need to be carried out if there was a change. The application form would ask for confirmation of safety certificates.

- If the trial was successful would there be a means to market for the clams – in response the CFP advised that quality and profitability would be used to assess the success of the trial. Fishermen would not be able to market any cockles that were caught. The areas were not yet classified for clams so if the IFCA agreed to the trial then the IFCA would approach the relevant authorities. This fishery would be very different to the cockle fishery, would be on a much smaller scale.
- Were you looking for suction dredging, drag lined or both – in response the CFO said that he would suggest one or two were suction dredge, with the remainder non suction.
- Can those taking part apply for grants – in response the CFO stated that they could, and officers would try to work with anyone who wished to apply.
- Clams burrows deeper than cockles. How would you get the clams out – in response the ACFO replied that in the area where it was suggested the trial take place there were very few sizeable cockles. They would be caught with the clams and how they were sorted would depend on how the gear was set up.
- Will the IFCA look at the razor clam fishery in September – in response the CFO stated that they would, however the gear required for a razor clam fishery was different to that of the manila clam. The impact was greater with a very significant environmental footprint. In addition, there was a huge interest in manila clams but very little in razor clams.

Mr Baker as the representative for NE advised Members that preliminary discussions had been had around the trials and the need to avoid impact on the MPAs. The information provided from the trials would be used to build an evidence base for a future habitat regulations assessment.

Members **RESOLVED** that:

- (i) The application process and application form for the Manila clam trial be approved;
- (ii) Cllr Tony Hills, Ms Tanya Ferry, Mr John Nichols and Mr Robert Clark be appointed to sit on a panel to evaluate the manila clam trial applications with all to have voting rights; and
- (iii) the undertaking of Manila clam surveys in the Thames be approved.

12:30 Ms S Martin left the meeting

12. PROCUREMENT OF NEW CABIN RIB (B9)

The ACFO updated Members on the progress of the commissioning of a new RIB. Officers had worked with Kent County Council procurement to finalise award letters, had met with the National Shipbuilding Office and also with the KEIFCA accountant and KCC commercial accounting manager.

On 28 April 2024 Ribcraft had been notified that they had been successful in their tender and on 29 April 2024 the business case for funding from Defra was submitted. Officers had also visited the boatyard on 9 May 2024 to meet staff and discuss the build. The contract was with KEIFCA solicitors, and it was anticipated that the vessel would be delivered by February 2025.

Members **NOTED** the report

13. HEALTH & SAFETY UPDATE (B10)

Members were advised that one incident had occurred since the last report that were required to be reported to them. This related to a member of staff who had a nut allergy who had a reaction to something they had eaten. Members were informed that a specific risk assessment was held for this member of staff. This was reviewed following the incident and no amendments were found to be necessary. Members were provided with details of training that staff had undertaken since May 2023.

Members **NOTED** the report

14. TERMS OF REFERENCE AND STANDING ORDERS (B11)

Members were reminded that they were required to review the Terms of Reference and Standing Orders on an annual basis. Officer had reviewed these and did not recommend any changes.

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

15. APPROVAL OF THE ANNUAL PLAN 2024-2025 (B12)

Members **APPROVED** the Annual Plan for 2024-2025

16. MATTERS FOR REPORT (C1-6)

Members received:

- Quarterly Report of the Kent IFCO (C1)
- Quarterly Report of the Essex IFCO (C2)
- Quarterly Report of the Patrol Vessel 'Tamesis' and 'Vigilant'(C3)
- Quarterly Report of the Patrol Vessel 'Nerissa' (C4)
- Sea Angling Report (C5)
- Enforcement Report (C6)

12:45 meeting ended