

**MINUTES OF THE QUARTERLY MEETING OF THE  
SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY  
on 24<sup>th</sup> October 2024**

at Sussex Yacht Club, 85/89 Brighton Road, Shoreham-by-Sea

**PRESENT**

***Members***

Prof. Peter Jones (Chair) [Online]  
Councillor Noel Atkins (Deputy Chair, West Sussex County Council)  
Councillor Emma Evans (West Sussex County Council)  
Councillor Deborah Urquhart (West Sussex County Council)  
Dr Corina Ciocan (MMO Appointee)  
Dr Paul Driver (MMO Appointee)  
Prof. Paul Leonard (MMO Appointee)  
Gary Edwards (MMO Appointee)  
Paul Johnson (MMO Appointee)  
Graham Furness (MMO Appointee)  
Mark Bennett (EA Representative)  
Julian Seaman (MMO Appointee)  
Kim Matthews (MMO Appointee)  
Danni Barrett (NE Representative) [Online]

***Staff***

Rob Pearson (Chief Fisheries & Conservation Officer)  
Angharad Purcell (Deputy Chief Fisheries & Conservation Officer)  
Rebecca Belleni (Committee Manager and Personal Assistant to SMT)  
Tim Dapling (Strategic Advisor & Clerk) [Online]  
Dr Jen Lewis (Fisheries & Conservation Manager)  
Dr Geroge Balchin (Fisheries & Conservation Manager)  
James Tapley (Inshore Fisheries & Conservation Officer)  
Max Blighton (Inshore Fisheries & Conservation Officer)  
Emily Denton-Smith (Conservation & Research Officer)  
Dan Karparris (Conservation & Research Officer)

**1 CHAIR & CHIEF OFFICER'S INTRODUCTION**

- 1.1 Deputy Chair, Cllr. Noel Atkins opened the meeting by welcoming committee members and advising that due to the Chair being on holiday

and joining us remotely today, he was happy to step in and Chair the third quarterly meeting.

- 1.2 Rob Pearson also took time to welcome the attendees and gave a special welcome to the new SxIFCA staff who were present.

## **2 APOLOGIES FOR ABSENCE**

Councillor Julia Hilton (East Sussex County Council)  
Councillor Theresa Fowler (Brighton & Hove City Council)  
Sally Ashby (MMO Appointee)

### **Absent**

Councillor Tom Liddiard (East Sussex County Council)  
Councillor Sam Adeniji (East Sussex County Council)  
Garry Walker (MMO Appointee)

## **3. DECLARATION OF INTEREST**

- 3.1 Julian Seaman declared as Harbour Master for Shoreham Port Authority, berthing providers for SxIFCA vessels and various inshore fishing vessels.
- 3.2 Gary Edwards declared an interest as Commercial fisherman.
- 3.3 Kim Matthews declared as a Commercial Fishermen and added that as per Standing Orders he was not allowed a vote on the Netting Permit Byelaw decision item, which he stated was surprising with SxIFCA struggling to gain committee members with fishing experience but disallowing them to vote on an item important to them. He further added a point on the proposed 3km net restriction zone at Shoreham Port in the Netting Permit Byelaw, questioning whether Harbour Master, Julian Seaman should also be disqualified from voting on this decision item.
- 3.4 Rob Pearson explained that where there is a declared personal interest that may be considered prejudicial in context to a specific agenda item, our internal regulations require that if they are a local authority member they cannot participate in the discussions or vote. For MMO appointed members, who have been appointed on the understanding of their knowledge and contribution to topics, they may participate in discussions but not vote, adding that process is in place through the Standing Orders and Code of Conduct documents as shared with new committee members on appointment. He advised that any pecuniary interest in an item is considered as prejudicial.
- 3.5 Cllr. Noel Atkins declared himself as West Sussex County Councillor and for Worthing Borough Council, Member of Littlehampton Harbour Board,

Chair of Worthing Royal Naval Association and appointed Arm Forces Champion for Worthing.

#### **4. APPROVAL OF MINUTES**

- 4.1 The Deputy Chair asked for any comments and corrections from members on the minutes from the previous Quarterly Committee Meeting.

ALL RESOLVED to approve the minutes.

#### **5. MATTERS ARISING**

None.

#### **DECISION ITEMS**

#### **6 Netting Permit Byelaw 2019**

- 6.1 Rob Pearson introduced this as the primary and significant decision item on the day's agenda. He read out the purpose of the report, that following the delegation decision by the Principal Committee at the April 2024 Annual meeting, it was to provide members with detailed information of the Netting Permit Byelaw 2019 formal consultation process, and the subsequent consideration and recommendations from the Technical Subcommittee meeting of 26th September 2024. He added copies of the statutory consultation responses to members were provided in an anonymised format (Annex I) along with an analysis and assessment of the responses and proposed amendments to the proposed Byelaw (Annex II). Also provided were the amended Netting Permit Byelaw 2019 and associated Byelaw Flexible Permit Conditions for consideration of the Principal Committee (Annexes IX & X). He explained that, due to the challenge of balancing the size of the meeting pack with the required amount of information for Members, some documents including the Impact Assessment and consultation documents, which had already previously been shared with Members had been omitted from the pack, but hard copies of each were present at the meeting and available for review if required.

- 6.2 Rob Pearson took time to read out the recommendations that are being put forward to the committee today and highlighted that if members were to vote for this to proceed as recommended, we would not be resubmitting the byelaw, as this had not been amended since the submission to the MMO in 2020. He explained that we will be reporting on the outcomes of the further consultation and review by the Authority, and notifying Defra that no further amendments have been proposed. However, we could not necessarily assume that this would reduce the time the Byelaw might spend again in Defra's quality assurance process.
- 6.3 Rob Pearson took time to read through the background section from the report, including updating on the recent Technical Subcommittee meeting which was held on 26<sup>th</sup> September 2024, whereby the consultation responses and analysis were considered by subcommittee members, resulting in a vote in favour of the following recommendations:
- i. That, members note the formal consultation actions and process taken to deliver the Netting Permit Byelaw 2019 statutory consultation.
  - ii. That, following consideration of the formal consultation responses, the associated assessment documentation and recommendations the members approve the proposed amendments consulted on in 2024. These are the same amended provisions that were present in the Netting Permit Byelaw 2019 originally submitted for confirmation in February 2020.
  - iii. That, as appropriate the officers may introduce further non substantive grammar and punctuation amendments.
  - iv. That, the proposed amended Netting Permit Byelaw 2019 is reported to the next available Principal Committee on 24th October 2024 and recommended for approval and subsequent submission to the MMO and Defra.
  - v. That, once the Principal Committee has considered and approved the Netting Permit Byelaw and associated Flexible Permit Conditions, consultees will receive a written response explaining how the Authority has considered their response and what if any amendments have been made in respect to their issues.
- 6.4 Rob Pearson further informed that the minutes from the Technical Subcommittee had been included in the report and hoped members had taken time to read through this prior to today's meeting.
- 6.5 Rob Pearson added that the voting at the Technical Subcommittee resulted in 7 for, 1 against and 0 abstentions. He also informed that two members with a declared prejudicial interest in the Netting Permit Byelaw were unable to vote.
- 6.6 Rob Pearson took time to summarise the key points from the Technical Subcommittee meeting by explaining the challenge in navigating some particularly polarized and conflicting responses, particularly apparent

between the views of recreational and commercial fishers within the District. With recreational fishers expressing that the measures, particularly in relation to the removal of the spatial prohibition zones across the District, and replacement with the year round 1.5m headline rule and 2m minimum depth, is not restrictive enough. In contrast, commercial fisher responses indicated a strong feeling that this measure was still too restrictive, particularly in shallower areas of the district, including Worthing, Selsey, Littlehampton and Rye. Some Members made this point strongly at the Technical Subcommittee meeting, highlighting the fact that, although the amendment to the original byelaw proposal would reduce impacts to commercial net fishers, the measure will still impact the smaller boats, which currently rely on fishing close inshore through the winter.

- 6.7 Rob Pearson informed on advice from the Environment Agency which highlighted the importance of the management measures in trying to halt the decline in migratory salmonids. With important populations of sea trout in Sussex Rivers, A UK Biodiversity Action Plan Species, that has shown a 70% population decline nationally, since the 1970's. Rob Pearson also made Members aware that since the Technical Subcommittee meeting SxIFCA have been able to update the Evidence Summary with the latest 2024 release of rod-caught data for sea trout in Sussex, including comparing trends since 2010, which indicates a significant decline in numbers of sea trout caught and released by rod and line in Sussex, though with the caveat that the data does not include catch effort.
- 6.8 Rob Pearson continued by explaining that further considerations were discussed, including the opportunity and ability for stakeholders to respond to the consultation. Some Members explained they found it hard to engage with the consultation documents, and this was reflected in some of the consultation responses. Rob Pearson said that this had been recognised as an issue, it has therefore been considered and responded to in the attached FAQ document, but as minuted at the meeting, the complexity of the consultation was a reflection of the complexity in the amendment process of the Byelaw, and we feel through the consultation response documents we had simplified the process as much as we could, whilst still providing the information required for consultees to consider the amendments appropriately. He noted that the single vote against supporting the recommendations presented to the technical subcommittee, was due to a concern around the ability and support provided for commercial fishers to engage with the consultation process.
- 6.9 Rob Pearson concluded his opening by stating that in the introduction to the item at the Technical Subcommittee he had asked Members to consider whether the proposed amendments to the management, and the polarized responses reflect a position where SxIFCA have determined the best available compromise that will allow us to meet our objectives, as previously outlined. He concluded that as per the Technical Subcommittee Members vote in favour of the recommendations, that this was agreed to be the case. He opened this to members for wider

discussion but asked that people speak one at a time and to not have separate discussions for minuting purposes.

- 6.10 Paul Johnson raised the issue on voting and stated that within the SxIFCA Standing Orders there seems to be a dispensation for those with a conflict to be able to vote and would like this clarified as he recalls in the past fishers have voted.
- 6.11 Tim Dapling responded that as per SxIFCA Standing Orders and Code of Conduct, members with a prejudicial interest in specific items are to be excluded from voting. He reiterated Rob Pearson's comments that MMO Appointees who have been accepted onto the Authority on the basis of their knowledge of the fishing industry, have provisions for vital input within discussions at meetings. However, if a Member is involved commercially in an activity which is being managed, then this is a pecuniary and therefore prejudicial interest This is stated in the internal regulations and terms of appointment.
- 6.12 Paul Johnson said there seems to still be a conflict between the Standing Orders and Code of Conduct as he read that a dispensation can be granted by the Authority to those individuals with a conflict enabling them voting rights.
- 6.13 Kim Matthews read out paragraph 45 in the Standing Orders;
- Dispensations to speak and vote on matters in which members have a prejudicial interest may be issued to members in accordance with the Authority's Code of Conduct. Any neglect by members to declare personal and prejudicial interests may be referred to the standards committee of the Authority by the Chair or Head of Service.
- 6.14 Tim Dapling clarified that the provision states that the Authority 'may' issue dispensations in accordance with appropriate process and legislation. He further explained that this provision and associated legislation is relevant to local authority committees or joint committees, to issue dispensations in very particular circumstances which would require approval by a Standards Committee. He added that SxIFCA is not structured with a Standards Committee in the same way, and therefore dispensations cannot be issued internally. He explained that the Authority could be exposing itself to a legal challenge if it presently allowed members with prejudicial interests to vote.
- 6.15 Paul Johnson said he understands but is concerned on the process. He used an example of Gary Edwards discussing towed gear, which he currently does not use, but questioned if he would be eligible to vote. He stated that he wants to ensure this process is correct and the right people are allowed to vote. He added that he recollects fishermen voting on the Shellfish Permit Byelaw and believes this matter requires further investigation.
- 6.16 Tim Dapling said he appreciates it can appear confusing with regards to the declaration of interests and the implications for speaking and voting. He informed Members that he would examine this further and also refer

to the MMO appointment terms and conditions, but added for clarity at present there are no dispensations to vote issued to any members.

- 6.17 Dr Corina Ciocan raised that dispensation is mentioned in the Standing Orders and we seem unclear on how this is issued, therefore we should not vote on the decision item until we gather further clarification.
- 6.18 Tim Dapling advised that voting can still go ahead, in accordance with internal regulations as applied at the recent Technical Subcommittee, at which those with a declared prejudicial interest did not vote. It was recognised that the Technical Subcommittee decision to approve the recommendations would have been no different if those excluded from voting had participated and voted against the recommendations.
- 6.19 Dr Corina Ciocan disagreed with Tim Dapling stating that this would suggest that the voting today is irrelevant as it had already been passed at the Technical Subcommittee.
- 6.20 Tim Dapling clarified the process, that the Technical Subcommittee was delegated by the Principal Committee to look through the responses and provide recommendations for the Principal Committee for a final decision. Although it may appear repetitive it is not irrelevant and essential to the Authority's decision making process.
- 6.21 Dr Corina Ciocan replied that this was not her point and that she was concerned that voting in today's meeting was irrelevant due to the approval vote from the Technical Subcommittee.
- 6.22 Prof. Peter Jones reiterated that the Technical Subcommittee voted to take the recommendations to the Principal Committee today and in no way are we suggesting the decision has already been made based on previous voting at the Technical Subcommittee.
- 6.23 Prof. Peter Jones further added that if we were to issue dispensations today through a vote, we would have to accept this would potentially allow members with prejudicial interest a vote and open the authority to legal challenge.
- 6.24 Tim Dapling advised specifically in relation to being challenged as pertinent with regards to the Netting Permit Byelaw, explaining that one of the reasons it was reconsulted on was due to Defra's concern and caution on a pre-action protocol letter, issued by a recreational sea angling body due to alleged bias towards commercial needs. He stressed his concern on issuing dispensations within the meeting today, as Clerk, he stated the requirement for further procedure and clarification on this matter to avoid the risk of future legal challenge.
- 6.25 Rob Pearson referenced the SxIFCA Code of Conduct clause 12; Effect of Prejudicial interest of participation, that clearly states where members have a prejudicial interest in any business of the Authority, Members must not vote on any business in which they have prejudicial interest.
- 6.26 Prof. Peter Jones reiterated the statement from the Code of Conduct stating that members with a prejudicial interest on a matter shall not



vote. He reminded members that the Standing Orders were adapted from those used by local authorities, with that in mind he proposed to continue with voting on the decision item.

- 6.27 Prof. Paul Leonard raised that there were several members who gave apologies of absence today and questioned, with their votes being absent, how that could affect the outcome.
- 6.28 Tim Dapling advised that the committee meeting was quorate as per the standing orders, any member not present is able to provide a proxy vote should they wish to be included.
- 6.29 Paul Johnson asked Gary Edwards what his current method of fishing is.
- 6.30 Gary Edwards replied to state he currently does not commercially fish and that he has a charter vessel, however added that he has a commercial fishing boat being built.
- 6.31 Paul Johnson raised the question as to why Gary Edwards has a prejudicial interest if he currently works a charter boat and not a commercial fishing boat. He said hypothetically Julian Seaman could retire tomorrow and purchase a commercial fishing boat but is still able to vote today and questioned if Gary Edwards current status falls into prejudicial interest.
- 6.32 Prof. Peter Jones said there is an important difference due to Gary Edwards actively having a Commercial fishing vessel built for future planned commercial fishing and a hypothetical example of someone retiring tomorrow and purchasing a boat.
- 6.33 Paul Johnson raised his interest and activities in recreational fishing, stating whether this could be considered a prejudicial interest. He advised that a prejudicial interest is often associated with knowledge of the relevant facts, though these interests that could also be reasonably regarded as significant and likely to affect the members judgement.
- 6.34 Tim Dapling advised that it is down to the individual member to decide whether their own interest extends to a prejudicial interest, and where it does, the onus is on them to declare this. He advised that a pecuniary interest would always be considered prejudicial. He said that Kim Matthews and Gary Edwards both declared this prejudicial interest at the start of the meeting and if others feel they need to declare then they should.
- 6.35 Cllr. Deborah Urquhart raised questioned what the consequences of a deferment on the decision item would be, as she said there are several members present who do not seem comfortable with moving forward to a vote.
- 6.36 Rob Pearson informed that this would cause a significant delay in the progress of the Byelaw, and summarised by stating that ultimately the Code of Conduct is clear in stating that it's the responsibility of the member to consider and declare whether they have a prejudicial interest, but where they have a pecuniary interest this is certainly prejudicial. It



is now down to members to declare a prejudicial or pecuniary interest and if there is a challenge to the process of the Byelaw we will have to take this discussion as evidence of members opportunity to declare.

- 6.37 Tim Dapling directed his response to Cllr. Deborah Urquhart, detailing that on submitting the outcomes to Defra with regards to the Byelaw, we will also include minutes from the meeting where this had been discussed, so it will be available for their scrutiny. If Defra had an issue with this, they would revert back to SxIFCA and he explained that it is Defra that would be potentially subject to judicial review proceedings if the Byelaw confirmation were challenged, not the Authority.
- 6.38 Julian Seaman declared an interest due to Shoreham Ports general direction extending to the east of Shoreham Port and the area of prohibition to netting the Netting Permit Byelaw encompasses.
- 6.39 Gary Edwards questioned Cllr. Noel Atkins who declared he sits on Littlehampton Harbour Board earlier in the meeting and the conflict of this with the Netting Permit Byelaw.
- 6.40 Cllr. Noel Atkins agreed and will not vote due to his declaration of interest.
- 6.41 Gary Edwards asked if he should make his point and leave the room for voting to commence.
- 6.42 Rob Pearson confirmed that he did not have to leave the room, was able to provide evidence and discuss the item, but not vote.
- 6.43 Gary Edwards informed the room that he would be in favour of the Netting Permit Byelaw for the right reasons but cannot be in agreement with this going through due as it stands, due to no substantial evidence of commercial fishers encountering sea trout, and no evidence that restricting nearshore netting will reduce catches of small and juvenile species. He stated he did not believe it would improve the fishery and stressed the lack of justification. He said that he struggles to see how this byelaw will help anglers as they cannot cast out as far as the nets currently are placed. He also stated that this byelaw would not help protect salmonids and that gannets will take small salmon and seals are taking far more than netting, questioning why seal control is not considered. Gary Edwards further added the pollution in the rivers as a factor and said the blame on stock decline is not purely on a small number of fishers netting close to shore. He also said from an enforcement aspect this is not feasible, giving an example of the difficulty of catching someone using a net for 2 hours at night. Therefore, he believes the byelaw will not stop illegal netting due to lack of enforcement resource and stressed the importance of being able to enforce a byelaw, stating that the people it affects most when it is not properly managed is the fishers who are legally fishing.
- 6.44 Dr Paul Driver responded to say that these issues have been raised and discussed at the Technical Subcommittee and asked the CFO to confirm that today we are to vote on the recommendations.

- 6.45 Rob Pearson stated that this is correct and although open to discussion, he confirmed that a lot of Gary Edwards points have already been addressed at the preceding Technical Subcommittee meeting. He informed that there is a national decline in salmonids evidenced through data provided from the EA which is captured in the impact assessment. He continued by advising that Gary Edwards point is correct that there is a lack of data on salmonid encounters at sea, which he said is challenging to gather evidence on, partly due to commercial fishers withholding the reporting of salmonid captures at sea as they could perceive it may promote further management measures.
- 6.46 Dr Corina Ciocan and Gary Edwards disagree with the assumption of commercial fishers withholding salmonid reports to prevent further restrictions.
- 6.47 Paul Johnson informed that commercial fishing vessel will not report salmonids caught as it is not permitted to retain sea trout under their license therefore due to this, we don't have the evidence. He added that he will be voting against the Netting Permit Byelaw purely on the grounds of 23b (2m minimum depth rule) and the disproportional impact on the small boat fishing fleets in the district.
- 6.48 Dr Corina Ciocan questioned that we are voting on the same recommendations as at the Technical Subcommittee and that it should be on the members understanding. Secondly, she added that she agrees with Gary Edwards regarding the lack of evidence, quoting figures of 5 salmonids caught in one year and 2 the following year, which she states is unacceptable. She also raised the issue of enforcement, drawing comparison to plagiarism by University students and being required to have the appropriate software / tool used to catch plagiarism and asked what tool SxIFCA have to catch illegal netting infringements. Therefore, she confirmed that she will not vote in favour of the recommendations.
- 6.49 Prof. Peter Jones responded to these points by advising that enforcing fishing was not as simple as enforcing plagiarism restrictions. Putting this aside he stated in relation to evidence, SxIFCA are operating on the least restrictive recommendation of 1.5m provided by the EA and that we are legally required to consider the evidence and recommendations made by the EA. He clarified that the Committee today are voting on a recommendation from the Technical Subcommittee, and the Principal Committee must vote on how we feel on this issue.
- 6.50 Tim Dapling raised the introduction of the Bass Fisheries Management Plan led by Defra, stating that a primary action already identified is a review of the management of inshore netting, which should be addressed on a regional level. He reiterated that we are recommending the minimum distance over the headline provided by the EA, adding that having been involved in the development of this Byelaw from the beginning he understood other IFCAs had far more restrictive measures, including Northeastern IFCA that have a 4 metre headline clearance. He explained that the Authority have considered these amendments to address and account for issues raised by inshore fishers within Sussex.

He advised on receiving many letters when Chief Officer concerning netting for juvenile bass around Shoreham Power Station hot water outfall, tidal rivers and natural harbours, adding this is an essential piece of legislation to protect migratory species in these areas. He agreed with Gary Edwards statement that this byelaw will not solve all the problems but stressed that it is a component and the final stage after 6 years of development.

- 6.51 Mark Bennett on behalf of the EA informed that the guidance was for a minimum of 5m and therefore this compromise of 1.5m is significantly lower in appreciation of trying to enable the inshore fishers to continue netting. 6.52 Rob Pearson reminded members of the consultation responses which give a very polarised view on the minimum headline measurement, and a significant compromise from the EA recommendation has been established. He addressed Gary Edwards comment on enforcement and said that SxIFCA are an intelligence-led, risk-based enforcement agency and whilst we can't attend every report of an infringement, we aim to operate to encourage high compliance. He further said he appreciates the frustration voiced by fishers on predatory birds and seals and their impact on stocks but stated this is not something within the IFCA's remit or powers to manage.
- 6.53 Kim Matthews raised his concern alongside Gary Edwards and told members he would like to propose an amendment to the motion and remove paragraph 23(b) from the flexible permit conditions, "the depth of water at a position in which a net is fishing must not be less than 2 metres."
- 6.54 Kim Matthews said that if this remains in the flexible permit conditions, SxIFCA will suffer serious risk of damage to its reputation. Alongside the requirement to have 1.5m of water over the net head rope, it follows that the net will only be half a metre tall. He continued to say that the 2m depth rule clearly discriminates against the small inshore fleet and highlighted the Fisheries Act 2020, which states SxIFCA have a legal duty with regards to the Act's equal access objective and National Benefit objectives like food security. He said that the inshore fleet have suffered a 27% loss of boats since 2008 and due to being small they have to fish inshore and can't go further out, stating they are at a tipping point, near to losing the inshore fishing fleet.

He highlighted that the 2m depth rule has a detrimental impact on social and economic health, healthy eating, culture, coastal communities and National Food Security and gave figures of Bognor Fisherman's Association having 2500 followers who actively buy the local fresh fish landed, in contrast to losing this and having to buy imported environmentally unhealthy, farmed and illegal fish, potentially from slave labour. Kim Matthews raised that the 2m depth rule will add to spatial squeeze with inshore fishers having to avoid gear conflict. He stated that anglers are mainly unregulated and pay no license fees like commercial fishers are required to, he confirmed that ICES now factor in the level of predation by anglers when estimating bass stock numbers.

He raised the 2m depth rule in relation to the protection of nursery areas and said that there is no netting in estuaries and harbours, and it is within fishers' interest to support a sustainable stock.

Kim Matthews made a final point on the byelaw process being incomprehensible at times and it should have been clear and simple to understand. He added that the Byelaw should have been based on local scientific evidence and added that the figures from the EA show 17 fish caught in 2023 and conflicting reports of a decline nationally but was told that Sussex rivers are having good sea trout runs. At the previous Technical Subcommittee it was reported that the last sea trout found onboard a fishing vessel was 2008. He commended sections of the Byelaw in relation to storage, permits, data collection, gear marking but states the spatial restrictions are ill-informed. He said the sea trout issue is a red herring, and the heart of the matter is angler/commercial fisher conflict close to beaches. He asked members to support the amendment that paragraph 23(b) be removed from the Flexible Permit Conditions.

- 6.55 Noel Atkins asked for a seconder to this proposal.
- 6.56 Paul Johnson agreed to second.
- 6.57 Prof. Peter Jones interjected to advise under the Fisheries Act we are legally required to proceed on a precautionary basis and added an aspect which is extremely evident is the decline in migratory salmonids and if we were to make this amendment now then it will jeopardise all the other good measures that Kim Matthews stated. He repeated that we are using the 2m headline depth which is below the advice from the EA. He said that members should be aware that any significant change to the byelaw would require a re-consultation process.
- 6.58 Rob Pearson clarified that Kim Matthews proposal was not to remove the 1.5m headline rule, but just to remove the minimum depth of water restricting the setting of nets in water less than 2m.
- 6.59 Prof. Peter Jones thanked the CFO for this clarification but stated the point remains.
- 6.60 Tim Dapling reconfirmed this and highlighted the risk of any amendment then requiring re-engagement, otherwise the lack of consultation could be challenged. The Clerk also raised concern over the fact Kim Matthews had declared a prejudicial interest in the item and was now proposing an amendment and considered how that may be viewed by Defra.
- 6.61 Rob Pearson asked Kim Matthews what advantage he envisions from removal of the 2m depth restriction, with the 1.5m headline still in place, explaining that in 2m or less of water you are proposing fishers to develop nets of less than half a meter high to enable fishing within this.
- 6.62 Kim Matthews explained that the 1.5m headline is enough of a measure alone to ensure nets will be out far enough to not be near anglers or swimmers, stating very few swimmers swim out their depth or at 200m from shore.

- 6.63 Prof. Peter Jones responded to this disagreeing with the comment on swimmers not swimming out of their depth, noting the growing communities engaged in wild swimming in Sussex with written responses of concern from swimmers on nets close to shore previously being submitted.
- 6.64 Dr Corina Ciocan asked Rob Pearson what the advantage is to keep the 2m depth in the amendment.
- 6.65 Rob Pearson advised it would prevent adaptation of very low nets, less than 0.5m in height and using those within 2m depths of the shore.
- 6.66 Graham Furness raised that when we initially started the byelaw development process in 2019, we looked at the different depth contours to determine a distance from the shore where the use of nets was restricted. He mentioned that this was a simple way to do this, measuring a distance from mean high water but due to objections from fishing vessels struggling to determine where this distance would be, we then decided to go with a defined depth. He added their concerns of shooting nets in shallow water, not just in terms of catching fish, but all other wildlife and mentioned crabs being smashed out of nets. He explained he was supportive of the defined distance from the shore to prohibit netting, and that the original byelaw with this restriction from the shore was less complicated.
- 6.67 Gary Edwards informed that fishers move inshore due to the spider crabs being abundant further offshore, rather than nearer the beach and that fishers do not want to be smashing crabs out of nets.
- 6.68 Rob Pearson stated that we have a proposer and seconder to remove paragraph 23 (b) raised by Kim Matthews.
- 6.69 Prof. Peter Jones stated that if we are putting forward the motion for an amendment, that we need to be mindful this has been put forward by a member with a prejudicial and pecuniary interest and voiced extreme reservations with proceeding on this proposal.
- 6.70 Paul Johnson stated again that until we have clarity on voting from the Standing Orders then again this is difficult to vote on.
- 6.71 Rob Pearson replied to advise that this was clarified earlier in the meeting according to the Code of Conduct for Members and agrees with the concerns raised by the Chair, on the motion being put forward by a member who is excluded from voting on the basis of having a prejudicial interest.
- 6.72 Tim Dapling stated that another member without a prejudicial interest could propose the motion as an alternative.
- 6.73 Rob Pearson asked if there was an alternative proposer on behalf of Kim Matthews suggested amendment.

**None.**

- 6.74 Tim Dapling advised that we could now revert to the original recommendations to vote on.

**Recommendations:**

- i. **That, members note the formal consultation actions and process taken to deliver the Netting Permit Byelaw 2019 statutory consultation.**
- ii. **That, following consideration of the formal consultation responses, the associated assessment documentation and recommendation by the Technical Subcommittee, Members approve the proposed amendments consulted upon in 2024. These are the same amended provisions that were present in the Netting Permit Byelaw 2019 originally submitted for confirmation in February 2020.**
- iii. **That, as appropriate the officers may introduce further non substantive grammar and punctuation amendments.**
- iv. **That, details of the consultation process, the outcomes and subsequent approval of the amendments is submitted to Defra, with confirmation that after review by the Authority, no further amendments to the Netting Permit Byelaw 2019, as submitted in February 2020, are proposed.**
- v. **That, once the Principal Committee has considered and approved the Netting Permit Byelaw and associated Flexible Permit Conditions (FPCs), consultees will receive a written response explaining how the Authority has considered their response and what if any amendments have been made in respect to their issues.**

**8 For**

**2 Against**

**2 Abstentions**

ALL RESOLVED to accept the recommendations.

**INFORMATION ITEMS**

**7 Replacement of Delta RIB**

- 7.1 Rob Pearson introduced this item, advising he would keep the update brief due to time. He explained that the daughter vessel for FPV Watchful is in the process of being replaced, after a procurement process conducted earlier this year, and part funded through Defra Capital



Delivery funding. He gave members a brief overview of the tender process which resulted in the contract being awarded to MST in Liverpool.

- 7.2 Rob Pearson explained the build is underway, directing members to the design drawings and pictures of a very capable purpose-built vessel within the report. He reported that there are staff visits planned to the MST boat yard in the coming month, with sea trials following and delivery to Sussex IFCA estimated for January 2025.
- 7.3 Rob Pearson thanked Members for voting in the poll that was sent out with the new vessel name options, confirming the new vessel will be named 'Osprey'.

ALL RESOLVED to approve the report and appendices.

## **8 Conservation and Research Update**

- 8.1 Dr Jen Lewis declared that, in the interest of time, she would take most of the report as read, apart from highlighting key sections, including the work towards MPA progress, with the team now focussing on review of the management for Kingmere MCZ as can be found in Annex 1.
- 8.2 Dr Jen Lewis updated members on the Marine Case Management System and specifically on the recent submission of a consultation response to Brighton Marina dredge disposal license, after significant consideration at the previous Technical Subcommittee.
- 8.3 Dr Jen Lewis highlighted the collaborative partnership projects this quarter, including the acoustic array Fish Telemetry project in collaboration with Plymouth University, NE and The Wildlife Trust. She added that a paper had recently been published looking at site fidelity and interannual returning of black sea bream to the Sussex district. She explained that following this, she and Dr George Balchin attended the ICES conference where they showcased this work through a conference presentation and poster presentation, focussing on the evidence from the Nearshore Trawling Byelaw and the black bream work.
- 8.4 Dr Paul Driver asked if we are conducting the monthly monitoring for the lobster and crab stock, which was previously mentioned as something we would carry out monthly.
- 8.5 Dr Jen Lewis advised that she didn't think it had been carried out monthly but that it had been regular.
- 8.6 Dr Paul Driver asked how regular this is specifically.
- 8.7 Dr George Balchin advised we have been sampling when weather allows, and signing up additional fishers to host research officers, but was not sure on specific numbers of surveys conducted to date.



- 8.8 Prof. Paul Leonard again highlighted the importance of data in relation to Medin and the environment data network and said that nowhere in the reports does it state what SxIFCA are doing to directly feed this data to Medin. He commended the good work being done but asked if this was being fed back into Medin for use. He also mentioned the upcoming Kelp Summit and offered help in contributing to this.
- 8.9 Dr Jen Lewis responded to the data and Medin question, explaining that there is a commitment to submit data to Medin within the Conservation and Research 4 year plan, confirming that this is done periodically when required.
- 8.10 Gary Edwards asked with regards to the black bream the number that returned for a third year.
- 8.11 Dr Jen Lewis advised that she would have to check data subsequent to the meeting and report back on numbers, but it would be difficult because the lifespan of the tag batteries is roughly 3 years, so we start to collect less data as batteries expire beyond this period.

ALL RESOLVED to approve the report and appendices.

## **9 Compliance and Enforcement Report**

- 9.1 Angharad Purcell in the interest of time advised this could be taken as read.
- 9.2 Dr Paul Driver questioned the report stating there has been a shortage of staff to run FPV Watchful and asked if this was a serious ongoing problem.
- 9.3 Angharad Purcell informed that IFCO Laura Wallace left in the summer which meant a recruitment process was undertaken, with Max Blighton now in the position. She added that unfortunately Charlie Hubbard is not able to be onboard at present which is another staffing issue, though we do utilise Conservation and Research Officers when possible, but added that last quarter was a very uncommon situation in terms of patrol figures.
- 9.4 Dr Paul Driver asked how regularly Merlin is used.
- 9.5 Angharad Purcell explained that FPV Watchful is used more regularly due to the capabilities of boarding and hauling gear, but that Merlin is also used at times, and she said she can include these figures in future reports.

ALL RESOLVED to approve the report and appendices.

## **10 Vessel Maintenance Log**

- 10.1 Rob Pearson advised that this can be taken as read.

ALL RESOLVED to approve the report and appendices.

## **11 Communications Report**

- 11.1 Angharad Purcell informed that this can be taken as read.

ALL RESOLVED to approve the report.

## **12 Chief Fisheries and Conservation Officer Report**

- 12.1 Rob Pearson stated that there was a hiatus in communications regarding FMP work during the change of Government. This has now restarted, and Defra have launched their FMP Blog, which allows better updates on recent FMP work, including the next tranche of plans, which includes cockle, queen scallops, sprat, skate and rays and southern North Sea demersal non-quota species. He updated members on the upcoming online FMP surveys and highlighted the significant work from SxIFCA Conservation and Research team on some of these workstreams.
- 12.2 Rob Pearson advised he has been nominated onto the Bass Management group to represent the IFCA's. The intention of the group is to implement the initial actions from the Bass FMP which includes a review of inshore netting.
- 12.3 Rob Pearson reported on recruitment and governance, stating that after competitive recruitment for a new IFCO we are happy to now have Max Blighton in this position who came with 6 years' experience from the MMO. He added that we have now conducted recruitment for the Conservation and Research team due to Jake Wilson leaving and both Dr Jen Lewis and Vanessa Simons starting maternity leave in January, and he was happy to introduce Emily Denton-Smith and Dan Karparis. He finally added that Members would note that there was no finance report today, explaining that Lucy Francis left in early September and Ruth Harrison is now our Finance Manager and due to being without a Finance Manager for the majority of September, the Finance Subcommittee has been delayed until Friday 1<sup>st</sup> November.

- 12.4 Rob Pearson updated on the 10-year renewal of our section 167 agreement with Southern IFCA, allowing us to apply our byelaw making powers to the part of Chichester Harbour that sits within Southern IFCA's district. This was submitted to Defra after approval in April by Members. After delays over the summer with the change of government there has been a recent update indicating this has now moved to the sign off stage.
- 12.5 Rob Pearson informed members after approval at the last quarterly meeting, the Marine Protected Areas 2023 Byelaw has now been submitted to the MMO and Defra. He added that we are also expecting the Minimum Size Byelaw to be signed off by the Secretary of State this month, as per the latest update from Defra.
- 12.6 Rob Pearson finally reported that our Master of Vessels, Charlie Hubbard, has now been in this position with the authority and previous Sea Fisheries Committee for 30 years as of this month and noted this achievement. He informed of the Sussex Art print which he hoped members would sign, with the intention to present to Charlie Hubbard along with a long service gift in December.

ALL RESOLVED to approve the report and appendices.

### **13 Chief Officers Group**

- 13.1 Rob Pearson informed that he is happy for this report to be taken as read.

ALL RESOLVED to approve the report and appendices.

### **14 Association of Inshore Fisheries & Conservation Authorities**

- 14.1 Rob Pearson informed that he is happy for this report to be taken as read.

ALL RESOLVED to accept the report.

### **15 A.O.B.**

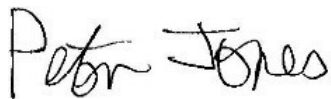
None.

**16 To confirm that there is no requirement for the Technical Subcommittee meeting scheduled in the next quarter.**

16.1 Rob Pearson advised that Thursday 12<sup>th</sup> December provisional Technical Subcommittee can be removed from calendars.

**17 DATE OF NEXT MEETING**

17.1 23rd January 2025.

A handwritten signature in black ink that reads "Peter Jones".

Prof. Peter Jones, Chair Sussex IFCA.