

**MINUTES OF A MEETING OF THE
SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY
Held remotely with Zoom software by Video conference**

on Thursday 23rd July 2020

PRESENT

Members

Stewart Harper (Chairman, MMO Appointee)
Councillor Carolyn Lambert (Deputy Chair, ESCC)
Councillor Pieter Montyn (West Sussex County Council)
Councillor Carol Purnell (West Sussex County Council)
Councillor Paul High (West Sussex County Council)
Alison Atterbury (NE Representative)
Paul Johnson (MMO Representative)
Prof. Paul Leonard (MMO Appointee)
Graham Furness (MMO Appointee)
Steve Hanks (MMO Appointee)
Dr. Peter Jones (MMO Appointee)

Staff

Tim Dapling (Chief Fisheries & Conservation Officer)
Dr. Sean Ashworth (Deputy Chief Fisheries & Conservation Officer)
Erin Lawes (Conservation Manager)
Kathryn Nelson (Research Manager)
Stephen Jump (Finance Manager)
Dr. Jen Lewis (Temporary Research Officer)

1 CHAIRMAN'S INTRODUCTION

- 1.1 Stewart Harper welcomed all to the second Quarterly Committee meeting of 2020-21, held via remote video conference – to comply with Covid-19 Government Health Advice. The Chairman explained that this would be the first Quarterly Committee meeting of 2020-21, due to the effects of the pandemic.
- 1.2 Tim Dapling also welcomed members and described the intended meeting etiquette using Zoom software.

2 Appointment of Chairman and Deputy Chairman

- 2.1 Stewart Harper and Cllr Carolyn Lambert both stood down from their respective positions as Chairman and Deputy Chairman, to allow for members to participate in a new election in accordance with the Authority's standing orders.

- 2.2 Tim Dapling explained that the election of Chair and Deputy Chair would normally have taken place at the Annual meeting in April but this had not been possible this year, the current meeting was the first meeting where this was possible. Four nominations had been received for one individual, for Stewart Harper, to continue as Chair. Tim Dapling asked members to indicate their support if in agreement, there was unanimous support from members and Stewart Harper was duly re-elected as Chairman.
- 2.3 Stewart Harper's first action was to ask members to indicate their support, if they agreed, that Cllr. Carolyn Lambert, who had received two nominations from members, should remain as Deputy Chair. There was unanimous support for Cllr. Carolyn Lambert who was duly re-elected.
- 2.4 Stewart Harper thanked Cllr Carolyn Lambert for agreeing to carry on as his Deputy. It was also noted that six month extensions had been granted to all MMO appointees whose membership expired in this financial year. The MMO were further reviewing suggestions for longer extension periods and had been made aware of the need for further appointments to provide the full MMO appointee membership.

3. APOLOGIES FOR ABSENCE

Councillor Leo Littman (Brighton & Hove City Council)
James Partridge (MMO Appointee)
Robert Yorke (MMO Appointee)
Mark Bennett (Environment Agency)

4. DECLARATION OF INTEREST

- 4.1 The Chairman requested notification of any declaration of interests. Steve Hanks declared his interest in hand gathering, as a live fishing bait supplier and as an angler.

5. APPROVAL OF MINUTES OF MEETING HELD ON 23rd January 2020

- 5.1 Stewart Harper asked for comments on the previous minutes from January's meeting.

ALL RESOLVED to approve the minutes.

6. MATTERS ARISING

- 6.1 Tim Dapling said the most important matters to flag to members were regarding the submission of the two proposed new byelaw document packs

to the MMO. These comprehensive information packs, which included the proposed byelaws, extensive impact assessments and all the required consultation and development documentation, had been submitted in February to the QA team at the MMO.

- 6.2 Further information and documentation had been requested by the MMO in March and promptly supplied. Three meetings had been held with himself, Sean Ashworth, and the QA team since June, at which any queries on the documentation submitted had been addressed and fully discussed. Non substantive adjustments to proposed byelaw texts had been made following the MMO's legal department's recommendations. The third meeting, held recently, on 22nd July, had concluded with agreement on the final draft for the Nearshore Trawling Byelaw and its associated Impact Assessments. Tim Dapling expected that the proposed Byelaws would be submitted to Defra very shortly with the Nearshore Trawling Byelaw passing the QA process first, Tim Dapling hoped that Defra's confirmation process would be relatively straightforward given the work to date with the MMO.
- 6.3 Stewart Harper updated members on developments regarding the situation in connection with two potential judicial review applications, one for each proposed byelaw. The Chairman said that there had been no major developments since his email to members on 20th April. At this time, no formal application for judicial review proceedings had been lodged with the courts following the two pre-action protocol letters received and the Authority's formal response from its specialist legal team to those letters.

7 Update on COVID-19 and Impact on Operations

- 7.1 Tim Dapling gave a thorough verbal update to members on how the Authority and its Officers had adapted working methods during the pandemic. Tim Dapling reported that all staff and their families were now well, only one Fisheries Officer, Josh Pannu, had contracted the virus at the beginning of the lockdown but was now fully recovered.
- 7.2 Working remotely was working well, he reported, with management, finance, administration, MPA and research staff carrying on their work successfully from home. Video conferencing via MS Teams had been extremely effective with regard to team meetings, which had been held twice weekly during this time. The remote access to the server had proved invaluable, allowing desktops to be logged onto. Regular outside meetings had also taken place via video conferencing, using Zoom, Web-ex, Skype and GoToMeetings. Chief Officer Group meetings had increased and taken place weekly. Defra had also set up regular meetings with all partner organisations through new bespoke structures.
- 7.3 Compliance activities including sea-going operations had been maintained with associated national joint protocols and processes developed supported by local risk assessments reflecting government guidance.

- 7.4 Tim Dapling took the opportunity to thank all Authority staff for adapting so well to the unprecedented situation and maintaining a continued level of service and delivery against annual plans.
- 7.5 In regard to vessel maintenance the annual lift out of the Authority's vessel 'Watchful' had taken place as usual at this time of year.
- 7.6 Tim Dapling explained that the office, despite being empty most of the time because staff were home working, remained a hub for deliveries, postal collections and any urgent printing by individual officers. Administration of shellfish permits and tags had continued smoothly too, as the tag production company had remained open. Tim Dapling and the Chairman had maintained regular weekly contact over the period.
- 7.7 Three significant HR issues had taken place, Tim Dapling reported. FO Angharad Purcell, had been released to undertake reservist duties with the RAF Police Reserves and was based at Brize Norton air force base. She would be returning to Sussex IFCA at the end of September.
- 7.8 Dr. Jen Lewis had been appointed in a temporary role from May and was covering Angharad's research work.
- 7.9 Kathryn Nelson had given notice of her intention to leave her role of Research Manager and would be sadly missed. She would be pursuing a new venture as a creative writer. Tim Dapling wished her well and sincerely thanked her for all the hard work she had carried out over the last eight years. The recruitment process for her replacement would be started very soon.
- 7.10 Stewart Harper thanked everyone for their work and adapting so well, he also praised Steve Jump for his excellent accountancy work whilst working remotely.

DECISION ITEMS

8. Management of Hand Gathering for Bait and Shellfish

- 8.1 Tim Dapling introduced this report which was a planning paper and did not outline proposed management of hand gathering for bait and shellfish. The gathering of all marine organisms by hand on shore came under the fisheries management remit, Tim Dapling explained. A strategic review of future management had been compiled in 2013, wherein the Authority had established the approach to reviewing its existing management measures.
- 8.2 Tim Dapling began by describing the strategic 'Review of Management Measures' which identified hand gathering as a key theme. As part of the process, the Authority had conducted a comprehensive public consultation exercise. The community engagement process had invited comments and feedback on a number of proposed objectives and priorities. To translate the priorities and objectives into suitable work packages and prioritise

activities against available resources the Authority had identified 5 common themes to progress a strategy for the Review of Management Measures, number 5 of which was hand gathering and bait digging.

- 8.3 Over recent years excellent progress had already been made on priorities 1 to 4 of the management themes, namely:
- 1 EMS (European Marine Site) Management and MCZ development were complete. Beachy Head East being the exception, as it had only recently been designated and the formal conservation advice from Natural England was not yet finalised. The recently designated Tranche 3 MCZ site 'Selsey Bill and The Hounds' was now addressed to a large extent by the proposed Nearshore Trawling Byelaw 2019.
 - 2 Shellfish management was addressed by the new Shellfish Permit Byelaw 2016.
 - 3 Netting (static and mobile) management was in the last stages of implementation through the proposed Netting Permit Byelaw 2019.
 - 4 Trawling management was largely addressed by the proposed Nearshore Trawling Byelaw 2019.
- 8.4 Bait digging and hand gathering were extensive throughout the District, Tim Dapling reported, and of particular concern in those area with conservation designations. Tim Dapling detailed the different methods employed in hand gathering. A great deal of intelligence collection had already taken place as to the amount of hand gathering and bait digging which was taking place across the District. This was a multi-organisational issue and the IFCA had taken the lead in collaboration with the Environmental Health Authority's HOs, the Gangmasters Licencing Authority and Sussex Police.
- 8.5 Management was required to monitor the stock levels of different species harvested and the impact of these activities on protected sites and their designated features. Several different options to future management were outlined in the report and Tim Dapling explained them all to members.
- 8.6 The recommendation was to look at development of the whole district management (Option 4), collect and enhance further information gathering over coming months, and plan an informal consultation process with stake holders. A formal consultation process was proposed for 2021.
- 8.7 Cllr Carolyn Lambert had been surprised as to the extent of the problem when reading the report and expressed concerns regards resourcing the suggested workstream. Tim Dapling said that the Authority was aware of the potential compliance burden and explained that the extent of the burden was dependent on the outcomes of intelligence gathered and the subsequent planned compliance actions. He envisaged that in many instances it might only necessitate a 'light touch' response and raising awareness. He expected 'hot spots' to become more evident over time and the Authority would continue to work with other relevant enforcement organisations to resolve issues. Sean Ashworth added that he believed that current capacity would be adequate; FOs already gave support amidst their

other duties to areas like Chichester Harbour, Sean said, which was a 'hot spot' for unlicensed shellfish hand gathering.

- 8.8 Cllr Pieter Montyn queried what enforcement capabilities the Authority was able to implement as he had himself witnessed shellfish gathering in Chichester Harbour. Cllr. Montyn also declared his interest in Chichester Harbour Conservancy at this point. Tim Dapling said that all IFCO powers, inspecting seizing etc, were only in respect to managing fishing activities. Within the scope of MaCAA 2009, the gathering of intertidal invertebrates and molluscs were encompassed within the definition of sea fisheries; it was therefore a duty on the IFCA to sustainably manage the activities through appropriate regulatory and management means.
- 8.9 Paul Leonard thought it would important to monitor bait shops and it was acknowledged that Steve Hanks experience would be invaluable in respect to the development of management.
- 8.10 Stewart Harper thanked Steve Hanks for the report he had circulated to members prior to this meeting. Steve Hanks queried who had carried out the recent raids on cockle collectors which had been publicised on BBC television. The Chairman queried whether Kent & Essex IFCA had been involved. Tim Dapling understood that Kent & Essex IFCA had some management measures in place to control the gathering of bivalves from shellfish beds. Steve said that he had witnessed numerous, organised groups of people collecting large amounts of cockles from the beach at Winchelsea.
- 8.11 Dr Peter Jones said that entrepreneurs would be viewing hand gathering at this time as an opportunity to make money and he felt that, currently, illegal shellfish collectors felt they could continue the illegal activity with impunity. Any further action taken against them would act as a deterrent, he believed. The Chairman felt that the subject should be addressed nationally. Tim Dapling agreed that a key compliance measure was to prevent the illegitimate distributors generating markets for illegal shellfish nationally. Dr Peter Jones queried whether an emergency byelaw could be made as soon as possible, as this problem needed addressing now. Stewart Harper suggested discussing this further at the next Technical Subcommittee meeting, which was agreed.

IT WAS RESOLVED to accept the following Recommendations:

- i. Agree that option 4 was the best option to follow.**
- ii. Agree that the officers should take this forward as per the action plan set out in this paper.**

9. Minimum Conservation Reference Sizes Management

- 9.1 Tim Dapling introduced this Decision Item and explained that the application of minimum conservation sizes to fish and shellfish had been identified as a core priority in the present strategic Review of Management. He outlined the previous occasion when he had recommended that the members consider introducing an Emergency MCRS Byelaw in July 2019 following publication of the EU's new technical conservation regulations.
- 9.2 Currently, with the exception of bass no minimum sizes in existing technical regulations applied to recreational fishers, Tim Dapling said. It was entirely possible and legal, for instance, that a Sussex recreational shellfish permit holder could catch and retain a juvenile lobster of any size. The recreational bass fishing MCRS was the only exception and was covered separately in the annual 'TAC's and Quota regulations', however, it didn't require landing a fish whole, which made the minimum size of 42cm difficult to enforce if the fish was either filleted or de-headed.
- 9.3 Some species of fish common to Sussex, for example grey mullet species and black bream, had no minimum sizes stipulated in the technical regulations, Tim Dapling said, and this was the case for both commercial and recreational fishers. Tim Dapling drew attention to the report's appendix which detailed regulations already in place at different IFCAs countrywide and said that Sussex IFCA needed to introduce minimum size regulations by planning and developing a byelaw to provide a consistent approach. The existing 'landing obligations' provisions had been addressed in the drafting of other IFCA MCRS byelaws, through an appropriate exemption clause, Tim Dapling explained.
- 9.4 Stewart Harper said that Paul Johnson, as a senior MMO Officer, should be able to assist the Authority in detailed discussions at the next Technical Subcommittee. Cllr Carolyn Lambert asked whether any work already carried out by other IFCAs would be of help to Sussex IFCA and would the Authority be contributing to national debates on the subject. Tim Dapling said, firstly, that it was definitely the Authority's intention to benefit from existing information from other IFCAs' work and their experiences in creating minimum size byelaws and, secondly, that COG had already held discussions on the subject. Sean Ashworth reported that minimum sizes had been a brief subject for discussion at a recent NIMEG meeting.
- 9.5 Stewart Harper said that current EU directives took account of quota management on minimum sizes for recreational fishers. Stewart Harper agreed that the subject needed addressing locally.

IT WAS RESOLVED to accept the following Recommendations:

- i. That the Authority approved the development of district-wide minimum size management proposals.**

- ii. **That the Authority approved the following standard byelaw develop plan:**
 - a) **Review and summarise existing evidence**
 - b) **Conduct an informal consultation with stakeholders**
 - c) **Review the results of the informal consultation**
 - d) **Develop management options**
 - e) **Consider options with Technical Subcommittee and Principal Committee**
 - f) **Draft byelaw and associated impact assessment**
 - g) **Make the byelaw**
 - h) **Formally consult on the byelaw in accordance Defra IFCA byelaw guidance**
 - i) **Review the results of the formal consultation**
 - j) **Consider amendments to byelaw and approval from Authority**
 - k) **Byelaw submitted to MMO for quality assurance and confirmation by Defra**

INFORMATION ITEMS

10. Focus and Priorities Annual Planning for 2020 to 2021

- 10.1 Sean Ashworth introduced this restatement of the report from the 4th Quarterly Committee meeting held in January. Defra required the Authority to supply a report on future plans on an annual basis.
- 10.2 Alison Atterbury queried whether a review of the upcoming, adaptive Kingmere MCZ management, which was due in December 2020 could be added to the Focus and Priorities. Sean Ashworth said that the Report had already been submitted to Defra, and pointed out that there already existed a reference to MCZ management reviews on page 41 of the report. Sean Ashworth wished to note that the evidence gathering and report had already been started for the Review of Kingmere management by Kathryn Nelson.

ALL RESOLVED to approve the report.

11. Annual Research Report 2019-20

- 11.1 Kathryn Nelson introduced her report of research activities from the previous year, from April 2019 to the end March 2020.

ALL RESOLVED to approve the report.

12. MPA Update

- 12.1 Sean Ashworth updated members on MPA matters which were included in the short report. Natural England's survey work at Beachy Head had been postponed due to Covid-19, Sean Ashworth reported, he also said that a review was currently being compiled to inform future Kingmere management. He highlighted Natural England's advice on black bream at Dorset sites which was of relevance to Sussex IFCA. Comment had been received from Natural England on Sussex IFCA's Chichester Harbour HRA.
- 12.2 Sean Ashworth also reported on the work which had taken place on the Highly Protected Marine Areas review, which was being supported by Defra as a follow on from MCZ work. Sussex IFCA had answered a set of questions on HPMAs from Defra in the previous year. Tim Dapling said that given the independent nature of the HPMAs review process, dialogue had taken place between Defra and COG with regard to the Government's response to the HPMAs report.
- 12.3 Dr Peter Jones said that HPMAs otherwise known as 'reference areas' had been dropped from the initial introduction of MPAs as being too contentious. He thought it important to consider, given for example the knowledge now available on black bream spawning, the importance of future discussion regarding further fishing restrictions in Kingmere MCZ.

ALL RESOLVED to receive the report.

13. Sussex IFCA Fishing Effort Report 2015-2019

- 13.1 Kathryn Nelson explained that this was an update of fishing effort data collected from Fisheries Officers' sea patrol reports of vessels and had been continually processed and analysed for nearly two decades now since 2001.
- 13.2 The process was carried out over 5 year periods and informed bylaw creation in MPAs particularly, looking at patrol effort and measuring different fishing activities across various areas in the District.

ALL RESOLVED to receive the report.

14. Annual Shellfish Report 2019

- 14.1 Jen Lewis introduced this annual report of catch return data across the District from 2019. Shellfish permit holders were legally required to submit monthly catch returns as instructed in the Shellfish Permit Bylaw of 2016.
- 14.2 The report detailed the different species caught, the spatial variations, seasonality of catches and supplied comparisons with previous years' catch return data.

- 14.3 Tim Dapling highlighted the scale of information which these catch returns provided, citing over 1000MT of whelk fished from the District in the previous year. This information enables the Authority to clearly monitor the total catches and seasonal distribution of fishing activities across the District. Tim Dapling said the continuing analyse of data provided the feedback process to supporting future appropriate adaptive management within permit conditions.
- 14.4 Alison Atterbury queried whether, following previous discussions, there was current information on the impact of the trawl fishery on juvenile cuttlefish. Catch data on cuttlefish is available from the MMO, but IFCA data is restricted to the trap fisheries. Tim Dapling explained, that the presence of the local cuttlefish fisheries and the species' need for suitable spawning habitat was both recognised and informed the Nearshore Trawling Byelaw, demonstrating a clear example of an eco-system approach to fisheries management.

ALL RESOLVED to receive the report.

15. Communications and Partnership

- 15.1 Sean Ashworth introduced his report and informed members that social media and the website had recently been employed to promote government's advice to fishermen during the Covid-19 outbreak. Cllr. Carolyn Lambert had raised concerns with the Chairman on the effectiveness of the Authority's communication with fishermen. Sean Ashworth was pleased to report that the sea and land patrols, which had continued to take place during the pandemic, had allowed Fisheries Officers to monitor, at first hand, how the fishermen were impacted at this time. Stewart Harper said it had been and continued to be a difficult time for the fishing industry.

ALL RESOLVED to receive the report.

16. Compliance Report

- 16.1 Sean Ashworth reported that both sea and shore patrols had continued, the difference at this time was that FOs had been working in conjunction with the MMO and other IFCAs nationally. Agreed Health and Safety risk assessments had been produced to allow the work to continue. The only area which had proven too difficult to maintain, with regard to social distancing, had been the boarding of vessels at sea.
- 16.2 Sean Ashworth briefly mentioned the successful conclusion of a court case which had recently taken place, the details of which would be included in the next Quarterly Committee meeting.

ALL RESOLVED to approve the report

17 Annual Audit & External Examination and Summary of Income and Expenditure for Quarter1 2020/2021, 1st April to 30th June 2020

- 17.1 Stephen Jump delivered his report for the members' benefit, explaining the outcome of both the audit and the independent review of the Authority's financial arrangements, carried out by Plummer Parsons. The financial statements showed that the Authority's financial activity had given rise to a surplus of £39,211 in 2019/2020, and that this surplus had been added to Reserves at the year end. The total amount held in Reserves at 31st March 2020 was £1,578,541 (this includes an £890,568 'revaluation reserve' on the Authority vessel Watchful).
- 17.2 Stephen Jump reported that a surplus of £26,577 had been achieved in the first quarter, a net gain against the budget of £32,052.
- 17.3 An estimated overall gain of £63,500 against the budget was forecast, primarily as a result of a variation in staffing costs; this variation would reduce when the Fisheries and Conservation Officer post was filled, which was currently vacant.

ALL RESOLVED to approve the report.

18. Vessel & Vehicle maintenance log 1st October to 31st December 2019

ALL RESOLVED to take the report as read.

19 Chief Officers Group

- 19.1 Tim Dapling informed members that shorter but more frequent weekly COG meetings had been taking place during the pandemic, keeping all chief officers fully informed on national approaches. Recent meetings had been held on joint Defra and IFCA policies.
- 19.2 Tim Dapling flagged up a meeting to members which he had had earlier in the day with Defra. They were embarking on a 2021 spending review going forward three to four years. The most recent new burdens payments had now ended after the last agreed 4 years of central government support, and a new period of negotiation was intended. Initial indications suggested that the 'new burdens' element of support be held at the existing level, given the current uncertainties, but this was still under much discussion and review. Senior Finance Officers at the three local authorities would be receiving communication about this process shortly. An Evaluation Report of all IFCAs, which had been completed for Defra in 2019, was awaiting

publication and COG were sighted on the report's content and provided initial comments.

- 19.3 Samantha Davis, Cornwall's Chief Fisheries Officer was now the newly elected Chair of the group, Tim reported. Matthew Mander, Devon and Severn's Chief Officer, was her new Deputy Chair.

ALL RESOLVED to accept the report.

20. Association of Inshore Fisheries and Conservation Authorities

- 20.1 Tim Dapling provided members with an update on AIFCA's new structure following the resignation of Stephen Bolt; a recruitment process had resulted in the appointment of Robert Clark, as Chief Executive, an excellent choice for the role, in Tim Dapling's view.

ALL RESOLVED to accept the report.

21. A.O.B.

- 21.1 Graham Furness requested that Sean Ashworth ask Matt Wiseman, Fisheries Officer, to call him.
- 21.2 Kathryn Nelson, Research Manager, was leaving the Authority in September, Stewart Harper wished her well in her upcoming new career as author.

22. DATE OF NEXT MEETING

- 22.1 Thursday 22nd October 2020.

Stewart Harper, Chairman Sussex IFCA