

**MINUTES OF A MEETING OF THE
SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY
Held remotely with Zoom software by video conference
on 22nd April 2021**

PRESENT

Members

Councillor Carolyn Lambert (Acting Chair, East Sussex County Council)
Councillor Leo Littman (Brighton & Hove City Council)
Councillor Pieter Montyn (West Sussex County Council)
Councillor Carol Purnell (West Sussex County Council)
Mark Bennett (Environment Agency)
Harri Morral (NE)
Paul Johnson (MMO Representative)
Steve Hanks (MMO Appointee)
Graham Furness (MMO Appointee)
Dr. Peter Jones (MMO Appointee)
Prof. Paul Leonard (MMO Appointee)
James Partridge (MMO Appointee)
Garry Walker (MMO Appointee)
Dr. Paul Driver (MMO Appointee)
Sally Ashby (MMO Appointee)
Andy Read (MMO Appointee)

Staff

Tim Dapling (Chief Fisheries & Conservation Officer)
Sean Ashworth (Deputy Chief Fisheries & Conservation Officer)
Erin Lawes (Conservation & Research Manager)
Jen Lewis (Senior Research Officer)
Steve Jump (Finance Manager)

1 CHIEF OFFICER'S INTRODUCTION

- 1.1 Tim Dapling welcomed all to the Annual Committee meeting of 2021-22.
- 1.2 Tim Dapling introduced and welcomed two new members, Sally Ashby and Andy Read, who had been appointed by the MMO to replace Stewart Harper, the former Chairman, and Robert Yorke whose memberships had recently ended. Tim Dapling said that Sally Ashby was experienced in documentary making and broadcasting and had an academic background in marine science. Andy Read had been involved in the fishing industry for many years and Tim Dapling knew him from when Andy had been the Director of Fisheries in the Isle of Man, and an associate member of the Chief Officers' Group (COG), and he now also works with the FAO.

- 1.3 Tim Dapling said that a recently appointed member, Ben Dunwell, a Newhaven fisherman, had stepped down due to personal reasons and an intended move outside Sussex, and the Authority wished him well.
- 1.4 Tim Dapling explained that a new Chairman and Deputy Chairman would be elected by members at this meeting for the forthcoming year, Cllr Carolyn Lambert had been acting as Chair in Stewart Harper's absence. Tim Dapling announced the nominations received for Chairman and Deputy Chairman for the year 2021-2022. The one nomination for Chairman was Dr Peter Jones, and members voted him in as Chair. The two nominations for Deputy Chairman were Cllr Carolyn Lambert, who did not wish to be considered, and Cllr Leo Littman, who had been proposed by Cllr Carolyn Lambert. Cllr Littman was duly voted in and appointed as Deputy Chair.

2 APOLOGIES FOR ABSENCE

Jo Brooksbank (NE representative) was temporarily replaced by
Harri Morrall
Councillor Paul High (West Sussex County Council)
Councillor Trevor Webb (East Sussex County Council)

3. DECLARATION OF INTEREST

- 3.1 The Chairman requested notification of any declaration of interests. Garry Walker and Graham Furness declared their interest in the Development of Minimum Size Management Item.

4. APPROVAL OF MINUTES

- 4.1 The new Chair, Dr Peter Jones, asked for any comments and corrections from members on the minutes from January's Quarterly Committee Meeting. Garry Walker said that his name had been spelled incorrectly once, in 35.1.
- 4.4 Dr Paul Driver pointed out that in Item 41.6 a comment on modern slavery had been attributed to himself but Cllr Leo Littman confirmed that it had been his comment. It was agreed that this would be corrected in the minutes.

ALL RESOLVED to approve the minutes.

5. MATTERS ARISING

- 5.1 Tim Dapling said there was no separate report on hand gathering available with these papers but evidence was currently being gathered. Portsmouth University was looking at aerial surveillance feasibility and Sussex IFCA hoped that this could be introduced in the Chichester Harbour area in the future. Sean Ashworth updated new members on a consultation which had taken place recently, the evidence from which would be presented at the next Technical Subcommittee. Sean Ashworth had been involved with discussions nationally by all IFCAs on approaches to hand gathering management and this national group were formulating a template byelaw for all IFCAs to reference in future.
- 5.2 Erin Lawes added, for members' benefit, that an update on hand gathering evidence collection was available with the Conservation and Research Report.
- 5.3 Tim Dapling explained that the Nearshore Trawling Byelaw had been approved by Defra on 18th March 2021 and, subsequently, the Byelaw and associated guidance had been circulated widely and published on the website. Garry Walker confirmed that he had circulated the information to fishermen in Rye Bay.
- 5.4 There had been considerable media interest in the new Byelaw confirmation which included national press coverage and an interview had been given by Tim Dapling to ITV News. Details of the interest shown were included in the Communications Report, compiled by Sean Ashworth.
- 5.5 Cllr Carol Purnell said that there was a problem with the Byelaw regarding the high-water mark, Tim Dapling said that he was presently unaware of any concerns but any queries received would be addressed. Paul Johnson said the industry in Newhaven had problems with the coordinates and would be in contact shortly.
- 5.6 Tim Dapling updated members on the working situation under Covid restrictions with many members of staff continuing to work from home, while the vessel continued to carry out sea patrols, as it had done throughout the last year. Tim Dapling hoped that, with the lifting of restrictions, the next Quarterly Committee meeting in July could be held in a meeting room instead of virtually.
- 5.7 Cllr Carol Purnell said that a court ruling had not yet been made regarding the continuation of legal virtual Council meetings. Cllr. Purnell expressed concern that the Authority's board room was too small to allow for Covid guidelines to be followed, Tim Dapling explained that different Covid compliant premises would be sought for the meeting. Cllr. Purnell also queried the postage costs for the delivery of Shellfish Permit tags, Tim Dapling was able to confirm that these costs had been looked at again and briefly explained the basis of the current postage charge. The Chief Officer took the opportunity of informing members that a new database was in

development, which would, it was hoped, streamline the application process.

6. DECISION ITEMS

6.1 Appointments to Subcommittees

6.2 Tim Dapling ran through the structure of the Authority's subcommittees, explaining that subcommittees were the governance structures for detailed examination of relevant issues, in particular this applied to The Technical Subcommittee. He pointed out that both the Chair and the Deputy Chair were ex-officio members of all subcommittees except the Appeals Subcommittee. The subcommittee appointments were made every 2 years, Tim Dapling explained.

6.3 **The Finance Subcommittee's** function was to consider expenditure reports and specific financial decisions requiring Committee approval, to make necessary recommendations to the Principal Committee. The finance Subcommittee was delegated (*Art. 17*) with the authority to approve various financial matters and was currently comprised of representatives from the three contributing local authorities:

West Sussex County Council
Cllr Pieter Montyn, Cllr Paul High

East Sussex County Council
Cllr Carolyn Lambert, Cllr Trevor Webb

Brighton and Hove City Council
Cllr Leo Littman (Deputy Chair).

Dr Peter Jones would Chair the meeting.

Other members with specific finance qualifications could always be considered for inclusion, Tim Dapling said.

6.4 Cllr Pieter Montyn reminded members that membership might change following the Council elections taking place in May. All current members confirmed their desire to remain on the Finance Subcommittee if re-elected.

6.5 **The Technical Subcommittee** had a large membership, most recently in January 2021, Dr Paul Driver, Garry Walker and Ben Dunwell had been added, although Ben Dunwell had now resigned as a member. Tim Dapling asked the two most recent members, Sally Ashby and Andy Read, if they would both like to join this Subcommittee, to which they both agreed they would.

Membership:

Dr Paul Driver
Garry Walker
Graham Furness
James Partridge
Jo Brooksbank
Mark Bennett
Paul Johnson
Paul Leonard
Steve Hanks
Sally Ashby
Andy Read
Dr Peter Jones
Cllr Leo Littman

6.6 All current members expressed their desire to remain on the Technical Subcommittee.

6.7 **The Compliance Subcommittee's** function was to provide input and support officers on delivery of sustainable fisheries through the application of management intervention including regulatory advice and enforcement activities.

Membership: (minimum 4 members)

Mark Bennett (EA)
Paul Johnson (MMO)
Jo Brroksbank (NE)
Graham Furness
Paul Leonard
Steve Hanks
Dr Peter Jones (Chair)

6.8 **Staffing Subcommittee (ad hoc)**

Function:

Staffing matters support e.g. senior' officer recruitment process

Constitution

3 members:
Chairman, Deputy Chairman & 1 other member tbc.

6.9 **Appeals Subcommittee (ad hoc)**

Function:

Issues relating to employment appeals procedures (knowledge and experience with a public service could be considered desirable)

Constitution

3 members:

Graham Furness, James Partridge and Paul Leonard.

ALL RESOLVED to accept the recommendations and new appointments proposed.

7 Affirmation of Standing Orders

7.1 Tim Dapling said that all members had originally been appointed by the MMO for a maximum term of ten years. However, the tenure period had subsequently been extended by the MMO for a number of members who were willing to continue their service as members. Tim Dapling recommended removing point 2C in the Standing Orders which related to the maximum term of ten years.

ALL RESOLVED to accept the recommendation and reaffirm the Standing Orders.

8 Development of minimum size (fish, crustacea and mollusc) management (SMT) Minimum Size (Fish, Crustacea and Mollusc) Byelaw 2021

8.1 Tim Dapling introduced the item by explaining again to members how the development of a proposed Byelaw timetable worked and the extensive process involved: from its initial inception to the recommendation now that the proposed byelaw be made, following approval by the Technical Subcommittee held on 10th March. Once the Byelaw was 'made', the formal statutory consultation would take place as the next step in the process, allowing all stakeholders to comment. Their comments would then be considered and analysed for possible amendments at a future Technical Subcommittee before coming back to the principal committee for final approval; only then would the byelaw be submitted to the MMO and Defra for quality assurance and confirmation respectively.

8.2 Tim Dapling said that the introduction of similar minimum size byelaws by other IFCAs had informed and benefitted Sussex IFCA's Byelaw development.

8.3 Paul Johnson said that he had had meetings with the MMO Byelaw team who had registered his concerns regarding the use of the word 'transport' in the proposed Byelaw applying to vessels outside the IFCA District, both foreign and British. The MMO had received clear legal advice and all current byelaws would now be reviewed by the them, which Paul Johnson said would be a lengthy process.

8.4 Dr Peter Jones clarified with Paul Johnson whether the legal opinion acquired by the MMO had been specifically about Sussex IFCA's minimum size byelaw. Paul Johnson agreed that the legal advice had referred to similar byelaws nationwide and had implications for all such byelaws, all of which had already undergone the MMO's quality assurance process.

- 8.5 Steve Hanks asked whether elasmobranchs, as mentioned in 2.3, would be added to the Byelaw, Tim Dapling replied that 'elasmobranchs' was a general term for that included shark, skate and ray species. The intention was both to consider these species in further detail and to introduce a voluntary minimum size guide.
- 8.6 Tim Dapling answered various questions on the Byelaw following general discussion by members. Dr Peter Jones said that any legal issues would be addressed by MMO and Defra when Sussex IFCA's proposed byelaw was presented to them. Paul Johnson read out the MMO's legal advice for members' benefit.
- 8.7 Garry Walker expressed his concern that Kent & Essex IFCA's Minimum Size Byelaw included different species and sizes to Sussex IFCA's proposed Byelaw. Tim Dapling said that more species were included in the Authority's Byelaw than in Kent & Essex's Byelaw, but that Southern IFCA's Byelaw better matched our species schedule; he continued by explaining clearly that the Byelaw referred explicitly to fish caught and landed within Sussex IFCA's District, referring members to recent email communications seeking to clarify interpretation.
- 8.8 Jim Partridge believed that minimum size regulations introduced by individual IFCAs did not help conservation or increase species numbers.
- 8.9 Sean Ashworth said that the Impact Assessment costs were over-estimates and he was comfortable that the proposed minimum sizes would not have a high cost impact on the commercial industry. Given the byelaw's current provisions Skates' and rays' costs had been removed making a £4k cost difference, Sean Ashworth explained. Managing skates, rays and sharks were not currently mentioned in detail in the Byelaw, hence the recommendation 2.3 for the the Authority to explore evidence for the suggested voluntary measures.
- 8.10 Steve Hanks expressed his preference for a national minimum size Byelaw created by Defra, and suggested that the wording 'transport' be removed. Tim Dapling advised that the MMO and Defra would, if necessary, make any amendments when they received the final proposed Byelaw, once formal consultations had taken place and any changes considered. Garry Walker recommended that all versions be clearly labelled and numbered. Sean Ashworth reassured members that there would be no confusion as each version would be dated at each stage. Dr Peter Jones agreed that it was important each version be clearly defined.
- 8.11 Dr Peter Jones introduced the recommendations and reminded members that the Byelaw had been under discussion for four years and that the formal consultation would be the next part of the process, as Tim Dapling had already explained at some length. Garry Walker commented that newer members had not been discussing the proposed Byelaw for four years.

ALL RESOLVED to accept the following Recommendations:

- i. That the final proposed Minimum Size (Fish, Crustacea and Mollusc) Byelaw 2021 is made and that the Authority moves to the formal consultation phase.**
10 votes For, 4 votes Against, 1 abstention
- ii. That the associated Impact Assessment is approved.**
11 votes For, 3 votes Against, 1 abstention
- iii. That the committee approves the drafting of voluntary measures options, with regard to elasmobranchs (sharks, skates and rays), for discussion at a subsequent Technical Subcommittee.**
13 votes For, 1 vote Against, 1 abstention

9 Annual Planning: Focus and Priorities 2021 to 2022

- 9.1 Sean Ashworth presented members with the agreed planning priorities for the upcoming year 2021/22, which adds detail to the four-year plan and its objectives 2020-2024, a report which had been given to members at the last Quarterly Committee meeting in January. The Authority had created the four-year plan that was appropriate for submission to Defra and, in addition, annually submitted a more detailed brief report of that year's specific highlighted activities.
- 9.2 Sean Ashworth outlined the specifics of the report, which included: the effects of Covid on working practices, Tranche 3 MCZ management work, bait hand gathering evidence, and minimum size management review. The Authority continued to support the principles an ecosystem based approach to fisheries management and building natural capital.
- 9.3 Shellfish management would continue to be a focus of attention, Sean Ashworth added, ensuring compliance across the District. Development of the Authority's monitoring of shellfish, including the scoping of research projects, would continue, as would the analysis of shellfish data derived from the Shellfish Permit Byelaw. A new database system to support permit administration was expected to go live during 2021/2022. Part of the system would enable more online access to permit holders to submit return data and view their information.
- 9.4 Garry Walker queried why the implementation of the Shellfish Permit Byelaw had not resulted in improvements in lobsters within the District. Sean Ashworth replied that it was not currently understood why the lobster population appeared to have declined and that Sussex IFCA were in discussions with various other national organisations to help understand the problem. Jen Lewis said that data being collected enabled deeper analysis of the decline. Potential issues including the siltation of habitats were of serious concern and had already been highlighted by the Authority with communications sent to the MMO.

- 9.5 The introduction of the Nearshore Trawling Byelaw and pending Netting Permit Byelaw would give rise to considerable work in terms of both administration and compliance activities, Sean Ashworth reported.

ALL RESOLVED to note the legal requirements and the report.

INFORMATION ITEMS

10 Conservation and Research Update

- 10.1 Erin Lawes introduced the Annual Plan of research to be conducted during 2021/22 and provided an update on the Conservation and Research Team's work progress over the 4th Quarter, January to March 2021.
- 10.2 Erin Lawes informed members about an underwater remotely operated vehicle (ROV), a new piece of gear purchased to assist survey work. A presentation of the ROV would be given at the next Quarterly Committee meeting in July.
- 10.3 Erin Lawes highlighted the designated Tranche 3 MCZ, *Beachy Head East*, which was the largest site to date and its draft MCZ Assessment represented a significant workload for the team. NE's formal conservation advice package for the site was due for publication in September 2021.
- 10.4 Sussex IFCA officers had continued to support partner organisations with kelp research project developments over the last quarter, Erin Lawes reported, so as to ensure that projects could effectively monitor any impacts from the Nearshore Trawling Byelaw and facilitate habitat restoration. Research projects were being coordinated through the Kelp partnership. Members of partnership included: Sussex Wildlife Trust, Blue Marine Foundation, Marine Conservation Society, and Big Wave Productions. A large number of other organisations and academic institutions were also taking part in the wider science group meetings.
- 10.5 Erin Lawes urged members to read the report's appendices which gave more detail of work produced by herself, Jen Lewis and the research team.
- 10.6 Cllr Carol Purnell queried whether the waters around Selsey were a higher temperature because of 'Medmerry realignment'. Jen Lewis said that the kelps science group was at an early stage in gathering evidence for kelp feasibility studies which would include research on this subject. Dr Peter Jones added that higher temperature water was more likely to be as a consequence of global warming and it would be interesting to see the outcome of the research.

- 10.7 Dr Paul Driver praised the report produced by Erin Lawes on dredging in Brighton Marina which had been submitted to the MMO and queried whether anything could be done to encourage a response from the MMO. Sean Ashworth said that the Authority had gathered evidence, written submissions and followed up on them at relevant times over recent years. Tim Dapling agreed with Sean Ashworth and expressed his concern at the current situation and its potential impacts on both the MCZ features and the inshore fisheries. He considered that the lower costs of disposal of dredge material nearshore were not always the solution

ALL RESOLVED to approve the report and appendices.

- 11 The Compliance Report and The Communications Report** were taken as read.

12 Financial Performance Report Quarter 4 2020/2021

- 12.1 Stephen Jump presented the report for the benefit of members: A surplus of £20,896 was produced in the Quarter, a net gain against the budget of £19,071. The surplus was due in part to the staffing changes and the impact of Covid on working methods and travel around the District.
- 12.2 Total income in the Quarter had been £17,276 above the budgeted amount. Excluding contributions to Reserves at the year end, expenditure in the Quarter had been £23,905 below the budgeted amount.
- 12.3 Stephen Jump said that in Appendix 1 there was a detailed analysis of expenditure and income for the whole of the financial year 2020/2021 which showed an overall surplus of £109,752 against the budget, giving £819,835 in the Authority's Capital and Reserves, a healthy position for the Authority to be in.
- 12.4 Plummer Parsons would be carrying out their annual internal audit at the beginning of May, Stephen Jump said, following which minor alterations may be required to these accounts.
- 12.5 Dr Paul Driver said that it was positive to hear about the increased Reserves as they would be needed in future for eventual vessel replacement.

ALL RESOLVED to approve the report and expenditure to date.

- 13 Vessel & Vehicle maintenance log 1st January to 31st March 2021** was taken as read.

14 Chief Officers Group

- 14.1 Tim Dapling said that regular monthly COG meetings continued to be held during Covid-19. He highlighted the main topics covered: the MMO IFCA member appointment process had been discussed as well as strategic operations planning with the MMO. The MMO had chartered the Authority's vessel '*Watchful*' during January and February which had provided them with support and had provided Sussex IFCA with extra income. The charter arrangements had been highly productive and '*Watchful*' had provided a significant presence within English south east territorial waters, at a key time during the process of negotiations between the UK and EU.
- 14.2 Formation of regional fisheries stakeholder groups were being planned by Defra, to help inform the development of intended fisheries management plans. It was anticipated that the IFCAs would be invited to join the relevant VIId group Tim Dapling added.

ALL RESOLVED to accept the report.

15 Association of Inshore Fisheries and Conservation Authorities

- 15.1 The Association represented all 10 IFCAs, Tim Dapling informed members, its new Chief Executive Officer, Robert Clark, had now been in post since last year and was working hard on developing planning of the Association's approach to strategic planning with Defra, on a national level. Rob Clark had frequent discussions with Defra on the subject of funding. The Defra 'New Burdens' grant, distributed via local councils, represented circa 20% of IFCAs' incomes and was now reviewed annually, it remained at the same level since 2010 and was not guaranteed to continue beyond the next financial year.
- 15.2 Dr Peter Jones, as newly appointed chair of Sussex IFCA, would now be attending AIFCA meetings, Tim Dapling said.

ALL RESOLVED to accept the report.

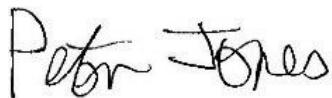
16 A.O.B.

- 16.1 Cllr Carol Purnell announced her departure from Authority membership and was thanked by the Chair for her contributions during her tenure.
- 16.2 Garry Walker asked if there was any update on the Netting Byelaw's progress, Tim Dapling replied that it was now with Defra and awaiting confirmation, members would be updated should when the situation changed.

- 16.3 Cllr Leo Littman informed members that both he and Dr Peter Jones had agreed that they would like to be referred to by gender neutral titles, namely 'Chair' and 'Deputy Chair'.
- 16.4 Steve Hanks asked about the progress being made by the Authority on the MCZ site 'Beachy Head East'. Erin Lawes updated him on the evidence gathering and surveys which were currently taking place, the NE Report was expected in September.

17 DATE OF NEXT MEETING

- 17.1 Thursday 22nd July 2021.

A handwritten signature in black ink that reads "Peter Jones". The signature is written in a cursive, slightly slanted style.

Dr Peter Jones, Chair Sussex IFCA.