

**MINUTES OF A MEETING OF THE
SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY
HELD AT UNIT 12a RIVERSIDE BUSINESS CENTRE, SHOREHAM-BY-SEA
on Thursday 23rd January 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)
Councillor Leo Littman (Brighton & Hove City Council)
Mark Bennett (Environment Agency)
Kate Bull (NE Representative)
Paul Johnson (MMO Representative) (part)
Robert Yorke (MMO Appointee)
Prof. Paul Leonard (MMO Appointee)
Graham Furness (MMO Appointee)
James Partridge (MMO Appointee)
Michael Newton-Smith (MMO Appointee)

Staff

Tim Dapling (Chief Fisheries & Conservation Officer)
Sean Ashworth (Deputy Chief Fisheries & Conservation Officer)

- 58.1 Members were informed that the meeting would commence with a closed-session to address a confidential matter

Session closed (In accordance with standing order 42)

Non confidential summary for the minute record

The Chairman Stewart Harper referred to confidential correspondence that had been received from Andrew Jackson solicitors. The correspondence had been circulated to all members prior to the quarterly meeting with a covering email from the Chairman. The Chairman was aware that some members had already been sent the information via other parties outside the Authority.

- 58.2 Prior to further discussion, Jim Partridge requested that the Chief Officer and Deputy Chief Officer be asked to leave the meeting. Michael Newton Smith agreed with Jim Partridge and both Tim Dapling and Sean Ashworth volunteered to leave the meeting despite other members being happy for them to remain.

A discussion then followed on the content of the correspondence, the conclusion of which was that the meeting agenda and report items should be considered by members as planned at the open meeting to follow.

Open Session resumed

The Chief Officer and Deputy Chief Officer returned to join the meeting.

58 CHAIRMAN'S INTRODUCTION

- 58.1 Stewart Harper welcomed all to the meeting and made reference to the key decision agenda items to be considered namely the proposed Netting Permit Byelaw 2019 and the proposed Nearshore Trawling Byelaw 2019.
- 58.2 Tim Dapling informed the members that following 25 years dedicated service to the Sussex Sea Fisheries Committee and the Sussex IFCA Charlie Hubbard, Marine Operations Manager and Master of Vessels had been presented with an antique mariner's telescope to mark the occasion and his long service. Tim Dapling emphasised Charlie's skills, knowledge efforts at skippering and maintaining the Authority's craft at an exceptional standard. The Authority members echoed their thanks to Charlie for his years of work and dedication.

59 APOLOGIES FOR ABSENCE

Councillor Laurie Loe (East Sussex County Council)
Councillor Tania Charman (East Sussex County Council)
Chris Williams (MMO Appointee)
Olle Akesson (MMO Appointee)
Steve Hanks (MMO Appointee)
Dr. Peter Jones (MMO Appointee)
Rob Greenwood (MMO Appointee)

60. DECLARATION OF INTEREST

- 60.1 The Chairman requested notification of any declaration of interests. Michael Newton-Smith declared his interest in the netting byelaw.

61. APPROVAL OF MINUTES OF MEETING HELD ON 24TH OCTOBER 2019

- 61.1 James Partridge stated that he'd made statements regarding the impact of storms on kelp which were not recorded.
- 61.2 Cllr Carol Purnell said that her representation of the Selsey fishermen needed to be clearer in the minutes.

It was agreed that amendments would be made [to reflect their points](#).

ALL RESOLVED to approve the minutes.

62. MATTERS ARISING

- 62.1 When asked by the Chairman, Tim Dapling said there were no matters arising that would not be covered by existing agenda items.

DECISION ITEMS

63. Review of Netting Management

- 63.1 Tim Dapling introduced and went through the introductory section of the report describing the process to date and the drivers behind the Byelaw as summarised in section 3.3.

- 63.2 He then explained in detail to members those amendments to the original consultation version of the Byelaw that were now proposed in section 4 of the report and written into the Byelaw as provide in annex 1 of the report. Tim Dapling said the proposed amended Byelaw reflected careful consideration of the formal responses received during the consultation period, including the seven consultation meetings which took place throughout the District during the statutory consultation period. The Technical Subcommittee had met and considered the amendments on both the 11th December 2019 and the 9th January 2020. The proposed amendments were agreed and consequently recommended to the Principal Committee for approval.

- 63.3 Tim Dapling highlighted one minor drafting amendment that required finalising after the meeting on the 9th January. Subject to approval of the proposed Byelaw text Paragraph 24 would now read:

'24. Any permit holder or named representative must not use, any container or any other device to store any edible crab or lobster in any tidal waters or marinas within the District, except when the individual has a valid commercial shellfish permit issued by the Authority.'

Copies of the amended Byelaw text (paragraph 24) were made available to members at the meeting.

- 63.4 Tim Dapling explained that following a query at the January Technical Subcommittee regarding the definition of a registered fishing vessel this matter had been looked into and the definition was believed to be correct, however, it was accepted that the MMO's Byelaw team would provide further advice on this if necessary.

- 63.5 Discussions between members and officers then followed on the report and the recommendations contained therein.
- 63.6 Michael Newton-Smith was concerned as to requirement for named permit holders or named representatives to be on the vessel when fishing, he felt this was onerous and suggested alternative drafting. Jim Partridge supported Michael Newton-Smith and some discussions followed regarding alternatives. Officers explained that the requirements were essentially the same as those used for the Shellfish Permit and experience over the past years had not given rise to significant problems in regard to those arrangements. Jim Partridge maintained it could present problems. Officers were conscious that at certain times other parties needed to operate a vessel and the Authority did its best to accommodate the needs of permit holders in such circumstances. Despite some suggestions, there was no alternative wording proposed and agreed. Tim Dapling said that the clause had been covered during the subcommittee stage, Michael Newton-Smith said he had been unable to attend the meetings due to work commitments.
- 63.7 The requirement that a ring or seine net must not come into contact with the seabed was questioned by Jim Partridge and Paul Johnson. They suggested that ring netting could occur when the footrope made contact with the seabed. Officers responded that ring netting is known to occur off the seabed for pelagic species, furthermore ring nets are very expensive and so any contact with hard ground is typically avoided to risk any damage. Jim Partridge maintained that some netting did occur when contact occurred with soft seabeds. Officers then explained that the provisions contained ensure no beach seining occurs, which would be an unwanted development in consideration of netting management objectives. It was agreed that a reference to fly seines in 4.06 of the report was not appropriate.
- 63.8 There was some discussion as to the costs of the permit. The commercial netting permit was £60 for 2 years and £10 for one year for recreational netting. The report contained examples of other permits and licence costs issued nationally and by local government. Several members, including Paul Johnson, stated that there was no cost for a fishing licence.
- 63.9 At the conclusion of discussions, the Chairman asked members to consider the formal recommendations in the report.

IT WAS RESOLVED to accept the following Recommendations:

- i. To approve the final version of the Netting Permit Byelaw 2019 and associated Impact Assessment, for submission to the Marine Management Organisation and Defra for the standard Byelaw assessment process and confirmation by the Secretary of State.**

Details of voting:

For: 158 (including 3 proxy votes)

Against: 0

Abstentions: 3 [\(including 1 proxy vote\)](#)

- ii. To acknowledge that final byelaw and impact Assessments may be subject to recommended changes received from the Marine Management Organisation and Defra. That senior management are delegated to approve such changes whilst keeping the Authority informed of the process.**

[Details of voting:](#)

For: 17 [\(including 3 proxy votes\)](#)

Against: 0

Abstentions: 1 [\(including 1 proxy vote\)](#)

64. Nearshore Trawling Management

- 64.1 Stewart Harper introduced the item and noted that Sean Ashworth was going to talk the members through the paper. Jim Partridge questioned whether the paper and its recommendations should be deferred, as he had questions over the evidence provided to support the management. Michael Newton Smith, and Paul Johnson expressed their concerns that the paper and recommendations should be deferred in order to gather further evidence. Jim Partridge stated that he thought the absence of kelp was not the result of trawling as kelp was not present in other areas which could not be trawled. Officers explained that there was kelp still present in other areas such as Selsey Bill, Jim Partridge disagreed. Cllr. Carol Purnell agreed with Michael Newton Smith and Paul Johnson and was concerned at the impact it could have upon fishers. Prof. Paul Leonard made further comments on evidential needs for management. Robert Yorke responded that during the process and meetings it had become increasingly clear to him that recovery of kelp required the removal of trawling pressure, Kate Bull expressed Natural England's view that the management was appropriate and Graham Furness expressed his support for the paper and its recommendations. Paul Johnson left the meeting at this point providing a note to the Chair of his intended vote. [Cllr. Carolyn Lambert left the meeting indicating her voting decision to the Chairman.](#)
- 64.2 Officers reminded members that the process for creating the management measures had been in train for over two years, with decisions being made on progress at eight previous quarterly committee meetings. The review of trawling management was itself a priority that had arisen from the IFCA's consultation on management measures reported on in 2013. Officers also stated their support for the evidence

that had been collected and analysed, which was presented in the Impact Assessment.

64.3 Tim Dapling, as Clerk, moved to address the position of those who did not support the recommendation.

64.4 Cllr. Carol Purnell proposed an alternative motion:

To defer the trawling paper and its recommendations based on evidential issues raised by members at the meeting.

The motion ~~is~~ was supported by both Jim Partridge and Michael Newton Smith.

64.5 Tim Dapling explained to members that, in accordance with Authority standing orders (para. 25 & 27), this alternative motion should first be voted upon before considering the report's proposed recommendations. Accordingly, the alternative motion proposed by Cllr. Purnell and seconded was voted upon by a show of hands and recorded. The motion was voted down:

Details of voting:

For: 3

Against: 9

Abstentions: 0

64.6 Stewart Harper led a discussion to establish that the committee was then ready to vote on the main recommendations of the paper. Officers noted that the MMO byelaw team had sent in a communication immediately prior to the meeting that suggested amendments to the Byelaw and Impact Assessment, however, the points had not been assessed by MMO lawyers and were not substantive to the management measures. Members were asked if they needed any points of clarification before the recommendations were considered. None were requested.

64.7 Cllr. Paul High stated that he was in full support of the nearshore trawling management proposals and that he also understood that the decision may be difficult for some people to accept.

The recommendations were accepted on majority votes.

IT WAS RESOLVED to accept the following Recommendations:

- i. To approve the final version of the Nearshore Trawling Byelaw 2019 and associated Impact Assessment, for submission to the Marine Management Organisation and Defra for the standard Byelaw assessment process and confirmation by the Secretary of State.**

Details of voting:

For: 12 (including 4 proxy votes)

Against: 4 (including 1 proxy vote)

Abstentions: 2 (including 1 proxy vote)

- ii. To acknowledge that final byelaw and impact Assessments may be subject to recommended changes received from the Marine Management Organisation and Defra. That senior management are delegated to approve such changes whilst keeping the Authority informed of the process.**

Details of voting:

For: 12 (including 4 proxy votes)

Against: 4 (including 1 proxy vote)

Abstentions: 2 (including 1 proxy vote)

ii.

65. Focus and Priorities Annual Planning for 2020 to 2021

- 65.1 Senior officers summarised the report and explained the Sussex IFCA planning process. A short discussion followed.

ALL RESOLVED to approve the report and the recommendations.

INFORMATION ITEMS

66. Annual Report 2018-19

Hard copies of the Authority's 'The Annual Report 2018-19' had been previously circulated to members. The Report text had been provided to Defra in accordance with IFCA planning guidance

67. Seabed habitat map

- 67.1 Taken as read, no questions from members were forthcoming

ALL RESOLVED to receive the report.

68. MPA Update

68.1 Taken as read, no questions from members were forthcoming

ALL RESOLVED to receive the report.

69. Communications and Partnership

69.1 Taken as read, no questions from members were forthcoming

ALL RESOLVED to receive the report.

70. Compliance & Enforcement

70.1 Sean Ashworth introduced the report to members and asked if there were any questions.

ALL RESOLVED to receive the report.

71. Information item No. 15 - Summary of income and expenditure for quarterly period 1st October to 31st December 2019 and Budget 2020/21

71.1 Stephen Jump, Finance Manager, joined the meeting for this Item. Stewart Harper said that the Finance Subcommittee had discussed the accounts and the budget proposal in detail earlier that day and had given its approval as recommended.

71.2 Stephen Jump ran through the report for the benefit of members. He explained that the report comprised two main elements, which were the budget monitoring report for the current financial year, and the budget for the next financial year.

71.3 Stephen Jump drew members' attention to Appendix 1 to the report which gave details of all the Authority's budgets for the current year, actual financial performance in the Quarter to December 2019 and a forecast to the end of the financial year. He explained that £22,000 more income than budgeted had been generated as a result of patrol activity that had taken place in November and December on behalf of the MMO.

71.4 He also noted that expenditure on salaries had been £8,000 less than budgeted as a result of a staff vacancy. He said that in the year to 31 December net spend had been £45,000 less than budgeted and that this

was forecast to rise to rise to £57,000 by the end of the year. The main variances were expected to be £12,500 additional income from Charter activity, £43,000 reduced spend on employee costs, offset by £12,000 higher spend on compliance as a result of the Byelaw setting process.

- 71.5 Stephen Jump went on to explain the 2020/21 budget proposal which had been approved earlier that day by the Finance Subcommittee. He noted that this was a balanced budget with no surplus generated or any call on the Authority's reserves, with the overall framework being a 2% increase in the levies on the three constituent authorities which would be as set out in paragraph 5.4 of the report.
- 71.6 Councillor Carol Purnell queried whether the increase in levies should be limited to the change in CPI for the year, which had been roughly 1.5%, given the pressure that West Sussex County Council was under to make savings in its budgets, particularly adult social care.
- 71.7 Councillor Pieter Montyn said that he had raised a similar query at the morning's Finance Subcommittee and that a detailed discussion had taken place then. Tim Dapling reiterated that the proposal to increase the levy amounts by 2% followed an in-depth review of all of the Authority's budgets and that officers always look to achieve value for money.

ALL RESOLVED to approve the report and expenditure to date, and the 2020/21 budget.

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

ALL RESOLVED to take the report as read.

73 Chief Officers Group

- 73.1 Tim Dapling informed members about key COG discussions. He highlighted the issue of communications with Defra on matters, and explained that individual Chief Officers had been identified as specific leads on certain issues. Tim Dapling was tasked with recreational sea angling and the marking of static gears with the MCA and partners.

ALL RESOLVED to accept the report.

74. Association of Inshore Fisheries and Conservation Authorities

- 74.1 Tim Dapling provided members with the extremely sad news that Sally Standing had lost her fight against cancer shortly before Christmas. He explained that condolences had been sent to the family from him on behalf of the Sussex IFCA and Stewart Harper had attended the funeral.
- 74.2 The Association was continuing its national work with emphasis on ensuring funding support from Defra for IFCAs, Tim Dapling reported.

ALL RESOLVED to accept the report.

75. A.O.B.

- 75.1 None

76 DATE OF NEXT MEETING

- 76.1 Thursday 23rd April 2020.

Stewart Harper, Chairman Sussex IFCA