

**MINUTES OF A MEETING OF THE
SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY
HELD AT UNIT 12a RIVERSIDE BUSINESS CENTRE, SHOREHAM-BY-SEA
on 24th October 2019**

PRESENT

Members

Stewart Harper (Chairman, MMO Appointee)
Councillor Carolyn Lambert (Deputy Chair, ESCC)
Councillor Carol Purnell (West Sussex County Council)
Councillor Paul High (West Sussex County Council)
Charles Bacchus (Environment Agency)
Allison Atterbury (NE Representative)
Paul Johnson (MMO Representative)
Steve Hanks (MMO Appointee)
Robert Yorke (MMO Appointee)
Dr. Peter Jones (MMO Appointee)
Graham Furness (MMO Appointee)
Rob Greenwood (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)
Audrey Jones (Conservation Manager (maternity cover))

37 CHAIRMAN'S INTRODUCTION

37.1 Stewart Harper welcomed all to the third Quarterly Committee meeting of 2019-20 and introduced the short Agenda to members.

38 APOLOGIES FOR ABSENCE

Councillor Pieter Montyn (West Sussex County Council)
Councillor Laurie Loe (East Sussex County Council)
Councillor Tania Charman (East Sussex County Council)
Councillor Leo Littman (Brighton & Hove City Council)
Prof. Paul Leonard (MMO Appointee)
Chris Williams (MMO Appointee)
Olle Akesson (MMO Appointee)

39. DECLARATION OF INTEREST

- 39.1 The Chairman requested notification of any declaration of interests. Michael Newton-Smith declared his interest in the netting byelaw. Sean Ashworth declared his interest with The Wildlife Trust in the Sussex Kelp Film.

40. APPROVAL OF MINUTES

ALL RESOLVED to approve the minutes.

41. MATTERS ARISING

- 44.1 Tim Dapling said that most of the matters would be covered in the Agenda. He updated members on Item 25: The Authority's letter of response to the MMO Consultation on Western Waters Demersal for Scallop Fishing had now been sent to the MMO and Defra.
- 44.2 Tim Dapling explained about developments regarding the new EU Technical Conservation Regulation 1241. The regulation had come into force on 15th August. IFCO powers to enforce the regulation required an amendment to an existing Statutory Instrument which was introduced in October. During the intervening period IFCOs held limited MEO warrants.

DECISION ITEMS

45 Review of Netting Management and Nearshore Trawling Management

- 45.1 Stewart Harper appraised members of the process to date. He said that a number of members of the fishing industry had expressed their belief that the consultation had not been conducted over a long enough period. Defra byelaw guidance specified a period of 28 days after the last public notice was published by which objections should be sent to the MMO and the IFCA. The Chairman had followed this guidance after much consideration on his part.
- 45.2 Stewart Harper said that the next step in the process was analysis of all objections expressed which would then be replied to and any changes considered. Dr Peter Jones said that responses of support as well as those with objections should be noted.
- 45.3 Cllr Carol Purnell said that it might be a good idea to supply details of where all responses had come from as the origins gave different slants on the data analysis.

- 45.4 Jim Partridge remembered that the kelp beds off Selsey had never been trawled, hence trawling had not damaged the kelp beds in his opinion; furthermore, he believed the storms of '87 had removed the kelp.
- 45.5 Tim Dapling thanked the Chairman for attending so many of the public consultation workshops, and also those members who had attended; he considered the work carried out over the last weeks as being some of the most thorough Byelaw Consultation work undertaken both by the Sussex IFCA since its inception and its predecessor, the Sussex Sea Fisheries Committee.
- 45.6 The Chief Officer drew members' attention to all the banners and information material on display in the office, which was the same material as had been shown at the public consultations and copies of which had also been accessible to all on the Authority's website.
- 45.7 Sean Ashworth walked members through a tabled report and explained the recommendations and process to date. Materials from objections received were already being compiled by Officers for discussion and consideration at upcoming Technical subcommittee meetings.
- 45.8 Sean Ashworth said that drop-in sessions had been run at seven locations along the coast including Rye, Hastings, Eastbourne, Newhaven, Shoreham by Sea, Littlehampton and Selsey. Posters highlighting the drop-in sessions and consultation had been posted at fishing stations throughout the District. Stakeholders had been given the opportunity to book one-to-one sessions with Senior Managers and staff at the sessions.
- 45.9 A total of 89 stakeholders had attended the drop-in sessions. The vast majority were from the commercial fishing sector. Many useful and challenging conversations had taken place in open sessions and in one-to-one sessions. Responses had been received by email and hard copy. These responses were currently being collated and analysed.
- 45.10 The priority steps were now to review the consultation responses, evaluate both byelaws in light of those responses, make any byelaw amendments, reply to consultee responses and then, when approved by the Authority at a Quarterly Committee meeting, to send the final proposed byelaws off to the MMO and, in turn, the Secretary of State at Defra for confirmation.
- 45.11 Michael Newton-Smith queried whether all the responses would be available to Technical Subcommittee members for discussion at the next meetings. Sean Ashworth confirmed that the responses would be available, but with the caveat that, for GDPR purposes, individual responders' details would be redacted.
- 45.12 Steve Hanks queried when the responses to consultees would be issued. Responses would be sent out after January's Quarterly Committee meeting when the final wording had been agreed. A holding response had been sent out to all by post or email. Michael Newton-Smith queried the meaning of 'evidence' in the statement 'Any byelaw amendments will only be made if new evidence has been supplied which informs the process.' 'Evidence',

Sean Ashworth answered, meant corroborated facts and economic information. Robert Greenwood was concerned that enough time would be allocated to the discussion of responses and any further evidence required. The Chairman said that a sensible timetable was important but that the deadline of the next Quarterly meeting was 'not set in stone' but was a reasonable ambition.

- 45.13 Sean Ashworth said that, in his opinion, having had an overview of the responses, the timeline was long enough to consider all responses before the Quarterly Committee meeting in January 2020. Cllr Purnell, who considered herself representing Selsey fishermen, queried whether any trawling 'expert' should be co-opted in to the Technical Subcommittee, Stewart Harper said that he saw complications in such a suggestion at this stage and believed that members of the Technical Subcommittee had the required broad knowledge of the fishing industry to complete this job correctly. Michael Newton-Smith commented that members' knowledge did not include every fishing method. Charles Bacchus said that the over riding comments that he had heard at the consultations were concerning the lack of all fish species throughout the District. Given continuing concerns raised by consultees regarding the membership of the Authority, a general discussion took place among members about the MMO's recruitment system for members.
- 45.14 Sean Ashworth detailed the proposed timetable of next steps in the plan for members' benefit. The Chairman read out the item's recommendations.

ALL RESOLVED to accept the following Recommendations:

- i. That the Authority notes the actions taken to deliver the consultation and to note the overview of responses.**
- ii. That the Authority approves the next steps. Specifically, for officers to prepare materials for the planned Technical Subcommittees with a view to creating final draft byelaws with any appropriate amendments.**
- iii. To take final draft byelaws, for both netting and nearshore trawling, into the subsequent quarterly Authority meeting. The final draft byelaws are planned to be recommended for approval at that subsequent quarterly Authority meeting with a view to be sent to the MMO and Defra Secretary of State for confirmation.**

Members accepted all Recommendations, with one abstention.

46 PRESENTATION of the Sussex Kelp Film

- 46.1 Following the presentation of the film, Stewart Harper invited comments from members. Dr Peter Jones wanted to express his support for the film that Sir David Attenborough had narrated. Cllr Carolyn Lambert queried

whether windfarms encouraged kelp to grow, Charles Bacchus confirmed this, referring to signs that kelp had been identified around cabling routed on the seabed. Members discussed the various issues involved with helping kelp re-establish.

- 46.2 Tim Dapling gave details of a meeting he had had with Cllr Deborah Urquart, WSCC local cabinet member for the Environment, whose interest in kelp beds led her to recognise large ecosystem service benefits associated with CO₂ sequestration and meeting climate change targets as well as benefits for fishermen. Estimates of the potential natural capital recovery and associated ecosystem services to be gained were circa £3.6m per annum: based upon the NEF report and modelling and thus could have national significance.
- 46.3 Paul Johnson queried the timescale of re-wilding kelp, Tim Dapling explained some factors in respect to the existing distribution of kelp and its reproductive biology. He reminded Paul Johnson that there was information on kelp reproduction within the impact assessment and supporting documentation; Allison Atterbury said that the habitat would rapidly change with less trawling. Dr Peter Jones estimated a period of 3-5 years maximum but, as there were no guarantees, said that it was important to revisit the area regularly to monitor the situation and find evidence of new growth.
- 46.4 Michael Newton-Smith said that dredging would be bound to continue and this restriction on trawler fishermen would be viewed as unfair by them. Rob Greenwood expressed his, and other fishermen's, disappointment that trawling appeared to be solely blamed for the loss of kelp beds.
- 46.5 There was some discussion as to where kelp may have recently colonised on structures associated with the wind farm.
- 46.6 Tim Dapling and Sean Ashworth agreed that appropriate monitoring would be put in place and explained to members that plans were already being prepared and baseline transects undertaken.

INFORMATION ITEMS

47 Interim Research Report

- 47.1 Sean Ashworth reported on the oyster stock monitoring in Chichester Harbour: the research had shown that there was not enough stock to allow reopening of the oyster fishery this year. There had been no recovery following the prevention of fishing last year, Tim Dapling said, this was probably due to a combination of factors including water quality, disease and oyster parasites. There were, however, some continuing reports of

native oyster along coastal areas. Since the continued decline in stock could not be attributed to fishing effort.

47.2 The remainder of the report was taken as read.

48 Communications and Engagement

48.1 Cllr. Carolyn Lambert said that it was important to explain how the Authority was engaging with key stakeholders, in particular, the fishing industry. Cllr. Carolyn Lambert suggested loading draft minutes on the website as the council did. Stewart Harper and members all agreed that in future all draft minutes would be put on the Authority's website.

48.2 Paul Johnson requested that all recordings of meetings be kept for six months in case any points in the minutes were challenged and needed checking within that time. The Chairman and members all agreed that recordings of Quarterly Committee meetings should be kept for six months.

48.3 Tim Dapling said that the Authority had an existing Communications Plan which could be examined and reviewed, and Officers were always happy to attend fishing organisations' meetings. The HoRac meeting in Rye and Newhaven Port users' meeting were normally attended by the C.O.

49. MPA Update

49.1 Audrey Jones gave a brief verbal update on MPAs: The Tranche 3 MCZ, Selsey Bill & The Hounds, would be protected if the planned Trawling Byelaw came into force. Audrey Jones said that evidence was being gathered now following Beachy Head East's designation. Kingmere management was due for review in October 2020. NE's conservation recommendations now varied from their original advice, so this was being monitored.

49.2 There had been a call for evidence for HPMA (Highly Protected Marine Areas) within a 28 day period. Tim Dapling said discussion had taken place at COG and AIFCA on HPMA's feasibility and the consensus was that areas offshore would be preferable to areas inshore given the extent of inshore MCZ designations and their potential impact on communities if they were HPMA's. Audrey Jones was examining existing reports and assessing the silt discharged from Brighton Marina, which was believed to have affected lobster catches in Beachy Head West MCZ.

50 Compliance & Enforcement

50.1 Cllr Paul High commented that the overview of landed fish numbers was very low for 2019. Michael Newton-Smith said that this happened from time to time, often following a hot summer. Discussion took place among members regarding the reports and recent presence of a very large

Lithuanian registered pelagic freezer trawler, named '*Margiris*', which had caused concern in the District but which was conforming to all MMO regulations. The vessel was observed outside the IFCA's District and monitored by the public on 'Marine traffic' (AIS). Paul Johnson informed members that the vessel had been boarded by two MMO officers and it was found to be doing nothing illegal.

- 50.2 Members expressed concern regarding the size of the vessel and the potential bycatch that could be associated with a vessel of this scale. The Chairman reassured members that, despite its size, he was aware of much smaller vessels that had greater catching capacity.

ALL RESOLVED to approve the report.

51 RSA Partnership Report

ALL RESOLVED to take the report a read.

52 Summary of Expenditure for the 2nd Quarter from 1st June to 30th September 2019

- 52.1 Stewart Harper said that the Finance Subcommittee had already discussed the accounts in detail earlier that day. Steven Jump, Finance Manager, joined the meeting for this Item and ran through the report for the benefit of members.
- 52.2 Steven Jump said that a surplus of £3,122 was achieved in the quarter, a net gain against the budget of £3,057. The reduction in Employee costs against the budget, £3,952, reflected the recruiting position during the quarter as well as the cost of cover for a member of staff who was currently on maternity leave. Following the resignation of a very new member of staff, one post was vacant at 30 September 2019.
- 52.3 While it was reasonable to assume that expenditure and income would be in line with the budget in most areas of activity, Steve Jump had identified variances to the end of the year which established a net surplus of approximately £48,000 compared with the budget to be forecast for 2019/20.
- 52.4 Members discussed the report and asked questions about any details they did not understand.

ALL RESOLVED to approve the report and expenditure to date.

53 Vessel & Vehicle maintenance log 1st July to 30th September 2019

ALL RESOLVED to take the report as read.

54 Chief Officers Group

- 54.1 Tim Dapling informed members about COG's discussions regarding minimum fish sizes which had taken place at the COG July meeting. The IFCA byelaw making process had also been discussed following the independent review. The main finding had been with regard to legal advice provision, the report recommended placing more onus on IFCAs on gaining advice; however, the IFCAs were conscious this didn't reflect the Defra guidance and duties on the MMO.
- 54.2 Tim Dapling reported that he was sitting on a national gear marking group, an MCA UKSON (UK Safety of Navigation) working group, as was Rob Greenwood from the NFFO. The RYA (Royal Yachting Association) and the CA (Cruising Association) were concerned about the risks represented by static gear marking to the yachting community. Guidance was being compiled by the working group which could be used to help inform regulations such as the IFCAs and port authorities.
- 54.3 Cefas had approached IFCAs for help supporting fish health certification checks post Brexit, Tim Dapling said.

ALL RESOLVED to accept the report.

55 Association of Inshore Fisheries and Conservation Authorities

- 55.1 The Association was continuing its work on ensuring funding support from Defra for IFCAs, Tim Dapling reported. The 'New Burdens' support from Defra remained unchanged since 2011 when the IFCAs were established..
- 55.2 The MMO process for appointing members to IFCA boards was also under discussion, as many members were due to reach the end of their ten-year tenure in October 2020. Tim Dapling distributed copies to MMO members of the AIFCA's correspondence to the MMO, which sought a process for extensions beyond ten years for those members wishing to remain and proposed process to ensure governance was not unduly disturbed by a large change in membership.
- 55.3 Cllr Carol Purnell noted that the use of acronyms within COG and AIFCA reports was confusing.

ALL RESOLVED to accept the report.

56 A.O.B.

56.1 James Partridge queried pots which had top entrances for lobster and side entrances for cuttlefish, did they get tagged as cuttlefish pots or as lobster pots? Sean Ashworth replied that further investigation would take place.

56.2 James Partridge queried the length of time taken with issuing his tags, which he believed had taken three months. Tim Dapling and Sean Ashworth both said that the perceived problem would be investigated, but no other complaints had been received and all orders, if paid, were placed within two weeks of receipt.

57 DATE OF NEXT MEETING

57.1 Thursday 23rd January 2020.

Stewart Harper, Chairman Sussex IFCA.

