

**MINUTES OF A MEETING OF THE
SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY
HELD AT UNIT 12a RIVERSIDE BUSINESS CENTRE, SHOREHAM-BY-SEA
on 25th July 2019**

PRESENT

Members

Stewart Harper (Chairman, MMO Appointee)
Councillor Pieter Montyn (West Sussex County Council)
Councillor Carol Purnell (West Sussex County Council)
Charles Bacchus (Environment Agency)
Steve Hanks (MMO Appointee)
Robert Yorke (MMO Appointee)
Dr. Peter Jones (MMO Appointee)
Prof. Paul Leonard (MMO Appointee)
Chris Williams (MMO Appointee)
Olle Akesson (MMO Appointee)
Graham Furness (MMO Appointee)

General Public attendees (separate room via video link)

Representatives from the Sussex fishing industry:
Don Bickerstaff Snr, Don Bickerstaff, Charlie Brock, Bill Brock, Kevin McGuire,
Nik Brown, Mick Scott, Ben Dunwell and Neil Witney.

Staff

Tim Dapling (Chief Fisheries & Conservation Officer)
Sean Ashworth (Deputy Chief Fisheries & Conservation Officer)
Audrey Jones (Conservation Manager (maternity cover))

18 CHAIRMAN'S INTRODUCTION

18.1 Stewart Harper welcomed all to the second Quarterly Committee meeting of 2019-20. He advised that it was a meeting open to the General Public and that 9 representatives from the Sussex fishing industry had chosen to attend and would be watching the proceedings via a camera link to a tv screen outside the boardroom. Stewart Harper suggested it would be sensible to cover Items 1 to 7 on the Agenda, following which would be a break in the proceedings. During the break both he and Tim Dapling would speak to the visiting fishermen about any queries they might have about the netting and trawling items.

- 18.2 Stewart Harper introduced Audrey Jones, who had previously been a member of the Authority. She was currently covering Erin Lawes' role of Conservation Manager during her maternity leave. Alison Atterbury would be replacing Audrey as a representative of Natural England.
- 18.3 Tim Dapling informed members that Cllr Leo Littman had been appointed as a member by BHCC following Cllr. Ollie Sykes standing down as a councillor.

19 APOLOGIES FOR ABSENCE

Councillor Carolyn Lambert (Deputy Chair, ESCC)
Councillor Paul High (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)
Rob Greenwood (MMO Appointee)
James Partridge (MMO Appointee)
Michael Newton-Smith (MMO Appointee)
Paul Johnson (MMO Representative)
Alison Atterbury (NE Representative)

20. DECLARATION OF INTEREST

- 20.1 The Chairman requested notification of any declaration of interests. Charles Bacchus declared his interest in the Review of Netting Management Measures. Chris Williams declared his interest in trawl management following his current report work

21. APPROVAL OF MINUTES

- 21.1 Paul Leonard had a couple of small amendments to wording: deleting the word 'sound' from before 'scientific evidence' and change his 'desire' to 'interest in' sharing best practice. Kat Nelson offered to send Paul Leonard the details of the chair of the IFCA's Technical Advisory Group, which he was happy to receive.

ALL RESOLVED to approve the minutes.

22. MATTERS ARISING

- 22.1.1 None were raised.

DECISION ITEMS

23 Review of Management Measures, Netting Permit Byelaw 2019

- 23.1 Stewart Harper introduced the Item by explaining the timing of procedures: public consultation would be next step in the process of moving towards the production of the final byelaw.
- 23.2 Tim Dapling briefly described how Sussex IFCA was running two parallel byelaw workstreams examining both netting management and nearshore trawling management. These reviews were being carried out in line with the Authorities' legal duties to protect salmonid and other relevant species as defined within the Marine and Coastal Access Act 2009. They were part of a strategic planned review of IFCA regulations defined within the Authority's planning process.
- 23.3 The proposal was that there would be no fishing allowed from the shore with nets in the District, with the exception of the historic keddle net fishery at Pett Level near Rye, which would continue but be monitored closely to ensure minimum interaction with bass or sea trout.
- 23.4 Tim Dapling explained that there were proposed provisions within the draft Byelaw for smaller boats (under 7m) to be allowed access to otherwise closed nearshore fisheries between the defined dates over the winter period.
- 23.5 It was proposed that sustainable seine netting would be allowed for certain pelagic species, including herring, sprat and anchovies. The draft Byelaw ensured that Chichester Harbour's bass nursery area and local mullet populations would be better protected, Tim Dapling said. Considerable debate had taken place at previous Technical Subcommittees regarding recreational netting and whether it should be allowed. The consensus was that it should be allowed but that overall net length should be restricted with a permit scheme.
- 23.6 The introduction of a commercial permit scheme would enable a better understanding and management of the local netting fleet and its activity, similar to the current Shellfish Permit Byelaw, there would also be an annual recreational permit available.
- 23.7 Steve Hanks queried whether the recreational permit would only allow fishing from a boat, Tim Dapling confirmed that that was the case. The keddle netters would also require a permit. The different netting permits would inform the Authority as to all netting activity taking place in the District and provide netters' details, which would allow for improved, directed communications.
Appropriate guidance and chart coordinates would be supplied to permit holders to assist their compliance to the regulations.
- 23.8 Tim Dapling explained the defined netting areas for the benefit of members. Cllr Carol Purnell queried the described Selsey netting and trawling areas and how many boats would be affected in the area. Tim Dapling said that that relevant information was to be found in the Impact Assessment which accompanied the draft byelaw and explained that the current netting management in place had informed the new draft byelaw. In respect to trawling, the entire fleet of vessels at Selsey were static gear vessels.

- 23.9 Robert Yorke requested more detailed maps as had been supplied to the Technical Subcommittee. Officers circulated some more detailed charts and at the Chairman's request clarified the areas verbally.
- 23.10 Tim Dapling summarised the framework of the byelaw and its associated conditions for members' benefit. He also described the small technical changes which had been agreed at the most recent Technical Subcommittee. A copy of the complete draft Byelaw had been formally submitted to Defra and the MMO, fourteen days prior to the Quarterly Committee meeting, as regulations stipulated. Members had been informed of the submission and supplied with electronic versions, plus hard copies as required. It was intended that the draft Impact Assessment would be updated with further information prior to the consultation period.
- 23.11 Advertising would now be booked for two weeks prior to public consultation as required by Defra. Twenty-eight days was then allowed for public responses to be received. Accompanying guidance was currently being finalised and Tim Dapling envisaged that the formal consultation would commence in September. Significant responses were expected and would be collated and thoroughly reviewed and discussed at the next Technical Subcommittee.
- 23.12 Cllr Carol Purnell expressed her concern about the future for the fishing community. The Chief Officer reassured her that a balanced approach was being taken, reflecting the Authority's duties and community needs. All consultation responses would be considered in full.

ALL RESOLVED to accept the following Recommendations:

- i. That the Authority make the proposed Netting Permit Byelaw 2019 and associated Flexible Permit Conditions, as amended (Appendix 1 & 1a) and recommended by the Technical Subcommittee on the 27th June 2019.**
- ii. That the Authority approves the Associated Impact Assessment draft (as circulated prior to the meeting) subject to amendments to be made as raised at this meeting and as considered appropriate by IFCA Officers.**
- iii. To initiate the formal statutory consultation process for the Netting Permit Byelaw 2019 and associated Flexible Permit Conditions.**

All members unanimously accepted all Recommendations

24 Review of Management Measures, Nearshore Trawling Byelaw 2019

- 24.1 Sean Ashworth introduced this item by detailing the purpose of the Report, which included reappraising members of the evidence base and decision-making process to date and considering next steps for the development of management, as well as detailing the report's recommendations.

- 24.2 Sean Ashworth said that the agreed outcome of previous meetings had been to run a parallel workstream to the netting management on nearshore trawling management. For members who did not attend the Technical subcommittee, Sean Ashworth flagged up and briefly described an additional piece of information which had been introduced since the last Quarterly Committee meeting regarding the implications of pair trawling and probable bass mortality.
- 24.3 Chris Williams asked if it was intended to include further economic information within the present draft impact assessments to support both the Byelaws and the pending consultation process. Officers acknowledged that further drafting work was intended, as was reflected in the recommendations and prior communications to both members, Defra and the MMO. Summary economic information would be drawn from the more detailed text where practicable.
The Defra template IAs were such that they did limit detail in the summaries due to the automatic rounding calculations they contained.
- 24.4 Sean Ashworth explained the agreed changes which had been made since the last committee meeting and detailed the draft Byelaw's management measures for members' benefit.
- 24.5 Tim Dapling explained that in respect to the provision requiring a 'vessel information and monitoring system' within 0.5 nautical miles of the nearshore areas, there was currently flexibility in Sussex Byelaw on individual fisher's choice of AIS or IVMS for vessels that were not already subject to mandatory VMS requirements. However, this flexibility might change according to development of mandatory IVMS by Defra and MMO.
- 24.6 Following a query from Cllr Carol Purnell regarding the prohibition area of towed gear trawling and whether the 4km distance at Selsey was as a result of protecting kelp beds, Sean Ashworth said that Chris Williams, in his role at New Economics Foundation, had researched the values of kelp and would be giving a presentation of his report on Kelp Ecosystem Services as the next item on the agenda.
- 24.7 Sean Ashworth explained that the current Instruments Byelaw would be amended at the same time as a Trawling Byelaw was confirmed. He described the intended changes to cod-end mesh sizes for pair trawls, intended to reduce bass bycatch below MCRS.

ALL RESOLVED to accept the following Recommendations:

- i. That the Authority make the proposed Nearshore Trawling Byelaw 2019, as amended (Appendix 1) and recommended by the Technical Subcommittee on the 27th June 2019.**
- ii. That the Authority approves the Associated Impact Assessment draft (as circulated prior to the meeting) subject to amendments to be made as raised at this meeting and as considered appropriate by IFCA Officers.**
- iii. To initiate the formal statutory consultation process for the Nearshore Trawling Byelaw 2019 (Appendix 1).**

All members unanimously accepted all Recommendations.

- 25** **MMO Consultation on Western Waters Demersal for Scallop Fishing Effort** (Additional Agenda Item, draft letter previously circulated by email)
- 25.1 Stewart Harper made some introductory comments on the item, which was a subject not previously discussed by IFCAs. He said that as well as TACs (quota limitations) on certain species there were also 'effort limitations' on some species (including scallops) which limited the number of 'kilowatt days' that could be used in fishing for such species in certain ICES areas. These 'effort limitations' could be swapped between EU Member States. . Tim Dapling advised that there was a proposed swap between the Dutch fishing industry of 155,000 KWdays at sea >15m scallop effort for a lesser value of KWdays for demersal trawling effort not required by the UK fleet.
- 25.2 Tim Dapling said that the consultation had been identified as significant to the Authority because of the extent of scallop fishing by the > 15 metre fleet immediately south of Sussex IFCA's District. A response was required imminently, which was why it could not wait to be considered at the next Technical Subcommittee meeting.
- 25.3 There is a UK baseline of 3,315,619 KWdays for the area VII scallop fleet over 15 metres in length. The scale of the fishing in terms of tonnage and landings in Area VIID's': in 2018 circa 16,000mt was landed each KWday was estimated to be worth £7.55 or 3.4kg of scallops. The fishery is valued in excess of £20m. The proposal was to significantly increase the amount of kw days to over 4m KWdays(including deals with other countries), Tim Dapling was interested particularly because the ICE's assessment was that the area was already overfished and sampling indicated that a significant proportion of the catch, circa 10% was below the current MCRS of 110mm.
- 25.4 According to fishing businesses, the impact of this scallop fishery on smaller inshore boats' catch rates was to make them non-profitable due to the low densities of scallop on the grounds and there was also the potentially destructive impact on the crab stocks and herring spawning areas, Tim Dapling informed members, thus significant issues regarding the proposals. The response letter from the Authority should raise awareness and highlight the importance of ensuring that inshore fisheries profited from scallop fishing and sustainable stock levels within and outside the District, he said.
Paul Leonard asked that members be given the chance to submit comments about the issue, which Tim Dapling welcomed. 18th August was the deadline, Tim Dapling said.

There was a short break during which Stewart Harper and Tim Dapling addressed queries on the draft Netting and Trawling Byelaws with the representatives from the Sussex fishing industry.

PRESENTATION/BRIEFING

Chris Williams, on behalf of New Economics Foundation, gave a presentation of Kelp Ecosystem Services report, which was followed by a general discussion of kelp with members.

INFORMATION ITEMS

26 Annual Research Report 2018-2019

- 26.1 Kathryn Nelson introduced her comprehensive Annual Research Report on the research conducted during 2018/19, she highlighted different areas of work over the last year and gave a brief description of the extensive list of projects.
- 26.2 Kathryn Nelson explained that Sussex IFCA had conducted a wide range of research activities to inform decision making and to further understanding of the coastal marine environment and fisheries.
- 26.3 All of the 44 projects were conducted in collaboration with, in total, over twenty organisations and with the support of partner organisations. Volunteers and work experience students had also played an important part in supporting the work of the IFCA.
- 26.4 This summer priority was to gather evidence and baseline data to inform the draft netting and trawling byelaws, Kathryn Nelson said.
- 26.5 The Chairman thanked Kathryn Nelson and her team for all their hard work.

ALL RESOLVED to approve the report.

27 Marine Protected Area update

- 27.1 Audrey Jones gave a verbal update to members on MPA and MCZ news.
- 27.2 The Tranche 3 MCZ zones Beachy Head East and Selsey Bill and The Hounds had been designated in May, Audrey Jones said. Management of Selsey Bill and The Hounds would be covered in the main by the proposed trawling byelaw, if it was brought in. Beachy Head East management was still to be considered in the context of pending conservation advice packages.
- 27.3 Audrey Jones reported that Nick Rogers was continuing to work on the habitat regulations assessments of bait collection and hand gathering at European protected sites Chichester, Pagham and Dungeness.
- 27.4 Audrey Jones said that Beachy Head West MCZ now had its own field studies council guide.

ALL RESOLVED to approve the report.

28 Information Agenda Item 11: Communications & Partnership

28.1 This item was taken as read at the suggestion of the Chairman.

ALL RESOLVED to take the report as read.

29 Compliance & Enforcement

29.1 Tim Dapling reported back to members on the recent prosecution and court proceedings in Hastings in respect to a Section 292 (4) Offence of obstructing a fisheries officer. An individual netter had taken undersize bass from the shore using an illegal net and then run away, trying to hide the evidence in a rubbish bin.

29.2 At court, the fisherman had accepted the charge of obstruction and was issued with a 12-month conditional discharge and £750 costs. The outcome had been publicised through a subsequent media release.

ALL RESOLVED to approve the report.

30 RSA Partnership Report

30.1 Sean Ashworth gave a verbal update to members, confirming that meetings continued to be popular and were now attended by Alberto Kavadellas, Senior Fisheries Officer.

30.2 Net and line recycling had been key topics at the most recent meeting.

ALL RESOLVED to approve the report.

31 Summary of Expenditure for the 1st Quarter from 1st April to 31st June 2019

31.1 Steven Jump, Finance Manager, joined the meeting for this Item and ran through the report for the benefit of members. The positive news was that income was circa £4k over for the quarter and expenditure was circa £7k less than had been budgeted. A surplus of £10,873 was therefore achieved in the quarter.

31.2 The MMO had chartered 'Watchful' for patrol activity covering two days in April 2019. Charter terms were in place with the MMO which set out the appropriate rates and the charge made, was determined in accordance with those rates. A total budget of £7,500 income had been estimated for MMO charter activity for 2019/2020 and income this financial year currently exceeded the estimate for the first.

31.3 The expenditure in employee costs had reduced due to vacant posts, which had now been filled by officers Steve Allnutt and Josh Pannu.

- 31.4 Steve Jump gave the forecast of expenditure and income for the whole of the financial year 2019/2020 and made a comparison with the budget. At this stage of the year, it was reasonable to assume that expenditure and income would be in line with the budget in most areas of activity. However, an overall gain of £22,600 against the budget was forecast at this point.
- 31.5 An independent assurance review of the Authority's Annual Financial Statements for 2018/2019 had now been completed. Plummer Parsons, who had also carried out an internal audit of the Authority's financial systems and procedures, carried out this review. The Finance Subcommittee had received and discussed Plummer Parsons' report on the outcome of the review.
- 31.6 Stewart Harper and Robert Yorke both expressed their confidence in the external review's findings and the clean bill of health it represented for the Authority's accounts. Both also thanked Steve for his diligent work since his arrival with the Authority.

ALL RESOLVED to approve the report and expenditure to date.

32 Vessel & Vehicle maintenance log 1st April to 30th June 2019

- 32.1 '*Watchful*' had been out of the water for a short time but was in very good condition, Tim Dapling reported. A few minor repairs had been carried out and the vessel had passed its annual MCA required inspection which had been signed off by the vessel surveyor.

ALL RESOLVED to accept the report.

33 Chief Officers Group

- 33.1 Tim Dapling informed members about COG's discussions regarding the new EU Technical Conservation regulation, which would be coming into force on 15th August and which replaced EU Technical Conservation regulation 850/98. The new regulation continued to address important management needs including minimum sizes of fish and shellfish for the commercial fleet. However, IFCO powers were needed to implement the regulation via a relevant Statutory Instrument and this needed amending as early as possible. Defra was working on a solution, however, it was expected that no new legislation would be introduced until at least October. In the intervening period IFCOs would use their limited MEO warrants to enforce the new technical regulation.
- 33.2 Another ongoing discussion had taken place regarding the need for emergency byelaws measures to cover MCRS for recreational fishing, as this was not covered by the new Technical Conservation regulation.
- 33.3 Defra continued to be focussed on the future implications of Brexit and the end of October deadline.

- 33.4 Rob Clark, Chief Fisheries Officer at Southern IFCA, had recently been appointed Chair of COG, Tim Dapling said, with Samantha Davis as vice chair.

ALL RESOLVED to accept the report.

34 Association of Inshore Fisheries and Conservation Authorities

- 34.1 An Inshore Fisheries Conference was being planned by Seafish and was taking place soon. The Association of IFCAs had been invited to give talks at the event and Tim Dapling had circulated registration details to all the fishing community on the IFCA.

ALL RESOLVED to accept the report.

35 A.O.B.

- 35.1 Graham Furness said that there were concerns among fisherman following a very disappointing cuttlefish season. Kathryn Nelson said that useful discussions had taken place with Brighton University, under the Hastings Flag project. Defra and Cefas had been present and had witnessed the continuing concerns regarding cuttlefish.
- 35.2 Tim Dapling recapped on prior correspondence from the Authority to Defra and the minister, he had attended a Shellfish Association meeting the previous day and the subject had been discussed there. The industry had not regulated itself whatsoever, Sean Ashworth said.
- 35.3 Chris Williams suggested waiting to send a letter on the subject until a new minister was in post. General discussion from different viewpoints of the problem took place among members and there was agreement that management of the offshore fishery remains the central issue that needed resolving.
- 35.4 Cllr Carol Purnell wanted reassurance that in the draft Byelaws the new regulations would not just be about making enforcement easier. Cllr Purnell said that many fishermen were unhappy to report infringements to the Authority as they feared reprisals. Around 50% of the intel received was from unnamed fishermen, Sean Ashworth reported.

36 DATE OF NEXT MEETING

- 36.1 Thursday 24th October 2019.

Stewart Harper, Chairman Sussex IFCA.