

## Minutes of the Inshore Potting Agreement Committee Meeting 19<sup>th</sup> October 2022

### Attending

David Morgan - DM (Static gear)  
Paul Dornom - PD (deputising for Brian Pawley) (Static gear)  
Simon Mitchelmore - SM (deputising for Rick Mitchelmore) (static)  
Martyn Rogers - MR (Mobile gear)  
Steve Parker - SP (static & mobile gear - NFFO)  
Beshlie Pool - SDCS (static gear)  
Mat Mander - MM (D&S IFCA)  
Sarah Clark - SC (D&S IFCA)  
John Meek - JM (MMO)

### Apologies

Brain Pawley  
Rick Mitchelmore  
Juliette Hatchman  
Rachel Irish MMO  
Nick Stone  
Alex Passmore

MM and SC welcomed Members to the meeting and SC read out the apologies.

### Minutes

The minutes of the meeting from 2021 were agreed by the Committee Members. SC updated the Committee on actions from the minutes. She explained that she had contacted permit holders from Plymouth and nearby ports to try and encourage a static gear member actively fishing in the western end of the IPA to join the Committee. Unfortunately, no representative was forthcoming. The Committee agreed that the Mobile Gear sector is underrepresented on the Committee, and it was suggested that D&S IFCA send out an e-mail to the Mobile Gear Permit Holders to try and encourage interest in fishers joining the IPA Committee to improve this sector's representation.

Action: SC to contact Mobile Gear permit holders to invite fishers, who activity fish in the IPA, to join the committee.

### Terms of Reference

DM asked to view the Terms of Reference (ToR) for the Committee, and these were then discussed. Several changes were suggested to amend paragraphs 8, 9 and 11 of the ToR. It was agreed that, as in previous years, there would be a meeting each year to discuss issues and potential management changes to the IPA area. If this meeting is not quorate, then a second meeting would be required, which would need to be quorate to make a final decision on any suggested changes. It was agreed that there would need to be three members of each sector (static and mobile gear) for the meeting to be quorate. The Committee Members agreed that the ToR should be reviewed annually and be a standing agenda item.

Action: SC was tasked with amending the ToR and circulating the amended ToR to Committee Members.

### Gear Conflict Reports

The Committee then discussed spatial infringements. The issue of infringements in the IPA area outside the 6nm boundary was discussed. There were concerns raised that the restrictions in this area only apply to UK vessels through their licence conditions and not currently applying to EU vessels. The Committee recognised that there are internal discussions within the MMO taking place and the local MMO team are pushing this matter at a national level. SC informed the Committee that there had been 7 infringements recorded in the IPA over the last 12 months, including two incidents of EU vessels fishing inside the closed area.

Members reported that there was a lot of static gear being towed up by mobile gear sector but most of this is taking place outside the spatially closed areas. There were reports of infringements in the Lyme Bay area which MM asked members and fishers to report to D&S IFCA through the office phone number or duty phone. MR reported that there are scallop vessels leaving port many hours before the 7am curfew time.

### **Proposals for Changes to the IPA**

The IPA Committee received a proposal to open up the Triangle one month earlier on 1<sup>st</sup> April. This proposal has been sent through each year for the past few years. PD stated that this would make a beneficial difference to the potters if it was opened a month earlier. MR responded that with such a large area of the District closed to demersal fishing gear that he would not like to see this happen. DM suggested that D&S IFCA analyse data on the use of 'the Triangle' Zone 2 by mobile fishing vessels, although he added that he did not necessarily support the opening. PD added that this zone used to be open on 1<sup>st</sup> April each year many years ago. MM suggested that an action for D&S IFCA was to assess the use of the Triangle from 2019 to 2022 for the month of May and report back to the Committee next year. MR responded, informing the Committee that few scallopers use the area, and it is used more by the small beamers.

Action: SC to assess the IVMS data on the use of Zone 2 'The Triangle' by the mobile gear sector in the month of May between 2019 and 2022 and report back to the Committee.

The discussion moved on to the opening of the Corridor (this discussion was returned to later in the meeting, but all the notes are included here). MR expressed concern regarding one vessel that fished in the Corridor this year and had therefore impacted any potential changes to open the Corridor for two months. MM reminded the Committee that in previous years' minutes that if any infringement occurred then the corridor would be closed totally with no opening in the next year. MR asked if the Corridor would remain open for the one month in 2023. MM said whilst there had been better compliance there had been an incident where SM had 120 pots towed away and only managed to recover 70 of them. DM asked whether the IPA Committee's remit was to be able to close an IPA zone completely i.e., the Corridor. SM suggested that if it remains open in 2023 and there are any more infringements then it should be closed the following year (2024). DM pointed out that the IPA chart is reviewed annually. It was suggested D&S IFCA should e-mail all Mobile Gear Permit holders informing them that the Corridor will be closed in 2024 if there are any infringements in 2023.

Action: SC to e-mail Mobile Gear Permits holders to inform them that the Corridor will be closed in 2024 if there are any infringements

MM suggested that confirmation was sought from the MMO that it is within the remit of the IPA Committee to amend the IPA chart which would lead to changes in the Licence Condition. DM again questioned the IPA Committee's authority and wanted assurance that we are operating with the endorsement of the MMO. MM responded by saying that the MMO has always recognised the decision of the group but just wanted to have clarity that this is still the situation in case decisions are challenged. . BP suggested that we should inform the MMO of these potential changes rather than ask permission.

Action: D&S IFCA to discuss with MMO the remit of the IPA Committee and have confirmation in writing that the IPA Committee has the Authority to introduce changes to the opening/closing of IPA Zones that would be reflected in the Licence Condition. The Terms of Reference will be updated with their response.

### **Update on Court Case**

MM gave an update on the recent Court Case regarding the FV Stella Maris of Newquay and the Judge's decision to stay proceedings on appeal. MM explained the reasons for the Judge's decision was related to the mental health of the skipper. The Judge was also critical of the length of time the case had taken and D&S IFCA's evidence in the case. MM explained that D&S IFCA do not use IVMS data alone to investigate illegal fishing activity and that D&S IFCA will continue to use IVMS as a component of an investigation. He informed the Committee that 23 out of 48 investigations conducted to date, with IVMS evidence as a component of the case, had met the evidential threshold and public interest tests and had resulted in conviction or the acceptance of a financial administrative penalty. He stated that IVMS provides the speed, position and direction of travel of a vessel, but it is only a component of an investigation and other evidence is gathered to support the investigation. DM asked if IVMS had ever been used alone to take a case. MM explained that this is not the case and other evidence is gathered.

### **IVMS update**

SP asked about the IVMS rollout and whether IVMS units need to be operational next year. MM confirmed that the Statutory Instrument will be brought in next year. JM added that it will be brought in when the MMO is happy that units are fully operational. MM explained that IVMS units are currently going through testing to make sure that there is confidence that all units are working properly. PD raised concern that many units are not working properly and suggested that self-certification by the suppliers was the main issue. MM summarised that testing is now being undertaken and that the MMO will deal with any units that do not meet the testing regime requirements.

### **Remote Electronic Monitoring Presentation**

MM then gave a presentation to the Committee on Remote Electronic Monitoring technology trials being undertaken on one scallop vessel, FV Speculate BD1. The trials involve the use of cameras and gear in / gear out sensors. MM explained how the system works, what is recorded and what the costs would be. MM allayed concerns about privacy and explained that any data recorded would follow GDPR and would only be recorded and viewed once the sensors was activated when the gear was in the water and the vessel was in a Marine Protected Area. MM explained that D&S IFCA would like to extend the trial to a further 10 vessels and is seeking volunteers and, once an extended trial has funding, will e-mail out to permit holders to encourage vessels to join. MR volunteered to be part of the trial. MM clarified that D&S IFCA will cover the costs in the trial as it would be of value to regulators as well as society and help ensure marine protection. SP asked whether the data would be made available to the MCA if there was a loss of life incident. He also suggested that perhaps there could be a further incentive to join the trial, such as having a bilge monitor installed.

### **Byelaw Update**

MM proceeded to the next agenda item and gave an update on the D&S IFCA Byelaw reviews. He explained that the Authority had made the new Size of Vessel Byelaw and Mobile Fishing Byelaw and agreed to the review of Mobile Fishing Permit conditions. The reviewed byelaws and permit conditions have been sent to Defra and will go out to formal consultation shortly.

### Electronic Chart Update

MM gave a brief update on the Kingfisher charts that are available to fishers. SP explained that Seemap produced seabed discrimination charts that can be used on a plotter or mobile phone at a cost of approximately £120. SP asked if the Kingfisher charts could be put on a disc or USB, perhaps for the different systems used by fishers – MaxSea, Olex and Sodena. MM said that the charts were downloadable from the Kingfisher website. SP asked D&S IFCA about a seaweed farm that is proposed in Torbay under a Marine Licence Application. SC responded that she was aware of the proposal and had submitted comments on it. SP asked if SC could supply the link and case number for the application.

Action: SC to send link and case file details to SP regarding the Seaweed Farm Marine Licence Application in Torbay.

### MPAs/HPMAs

SC then gave an update on Marine Protected Areas within the District. SC described the process by which D&S IFCA assesses the interaction of fishing gear on habitats and species in MPAs. SC talked about the Skerries Bank and Surrounds MCZ, and that Natural England had disagreed with D&S IFCA assessment that mobile gear in Zones 3,4 and the Corridor would not have a negative impact on the site's integrity. In turn D&S IFCA did not agree with Natural England's Formal Advice. D&S IFCA's stance in this matter relates to many areas of concern including poor habitat mapping data used to inform the different habitats in the site and importantly the fact that when the MCZ was designated (and proposed by fishers) that the management as existed through the IPA would remain in place, and that the impact assessment had documented there would be no financial impact of designation on the fishing industry because the management would remain unchanged after designation. D&S IFCA maintains its position on this matter to support the integrity of the IPA.

### AOB

There was no other business.

Meeting closed.

### Version Control

Date	Reviewed by	Version
16/12/2022	Sarah Clark	V0.1
18/12/2022	Comments by MM – SC made amendments	V0.2
30/12/202	Draft minutes sent to IPA Committee Members	V0.2
03/01/2022	Comments by Beshlie Pool SD&CS. SC made amendments	V0.3

