

Cabinet



Date of meeting: 09 March 2021

Title of Report: **Fisheries – Cabinet response to scrutiny recommendations**

Lead Member: Councillor Tudor Evans OBE (Leader)

Lead Strategic Director: Anthony Payne (Strategic Director for Place)

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Your Reference: CAB002/09032021

Key Decision: No

Confidentiality: Part I - Official

Purpose of Report

To consider the recommendations made to Cabinet following the meeting of the Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee held on 12th February, which considered: -

- The impact of the Trade Agreement and deal that was struck on fishing
- The impact of the new rules governing the export of fish introduced on January 1st 2021
- What can be done to support our fishing, export, supply chain business

To consider the recommendations in the context of the Council's wider strategic agenda for fishing.

Recommendations and Reasons

Cabinet calls on the government to recognise: -

That the Trade and Cooperation Agreement fails to deliver on the promises that were made to British fishermen, and, that insufficient effort was made by ministers to prepare for foreseeable problems that would accompany the UK's departure from the single market and customs union at the end of the Brexit transition period.

Government is asked to: -

A/ UK territorial waters and fishing opportunities

- Consider regulatory measures based on scientific evidence that will help protect the interests of the UK inshore fleet.
- Continue to seek a fairer share of the total allowable catch for stocks that are important to the South West fleet.

B/ Export barriers and additional burdens

- Extend the scope and duration of the compensation scheme to fully cover the cost of the additional burdens placed on the fishing industry until at least 1st April 2022;

- Lead on the integration and digitalisation of regulatory data systems so that data can be shared electronically with industry to support exports; and,
- Negotiate facilitation measures based on common or equivalent animal health and food safety standards to reduce the frequency of physical checks and extend the use of electronic certification.

C/ Support local fishing communities

- Utilise the crown procurement service and public sector purchasing power to stimulate the domestic market for seafood and support schemes to get fresh locally caught fish to consumers;
- Ensure the voice of coastal communities with a stake in the industry is heard by giving local authorities a statutory role in developing fisheries management plans; and,
- Invest in the workforce of the future by establishing suitable apprenticeship schemes; and,
- Provide funds to upgrade the infrastructure the industry depends on, including quays and auction space, whether they are in private or public ownership.

Cabinet agrees to:

D/ Measures we can promote as a regional response or take independently

- Work with Brittany ferries, Associated British Ports and our partners across the South West peninsula, and in Brittany and Finisterre to secure the Plymouth/Roscoff trade route;
- Work with the Marine Stewardship Council to investigate options for potential fisheries improvement schemes and certification of local important stocks.
- Establish a Plymouth Seafood Trail and work with CATERed to put more local fish on school meals menus.
- Continue to work with the industry locally, to improve the facilities at Sutton Harbour including a wet fish sales outlet, and to promote marine safety.

Alternative options considered and rejected

- Renegotiate the terms of the Trade and Cooperation Agreement after 5 years so that our territorial waters within the 12 miles limit are reserved exclusively for the UK fleet;
Reason – unachievable.
- Flexibility that can realistically be negotiated with the EU through the mechanisms afforded in the regulations governing the depuration of bivalves.
Reason - unachievable.
- Continue to seek a fairer share of the quota in the western channel for Cod, Haddock and Sole that are important to the South West fleet.
Reason - An increased share of Total Allowable Catch is more likely to enable the local fleet to catch more fish than a quota increase.
- Maintaining a direct sales market with support for branding and selling of locally caught fish and work with CATERed to put fish on school meals menus.
Reason – A stronger commitment to supporting the local market for fish is needed.

Relevance to the Corporate Plan and/or the Plymouth Plan

The recommendations are consistent with our corporate values and our growing city priorities to achieve economic growth that benefits as many people as possible, quality jobs and skills and a green and sustainable city that cares about the environment. The scrutiny process was delivered in

accordance with our commitment to listen to our customers and our communities and to being a strong voice for Plymouth, regionally and nationally.

Implications for the Medium Term Financial Plan and Resource Implications:

Support for the Plymouth Sea Food Trail will impose a revenue pressure of £20,000: budget provision will be made from existing resources to accommodate this pressure.

Carbon Footprint (Environmental) Implications:

The net impact of the proposals will be consistent with the Council's aspiration to achieve Carbon neutrality by 2030. Sourcing a greater proportion of our seafood from local fishermen and decreasing the mileage associated with exporting fishery products will reduce transport related carbon impacts.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

An Equality Impact Assessment is being prepared. Fishing is addressed as a risk associated with Brexit in the relevant risk assessments covering organisational and City wide risks. Fishing is a dangerous occupation and relevant Health and Safety concerns are addressed in the recommendations.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Fisheries – Cabinet response to scrutiny							
B	Fisheries Scrutiny Event							

Background papers:

**Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

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Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 08/03/2021											
Cabinet Member approval: <i>Councillor Tudor Evans OBE (Leader)</i> Date approved: 08/03/2021											

FISHERIES – CABINET RESPONSE TO SCRUTINY**1.0 Introduction**

- 1.1 The Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee held on 12 February was a strong example of nonpartisan scrutiny of a technically complex subject. The witnesses were carefully chosen to strike a balance between technical expertise and industry experience. The format gave ample time for witnesses to provide their evidence.
- 1.2 The approach taken by the Chair of endorsing draft recommendations ensured ample time for a due diligence process, ensuring that the quality of the evidence submitted was reflected in the final recommendations. For this reason Cabinet is endorsing them with only minor amendments and one addition which seeks to give immediate effect to the committee's call for the Council to act independently to support our local fishing industry.
- 1.3 It is appropriate to record Cabinet's thanks to the expert witnesses, the fisheries exporters and the fishermen who gave up their time to give evidence to the Committee. They can be assured that we are listening, and will continue to listen, and that should we be accorded a role in the development of future fisheries management plans, our contribution will be to give them the voice they deserve to have when matters that deeply affect their industry are discussed.

2.0 EU fishing rights in UK territorial waters

- 2.1 In March 2018 the Chief Executive wrote to the Secretary of State for Environment, Food and Rural Affairs. We received a reply from the Minister for Agriculture, Fishing and Food setting out the Government's position. The Minister's letter advised us that the Government's position on the Common Fisheries Policy was that,

"By December 2020, the UK will be negotiating fishing opportunities for 2021 as a third country and independent coastal state completely outside the Common Fisheries Policy."

The letter goes on to say that the government had also given notice of its intention to withdraw from the London Fisheries Convention and that therefore after 2020, "we will be in fully control of access to British waters".

"Leaving the EU will also provide an opportunity to secure a fairer share of fish in our waters and to safeguard the long-term profitability of the industry."

- 2.2 The Minister subsequently left the government in protest at Prime Minister Theresa May's promise to allow MPs a vote on delaying Brexit if her deal failed to get through. He stated "it would be dangerous to go to the EU cap in hand at the 11th hour and beg for an extension" On

13 February 2020, he was appointed as the new Secretary of State for Environment, Food and Rural Affairs. He called the post his "dream job".

- 2.3 On 6 December 2020 the minister responded to a question from journalist Andrew Marr about whether he could deliver on his promise to British fishermen to secure a better deal and simultaneously secure the Free Trade Agreement promised to the farming community. He replied that, "we have a very clear principle and that is that Britain cannot be the only country in the world that doesn't have control of its own waters, international law is very clear that you should have control out to 200 miles, or the median line, and we want to do that just like Norway or any other country".
- 2.4 The amendment we have considered, and reluctantly rejected on the advice of experts, called on the government to secure fishing rights within our territorial waters, inside the 12 mile limit, exclusively for the UK fleet. Our advice is that the EU would respond by imposing tariffs, not only on our fishery exports, but potentially across all our exported goods. The majority of our market for fishery products is in the EU so we would achieve nothing but to worsen the industry's situation by inviting such a response from Brussels.
- 2.5 Having a theoretical power is not the same thing as having control. International law does indeed confirm that fish stocks in our Exclusive Economic Zone, which extends for 200 miles from our shores, or at least to the median point between them and those of another independent coastal state, are ours to do with as we see fit. Our territorial waters, within 12 miles are our sovereign territory, and foreign vessels can only enter there with our permission.
- 2.6 We chose to give up those rights in order to secure the Trade and Cooperation Agreement with the EU. On 6th December the Minister was reported in the media as saying that EU demands on future fishing rights were "ludicrous" and would mean the bloc would have access to British waters "in perpetuity". In theory the Trade and Cooperation Agreement allows for renegotiation after 5 year; the problem is that we will start from a position of weakness having already surrendered our rights in international law.

3.0 Regulatory Divergence

- 3.1 In February 2020 the newly appointed environment secretary said that the government was expecting to sign a "sensible" trade deal with the EU before its self-imposed December deadline that would leave us free to diverge from future European regulations. The reality is that that this was never a realistic ambition and despite the headlines it remains the case that EU and not UK regulations continue to govern our fishing industry for the simple reason that we sell most of our fisheries products to EU markets.
- 3.2 A case in point are the regulations covering the depuration of bi-valves. Following the evidence we heard at the Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee we wanted to include a recommendation that we should negotiate these regulations with the EU through the mechanisms afforded in the Trade and Cooperation Agreement, since they operate as an effective barrier to the export of certain shellfish that are produced locally.
- 3.3 We are advised that there is no prospect of success, because these regulations, which we helped to devise when we were a member state, were specifically designed to prevent third countries from importing shellfish to the EU and undercutting our own industry. The EU cannot apply them to other third countries and not to the UK without breaking World Trade Organisation rules. Instead we will have to seek facilitation measures, a process rendered more difficult by our government's insistence on a theoretical right to regulatory divergence on animal health and food safety standards.
- 3.4 The government have sought to put the blame for the indefinite ban on the export of affected UK bivalve molluscs on the EU claiming it represents a change in their policy. However correspondence from the Minister shows that the government knew that this would be the

case in early December last year, before the Trade and Cooperation agreement was ratified and the opportunity for an accommodation within the agreement, such as are included for other products of regional significance, e.g. wine and cheese, was missed.

4.0 Marketing support for our local Fishermen.

- 4.1 The report of the Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee makes it clear that our ability to negotiate with the EU for a fairer deal for our fishermen is hampered by our dependence on EU markets to sell the fish they catch. That is why we have been happy to endorse the recommendation calling on the government to do more to expand the domestic market. However we think we can do more locally.
- 4.2 The Council will therefore work with the Marine Stewardship Council to investigate options for potential fisheries improvement schemes and certification of locally important stocks. This will enable Call4fish to establish a Plymouth Seafood Trail which will ensure that customers eating at local restaurants, or buying fresh fish know that that fish was caught by our local fishermen and that they can rely on it not only being the freshest and best tasting fish but also that they are supporting our local fishing industry by eating it.