

PRESENT – MEMBERS

Councillor L. Beavers	Lancashire County Council
Mr R. Benson	MMO appointee (Fishing Industry – North West)
Councillor K. Brown	Lancashire County Council
Mrs J. Butler	MMO appointee (Shellfish sector)
Dr J. A. Clark	MMO appointee (Marine Science)
Mr B. Crawford	MMO appointee (Anglers and Recreation)
Mr W. Darbyshire	Environment Agency (Officer)
Mr D. T. Dobson	MMO appointee (Anglers and Recreation)
Mr R. Graham	MMO appointee (Commercial)
Mr T. Jones	MMO appointee (Commercial/aquaculture)
Mr R. Littleton	MMO (Officer)
Mr C. Lumb	Natural England (Officer)
Mr A. Maltby	MMO appointee (Fisheries Management)
Councillor A. J. Markley	Cumbria County Council
Mrs M. R. Owen	MMO appointee (Fishing Industry – North West)
Ms C. Reed	MMO appointee (Marine Science/Conservation)
Dr P. Williams	MMO appointee (Recreation)
Mr C. J. Woods	MMO appointee (Fishing Industry – North West)

OFFICERS

Dr S. M. Atkins	Mr H. Thinnesen
Mrs K. Atkins	Ms M. Knott
Mrs I. V. Andrews	Ms A. Leadbeater
Mr S. Brown	Mr J. Moulton
Mr A. Deary	Ms S. Temple
Mrs C. Dobson	

IN ATTENDANCE

Mr S. Benson	Lancashire County Council
Mr I. Marshall	Cheshire West and Chester Council
Ms E. Baxter	North West Wildlife Trust

APOLOGIES

Councillor T. Beaumont	Liverpool City Council
Councillor M. Byram	Cheshire West and Chester Council
Prof C. Frid	MMO appointee (Marine Science)
Councillor P. Glasman	Wirral Council
Mr D. Grunshaw	MMO appointee (Shellfish aquaculture)
Councillor R. Hignett	Halton Council
Councillor J. J. Kelly	Sefton Council
Councillor K. Little	Cumbria County Council
Mrs P. Taylor	MMO appointee (Marine Environment)
Mr D. McAleavy	Sefton Council (Officer)
Mr C. Clayton	Wirral Council (Officer)

199 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

The Chief Executive opened the meeting and reported that since the resignation of Dr Clark from the post of Chairman the Vice-Chairman Councillor Markley had taken over the

role of Acting Chairman. The Authority now needed to appoint a new Chairman to serve until the Annual Meeting in June 2014. The Chief Executive then invited nominations for Chairman. Councillor Markley was nominated by Mr Crawford and seconded by Mr Dobson. Following a vote it was unanimously

RESOLVED

Councillor A. J. Markley be appointed Chairman until the Annual Meeting in 2014.

200 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 2)

1. The Chairman thanked Dr Clark on behalf of Members for the excellent job she had done as Chairman of NWIFCA. Mr Graham supported those comments and said Dr Clark had worked well on behalf of NWIFCA, she had reflected its decisions and reported them well at national level. It was agreed that Members' thanks to Dr Clark be recorded.

Dr Clark gave a brief explanation of her decision to resign and said she felt she could serve the Authority better from the floor rather than as Chairman. She has found it increasingly difficult as Chairman to feel that IFCA is functioning to represent its members' views and implement decisions in committee and felt that fundamental changes are called for if the Authority is to be successful in delivering its vision.

2. The Chairman announced apologies and welcomed visitors. He raised concerns on the poor attendance of Council representatives at meetings of the Finance Sub-Committee and NWIFCA. The Finance Sub-Committee had agreed to write to all councils to make them aware of the situation.
3. Agenda Item 11 – Byelaw 6: Protection for European Marine Site Features. An amended version of the byelaw had been tabled.
4. The Chairman announced one item of Any Other Business. This related to removal of mussels from the Morecambe Bay Oyster Farm. The report had been tabled. With Members' permission this would be taken under Agenda Item 16.
5. The Chairman reported that a speaker from Cefas will attend the March 2014 meeting to make a presentation to members on the Sea Angling 2012 project outcome.

201 APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 3)

The Chairman invited nominations for Vice-Chairman. Mr R. Graham was nominated by Mrs Owen and seconded by Dr Clark.

RESOLVED

Mr R. Graham be appointed Vice-Chairman of the Authority until the Annual Meeting 2014.

202 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 4)

Agenda Item 9. Report on TSB Sub-Committee meeting held on 1st November 2013. Mr R. Graham.

Agenda Item 11. To make the new Byelaw 6: Protection for Marine Site Features. Mrs J. Butler, Mr R. Graham, Mrs M. R. Owen.

Agenda Item 16. Removal of Mussels from the Morecambe Bay Oyster Farm. Mr R. Benson, Mrs J. Butler.

203 TO RECEIVE MINUTES OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY MEETING HELD ON 20TH SEPTEMBER 2013 (Agenda Item 5)

RESOLVED: The minutes of the NWIFCA meeting held on 20th September 2013 be approved and signed as a correct record.

204 MATTERS ARISING (Agenda Item 6)

Minute 189 (NWIFCA Patrol Vessel Procurement). Mr Darbyshire voiced concerns about the comment made in the minute that 'Solway Protector' is not fit for purpose and asked what interim arrangements were being put in place. The Chief Executive said at a subsequent meeting of the Vessel Sub-Committee it had been agreed to continue repair and maintenance of the vessel and to keep her operational. The vessel is fully coded and meets all safety requirements. The sub-committee had taken the decision not to put additional money and resources into seeking another vessel at this stage. Mr Darbyshire pointed out the discussions had indicated the boat is old and there would be limitation issues. His concern is that the minute expressed doubt about the condition of the vessel and felt it important that the Authority's view is clear and understood. Mr Darbyshire wished to ensure the Committee is protecting both its staff and the NWIFCA.

Dr Clark said the minutes reflected the situation to a certain degree. Following the last NWIFCA meeting she had subsequently called a meeting of the Vessel Sub-Committee to discuss the issues and move forward. The decision of that meeting on the basis of those discussions was that it was happy the vessel could fulfil its role over the next 2½ years and subject to a new boat being ordered and commissioned. It was agreed that the minutes be amended as follows:

1. Minute 189 "Councillor Markley pointed out that the present vessel is 23 years old but the Authority considers the vessel to be safe and able to carry out its operational duties."

205 REPORT ON VESSEL SUB-COMMITTEE MEETING HELD ON 22ND OCTOBER 2013 (Agenda Item 7)

A verbal report on the Vessel Sub-Committee meeting held on 22nd October 2013 was presented by Dr Clark. Dr Clark said following discussion and feedback from the last NWIFCA meeting she felt a meeting of the Vessel Sub-Committee was required to discuss what interim measures the Authority should be considering in the event that 'Solway Protector' was unfit for sea at any time.

Models for funding and proposed financing the vessel were presented. Members had raised concerns on the length of the timescale for tendering and ordering of the new vessel.

The sub-committee had discussed using alternative vessels, hiring vessels and commissioning vessels in the interim. The Chief Executive had been in discussions with EA about the specification for their new coastal survey vessels. The Master of 'Solway Protector' said he felt the existing vessel could be maintained to operational standard for the period of the build. The sub-committee had agreed this was the best approach and the decision was made to urge the Authority to proceed as quickly as possible in the purchase and commission of a new vessel.

Ms Knott made the point that any vessels used by IFCA are potentially dual purpose and the Authority should be looking at the capacity it has to undertake scientific surveys. She would be seeking resources to charter scientific survey vessels or to work in partnership with other organisations. Officers will continue to investigate the use of 'Mersey Guardian' and other vessels suitable for science work.

Mr Darbyshire said he wished to maintain his concerns about 'Solway Protector' and asked for an independent reassurance that the vessel is fit to carry out its operational duties. Mr Thinnesen said the vessel is independently surveyed every 12 months and is fully coded.

RESOLVED. The report be received.

206 REPORT ON MEETING OF FINANCE SUB-COMMITTEE HELD ON 22ND OCTOBER 2013 (Agenda Item 8)

The Chairman reported that the sub-committee had discussed the budget and levy 2014-15 and the proposed 2% increase in the levy over the next five years for the purchase of the new patrol vessel was approved. No inflationary increase in the levy has been proposed for 2014-15.

RESOLVED. The report be received.

207 REPORT ON MEETING OF TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE HELD ON 1ST NOVEMBER 2013 (Agenda Item 9)

Chairman, Mr R. Graham, presented a verbal report. Items discussed, were Review of byelaws, Morecambe Bay seed mussel fishery, Dee Estuary co-operation with National Resources Wales and Welsh Government, razor clam trial fishery and the Morecambe Bay Hybrid Fishery Order.

Matters Arising from 16th August meeting.

North and West Cumbria FLAG. This is an allocation of European funding used for the benefit of community schemes and fishing related matters covering the area from Solway to Millom. It will be replaced in July 2014 by the EMFF. At the last FLAG meeting it was suggested that the Chief Executive be asked to make a presentation to FLAG at its AGM on 26th March.

Review of Byelaws 1 and 2. Byelaw 1 provides a definition of the District and allows for scientific derogations. Advice from MMO is that this byelaw is unnecessary as any byelaw created since 1st April 2011 applies to the whole of an IFCA District. Byelaw 2 relates to limiting vessel length overall for mechanically propelled vessels working within certain areas. Further work is needed on this byelaw to tighten up the wording and Senior IFCO Steve Brown is working on a re-draft of the byelaw.

North Morecambe Bay Seed Mussel Fishery. Mr Graham said a number of vessels had worked this fishery, dredging and transshipping seed mussels. A question had been raised as to the legality of the transshipping legislation and MMO have been asked for clarification on that point but no response has yet been received. Mr Deary reported that MMO have advised that their legal opinion on this will not be available until the New Year. The question of permit fees which is based on overall length of vessel was also raised. The Authority is reviewing the current charges.

Dee Estuary: Co-operation with National Resources Wales (NRW) and Welsh Government (WG). The Authority is looking at a more proactive approach by IFCA to the Dee including joint working with NRW.

Razor Clam Trial Fishery. This trial should take place in 2014 once the vessel is available and the weather conditions are favourable. The trial will use an electro fishing pulse dredge as opposed to the traditional mechanical dredges.

Foulney Mussel Bed Management. A consultation meeting was held on 28th October where a suggestion for zoning was favourably discussed. Zoning of areas could create problems with enforcement and drawing a line across a certain area which would allow that mussel bed to be worked may have been accompanied by curfew times.

Leasowe – Unregulated gathering of intertidal bivalves. Members felt that activity should be regulated and officers were asked to consider options.

Removal of Mussels from the Morecambe Bay Oyster Farm. The operator's problems with seed mussels fouling the oyster trestles were discussed. The IFCA had issued an authorisation in October for the removal of mussels from that area but complaints had subsequently been received from some Byelaw 3 permit holders that they were not being allowed to work. The sub-committee had taken the decision at that time to withdraw the authorisation and offer a new authorisation which would not allow discrimination. This item is on the agenda below.

Morecambe Bay Hybrid Fishery Order. There had not been sufficient time at the sub-committee to fully discuss the issues around the proposed Order and it had been agreed to convene a separate meeting.

The Chairman raised the suggestion that the Chief Executive be asked to make a presentation to the FLAG AGM. Dr Atkins said he is happy to attend that meeting and make a presentation on the work of IFCA.

The Chairman asked about a potential invitation to a wind farm operator to a future IFCA meeting. Ms Knott said following the TSB Sub-Committee she had contacted Dong who is happy to send a representative to explain their next development and the implications for IFCA. The Chairman suggested that Officers continue discussions with Dong and report back to a future meeting. The Authority can then make a decision as to whether they would wish to have a meeting with Dong.

With regard to the comment about the Dee and NRW, Mr Darbyshire asked if it would be useful for a representative of NRW to attend an IFCA meeting to explain how that organisation operates in the Dee. The Chief Executive said Officers attend Dee liaison meetings and are establishing closer links with NRW. It has been clearly established that IFCA has a remit to assist with management and enforcement of the cockle fishery in the Dee which has been in doubt since the IFCA was set up. Once cross warranting of officers has taken place and joint management is in force it may be appropriate for a report from NRW. Mr Woods said the Authority may not know how much of the resource in the Dee comes from the English side. The size mussel hand gathering fishery is larger than the rest of the North West coast but landing takes place on the Welsh side of the Dee. The Authority should not lose sight of the importance of the English side in relation to that particular fishery. The Chairman suggested the Head of Enforcement should pick up that point for the future and keep a watch on it.

RESOLVED

The report be received.

208 REPORT ON MEETING OF CHAIRMAN'S WORKING PARTY SUB-COMMITTEE HELD ON 19TH NOVEMBER 2013 (Agenda Item 10)

The Chief Executive reported that the sub-committee comprised the Chairman, Vice-Chairman, Chairman of Finance Sub-Committee, Chief Executive and Head of Enforcement but only Councillor Markley and the Chief Executive were able to be present at that meeting. The remit of the sub-committee is to consider all personnel and other urgent matters relating to the well-being of the Authority and it has plenary powers to act on urgent matters.

The meeting was chaired by Councillor Markley. Discussions and decisions taken were as follows:

Councillor Markley was appointed acting Chairman following the resignation of Dr Clark.

The vacant post for an IFCO based in Whitehaven should be re-advertised as soon as soon as possible.

The NWIFCA should maintain its previous position over the clearance of mussels from the Oyster farm.

In the case brought by Mr H Benson against NWIFCA, the Authority was awarded summary judgement by the Manchester High Court on 28th October and the case was struck out. Costs were awarded and further action may be needed to obtain costs.

Mr Maltby suggested that to give protection to the Chief Executive, as the sub-committee may be called upon to make decisions quickly there should be a process for deputies or other members to be called on to attend if the officers are not available so that the meeting is quorate.

Mrs Owen pointed out that since her resignation as Chairman of NWIFCA Dr Clark was no longer a member of the TSB Sub-Committee and proposed that Dr Clark be reappointed to that sub-committee. The Chief Executive pointed out that Standing Orders do not provide for another member and that this should be a matter for discussion by the TSB Sub-Committee. Members discussed the issue following which it was proposed by Mr Darbyshire and seconded by Mr Dobson that Dr Clark be appointed to the TSB Sub-Committee and this was agreed.

Mr Graham asked about the role of the Chairman's Working Party in recruitment. The recent urgent vacancy at Whitehaven had not been filled and it was felt there had been undue delay in informing unsuccessful candidates of the outcome of their interview. Dr Atkins said it had been an unfortunate recruitment exercise and the time delay in informing the candidates was regretted. Dr Clark said she hoped the Chairman's Working Party will consider the shortlisting procedure to be within its remit and have more input into this. The Chairman said this point had been discussed by the sub-committee.

RESOLVED

1. The report be received.
2. Dr J. A. Clark be appointed to the Technical, Science and Byelaw Sub-Committee.
(NB: CEO notes that Standing Orders must be taken into account in the implementation of this decision)

209 TO MAKE THE NEW BYELAW 6: PROTECTION FOR EUROPEAN MARINE SITE FEATURES (Agenda Item 11)

The Chief Executive reported that the byelaw was circulated to members 14 days before the meeting to comply with the Marine and Coastal Access Act. Since the byelaw was circulated minor amendments had been made and a new version was tabled. The TSB Sub-Committee discussed this byelaw at a meeting held earlier that day and the TSB Chairman was invited to report the outcome.

Mr Graham said that new information warranted the TSB revisiting the decision made on 1st November that the Lune Deep feature should be excluded from the byelaw. The Science Team had proposed a 'sunset clause' to be inserted in the byelaw to allow a minimum of continued fishing in the Lune Deep which would have no impact on the reef. The TSB had now agreed that the Lune Deep closed area should be included in the EMS byelaw. A minute of this meeting will be available at the next TSB sub-committee.

Following the report by Mr Graham, Ms Knott pointed out that if the Authority included Lune Deep in the byelaw there was some further work required in tightening up the wording of the sunset clause. Claims from vessels applying for an authorisation would need to be investigated to ensure they have the track record required.

It was proposed by Mrs Owen and seconded by Ms Reed that the tabled Byelaw 6 be 'made' with the inclusion of the Lune Deep feature.

RESOLVED

1. The report be received.
2. The Authority 'make' Byelaw 6 as circulated to Members with the Notice and Agenda of this meeting in accordance with sections 155 and 156 of The Marine and Coastal Access Act 2009 with the agreed inclusion of Lune Deep.
3. The byelaw now 'made' is

NWIFCA BYELAW 6

PROTECTION FOR EUROPEAN MARINE SITE FEATURES

Interpretation

1. In this byelaw:
 - a) 'the Authority' means the North Western Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Western Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2200);
 - b) 'the District' means the North Western Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Western Inshore Fisheries and Conservation Order 2010 (SI 2010 No. 2200);
 - c) 'specified areas' means the areas defined in the Schedule;
 - d) "bottom towed fishing gear" means any fishing gear or equipment which is capable of being towed, dragged or moved along the seabed including any fishing dredge, beam trawl or otter trawl;
2. Co-ordinates used in this byelaw are measured from WGS 84 datum. The WGS 84 means the World Geodetic System revised in 1984 and 2004.

Prohibitions

3. No person shall use any bottom towed fishing gear in the specified areas except with the written permission of and using gear approved by the Authority.
4. Bait collection and hand worked fisheries are prohibited in the Morecambe Bay EMS seagrass beds closed area.
5. The Shell Flat & Lune Deep SAC reef closed area" described above may be entered by a vessel towing bottom towed gear provided that:
 - a) The owner(s) of the vessel obtains an Authorisation from the NWIFCA permitting the use of that specified vessel within 'The Shell Flat & Lune Deep SAC reef closed area' within 6 months of the byelaw coming into force.
 - b) To obtain an Authorisation the owner must demonstrate that the specified vessel fished within this area for at least 5 days within the last 36 months immediately prior to the byelaw being made; and

- c) The specified vessel remains in the same legal and beneficial ownership as on the date of this byelaw being made; and,
- d) This Authorisation obtained under this byelaw is not transferable and will permit the vessel to fish in 'The Shell Flat & Lune Deep SAC reef closed area' using the same methods and at the same frequency as were used in fishing prior to the introduction of this byelaw.

Schedule

'The Solway Firth EMS *Sabellaria alveolata* reef closed area' means the area enclosed a line connecting the following points A,B,C,D, E in order and returning to Point A along the line of MHW, as shown in Figure 1:

Point A	54° 49.01' N	3° 25.69' W
Point B	54° 49.01' N	3° 27.95' W
Point C	54° 48.66' N	3° 28.52' W
Point D	54° 47.00' N	3° 27.42' W
Point E	54° 47.00' N	3° 25.96' W

'The Morecambe Bay EMS seagrass beds closed areas' means the separate areas enclosed by: a line connecting the following points F,G, H, I in order and returning to Point F along the line of MHW; a line connecting the following points K, L, M, N in order and returning to Point K; a line connecting the following points O, P, Q, R in order and returning to Point O along the line of MHW; and a line connecting the following points S, T, V, W in order and returning to Point S along the line of MHW, as shown in Figure 2:

Point F	54° 04.46' N	3° 10.39' W
Point G	54° 04.46' N	3° 10.30' W
Point H	54° 04.34' N	3° 10.27' W
Point I	54° 04.42' N	3° 09.82' W

Point K	54° 04.37' N	3° 12.82' W
Point L	54° 04.40' N	3° 12.18' W
Point M	54° 04.08' N	3° 12.14' W
Point N	54° 04.06' N	3° 12.77' W

Point O	54° 05.87' N	3° 11.25' W
Point P	54° 05.45' N	3° 12.34' W
Point Q	54° 04.79' N	3° 10.72' W
Point R	54° 04.91' N	3° 10.41' W

Point S	54° 04.31' N	3° 09.51' W
Point T	54° 04.39' N	3° 09.34' W
Point V	54° 04.24' N	3° 09.13' W
Point W	54° 04.15' N	3° 09.29' W

'The Morecambe Bay EMS Walney Channel boulder and cobble reef closed area' means the area enclosed by a line connecting the following points A, B, C, D, E in order and returning to Point A, as shown in Figure 2:

Point A	54° 04.97' N	3° 12.28' W
Point B	54° 04.40' N	3° 10.44' W

Point C	54° 04.32' N	3° 10.39' W
Point D	54° 04.20' N	3° 10.56' W
Point E	54° 04.82' N	3° 12.44' W

'The Morecambe Bay EMS Heysham Flat *Sabellaria alveolata* reef closed area' means the area enclosed by a line connecting the following points A, B, C, D, E in order and returning to Point A, as shown in Figure 3:

Point A	54° 03.43' N	2° 55.23' W
Point B	54° 03.70' N	2° 54.56' W
Point C	54° 03.70' N	2° 54.30' W
Point D	54° 03.19' N	2° 54.30' W
Point E	54° 03.19' N	2° 55.16' W

'The Dee Estuary EMS Hilbre Island *Sabellaria alveolata* reef closed area' means the area enclosed by a line connecting the following points A, B, C, D in order and returning to Point A, as shown in Figure 4:

Point A	53° 22'.94N	3° 13'.87W
Point B	53° 23'.02N	3° 13'.74W
Point C	53° 22'.58N	3° 13'.05W
Point D	53° 22'.52N	3° 13'.14W

'The Shell Flat & Lune Deep SAC reef closed area' means the area enclosed a line connecting the following points A,B,C,D, E, F, G, H, I, J, K, L, M in order and returning to Point A, as shown in Figure 5:

Point A	53° 57.72' N	3° 5.88' W
Point B	53° 57.53' N	3° 5.71' W
Point C	53° 57.28' N	3° 5.91' W
Point D	53° 56.71' N	3° 7.35' W
Point E	53° 56.38' N	3° 9.20' W
Point F	53° 55.79' N	3° 10.27' W
Point G	53° 55.15' N	3° 11.55' W
Point H	53° 54.34' N	3° 12.93' W
Point I	53° 54.47' N	3° 13.37' W
Point J	53° 55.22' N	3° 12.55' W
Point K	53° 56.22' N	3° 10.60' W
Point L	53° 56.89' N	3° 8.54' W
Point M	53° 57.01' N	3° 7.70' W

Explanatory Note
(This note does not form part of the Byelaw)

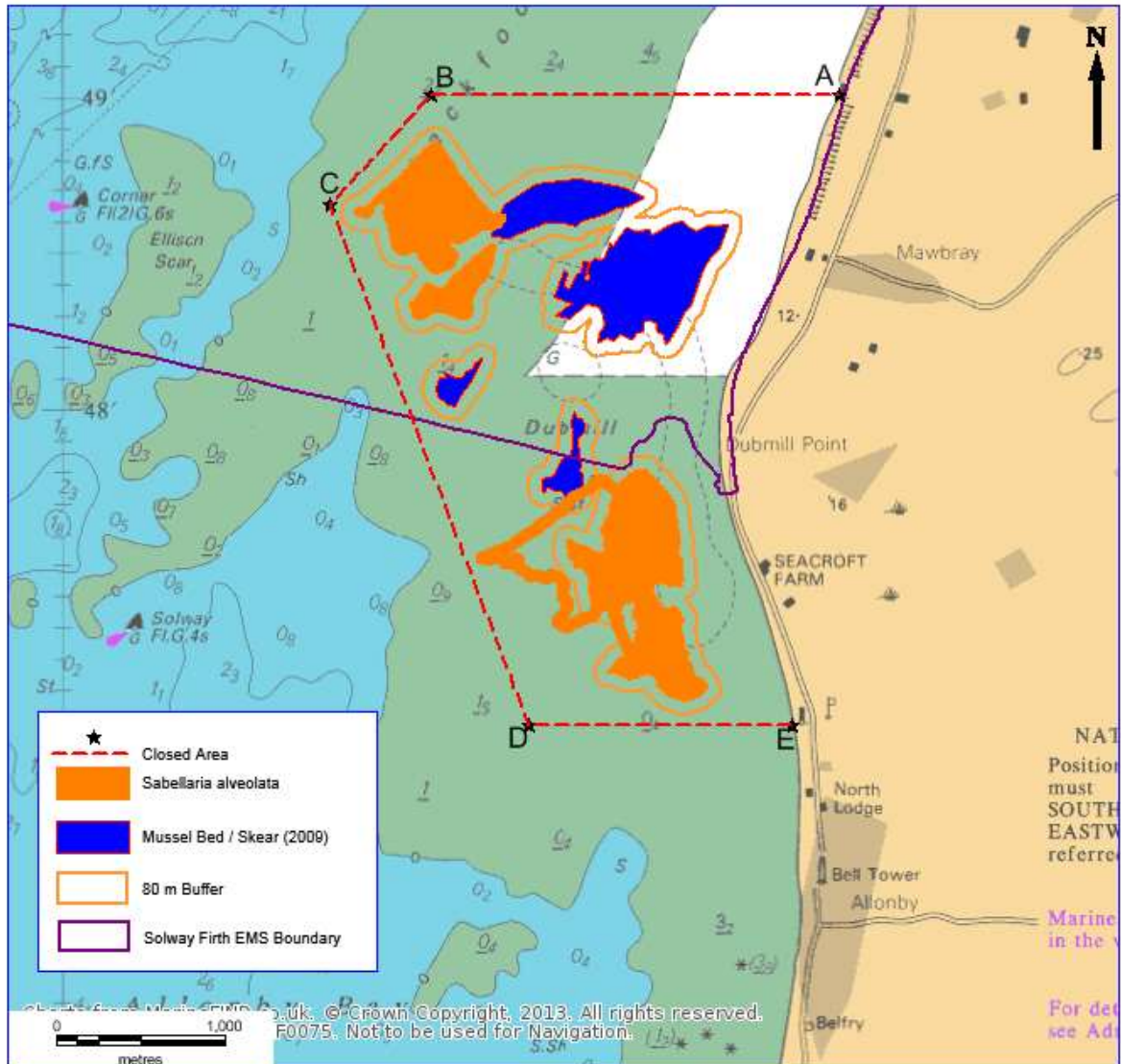
This byelaw prohibits the use without written consent from the NWIFCA of all towed fishing gear in parts of European Marine Sites (EMS) in the NWIFCA District which contain features of conservation importance. Protection is required to ensure compliance with the Habitats Directive.

The specified areas closed by this byelaw are defined in the Schedule to this byelaw.

The specified areas are identified, for illustrative purposes only, on the maps in Figures 1-4.

North Western Inshore Fisheries and Conservation Authority
Byelaw 6 Protection for European Marine Site Features

Figure 1. The Solway Firth EMS *Sabellaria alveolata* reef closed area



Coordinates

A	54° 49.01' N	3° 25.69' W
B	54° 49.01' N	3° 27.95' W
C	54° 48.66' N	3° 28.52' W
D	54° 47.00' N	3° 27.42' W
E	54° 47.00' N	3° 25.96' W

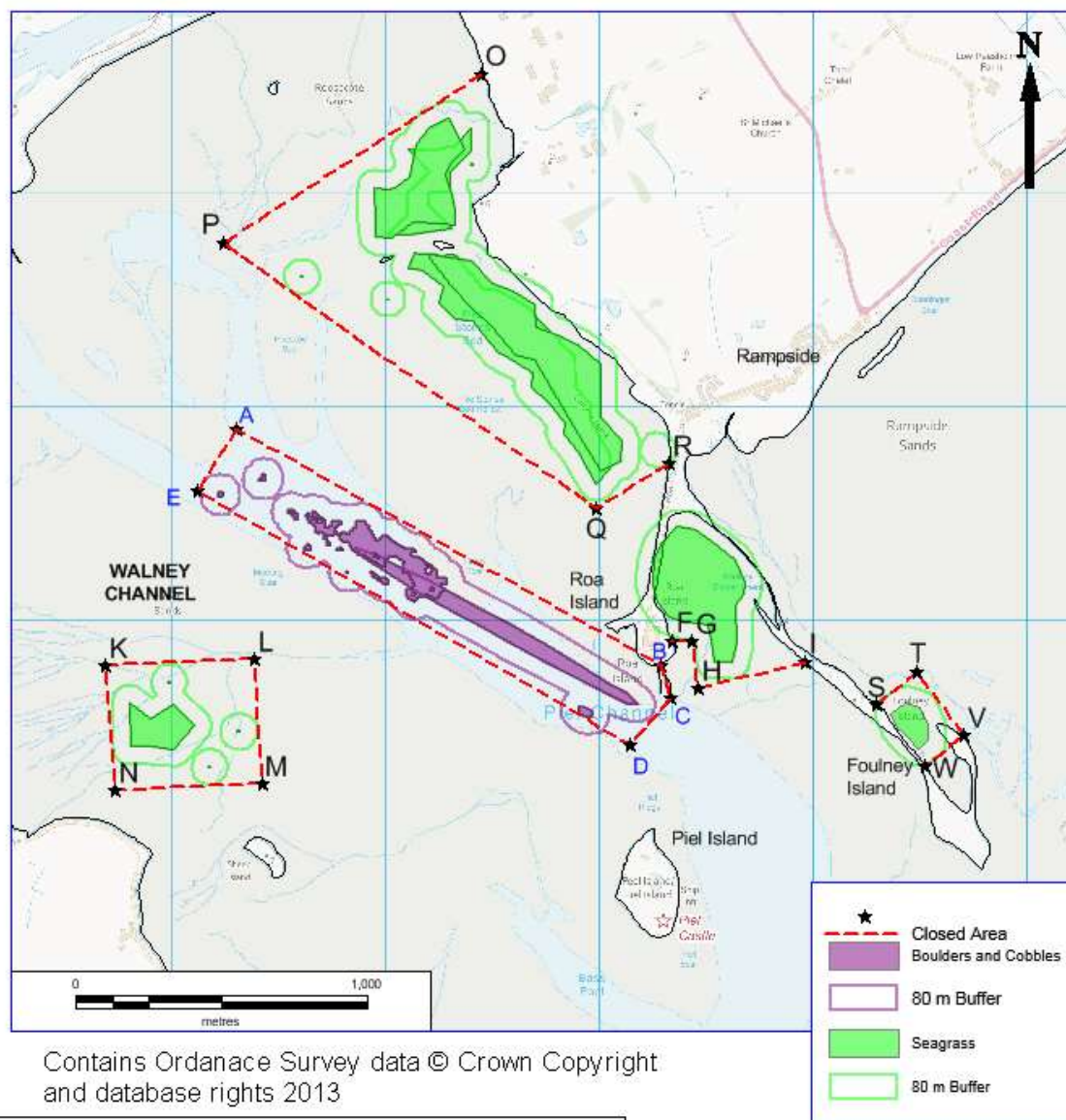
This map is for illustrative purposes only

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North Western Inshore Fisheries and Conservation Authority
Byelaw 6 Protection for European Marine Site Features

Figure 2. The Morecambe Bay EMS seagrass beds closed area and Walney Channel boulder and cobble reef closed area

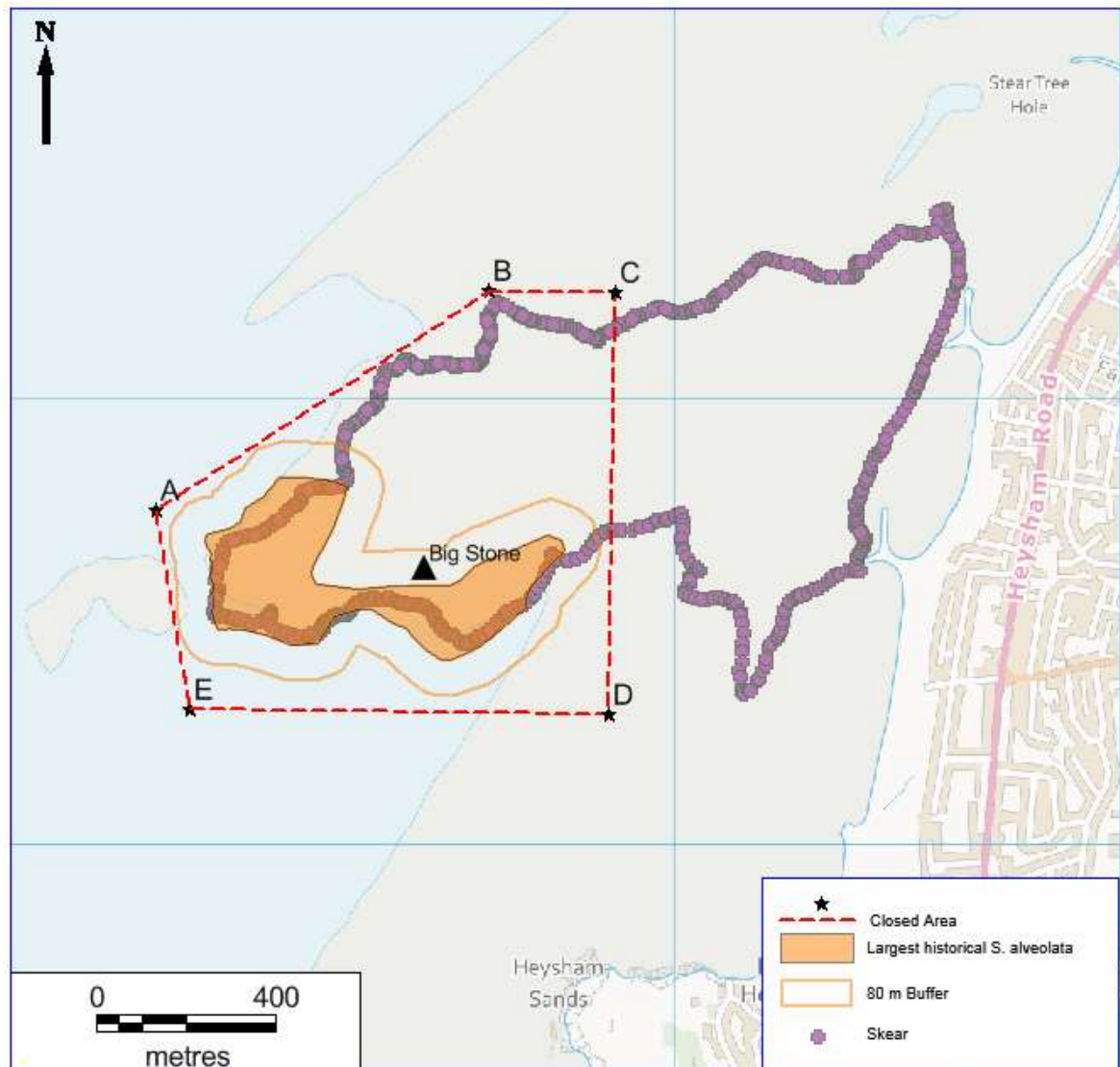


Coordinates

A 54° 04.97' N 3° 12.28' W	K 54° 04.37' N 3° 12.82' W
B 54° 04.40' N 3° 10.44' W	L 54° 04.40' N 3° 12.18' W
C 54° 04.32' N 3° 10.39' W	M 54° 04.08' N 3° 12.14' W
D 54° 04.20' N 3° 10.56' W	N 54° 04.06' N 3° 12.77' W
E 54° 04.82' N 3° 12.44' W	
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	S 54° 04.31' N 3° 09.51' W
	T 54° 04.39' N 3° 09.34' W
	V 54° 04.24' N 3° 09.13' W
	W 54° 04.15' N 3° 09.29' W

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North Western Inshore Fisheries and Conservation Authority
 Byelaw 6 Protection for European Marine Site Features
 Figure 3. The Morecambe Bay EMS Heysham Flat *Sabellaria alveolata* reef closed area



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Coordinates

A	54° 03.43' N	2° 55.23' W
B	54° 03.70' N	2° 54.56' W
C	54° 03.70' N	2° 54.30' W
D	54° 03.19' N	2° 54.30' W
E	54° 03.19' N	2° 55.16' W

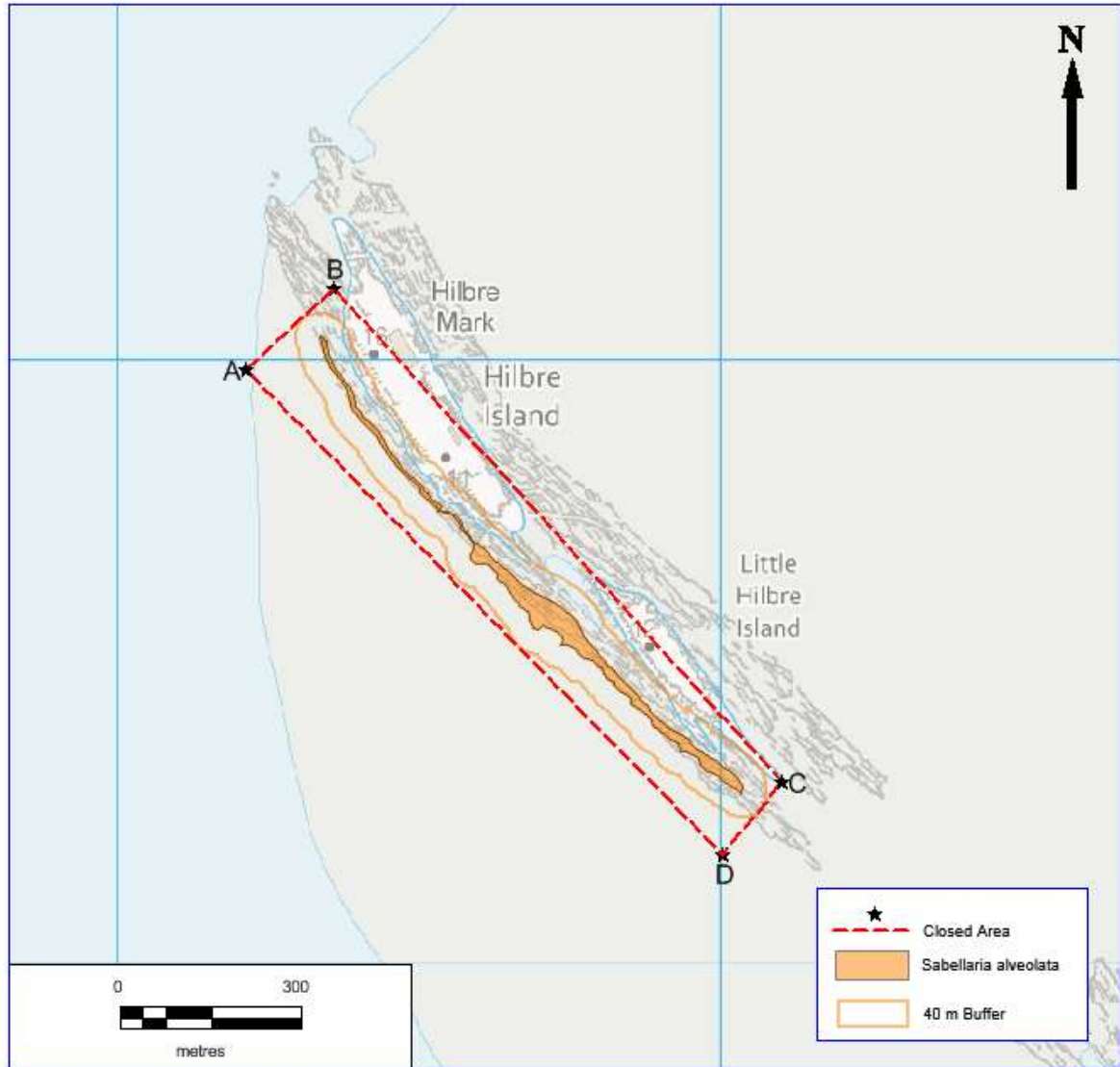
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Byelaw 6 Protection for European Marine Site Features

Figure 4. The Dee Estuary EMS Hilbre Island *Sabellaria alveolata* reef closed area



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Coordinates

A	53° 22.94' N	3° 13.87' W
B	53° 23.02' N	3° 13.74' W
C	53° 22.58' N	3° 13.05' W
D	53° 22.52' N	3° 13'.14' W

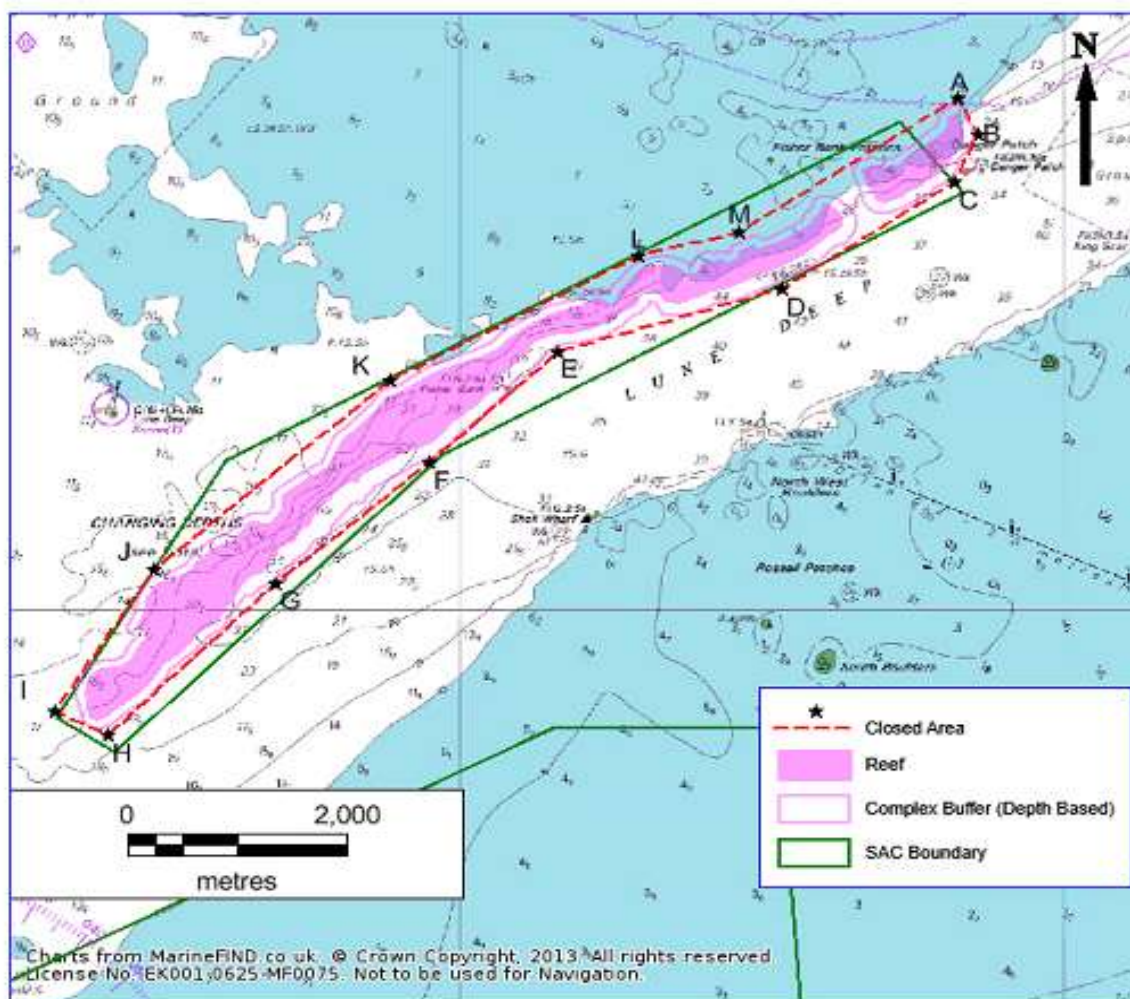
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NOT TO BE USED FOR NAVIGATION

Created September 2013 NWIFCA

North Western Inshore Fisheries and Conservation Authority
Byelaw 6 Protection for European Marine Site Features

Figure 5. The Shell Flat & Lune Deep SAC reef closed area



Coordinates

A	53° 57.72' N	3° 5.88' W
B	53° 57.53' N	3° 5.71' W
C	53° 57.28' N	3° 5.91' W
D	53° 56.71' N	3° 7.35' W
E	53° 56.38' N	3° 9.20' W
F	53° 55.79' N	3° 10.27' W
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J	53° 55.22' N	3° 12.55' W
K	53° 56.22' N	3° 10.60' W
L	53° 56.89' N	3° 8.54' W
M	53° 57.01' N	3° 7.70' W

This map is for illustrative purposes only

NOT TO BE USED FOR NAVIGATION

Created December 2013 NWIFCA

210 FINANCIAL REPORT (Agenda Item 12)

The Finance Officer reported that expenditure is within budget except for legal fees for the case brought against the NWIFCA. It is hoped to recover the costs awarded either from the complainant or the insurance company.

The report also covered the Risk Assessment Review which had been brought forward from the March meeting, the Review of Effectiveness of Internal Audit and Budget and Levy for 2014-15. A minute approving each item is required for audit purposes. Approval was proposed by Councillor Brown and seconded by Mrs Owen.

RESOLVED

1. The report be received.
2. The Budget Review to 31st October 2013 be approved.
3. The Risk Assessment Review be approved.
4. The Review of Effectiveness of Internal Audit be approved.
5. The Budget and Levy for 2014-15 be approved.

211 QUARTERLY REPORT (Agenda Item 13)

The Head of Enforcement thanked all enforcement officers for their help during what had been a very busy quarter. Few problems had been experienced with the Heysham seed mussel fishery. One Home Office caution was issued for a permit offence.

The Foulnaze cockle fishery finished in mid-October and a detailed concluding report on that fishery was given with the report. No major safety incidents were recorded and no confirmed unpermitted gathering, although some investigations were ongoing.

There were enforcement problems of compliance with the permitted times and areas at the South America dredge fishery in September. An enforcement plan for the future is being developed.

Netting and potting fisheries had finished for the season.

An issue with removal of seed mussel from the Seasalter Oyster Farm area in the proximity of the Foulney mussel bed had arisen and this would be further discussed at Agenda Item 16. The size mussel fishery at Foulney had commenced in September but had demanded a high level of enforcement which had impacts on enforcement elsewhere in the District.

Mr Deary reported on an incident where a fisherman had threatened him with a knife and pointed out that this was an isolated incident and not representative of the industry as a whole. The police are dealing with the incident and officers will be discussing how best to respond to that sort of incident. Members asked officers to take action to avoid such incidents happening in the future. In response to a question from Mr Benson as to whether applications can be changed so that vehicles, crews and background can be taken into consideration before a permit is issued Mr Deary said that point could be considered in the byelaw review.

Mr Dobson said he wished to compliment Mr Deary on the excellent and concise Foulnaze concluding report.

The Chairman drew the discussion to a close and said there was good relevant information in the report which he hoped all members had noted.

RESOLVED

1. The report be received.
2. Members thanks to the Head of Enforcement and enforcement Officers for an excellent report be recorded.

212 ADJOURNMENT OF MEETING

The Chairman proposed an adjournment until 1320 hours and this was agreed.

213 MEETING RECONVENED AT 1325 HOURS

214 CHIEF OFFICER'S REPORT (Agenda Item 14)

The Chief Executive reported on the following items.

MCZ. Two significant sites have been designated in the North West, both low priority. It is not yet known if NWIFCA will be required to monitor or regulate the sites.

Byelaws. Work is continuing on a comprehensive netting byelaw for the whole District but this is proving complicated to achieve. There is no further progress to report.

Staff Matters and recruitment policy. Following problems experienced with the recruitment process for the IFCO post at Whitehaven the Interview Board had requested clarification of the recruitment policy and this was summarised in the report.

Association of AIFCA. Members have been sent notes of the recent AIFCA meetings. Any matters arising from the papers can be referred to the CEO.

Main Patrol Vessel Replacement. Lancashire County Council is managing the tender process and has instructed solicitors in the preparation of necessary contracts. This stage is taking longer than expected and will delay the tender timescale by two months. Constituent councils have agreed to a 2% increase in levy over five years towards financing the vessel.

Mr Dobson asked if the CE could confirm that the recruitment of an IFCO for Whitehaven is receiving priority. Dr Atkins said it is a priority and the advert will be placed once it has been approved by the Chairman's Working Party. After discussion it was agreed to advertise the post over the Christmas break with interviews early in 2014.

In response to a question from Mr Crawford regarding undersize mussel fishing in North Morecambe Bay and which Sea Fisheries Committee had previously given authorisation to remove mussels from around the oyster frames, the Chief Executive confirmed this was the North Western and North Wales Sea Fisheries Committee.

RESOLVED

1. The report be received.
2. The position for an IFCO for Whitehaven be re-advertised as soon as possible.

215 SCIENCE REPORT (Agenda Item 15)

The Senior Scientist introduced the new Scientific Officer, Sarah Temple, who will be lead officer for the southern part of the District.

Heysham Flat Mussel Fishery. Officers had met with the Promenade Manager of Lancaster City Council to discuss the limited number of quadbike beach access permits the

council had issued to fishermen taking part in this fishery. Progress has been made on this and it is felt a way forward has been agreed for future years.

Foulney Mussels. Following a stakeholder meeting on 28th October Officers have investigated a proposal to demarcate an area of mussel skear at Foulney. A further inspection of the skear was carried out on 5th November with the industry and NE representatives but it proved too dark to distinguish the proposed area. Officers had therefore taken the decision to maintain the status quo and the MLS.

Morecambe Bay Hybrid Fishery Order. Ms Knott reported that further drafts of the SI have been provided by Defra. NE has also provided comments on the updating of the Management Plan. The Order is a large piece of legislation, which potentially has financial and enforcement implications and it is important for all members to understand what the proposed measures are within the Management Plan. A meeting and presentation to look at any outstanding issues in detail has been arranged for 11th December. Officers do not wish to update or make any amendments to the Management Plan until the wider issues have been identified. Officers aim to make progress with the Order in the New Year.

Cumbria Wildlife Trust Partnership. This has been formalised through a partnership agreement and application for funding from the Heritage Lottery Fund. A report on the formation of pearls in mussels in the Walney Channel has been published and is on the website of both organisations. A further report on the Heysham Flat *Sabellaria alveolata* reef should be available in spring 2014.

TAG Conference. This conference, which was attended by all the Science Team, was mainly devoted to the assessment process for the Amber risk sites under the EMS fisheries Review. The conference also discussed the formation of national working groups to research important gear type impacts, more national based working and a collaborative cross agency approach to the work.

Project Inshore. Ms Knott reported she had met with Mrs Dobson, Mr H. Thinnesen and Dr Oliver Tully, the consultant commissioned by Project Inshore to look at shellfish within the project. The aim was to discuss the findings of the Stage 2 report which contains MCZ pre-assessment of shellfish stocks. Officers had raised concerns at inaccuracies within the report and also that information provided by IFCA had not been included. Officers had made a clear request to be involved in the drafting of the Stage 3 report and one draft of a sketchy Stage 3 report has been received, which Officers have commented on and returned.

Ms Leadbeater reported on discussions around the Walney wind farm development. The application is now with the National Planning Inspectorate. Officers have been working with Dong to produce a statement of common ground, the main thrust of which is that communications with IFCA, fishermen and experts should continue throughout the planning process to make sure impacts are mitigated. A formal response letter to be submitted to the Planning Inspectorate is being completed. The deadline for response to the consultation is 16th December. Members wishing to respond can do so by that deadline.

Mr Jones asked about the purpose of the Morecambe Bay Hybrid Fishery Order meeting on 11th December. Ms Knott said that issues included allocation of hand gathering licences, charges for the seed dredge fishery, proposals for several areas, continuing cultivation and aquaculture operations, the waiting list and training. On the question of apprenticeship schemes Ms Knott said this is included in the Management Plan for the future if the Authority decided it wishes to introduce that type of scheme.

RESOLVED

The report be received.

Removal of Mussels from the Morecambe Bay Oyster Farm

The Chief Executive said that this issue is particularly sensitive because certain members had financial interests. Members with a prejudicial interest are responsible to not participate in the discussions or to vote. NWIFCA supports the oyster farm operation and is not objecting to it. Mussels on the sea bed are treated by NWIFCA as part of the public fishery, those on trestles are treated as owned by Seasalter Ltd. Mussels may be removed from trestles without a NWIFCA permit. That was the legal position taken by NW&NWSFC and which the IFCA has continued. The Authority had in October issued Seasalter Ltd. with a permit to clear the mussels from and under the trestles in order that they could continue their operations but complaints were received that some fishermen holding Byelaw 3 permits were prevented from fishing. The authorisation needed to be entirely non-discriminatory and fair to all operators, buyers and fishermen who wish to operate the fishery and a new authorisation had been offered to Seasalter which was not taken up. This year there is a huge market for seed mussel, which has not been in evidence previously and the seed has gone to waste in the past.

The Chairman drew Members' attention to the recommendations in the report. Officers are recommending that the Authority seeks legal opinion on the ownership of fishery rights in Morecambe Bay. This issue has been ongoing for many years and the Authority has letters from Boughton Estate in which they claim ownership of the fishing rights. The report identified three options for dealing with the likelihood of further illegal fishing. The preferred option, Option 3, is to prepare a new Byelaw 3 authorisation to allow all permit holders to fish for mussel seed in the vicinity of the oyster farm.

Mrs Owen raised concerns that IFCA had asked Fisherman's Associations in Morecambe Bay to write with their concerns about the oyster farm operation and possible expansion and the letters have not been circulated. The Morecambe and Heysham Fishermen's Association agrees that the use of frames for the oysters is the way forward but its main concern is the investment in the area by a foreign firm which is likely to expand its operation over the public hand gathering fishery. Hand gathering is potentially the most important activity for the inshore fishermen and there are concerns that eventually hand gatherers will not be allowed to continue that activity. Mrs Owen suggested that before any expansion of the operation continues the Authority needs clarification that it is a public fishery around those oyster frames. Dr Atkins informed members that the letters from the two Fishermen's Associations had been sent to Boughton Estate asking for a statement of their intention regarding expansion of the activity but no response has yet been received. Mrs Owen said the Morecambe and Heysham Fishermen's Association were seeking confirmation and an assurance that NWIFCA is the only organisation with the right to grant authorisations to fishermen. Conflicting messages had been received about Foulney and the situation needed to be made clear.

Mr Graham said members needed to understand the background in this case. The TSB Sub-Committee had been informed that Byelaw 3 permit holders were not being allowed to fish in the area which had been allocated under the authorisation issued to Seasalter. The sub-committee had withdrawn the authorisation at its meeting on 1st November. From subsequent correspondence it would appear that the fishery was not closed until the afternoon of 5th November and seed mussel was being taken without authorisation between 1st and 5th November. Any activity after the 1st should be seen as an offence and the necessary enforcement taken. The CEO reported that enforcement action was taken to ensure fishing for seed in the area of the oyster farm stopped as soon as possible after the 1st November.

Mr Woods raised a query about UK legislation around land ownership and fishery rights. Ms Knott informed members there was no dispute over land ownership and the IFCA agrees that Boughton Estate owns the land. The question arises as to who owns the fishery rights and whether that right has ever been transferred from the public fishery.

NWIFCA has no evidence that any area of Morecambe Bay is at present not part of the public fishery. This is a major issue for enforcement and stakeholders and also for the oyster farm. IFCA had issued the authorisation to enable permit holders to make a living from the seed mussel resource and to assist an aquaculture operation to carry out its business. Whether that business is legitimate is something that needs to be clarified. Officers have discussed the issue of fishery ownership with Defra who are unwilling to provide legal advice on this matter.

Members discussed the recommendations in the report. Officers are seeking approval to obtain legal opinion on the issue, and at the same time approval to continue enforcement in the short term. Mr Lumb pointed out with respect to recommendation 2 that the IFCA would need to carry out a Habitats Regulatory Assessment (HRA) before an authorisation could be issued. NE has previously issued long term consent to Seasalter to remove mussels from the trestles and that consent has recently been renewed. There is a condition in the consent that says NE does not absolve Seasalter from getting any other authorisations or permissions it needs. The consent is restricted to clearing the trestles, underneath or in the immediate vicinity of the trestles in order for them to continue their operations. A HRA had been done in order for the consent to be issued and IFCA would also need to carry out an appropriate HRA to cover the area for which it is giving authorisation.

In response to a question from the Chairman for an indication of the time line for introducing the authorisation Ms Knott said some work would be needed for the HRA. Draft wording had already been done for the authorisation but some further work was needed. Ms Knott pointed out it was unlikely to be actioned that day but would be done as soon as possible.

The Chairman drew members' attention to the recommendations in the report. Approval of Recommendation 1 was proposed by Councillor and seconded by Mr Woods. Approval of Recommendation 2 was proposed by Mr Graham and seconded by Mr Maltby. Following a vote both motions were carried.

RESOLVED

1. The report be received.
2. The Authority should seek a barrister's written legal opinion on the ownership of fishery rights in Morecambe Bay, particularly in respect of land owned by Boughton Estate but also in respect of other areas of the Bay where claims of fishery rights have been advanced.
3. The Authority confirms the TSB resolution to issue an authorisation to Byelaw 3 permit holders to fish for seed in the area of the oyster farm if required.

There being no further business the Chairman thanked members for attending. He wished all members the compliments of the season and declared the meeting closed at 1455 hours.