

19 AT A MEETING OF THE TRANSITIONAL NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Bootle Town Hall, Liverpool on Tuesday, 8th February 2011

PRESENT – MEMBERS

T. R. Glover	(Chairman)	Sefton Council
A. J. Markley	(Vice-Chairman)	Cumbria County Council
J. Butler		Marine Management Organisation
M. Byram		Cheshire West and Chester Council
J. A. Clark		Marine Management Organisation
D. Clarke		Marine Management Organisation
B. Crawford		Marine Management Organisation
W. Darbyshire		Environment Agency
C. Frid		Marine Management Organisation
R. Graham		Marine Management Organisation
T. Jones		Marine Management Organisation
D. T. Knowles		Wirral Council
R. F. Langley		Marine Management Organisation
S. Leadbetter		Lancashire County Council
C. Lumb		Natural England
M. R. Owen		Marine Management Organisation
A. C. Ross		Cumbria County Council
A. Thornton		Lancashire County Council
C. J. Woods		Marine Management Organisation
Y. Yadi		Marine Management Organisation

OFFICERS

S. M. Atkins	D. Dobson
K. Atkins	C. E. Dobson
I. V. Andrews	R. Houghton
S. Brown	M. Knott

IN ATTENDANCE

N. Robinson	Marine Management Organisation
T. Beaumont	Liverpool City Council

Apologies

G. Ford-Keyte	Marine Management Organisation
A. Maltby	Marine Management Organisation
T. Moore	Liverpool City Council
J. Murphy	Marine Management Organisation
K. Walker	Marine Management Organisation

20 CHAIRMAN'S ANNOUNCEMENTS: Amended Annex A to Agenda Item 7 (Research Work Programme 2011-12) was tabled.

21 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS

Members declared their interest in Agenda items as follows:

Agenda Item 9. Proposed Morecambe Bay Hybrid Fishery Order. Mrs. J. Butler, Mr. T. Jones, Mrs. M. R. Owen, Mr. C. J. Woods.

Agenda Item 10. IFCA Byelaw Guidance and Review. Mrs. J. Butler, Mr. T. Jones, Mrs. M. R. Owen, Mr. C. J. Woods.

22 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 2ND NOVEMBER 2010

RESOLUTION: That the minutes of the NWIFCA meeting held on 2nd November 2010 be approved and signed as a correct record.

23 MATTERS ARISING

There were no matters arising.

24 TRANSITION TO NWIFCA: UPDATE from Chief Executive

The Finance Sub-Committee met on 25th January and approved the budget for 2011-12.

Defra will hold a two-day training course for staff and Members on 29th/30th March. Any Member wishing to attend should inform the Clerk.

A new IFCA website, which will contain information on Members and on reports, agendas and minutes of meetings is being developed and a copy of the Home page had been provided at Annex A. Members have been asked to provide short introductions to themselves for the website. Any Member who has not yet provided that information was asked to do so.

Defra will hold a networking meeting on 16th March and any Member wishing to attend that event should register an interest with the Clerk.

Draft agreements with partner bodies have previously been considered and it is expected that the final agreements will be signed at the May meeting. Standing Orders and the IFCA Annual Plan would be discussed later in the Agenda.

Officers propose the establishment of a Technical and Byelaws Sub-Committee with responsibilities for oversight and reporting to the Authority on technical business including:

- i. the review of byelaws,
- ii. sustainable management of the marine environment of the District,
- iii. the Annual Business Plan and Annual Report

Membership up to a maximum of 10 is suggested, comprising the IFCA Chairman and Vice-Chairman, 3 Agency Members and 5 Marine Management Organisation Members. Mr. Lumb proposed that in view of the new duties and requirements to strengthen scientific advice the word scientific should feature in the title. This was agreed. Members appointed to the Sub-Committee will serve until the Annual meeting of 2012, with appointments made at that meeting for the following year. The Chairman proposed that nominations for appointment to the Technical, Scientific and Byelaws Sub-Committee should be taken at the end of the meeting. This was agreed.

RESOLUTIONS:

1. That progress is noted and approved.
2. That a Technical, Scientific and Byelaws Sub-Committee be established.
3. Members were asked to complete their profiles for the website by 1 April 2011.

25 NW-IFCA DRAFT STANDING ORDERS FOR CONSIDERATION

The Chief Executive reported on proposed amendments to the draft Standing Orders. Subject to any final comment following this meeting this version is adopted as the Authority's Standing Orders from 1 April 2011. In the future, Standing Orders may be amended by resolution of the Authority.

Prof. Frid said that the Notice of Meetings section contains no provision for meeting papers to be sent by email and asked if Members could elect to receive papers by that method. The Chairman proposed that an item on communications should be on the Agenda for the May meeting. This was agreed.

RESOLUTIONS

1. That the Standing Orders be approved and circulated to Members.
2. That an item on Communications be placed on the Agenda for the NWIFCA meeting on 17th May 2011.

26 NORTH WESTERN IFCA FIRST ANNUAL PLAN: CONSULTATION DRAFT

The Chief Executive presented the report, which outlined the content and format of the draft Annual Plan. Comments on the Plan are requested by 15th April and it is hoped these will be approved at the May meeting. No changes are envisaged for Part 1, which covers the establishment of the NWIFCA, duties and performance monitoring. Part 2 is an operational Action Plan that sets out the work forming the priority programme for the year 2011-12.

Mr. Woods asked what role the IFCA will play in determining the work done by enforcement staff. He felt that if enforcement fails, criticism will be levelled at IFCA as a whole and without a deterrent there is no enforcement. Councillor Byram agreed that the Plan is vague on action to be taken by Officers with regard to enforcement. Dr. Atkins said that IFCA would have to develop an enforcement framework that will meet the obligations of the Regulators' Compliance Code. It will be the responsibility of IFCA to control the way in which that code is operated and how prosecutions are taken forward. Mr. Dobson said IFCAs now have the opportunity to look at the way it enforces the legislation and byelaws. It will have greater powers with regard to enforcement than has been available to SFCs in the past.

Mrs. Owen suggested that the biggest deterrent would be the prosecution of buyers who bought from illegal sources. A byelaw or other legislation was needed to halt the buying and transportation of illegal cockles. Councillor Markley said that the NWIFCA District is a large area and it has a good enforcement staff. IFCA should work with Officers and provide them with guidance on enforcement and should also look to Local Authorities to determine their roles and responsibilities.

Mr. Lumb raised concerns on priorities for the IFCA work programme, in particular the Ribble cockle fishery and the potential fishery that is developing in the Marshside area. He urged IFCA, in the light of the tragedy in Morecambe Bay and recent fishing practices at Leasowe, to give priority to addressing potential problems on the Ribble to try and avoid risks to human life and to the environmental interests there. With respect to Leasowe Councillor Knowles said that Wirral Council had held a meeting recently to discuss the situation. Wirral did not have legislation in place to cover the recent problems encountered with the cockle fishery there and it was felt that IFCA should be putting out the right message to fishermen about the environmental problems caused by them.

Mr. Beaumont raised a query on progress dates given in the Plan, many of which are not until 2012. He felt that the IFCA could lose sight of progress being made and asked how information would be fed back to the Authority. He suggested that updates should form a standing item at future IFCA meetings. The Chairman said that over the next 12 months there is likely to be a number of areas where the Authority will have to amend its sources of information to the public and this will be an on-going process.

With regard to the development of an enforcement framework Mr Darbyshire asked if the Authority has something in place for 1st April 2011 or if the due date/progress given in the Plan of April 2012 needs to be brought forward and an enforcement strategy put into operation. The Chairman suggested it would be useful for the May meeting to have a report on the existing strategy and how this needs to be improved. Dr. Atkins said that the Authority does not have a written enforcement strategy. Officers will draft a strategy taking into account work done by the Environment Agency and Natural England for discussion by the Technical, Scientific and Byelaws Sub-Committee as soon as possible.

Dr. Atkins said that the Plan is work in progress and development work will continue with updates for future meetings.

Councillor Knowles asked if IFCA could hold a list of specialist officers from Local Authorities who can be called upon to report on activity in their particular area. The Chairman said that representatives of any Local Authority with a particular interest in any agenda item could be invited to present a report to that meeting. He reminded Members that IFCA meetings are open to members of the public and Local Authority Officers are able to attend as observers. Councillor Markley said Cumbria County Council has taken that point on board and an Officer from Cumbria will accompany him to future meetings.

RESOLUTIONS

1. Members approved the content and format of the draft Annual Plan subject to comments by 15 April 2011.
2. An amended Annual Plan should be presented at the May 2011 meeting.
3. An enforcement framework should be prepared for the Technical, Scientific and Byelaws Sub-Committee for discussion.
4. The Annual Plan should be maintained on the website as a working document to be reviewed and updated to meet changing events.

27 RESEARCH WORK PROGRAMME 2011-12

The Scientific and Environment Officer presented the report, outlining the proposed research plan for 2011-12. An amended version of the draft plan had been tabled. Resources are limited and scientific officers must prioritise the work to be carried over into IFCA. The new Authority will be required to provide scientific data to review the fisheries in the District, to review byelaws, to support nature conservation agencies in developing management measures for MPAs in the District and to undertake routine surveys and research. Survey work has in the past been mainly shellfish based but future work will include more surveys in the Cumbria area, which contains more white fish and boat based fisheries. A national Technical Advisory Group and associated web forum, which reports to the Chief Officers' Group, has been established by SFCs and regular quarterly meetings are held where ideas and expertise are shared and a national policy on standard working practices is being developed. Current plans are that this group will continue under IFCA's. The research programme includes biological and fisheries advice, environmental advice and liaison, and fisheries development and project work.

Mr. Lumb emphasized the need and opportunity for liaison with other research organisations within the North West. Such liaison was important in processing the Authority's understanding of management needs. The Chairman said that the Committee liaised with, and used advice received from universities within the District. Dr. Clark said the Technical, Scientific and Byelaws Sub-Committee should be outward looking in terms of where it seeks its information and where it can develop links. She asked if the scientific staff could provide her with a briefing on the 5 main areas of proposed research. This will be presented to the Technical, Scientific and Byelaws Sub Committee

Mr. Woods asked about the time-scale for projects, in particular the Southport dredge fishery, where a feasibility study is planned. He asked if the cockles had to meet minimum landing size requirements, if not the results would likely give a false indication of the effectiveness of those machines. Mr. Houghton said the basis of that work was to look at the effectiveness of the dredge on low levels of adult cockles. The Chairman suggested that this could be a subject for discussion by the Technical, Scientific and Byelaws Sub-Committee.

With respect to the proposed research on white fish, Mr. Langley pointed out that Cefas has carried out work on assessing stocks of white fish and bass within the District over many years and the proposed work will duplicate the Cefas research. He suggested that Officers' time would be better spent on looking at discards from Heysham Power Station. Mr. Dobson said there was no on-going work in the Cumbria area and he would welcome scientific research on bass particularly in the area of the Duddon estuary and north. Dr. Atkins said the Authority does not want to duplicate work. The Technical, Scientific and Byelaws Sub-Committee can discuss individual projects before a decision is made on whether it should go ahead.

With regard to the matter of discards from Heysham Power Station, Mrs. Owen said she had broached concerns about discards at Heysham two or three years previously. The matter had been fully investigated at that time but she agreed that it would be useful for further investigation to be carried out. Members were informed that a Cefas project on discard reduction, particularly in the prawn fishery, is likely to start on 1st April. It was suggested that it may benefit IFCA's scientific research if the Authority's scientific staff were to become involved with that project.

RESOLUTIONS

1. The NWIFCA approved the proposed work plan and arrangements for development.
2. The Technical, Scientific and Byelaws Sub-Committee will be responsible for implementation of the Environment and Fisheries Research Plan.

28

PROPOSED MORECAMBE BAY HYBRID FISHERY ORDER

The Scientific Officer provided background to the proposed Fishery Order. Morecambe Bay is an important area for fishing within the District, the main species being cockles and mussels. Those fisheries have been managed by way of byelaws up to the present time. The earlier permit scheme introduced under Byelaw 13A to manage cockles and mussels within the District did not have powers to limit numbers but the current Byelaw 5 permit scheme did have an impact on reducing numbers of permits issued. A decision will need to be taken on whether to renew or replace the Byelaw 5 permit scheme, which expires on 31st August 2011.

The proposal for a Fishery Order for Morecambe Bay had first been raised a number of years ago. A Fishery Orders Development Officer was appointed in 2006 to develop the Order and an application was submitted to Defra which was held up by issues of consent

by the Crown Estate. Following resolution of the Crown Estate issues through a court case and the 2009 Marine Act, further progress is underway. Local Fishermen's Associations have been consulted and concerns are being addressed. Meetings have been held with representatives of those associations, a local MP and Officers. Amendments to the proposed Order includes reducing the number of licences from 200 to 50, with additional temporary licences being issued up to a maximum of 150 during times of exceptional levels of cockles. Mrs. Owen raised objections to the number of proposed additional temporary licences. She felt the number was too high and would cause enforcement problems.

Members asked about the revenue returning to the North West from the removal of seed mussels from Morecambe Bay to the Menai Strait. Ms Knott said that the Authority is unable at present to charge for removal of seed. It had been possible to charge a licence fee under the previous Morecambe Bay Fishery Order but that Order had now expired. Councillor Markley asked what will happen to the revenue from the licence fees under the proposed new Fishery Order. Ms Knott informed Members that this will be accounted for separately and used by IFCA for the benefit of the fishery.

The Chairman drew the discussion to a close and said that Members' comments will be taken into account when decisions about the Order are made.

RESOLUTIONS

1. Members' endorsed the actions of Officers to progress the application to Defra for the Morecambe Bay Hybrid Fishery Order.

29 IFCA BYELAW GUIDANCE AND REVIEW

The Chief Executive reported that Defra has issued a consultation on guidance on the new byelaw powers and procedure to be implemented by IFCA. The deadline for responses is 4th March. Any Member wishing to comment is asked to submit their comments to the Chief Executive, who will incorporate them in a draft response, which will be circulated to Members before submission to Defra.

Annex A of the report provided a comparison of the current Cumbria and North Western SFC byelaws. Mr. Dobson and Mr. Brown are working on a new set of byelaws to cover the new IFCA District and the Authority will work with the existing byelaws transferred to the NWIFCA under Standing Order for the time being.

Mr. Beaumont asked if any liaison on byelaws has taken place with other Authorities to see if administration time could be saved. Dr. Atkins thought it was possible that savings in effort could be made by that method and agreed to look into that. Mr. Dobson pointed out that fisheries in each District are completely unique and different and it would be difficult for comparisons to be made.

Mrs. Owen raised a query in relation to the Foreshore Gatherer's Safety Course required under Byelaw 5. Existing permit holders and new applicants are currently required to take the safety course and also to renew the certificate every three years before they are eligible for renewal of their permits. She proposed that IFCA remove the current requirement for existing permit holders to renew the safety certificate and this was agreed.

Mr. Woods raised concerns that enforcement problems could be created in two fisheries, on the Wirral and the Ribble, because of the total numbers of people likely to be working those areas if Byelaw 5 is revoked without any regulation brought in to replace it.

Mr. Lumb pointed out that IFCA will be taking over some of the responsibilities for regulation of the Dee Estuary from the Environment Agency. He asked if it is the intention for the review of byelaws to include relevant existing EA byelaws and whether there is any

risk of the regulations currently provided by that agency to be weakened in the process of transition to the new IFCA. Mr. Brown said that the NWIFCA will initially have three complete sets of byelaws including those of the EA and that regulations will not be weakened. The NWIFCA is required to review all three sets. In the long term its intention should be to introduce a single set of byelaws that will encompass the requirements of the whole District from the Welsh to the Scottish borders.

Mrs. Butler asked about the existing Byelaw 14 relating to the closed season and proposed that no changes should be made to that byelaw. Dr. Atkins said that no changes are anticipated to Byelaw 14 at this stage.

Dr. Atkins reminded Members that the existing Byelaw 5 will expire on 31st August 2011 and asked for Members comments on whether this should be renewed. It was agreed that the byelaw should be renewed with effect from 1st September to allow the Technical, Scientific and Byelaws Sub-Committee the opportunity to review options for future cockle management within the District.

RESOLUTIONS

1. The Chief Officer should prepare a draft response to the Defra consultation on Byelaw guidance and circulate it to Members before submission.
2. Progress with the NWIFCA byelaw review is approved.
3. Byelaw 5 should be renewed with effect from 1st September 2011.
4. Options for future cockle management within the District be referred to the Technical, Scientific and Byelaws Sub-Committee.
5. The requirement for renewal of the Foreshore Gatherer's Safety Certificate by existing permit holders be removed from 1 May 2011.

30 A.O.B.

1. Appointment of Technical, Scientific and Byelaws Sub-Committee

The Chairman invited nominations for membership of the above Sub-Committee for the forthcoming year.

Members were reminded that the Chairman of the Technical, Scientific and Byelaws Sub-Committee is empowered to co-opt additional Members with specialist knowledge on any matters for discussion at a particular meeting.

RESOLUTION

That a Technical, Scientific and Byelaws Sub-Committee is established comprising the following 13 Members.

Chairman	T. R. Glover, Sefton
Vice-Chairman	A. J. Markley, Cumbria
Mr. C. Lumb	Natural England
Mr. W. Darbyshire	Environment Agency
Mr. G. Ford-Keyte	Marine Management Organisation
Mr. R. Graham	MMO representing fishing industry
Dr. J. A. Clark	MMO representing marine and freshwater science
Mrs. J. Butler	MMO representing Morecambe Bay

Mrs. M. Owen	shellfisheries
Mr. C. J. Woods	MMO representing Morecambe Bay fisheries
Mr. R. F. Langley	MMO representing shellfisheries
Prof. C. Frid	MMO representing Morecambe Bay fisheries
	MMO representing marine science and research
Mr. B. Crawford	MMO representing angling and education

2. Mrs. Owen raised concerns that a skewer at Half Moon Bay in Morecambe Bay, used for the collection of samples, has been removed to make way for a wind farm development. It was suggested, and agreed, that the Authority should lodge an objection to the removal of the skewer with the wind farm developers. Mrs Owen agreed to supply briefing material on the development operation.
3. Mr. Graham informed Members of MCA proposals to overhaul the country's coastguard stations around the country with the possible closure of many of the UKs 18 current stations. One station within the IFCA District likely to be affected by the closures is the Liverpool station. Members agreed that the Authority should object to closure or downgrading of Liverpool Coastguard station. Mr. Graham agreed to provide officers with notes on the critical points to make.

Mr. Darbyshire pointed out that representatives of the nature conservation agencies are not permitted to lobby on such matters and he could not agree to his name being included in any such representations.

There being no further business the Chairman thanked Members for attending and declared the meeting closed at 1320 hours.